

TUESDAY, DECEMBER 19, 1978



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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	CSC		CSA	CSC
	LABOR			LABOR
	HEW/FDA			HEW/FDA

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

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

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

**federal register**

Area Code 202 Phone 523-5240



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

### List of Public Laws

NOTE: A complete listing of all public laws from the second session of the 95th Congress was published as Part II of the issue of December 4, 1978. (Price: 75 cents. Order by stock number 022-003-00960-4 from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Telephone 202-275-3030.)

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# presidential documents

[3195-01-M]

## Title 3—The President

Proclamation 4630

December 15, 1978

Reduction of Rates of Duty on Certain Papermaking Machinery

*By the President of the United States of America*

### A Proclamation

Under the Geneva (1967) Protocol to the General Agreement on Tariffs and Trade (GATT), the United States agreed to staged reductions in duty rates on machines for making cellulosic pulp, paper, or paperboard, and parts thereof provided for in items 668.00 and 668.06 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202).

On December 16, 1967, the President modified (in Proclamation No. 3822) the TSUS in order to carry out the Geneva Protocol including staged reductions of column 1 duty rates to 3.5 percent ad valorem on machines for making cellulosic pulp, paper, or paperboard, and parts thereof.

The Republic of Finland has benefitted from those tariff reductions. As a result of a March 13, 1978 ruling by the United States Customs Service the benefits contemplated to accrue to the Republic of Finland from these tariff reductions were substantially reduced.

The restoration of the contemplated benefits of these tariff reductions to the Republic of Finland would promote the foreign trade of the United States and the Republic of Finland. Pursuant to Section 101(a) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2111(a)), I have determined that certain existing duties of the United States are unduly burdening and restricting the foreign trade of the United States and that one or more purposes of the Trade Act would be promoted by entering into a trade agreement with the Republic of Finland and restoring those contemplated benefits.

Having complied with the provisions of the Trade Act, including Sections 131(a), 132, and 133, I have, through my duly empowered representative, on July 21, 1978, entered into a trade agreement with the Republic of Finland entitled "Agreement Supplementary to the General Agreement on Tariffs and Trade" which restores the tariff concessions on certain papermaking machinery and parts thereof affected by the March 13, 1978 United States Customs Service ruling, and which provides that such new concessions shall be applied as if they were included in part I of Schedule XX to the GATT, with the understanding that as soon as practicable these new concessions will be specifically included in Schedule XX.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and the statutes of the United States of America, including Sections 101 and 604 of the Trade Act of 1974 (19 U.S.C. 2111 and 2483), and Article II, paragraph 5, of the GATT (61 Stat. (pt. 5) A16) do hereby proclaim:

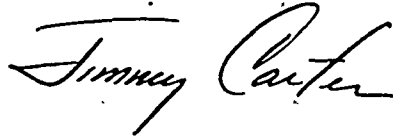
(1) The TSUS are modified as provided in the Annex to this Proclamation.

## THE PRESIDENT

(2) Part 1 of Schedule XX to the GATT is modified to conform with the modifications of the TSUS set forth in the Annex to this Proclamation.

(3) The modifications made by this Proclamation shall be effective as to articles entered, or withdrawn, from warehouse, for consumption on or after March 13, 1978, and as to which the liquidations of the entries or withdrawals have not become final and conclusive under Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of December, 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.

A handwritten signature in black ink, reading "Jimmy Carter". The signature is written in a cursive style with a large, sweeping "C" for "Carter".

## ANNEX

MODIFICATIONS OF THE TARIFF SCHEDULES  
OF THE UNITED STATES (TSUS)

NOTES:

1. Bracketed matter is included to assist in the understanding of proclaimed modifications.

2. The following items, with or without preceding superior descriptions, supersede matter now in the TSUS. The items and superior descriptions are set forth in columnar form and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively.

Subject to the above notes the TSUS is modified as follows:

1. Items 660.94 and 660.95 are superseded by:

[Pumps for liquids....]

" 660.96	Stock pumps, and parts thereof, imported for use with machines for making cellulosic pulp, paper, or paperboard.....	3.5% ad val.	35% ad val.
660.97	Other.....	5% ad val.	35% ad val.
660.98	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6)...Free."		

2. Item 661.55 is superseded by:

[Calendering and similar rolling machines....]

"Other:

661.54	Calendering and similar rolling machines, and parts thereof, for machines for making cellulosic pulp, paper, or paperboard.....	3.5% ad val.	35% ad val.
661.56	Other.....	5% ad val.	35% ad val."

## 3. Item 661.70 is superseded by:

[Industrial machinery...:]

"Other:

661.67	Machinery for making cellulosic pulp, paper, or paperboard, and parts thereof.....	3.5% ad val.	35% ad val.
661.68	Other.....	6% ad val.	35% ad val."

## 4. Item 680.45 is superseded by:

[Gearboxes...:]

[Gearboxes...:]

"Fixed ratio speed  
changers, multiple and  
variable ratio speed  
changers each ratio of  
which is selected by  
manual manipulation,  
and parts thereof:

680.43	Imported for use with machines for making cellulosic pulp, paper, or paperboard.....	3.5% ad val.	27.5% ad val.
680.44	Other.....	4.5% ad val.	27.5% ad val."

[FR Doc. 78-35438 Filed 12-18-78; 12:04 pm]

[3195-01-M]

Executive Order 12104

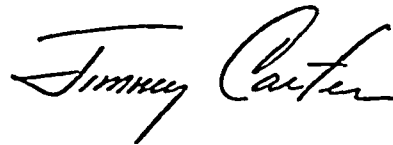
December 15, 1978

## Amending the Generalized System of Preferences

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Title V and Section 604 of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.*; 88 Stat. 2073, 19 U.S.C. 2483), in order to make conforming changes to the Generalized System of Preferences (GSP) to reflect changes to the Tariff Schedules of the United States proclaimed by me to implement a trade agreement between the United States and Finland entered into on July 21, 1978, it is hereby ordered as follows:

1-101. Annex II of Executive Order No. 11888 of November 24, 1975, as amended, listing articles that are eligible for benefits of GSP when imported from any designated developing country, is further amended by deleting TSUS item numbers 660.94, 661.55, 661.70, and 680.45, and by adding, in numerical sequence, item numbers 660.96, 660.97, 661.54, 661.56, 661.67, 661.68, 680.43, and 680.44.

1-102. The amendments made by this Order shall be effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after March 13, 1978, and as to which the liquidation of the entries or withdrawals have not become final and conclusive under Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).



THE WHITE HOUSE,  
December 15, 1978.

[FR Doc. 78-35438 Filed 12-18-78; 12:04 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

#### Civil Aeronautics Board, Equal Employment Opportunity Commission, U.S. Metric Board

AGENCY: Civil Service Commission.

ACTION: Final rule.

**SUMMARY:** This amendment (1) excepts under Schedule C certain positions at the Civil Aeronautics Board, Equal Employment Opportunity Commission, and U.S. Metric Board because they are confidential in nature, and (2) revokes certain positions at the Equal Employment Opportunity Commission because they have been vacant for more than 60 days. Appointments may be made to these positions without examination by the Civil Service Commission.

**EFFECTIVE DATE:** November 7, 1978.

**FOR FURTHER INFORMATION CONTACT:**

William Bohling, 202-632-4533

Accordingly, 5 CFR 213.3340(h), 213.3377(b) and 213.3383(a) are amended and 213.3377(f) is revoked as set out below:

§ 213.3340 Civil Aeronautics Board.

(h) One Writer, one Deputy Director, one Senior Community Relations Officer and three Community Relations Representatives, Office of Community and Congressional Relations.

§ 213.3377 Equal Employment Opportunity Commission.

(b) Two Special Assistants and one Secretary to each of four Members of the Commission.

(f) (Revoked)

§ 213.3383 U.S. Metric Board.

(a) One Special Assistant and one Secretary (Steno) to the Executive Director.

(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. 78-35049 Filed 12-18-78; 8:45 am)

[6750-01-M]

## Title 16—Commercial Practices

### CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2936]

#### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Credit Bureau Associates, Et Al.

AGENCY: Federal Trade Commission.

ACTION: Final order.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a Camden, N.J. credit reporting firm and its partners to cease failing to provide properly identified consumers with requested file information; reinvestigate disputed information; incorporate current findings in consumer files; and promptly advise such consumers of the results of the reinvestigation, without charge. Additionally, the order would prohibit the firms from using consumers' phone numbers for debt collection purposes; and would require them to maintain, for a prescribed period, records regarding

the manner and form of their compliance with the terms of the order.

**DATES:** Complaint and order issued November 9, 1978.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:**

Leroy Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243-EB Federal Building, 26 Federal Plaza, New York, N.Y. 10007. 212-264-1207.

**SUPPLEMENTARY INFORMATION:** On Wednesday, August 30, 1978, there was published in the FEDERAL REGISTER, 43 FR 38711, a proposed consent agreement with analysis in the Matter of Credit Bureau Associates, a partnership, and Camden Credit Association, a corporation, individually and as a partner in Credit Bureau Associates; and Credit Information Center, Inc., a corporation, d/b/a Credit Information Center of West Chester, individually and as a partner in Credit Bureau Associates; and Norristown Credit Bureau, Inc., a corporation, individually and as a partner in Credit Bureau Associates; and Suburban Credit Bureau, Inc., a corporation, individually and as a partner in Credit Bureau Associates; and Charles W. Swan, Jr., individually and as the officer of Camden Credit Association responsible for that corporation's activities as a partner in Credit Bureau Associates; and George C. Whittam, individually and as the officer of Credit Information Center, Inc., responsible for that corporation's activities as a partner in Credit Bureau Associates; and Bernard S. Becker, individually and as the officer of Norristown Credit Bureau, Inc., responsible for that corporation's activities as a partner in Credit Bureau Associates; and Woodrow W. French and John J. Lamplugh, individually and as officers of Suburban Credit Bureau, Inc., responsible for that corporation's activities as a partner in Credit Bureau Associates, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form con-

<sup>1</sup>Copies of the Complaint and Decision and Order filed with the original document.

templated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows: Subpart—Collecting, Assembling, Furnishing or Utilizing Consumer Reports: § 13.382 Collecting, assembling, furnishing or utilizing consumer reports; 13.382-1 Confidentiality, accuracy, relevancy, and proper utilization; 13.382-1(a) Fair Credit Reporting Act; 13.382-5 Formal regulatory and/or statutory requirements; 13.382-5(a) Fair Credit Reporting Act. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-37 Formal regulatory and/or statutory requirements; 13.533-45 Maintain records. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 84 Stat. 1127-36; (15 U.S.C. 1601, *et seq.*)

CAROL M. THOMAS,  
Secretary.

[FR Doc. 78-35186 Filed 12-18-78; 8:45 am]

#### [6740-02-M]

#### Title 18—Conservation of Power and Water Resources

#### CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION<sup>1</sup>

[Docket No. RM79-3]

#### INTERIM REGULATIONS IMPLEMENTING THE NATURAL GAS POLICY ACT OF 1978

##### Public Hearing

DECEMBER 15, 1978.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of a Public Hearing on Interim Regulations implementing the Natural Gas Policy Act of 1978.

SUMMARY: The Federal Energy Regulatory Commission (the Commission) gives notice of public hearing and invites oral presentations on the interim regulations implementing the Natural Gas Policy Act of 1978, 43 FR 56448 (December 1, 1978). A transcript shall be made of the oral presentations.

<sup>1</sup> 18 CFR Parts 2, 157, 270, 271, 273, 274, 275, 276 and 284.

DATES: Public Hearing: December 27, 1978; Date for requests to participate in public hearing: December 21, 1978.

ADDRESS: Hearing Room A, 825 North Capitol Street, N.E., Washington, D.C. 20426.

#### FOR FURTHER INFORMATION CONTACT:

Robert L. Baum, Deputy General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 275-4333.

SUPPLEMENTARY INFORMATION: Section 502(b) of the Natural Gas Policy Act of 1978 requires that the Commission, to the maximum extent practicable, afford an opportunity for oral presentation of data, views, and arguments with respect to any rules promulgated by the Commission pursuant to the Natural Policy Act of 1978 (Act).

The purpose of this notice is to inform interested persons of the Commission's intention to conduct a public hearing on December 27, 1978 regarding the Interim Regulations promulgated pursuant to the Act (43 FR 56448). While the Commission believes it would be in compliance with section 502(b) of the Act if it conducted hearings within 45 days of December 1, 1978, it nevertheless has decided to hold one hearing on the interim regulations within 30 days of the effective date of the Interim Regulations. Additional public hearings will be held in at least three other cities throughout the United States before January 13, 1979. Notice of these hearings will be issued shortly.

#### PUBLIC HEARING PROCEDURES

The Commission will hold a hearing in this proceeding in Hearing Room A, 825 North Capitol Street, N.E., Washington, D.C. 20426 on Wednesday, December 27, 1978 beginning at 9:30 a.m. The hearing will continue on Thursday, December 28, 1978, if necessary. Any person interested in this proceeding or representing a group or class of persons interested in this proceeding may participate in the hearing, if a telephone or written request is made to Robert L. Baum prior to 4:30 p.m., December 21, 1978.

Requests to participate at the hearing should include a reference to Docket No. RM79-3 and a number where the person making the request may be reached by telephone. Persons participating in the public hearing should, if possible, bring 100 copies of their testimony to the hearing. The presiding officer is authorized to limit

oral presentations at the hearing both as to length and as to substance.

The hearing will not be a judicial or evidentiary-type hearing. There will be no cross-examination of persons presenting statements. The hearing panel may question such persons and any interested person may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. At the conclusion of the initial oral statement, if time permits, persons who have made oral statements will be given the opportunity to make rebuttal statements. Any further procedural rules will be announced by the presiding officer at the hearing. A transcript of the hearing will be made available at the Commission's Office of Public Information.

By Direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-35350 Filed 12-18-78; 8:45 am]

#### [1505-01-M]

#### Title 21—Food and Drugs

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

#### SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76F-0260]

#### PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

#### Antioxidants and/or Stabilizers for Polymers

#### Corrections

In FR Doc. 78-29066 appearing at page 47723 in the issue for Tuesday, October 17, 1978; in the table, "(Chemical Abstracts . . . 1817-68-1)." should read "[Chemical Abstracts . . . 1817-68-1]."; in the 1st, 5th, 10th, and 15th lines under "Limitations", the abbreviation "pct" should read "per cent" where it appears on those lines.



[4110-03-M]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 78N-0029]

**PART 455—CERTAIN OTHER  
ANTIBIOTIC DRUGS**

**Chloramphenicol Ophthalmic Solution;  
Deletion of Chemical Assay**

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** This document amends the antibiotic drug regulations by deleting the spectrophotometric potency assay as an alternative assay method for chloramphenicol ophthalmic solution because that method can produce errors. The amendment will improve quality control of chloramphenicol ophthalmic solution.

**EFFECTIVE DATE:** January 18, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4290.

**SUPPLEMENTARY INFORMATION:** In the FEDERAL REGISTER of March 21, 1978 (43 FR 11715), the Commissioner of Food and Drugs proposed to delete the spectrophotometric potency assay as an alternative assay method for chloramphenicol ophthalmic solution because that method can produce errors. The Commissioner also advised that the microbiological turbidimetric assay would continue to be the conclusive method for potency determination of chloramphenicol ophthalmic solution.

No comments were received in response to the proposal.

Therefore, the Commissioner concludes that the amendments should be adopted as proposed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 455 is amended in §455.310a by revising paragraph (b)(1) to read as follows:

§ 455.310a Chloramphenicol ophthalmic solution.

(b) \*\*\*

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative aliquot of the sample with sufficient 1 percent potassium phosphate buffer,

pH 6.0, (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

*Effective date.* This amendment shall be effective January 18, 1979.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357).)

Dated: December 11, 1978.

MARY A. McENIRY,  
Assistant Director for Regulatory  
Affairs, Bureau of Drugs.

[FR Doc. 78-35046 Filed 12-18-78; 8:45 am]

[4110-03-M]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND  
RELATED PRODUCTS

**PART 522—IMPLANTATION OR IN-  
JECTABLE DOSAGE FORM NEW  
ANIMAL DRUGS NOT SUBJECT TO  
CERTIFICATION**

**Hydrochlorothiazide Injection**

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** The regulations are amended to reflect approval of a supplemental new animal drug application (NADA) providing revised labeling for use of hydrochlorothiazide injections in cattle as an aid in the treatment of postparturient udder edema. The application was filed by Merck & Co., Inc., to reflect the National Academy of Sciences/National Research Council, Drug Efficacy Study Group (NAS/NRC) review of the product.

**EFFECTIVE DATE:** December 19, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Myron C. Rosenberg, Bureau of Veterinary Medicine (HFV-125), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1788.

**SUPPLEMENTARY INFORMATION:** Following the NAS/NRC efficacy review, the Food and Drug Administration (FDA) evaluated data in Merck's NADA (13-674V) for Hydrozide (hydrochlorothiazide) Injection and concluded that the drug is safe and effective as a diuretic to treat udder edema of cattle. In a letter to Merck dated February 13, 1969, FDA stated that the firm's hydrochlorothiazide product should be limited to the

diuretic claim. The FDA further requested that Merck submit a supplemental NADA providing adequate data in support of the remaining labeling claims or changes to those claims. The letter addressed the possibility that it might become necessary to submit residue data on treated animals where edible tissue or products might be used for food purposes.

The announcement of the NAS/NRC review of the product was published in the FEDERAL REGISTER of February 21, 1969 (34 FR 2516). The NAS/NRC concluded that: (1) the drug is probably effective for postparturient udder edema and edematous conditions arising from fluids and electrolyte retention and (2) these claims seemed reasonable, but Merck needed to provide more information to support them.

The NAS/NRC review was concerned only with the drug's effectiveness and safety to the animal to which the drug was administered. The review did not take into account the safety of food derived from treated animals.

The review was published to inform holders of NADA's of the findings of the NAS/NRC and FDA, and to inform all interested persons that such drug articles may be marketed provided they are the subject of approved NADA's and otherwise comply with the requirements of the Federal Food, Drug, and Cosmetic Act.

Merck & Co., Inc., P.O. Box 2000, Rahway, NJ 07065, responded to the NAS/NRC evaluation by submitting a supplemental NADA (13-674V). The application withdrew unsupported claims and submitted a copy of a paper by Anderson, R. S. and Pickering, E. C., "Assessment of the Action of Acetazolamide and Hydrochlorothiazide in the Cow," *Research in Veterinary Science*, 5:100-108, 1964. This reference contains data from adequate and well-controlled experiments to demonstrate that hyppotassemia does not occur in cattle treated with hydrochlorothiazide. Thus the statement in the package insert is left intact. The reference also contains dose-response curves which had been requested in the February 13, 1969 letter to Merck & Co.

The submission of labeling revisions and additional data by Merck & Co. has substantiated upgrading the NAS/NRC rating from probably effective to effective. This action does not constitute a reevaluation or reaffirmation of the underlying human safety data.

Submission of applications for identical products having the same conditions of use that are identified by a footnote in the regulation need not include efficacy data as specified by § 514.1(b)(8)(ii) or 514.111(a)(5)(vi) of the animal drug regulations (21 CFR 514.1(b)(8)(ii) or 514.111(a)(5)(vi)). In

lieu of such data, approval may require bioequivalency or similar data as suggested in the guidelines for submitting NADA's for NAS/NRC reviewed generic drugs. These guidelines are available at the Hearing Clerk (HFA-305), Food and Drug Administration.

In accordance with the freedom of information regulations and § 514.11(e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFA-305), Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, from 9 a.m. to 4 p.m., Monday through Friday, except on Federal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 522 is amended by adding new § 522.1150 to read as follows:

**§ 522.1150 Hydrochlorothiazide injection.**

(a) *Specifications.* Each milliliter contains 25 milligrams of hydrochlorothiazide.

(b) *Sponsor.* See No. 000006 in § 510.600(c) of this chapter.

(c) *Conditions of use.*—(1) *Amount.* 5 to 10 milliliters (125 to 250 milligrams) intravenously or intramuscularly once or twice a day. After onset of diuresis, treatment may be continued with an orally administered maintenance dose.

(2) *Indications for use.* For use in cattle as an aid in the treatment of postparturient udder edema.<sup>1</sup>

(3) *Limitations.* Animals should be regularly and carefully observed for early signs of fluid and electrolyte imbalance. Take appropriate countermeasures if this should occur. Milk taken from dairy animals during treatment and for 72 hours (6 milkings) after the latest treatment must not be used for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.<sup>1</sup>

*Effective date.* This regulation shall be effective December 19, 1978.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))).

Dated: December 12, 1978.

LESTER M. CRAWFORD,  
Director, Bureau of  
Veterinary Medicine.

[FR Doc. 78-35044 Filed 12-18-78; 8:45 am]

<sup>1</sup>These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

[4110-03-M]

**PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION**

**Sterile Methylprednisolone Acetate Suspension**

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulations to reflect a previously approved new animal drug application (NADA) sponsored by the Upjohn Co. The NADA provides for safe and effective use of methylprednisolone acetate injection as an anti-inflammatory agent in dogs, cats, and horses. A previously approved supplement reflects compliance with the conclusions of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group (NAS/NRC) evaluation of the product.

**FOR FURTHER INFORMATION CONTACT:**

Donald A. Gable, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, filed an NADA (12-204V) providing for use of its injectable synthetic adrenocortical steroid as an anti-inflammatory agent in dogs, cats, and horses for treatment of inflammation associated with certain arthropathies and musculoskeletal disorders in dogs and horses, and for inflammation associated with certain allergic and dermatologic disorders in dogs and cats. The application was originally approved on April 15, 1960.

The Upjohn Co.'s methylprednisolone acetate sterile aqueous suspensions (20 and 40 milligrams per milliliter) were among several adrenocortical steroids that were the subject of the NAS/NRC report published in the FEDERAL REGISTER of April 12, 1969 (34 FR 6447). The NAS/NRC report concluded, and the agency concurred, that these drugs are effective as anti-inflammatory agents for dogs, cats, horses, and cattle, and for primary bovine ketosis. In addition, the report stated that the products may be used as supportive therapy for certain other conditions. Supplemental NADA's were invited to provide revised labeling, limiting the conditions of use as stated in the report. Upjohn responded to the NAS/NRC report by submitting supplemental NADA's that

revised its product's labeling according to NAS/NRC recommendations and provided updated manufacturing and controls data. No new efficacy data were required. The supplements were approved by agency letter of March 23, 1970, thereby bringing the products into NAS/NRC compliance.

This action, reflecting an approved NADA, does not constitute reaffirmation of the safety and effectiveness data supporting this approval. Since the NADA was approved prior to July 1, 1975, a summary of safety and effectiveness data and information submitted in accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) to support this approval is not required.

For similar products having the same conditions of use, applications need not include efficacy data as specified by § 514.1(b)(8)(ii) or 514.111(a)(5)(vi) of the animal drug regulations (21 CFR 514.1(b)(8)(ii) or 514.111(a)(5)(vi)), but approval may require bioequivalency or similar data as suggested in the guidelines for submitting NADA's for NAS/NRC-reviewed generic drugs, available in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended by adding new § 522.1410, to read as follows:

**§ 522.1410 Sterile methylprednisolone acetate suspension.**

(a) *Specifications.* Each milliliter of aqueous suspension contains 20 or 40 milligrams of methylprednisolone acetate.<sup>1</sup>

(b) *Sponsor.* See No. 000009 in § 510.600(c) of this chapter.

(c) *Special considerations.* (1) Clinical and experimental data have demonstrated that corticosteroids administered orally or parenterally to animals may induce the first stage of parturition when administered during the last trimester of pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis.

(2) Systemic therapy with methylprednisolone acetate, as with other corticoids, is contraindicated in animals with arrested tuberculosis, peptic

<sup>1</sup>These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bio-equivalency and safety information.

ulcer, and Cushing's syndrome. The presence of active tuberculosis, diabetes mellitus, osteoporosis, renal insufficiency, predisposition to thrombophlebitis, hypertension, or congestive heart failure necessitates carefully controlled use of corticosteroids. Intravenous, intratendinous, or other injections of corticosteroids for local effect are contraindicated in the presence of acute infectious conditions. Exacerbation of pain, further loss of joint motion, with fever and malaise following injection may indicate that the condition has become septic. Appropriate antibacterial therapy should be instituted immediately.

(d) *Conditions of use*—(1) *Amount*—(i) *Intramuscular*. Dosage may be repeated when necessary, as follows: dogs—2 to 40 milligrams (up to 120 milligrams in extremely large breeds or dogs with severe involvement); cats—10 to 20 milligrams; horses—200 milligrams.<sup>1</sup>

(ii) *Intrasynovial*. Dosage may be repeated when necessary, as follows: horses—40 to 240 milligrams; dogs—up to 20 milligrams.<sup>1</sup>

(2) *Indications for use*. Treatment of inflammation and related disorders in dogs, cats, and horses;<sup>1</sup> treatment of allergic and dermatologic disorders in dogs and cats; and as supportive therapy to antibacterial treatment of severe infections in dogs and cats.

(3) *Limitations*. Not for use in horses intended for food. Not for human use. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

*Effective date*. This regulation is effective December 19, 1978.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 12, 1978.

LESTER M. CRAWFORD,  
Director, Bureau of  
Veterinary Medicine.

(FR Doc. 78-35140 Filed 12-18-78; 8:45 am)

[1505-01-M]

**PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION**

**Lidocaine Hydrochloride Injection  
With Epinephrine**

*Corrections*

In FR Doc. 78-28085 appearing at page 46300 in the issue for Friday, October 6, 1978; third column, third line of (c)(1) of § 522.1258, delete the hyphen after "2"; and in the second line of (c)(1)(iii) of § 522.1258, "eqin-" should read "epin-".

[1505-01-M]

[Docket No. 78N-0285]

**PART 522—IMPLANTATION OF INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION**

**Neomycin Sulfate Sterile Solution**

*Correction*

In FR DOC. 78-29493 appearing at page 48996 in the issue for Friday, October 20, 1978, in the effective date paragraph, "October 23, 1978" should be corrected to read "October 20, 1978."

[1505-01-M]

**PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION**

**Selenium Disulfide Suspension**

*Correction*

In FR DOC. 78-29331 appearing at page 48996 in the issue for Friday, October 20, 1978, on page 48997, in the effective date paragraph, "October 23, 1978" should be corrected to read "October 20, 1978".

[1505-01-M]

**PART 548—CERTIFIABLE PEPTIDE ANTIBIOTIC DRUGS FOR ANIMAL USE**

**Soluble Bacitracin Methylene Disalicylate and Streptomycin Sulfate Oral Powder**

*Correction*

In FR DOC. 78-29492 appearing at page 48997, in the issue for Friday, October 20, 1978, make the following changes:

1. On page 48997, in the effective date paragraph, "October 23, 1978" should be corrected to read October 20, 1978".

2. On page 48997, in § 548.112d(a)(1), thirteenth line, "sulfate equivalent of 20 milligrams of" should be corrected to read "sulfate equivalent to 20 milligrams of".

[4810-35-M]

**Title 31—Money and Finance:  
Treasury**

**CHAPTER II—FISCAL SERVICE,  
DEPARTMENT OF THE TREASURY**

**SUBCHAPTER A—BUREAU OF GOVERNMENT  
FINANCIAL OPERATIONS**

**PART 245—ISSUE OF SUBSTITUTES OF  
LOST, DESTROYED, MUTILATED  
AND DEFACED CHECKS DRAWN  
ON THE UNITED STATES TREASURY  
Requirements for Undertaking of  
Indemnity**

AGENCY: Bureau of Government Financial Operations, Treasury.

ACTION: Final rule.

SUMMARY: This Amendment of Part 245 of Title 31, § 245.3, paragraphs (a) and (b), Code of Federal Regulations, is designed to implement Pub. L. 95-380, dated September 22, 1978, that authorizes the issuance of substitute Treasury checks *without* undertakings of indemnity, except as the Secretary of the Treasury may require.

In line with the intent of the statute, this Amendment would allow the Commissioner of the Bureau of Government Financial Operations to require an undertaking of indemnity whenever the Commissioner felt it was necessary to protect the interests of the United States. Also, it would delineate clearly the classes of cases that generally would not require an undertaking of indemnity.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Michael D. Serlin, Assistant Commissioner, Disbursement and Claims, Bureau of Government Financial Operations, Room 416, Annex Building, Pennsylvania Avenue & Madison Pl., NW., Washington, D.C. 20226, (202) 566-2392.

SUPPLEMENTARY INFORMATION: Treasury, in its efforts to replace outstanding U.S. Treasury checks expeditiously, has been concerned with reducing the time needed to settle a claim and with eliminating the unnecessary costs and procedures in Government operations, meanwhile being mindful of its obligation to protect the financial interest of the United States against losses of public funds.

The existing regulation authorizes Treasury to issue a substitute check in settlement of a claim for an outstanding Treasury check which has been lost, stolen, destroyed, mutilated, or defaced. However, Treasury is required first to obtain an undertaking

to indemnify the United States against loss. In the undertaking, the claimant promises to repay the United States if both the original check and substitute check are lawfully cashed.

The regulation does not apply to checks which have already been paid, and it provides five exceptions to the requirement for undertakings of indemnity involving claims for checks which are lost, stolen, destroyed, mutilated, or defaced prior to payment by Treasury. Among these exceptions are loss, etc. of the check while in the custody of the Government prior to delivery to the payee, checks issued for \$200 or less, and claims filed by the United States, a State, certain other political subdivisions, a foreign government or a Federal Reserve Bank.

In practice, such indemnification without surety gives the Government no greater right to recover debts involving the cashing of original and substitute checks than it already has by virtue of the overpayments themselves.

Since the Commissioner of the Bureau of Government Financial Operations will have henceforth the discretionary authority to obtain undertakings of indemnity *with sureties*, Treasury feels that adequate safeguards against losses can be maintained by focusing on the possibly high-risk, large dollar value claims.

Under this Amendment, it is expected that the average time needed to issue substitute checks will be shortened. Furthermore, this revision of the regulation will eliminate an unnecessary paperwork burden now being placed on the public, and will streamline the claims-settlement process, at a cost savings to the Government as well.

**NOTE.**—This Amendment to the regulation does not meet Treasury criteria for a significant regulation because it is required to implement a statute. It was determined, pursuant to 5 U.S.C. 553d, that notice of proposed rulemaking was not required because this is a substantive rule which relieves a restriction.

Accordingly 31 CFR 245.3, paragraphs (a) and (b) are amended to read as follows:

§ 245.3 Request for substitute check; requirements for undertaking of indemnity; execution of applications in foreign countries.

(a) In any case, the Commissioner of the Bureau of Government Financial Operations may require an undertaking of indemnity in a penal sum equal to the amount of the original check, with such surety or other security as the Commissioner believes is necessary. However, an undertaking will generally not be required in the following classes of cases:

(a) Any claim for Federal recurring payments and salary payments.

(2) Any claim for payments covered by an agreement between the Bureau of Government Financial Operations and the Internal Revenue Service regarding checks for tax refunds.

(3) Any claim for a check in an amount less than \$2,000.

(4) Any claim in which the owner or holder is the United States or an officer or employee thereof in his or her official capacity, a State, the District of Columbia, a Territory or possession of the United States, a municipal corporation or political subdivision of any of the foregoing, a corporation the entire capital of which is owned by the United States, a foreign government, or a Federal Reserve Bank.

(5) If substantially the entire check is presented and surrendered by the owner or holder and the Commissioner of the Bureau of Government Financial Operations is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States.

(6) If the Commissioner of the Bureau of Government Financial Operations is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States.

(b) Any time an undertaking of indemnity is required, a surety will also be required. Persons signing as surety must be legally competent to sign, and must be outside the immediate family of the claimant, and must not have filed for personal bankruptcy within the previous two years.

Corporate sureties may be required whenever deemed appropriate by the Commissioner of the Bureau of Government Financial Operations.

Dated: December 14, 1978.

D. A. PAGLIAI,  
Commissioner.

[FR Doc. 78-35193 Filed 12-18-78; 8:45 am]

### [3710-08-M]

#### Title 32—National Defense

### CHAPTER V—DEPARTMENT OF THE ARMY

[AR 405-80]

### PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

#### Use of Department of the Army Real Estate; Correction

AGENCY: Chief of Engineers, DOD.

ACTION: Final rule; correction.

SUMMARY: This notice announces that §§ 552.50 through 552.74 are no

longer effective as the regulation granting use of Department of the Army real estate was revised and transferred to 32 CFR Part 643. The final rule document was published in the July 10, 1978 issue of the FEDERAL REGISTER (43 FR 29748).

#### FOR FURTHER INFORMATION CONTACT:

Mr. William Bannister (202) 693-6108 or write: HQDA (DAEN-REM-C), Washington, DC 20314.

In consideration of the above 32 CFR Part 552 is amended as set forth below:

1. Section heading "Use of Department of the Army Real Estate" is deleted.

§§ 552.50-552.74 [Reserved]

2. Sections 552.50 through 552.74 are deleted and reserved.

Dated: December 12, 1978.

By authority of the Secretary of the Army.

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

[FR Doc. 78-35160 Filed 12-18-78; 8:45 am]

### [6560-01-M]

#### Title 40—Protection of Environment

### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 1020-5]

### PART 2—PUBLIC INFORMATION

#### Treatment of Information submitted Under Federal Insecticide, Fungicide, and Rodenticide Act; Interim Procedures

AGENCY: Environmental Protection Agency.

ACTION: Notice of Interim Procedures.

SUMMARY: The Federal Insecticide, Fungicide, and Rodenticide Act was amended by the Federal Pesticide Act of 1978 on September 30, 1978. Section 10 of the Act was modified to make most data concerning the safety and efficacy of pesticides available to the public and to place limitations on the types of persons who may obtain access to data submitted by applicants and registrants under the Act. This notice sets forth the Environmental Protection Agency's interim procedures for implementing the provisions of Section 10 of the Act pending issuance of amendments to the Agency's regulations in 40 CFR, Part 2 concerning Freedom of Information Act re-

quests and the confidentiality of business information.

**DATE:** These interim procedures are effective December 19, 1978.

**FOR FURTHER INFORMATION CONTACT:**

James Nelson, Office of General Counsel, Grants, Contracts, and General Administration Division (A-134), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone: 202-426-8830.

**SUPPLEMENTARY INFORMATION:** The Federal Pesticide Act of 1978, Pub. L. 95-396, 92 Stat. 819, September 30, 1978, substantially amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Section 10(b) of FIFRA (7 U.S.C. 136h(b)) previously stated only that the Environmental Protection Agency (EPA) could not disclose information which "contains or relates to trade secrets or commercial or financial information obtained from a person and privileged or confidential" except as specifically authorized in § 10. The new amendments added four new subsections to § 10 that specifically provide what information may be disclosed and under what circumstances.

As a result of these amendments, EPA intends to amend its regulations for requests under the Freedom of Information Act (FOIA) and for the confidentiality of business information in 40 CFR, Part 2 (as amended by 43 FR 39997, September 8, 1978). These regulations set forth the procedures EPA follows for requests under FOIA and for the confidentiality of business information. Section 2.307 sets forth special rules governing business information submitted to EPA under FIFRA. EPA will amend § 2.307 to reflect the additional requirements in the amended § 10 of FIFRA. In the interim period, EPA will follow the procedures described below to process requests for disclosure of data submitted under FIFRA and to otherwise meet the requirements of § 10.

#### A. Section 10(b) of FIFRA

Section 10(b) of FIFRA has been amended to provide as follows:

(b) Disclosure.—Notwithstanding any other provision of this Act and subject to the limitations in subsections (d) and (e) of this section, the Administrator shall not make public information which in his judgment contains or relates to trade secrets or commercial or financial information obtained from a person and privileged or confidential, except that, when necessary to carry out the provisions of this Act, information relating to formulas of products acquired by authorization of this Act may be revealed to any Federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the Administrator. [new language in *italics*]

The amendments have not changed the important features of the subsection. These features have been implemented through the regulations in 40 CFR, Part 2, Subpart B, and in particular by section 2.307 of those regulations. No changes in those procedures will be made except as specified in this notice.

For purposes of implementing the provision concerning disclosure of product formulas in public hearings or findings of fact, EPA will proceed as follows:

1. To make a disclosure in a public hearing, EPA will follow the procedures set forth in 40 CFR 2.301(g) (3) and (4), including 30 days notice in advance of disclosure, after a finding by the appropriate official that disclosure is necessary to carry out the provisions of FIFRA.

2. To make a disclosure under the exemption for "findings of fact," the appropriate official will first make a finding that disclosure is necessary to carry out the provisions of FIFRA. Then the affected business will be notified by certified mail, return receipt requested, 30 days in advance of any disclosure.

In particular, EPA interprets the exemption for disclosure in "findings of fact" to apply to the process of reviewing pesticides in order to decide whether to register, reregister, or cancel those products. Accordingly, a notice published during the RPAR process ("rebuttable presumption against registration," see 40 CFR 162.11) would constitute a "finding of fact" that a "presumption" had been found against the safety of a certain pesticide. This would be a preliminary finding that would be subject to rebuttal. It would specifically apply in cases where an inert ingredient of a pesticide was the subject of a RPAR notice. In that case, it would be appropriate and necessary to publish the name and registration number of any products in which that inert ingredient appeared, after the appropriate notice to the registrant.

#### B. Section 10(d) of FIFRA

The new § 10(d) of FIFRA provides as follows:

(1) All information concerning the objectives, methodology, results, or significance of any test or experiment performed on or with a registered or previously registered pesticide or its separate ingredients, impurities, or degradation products, and any information concerning the effects of such pesticide on any organism or the behavior of such pesticide in the environment, including, but not limited to, data on safety to fish and wildlife, humans and other mammals, plants, animals, and soil, and studies on persistence, translocation and fate in the environment, and metabolism, shall be available for disclosure to the public: Provided, That the use of such data for any registration

purpose shall be governed by section 3 of this Act: Provided further, That this paragraph does not authorize the disclosure of any information that—

(A) discloses manufacturing or quality control processes,

(B) discloses the details of any methods for testing, detecting, or measuring the quantity of any deliberately added inert ingredient of a pesticide, or

(C) discloses the identity or percentage quantity of any deliberately added inert ingredient of a pesticide, unless the Administrator has first determined that disclosure is necessary to protect against an unreasonable risk of injury to health or the environment.

(2) Information concerning production, distribution, sale, or inventories of a pesticide that is otherwise entitled to confidential treatment under subsection (b) of this section may be publicly disclosed in connection with a public proceeding to determine whether a pesticide, or any ingredient of a pesticide, causes unreasonable adverse effects on health or the environment, if the Administrator determines that such disclosure is necessary in the public interest.

(3) If the Administrator proposes to disclose information described in clause (A), (B), or (C) of paragraph (1) or in paragraph (2) of this subsection, the Administrator shall notify by certified mail the submitter of such information of the intent to release such information. The Administrator may not release such information, without the submitter's consent, until thirty days after the submitter has been furnished such notice: Provided, That where the Administrator finds that disclosure of information described in clause (A), (B), or (C) of paragraph (1) of this subsection is necessary to avoid or lessen an imminent and substantial risk of injury to the public health, the Administrator may set such shorter period of notice (but not less than ten days) and such method of notice as the Administrator finds appropriate \* \* \*.

For purposes of describing the information covered by § 10(d)(1), in this notice EPA will use the term "safety and efficacy data." EPA will implement the provisions of § 10(d) as follows:

1. EPA will require each person submitting data to EPA under FIFRA to mark as confidential *at the time of submission* and physically separate any information which the person believes should be entitled to confidential treatment (see 40 CFR 2.203(a)). Information so marked will not be disclosed by EPA except in accordance with these interim procedures. As to data which EPA has already obtained, and with respect to which the submitter has not previously explicitly waived confidentiality, EPA will contact the submitter, prior to any decision to disclose the data, to give the submitter the opportunity to make a confidentiality claim for the data. If the submitter fails to make a confidentiality claim after having been given the opportunity to do so, EPA will then treat the information as public and will disclose it without further notice (see 40 CFR 2.203(c)).



2. As to any data marked as confidential, EPA will make confidentiality determinations in accordance with the procedures in 40 CFR 2.204 and 2.205, as modified by 2.307 (d) and (e). In making confidentiality determinations for safety and efficacy data, EPA will deny any claims of confidentiality for information described in §10(d)(1) except when the submitter can show that disclosure of the information would disclose the type of information described in clauses (A), (B), or (C) of that paragraph and that the information qualifies for confidential treatment. In making final confidentiality determinations for information which is not safety and efficacy data, EPA will apply the substantive criteria in 40 CFR 2.208 (which EPA interprets to incorporate the definition of "trade secrets" set forth in the *Restatement of Torts*).

3. After a final confidentiality determination and before any data claimed as confidential are disclosed to the public, EPA will give the submitter thirty days advance notice as specified in 40 CFR 2.307 (d) and (e). During the thirty-day period, the submitter will have the opportunity to seek judicial review.

4. In proposing to disclose data under §10(d)(2), EPA will follow the procedures in 40 CFR 2.301(g). However, before disclosing such information in a public proceeding, EPA will make a determination that the disclosure is necessary in the public interest and give the submitter thirty days advance notice by certified mail, return receipt requested. During the thirty-day period, the submitter will have the opportunity to seek judicial review.

5. In order to make a disclosure of information covered by clauses (A), (B), and (C) of §10(d)(1) because disclosure is necessary to protect against an unreasonable risk of injury to health or the environment, EPA will follow the procedures in 40 CFR 2.306(k). However, as to the time limits for notifying the submitter that EPA is proposing to disclose the information, EPA will give thirty days notice by certified mail, return receipt requested, unless the General Counsel determines that a shorter period (not less than ten days) or a different method of notice is necessary to avoid or lessen an imminent and substantial risk of injury to the public health.

#### C. Section 10(e) of FIFRA

Section 10(e) provides as follows:

(e) Disclosure to Contractors.—Information otherwise protected from disclosure to the public under subsection (b) of this section may be disclosed to contractors with the United States and employees of such contractors if, in the opinion of the Administrator, such disclosure is necessary for the satisfactory performance by the contractor of a contract with the United States for the

performance of work in connection with this Act and under such conditions as the Administrator may specify. The Administrator shall require as a condition to the disclosure of information under this subsection that the person receiving it take such security precautions respecting the information as the Administrator shall by regulation prescribe.

EPA will implement the provisions of §10(e) as follows:

1. EPA will follow the procedures set forth in 40 CFR 2.301(h) as modified by 2.306(j), except that the determination to be made in 2.306(j)(1) must be that the disclosure is necessary for the satisfactory performance of a contract or subcontract in connection with FIFRA. In addition, the notification required in 2.306(j)(5) will refer to the criminal penalties of §10(f) of FIFRA (7 U.S.C. 136h(f)). Under these procedures, the submitter is given notice prior to disclosure to the contractor or subcontractor, and the contract or subcontract must contain a specific clause restricting the contractor's or subcontractor's use and disclosure of the information (see 41 CFR 15-7.350-1, 43 FR 9278, March 7, 1978).

2. As to the requirement that EPA specify "security precautions" for contractors, EPA has developed specific security procedures for contractors who will have access to confidential business information submitted under the Toxic Substances Control Act. These procedures are set forth in the EPA TSCA Confidential Business Information Security Manual. EPA will follow these procedures for FIFRA contractors and subcontractors pending development of final regulations. Copies of the TSCA Confidential Business Information Security Manual are available by calling 800-424-9065 or writing the Director, Industry Assistance Office (TS-793), Environmental Protection Agency, Office of Toxic Substances, 401 M Street, SW., Washington, D.C. 20460. Notice of the availability of these procedures was published in the *FEDERAL REGISTER*, July 25, 1978 (43 FR 32186).

#### D. Section 10(g) of FIFRA

Section 10(g) provides as follows:

(g) Disclosure to Foreign and Multinational Pesticide Producers.—

(1) The Administrator shall not knowingly disclose information submitted by an applicant or registrant under this Act to any employee or agent of any business or other entity engaged in the production, sale, or distribution of pesticides in countries other than the United States or in addition to the United States or to any other person who intends to deliver such data to such foreign or multinational business or entity unless the applicant or registrant has consented to such disclosure. The Administrator shall require an affirmation from any person who intends to inspect data that such person does not seek access to the data for the purposes of delivering it or offering it for sale

to any such business or entity or its agents or employees and will not purposefully deliver or negligently cause the data to be delivered to such business or entity or its agents or employees. Notwithstanding any other provision of this subsection, the Administrator may disclose information to any person in connection with a public proceeding under law or regulation, subject to restrictions on the availability of information contained elsewhere in this Act, which information is relevant to a determination by the Administrator with respect to whether a pesticide, or any ingredient of a pesticide, causes unreasonable adverse effects on health or the environment.

(2) The Administrator shall maintain records of the names of persons to whom data are disclosed under this subsection and the persons or organizations they represent and shall inform the applicant or registrant of the names and affiliations of such persons.

(3) Section 1001 of title 18 of the United States Code shall apply to any affirmation made under paragraph (1) of this subsection.

EPA will implement the provisions of §10(g) as follows:

1. Before processing any request from a member of the public under FOIA or otherwise for information submitted by an applicant or registrant under FIFRA, EPA will require submission of a written request and a signed affirmation as required by §10(g)(1). If EPA receives a request that is not accompanied by a signed affirmation, EPA will return the request unprocessed. When EPA receives a signed affirmation, EPA will process the request under the procedures set forth in 40 CFR, Part 2, as modified by this notice. However, if EPA has reason to believe that the person making the request does in fact represent a foreign or multinational pesticide producer or intends to furnish the data to such a person or its agents or employees, EPA will not process the request until the status of the requester has been resolved. This may involve referral of the matter to the Department of Justice for investigation.

2. EPA will not continue processing any FOIA request pending as of September 30, 1978, until EPA has received the required signed affirmation from the requester. For this purpose, EPA will contact requesters by letter to inform them of the new requirements. If the requesters furnish signed affirmations, EPA will process the requests in accordance with this notice. Otherwise, after 15 business days, EPA will consider the request withdrawn.

3. During the interim period, EPA will accept only the following form of affirmation:

I have requested access to information submitted by an applicant or registrant under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) to the Environmental Protection Agency. I hereby affirm:

(1) That I do not seek access to the information for purposes of delivering it or offer-

ing it for sale to any business or other entity engaged in the production, sale, or distribution of pesticides in countries other than the United States or in addition to the United States or its agents or employees; and

(2) That I will not purposefully deliver or negligently cause the data to be delivered to such business or entity or its agents or employees.

I am aware that I may be subject to criminal penalties under 18 U.S.C. 1001 if I have made any statement of material facts knowing that such statement is false or if I willfully conceal any material fact.

Signature	Address
Name	
Organization or Affiliation	Client

4. Whenever EPA discloses information submitted by an applicant or registrant under FIFRA in response to a written request by a member of the public, EPA will send the applicant or registrant a copy of the request letter, affirmation, and EPA reply letter.

5. When EPA proposes to disclose nonconfidential information in connection with a public proceeding because the information is relevant to a determination whether a pesticide, or any ingredient of a pesticide, causes unreasonable adverse effects on health or the environment, disclosure will be made only after a determination by the appropriate official that the information is relevant to such a determination. No advance notice will be given of such disclosures.

#### E. Disclosure of Published Materials

Frequently applicants and registrants under FIFRA submit copies of published articles along with other materials. In some cases these copies have been marked as "trade secret." From the date of publication of this notice, EPA will treat these published materials as available to the public, notwithstanding any confidentiality markings on them, because they are clearly not secret and would be available to anyone without restriction from the publishers, libraries, and other sources. In addition, for purposes of section 10(g), EPA will treat these published materials as routinely available to anyone regardless of whether that person represents a foreign or multinational pesticide producer because these materials have already been "disclosed" by their publication.

#### F. Previous Notices of Intent to Disclose FIFRA Data

From approximately June 1976, to earlier this year, EPA sent "notice of determination" letters to data submitters under FIFRA informing them of EPA's intent to disclose safety and efficacy data pursuant to EPA's legal in-

terpretation that such data were not protected from disclosure under FIFRA § 10(b). All such notices are hereby rescinded. EPA will follow the procedures described above prior to releasing any data covered by the previous "notice of determination" letters. However, where in the past a submitter, after receiving a "notice of determination" letter, explicitly stated that EPA could disclose the data covered by the letter, EPA will consider that action to be a waiver of any claim of confidentiality and will treat the information as public.

#### G. Past and Pending Litigation Concerning FIFRA § 10

Over the past three years, EPA has been involved in extensive litigation concerning the disclosure of safety and efficacy data under FIFRA § 10. Prior to the enactment of the 1978 amendments, various orders and injunctions were entered, and stipulations agreed to, which affect EPA's ability to implement the disclosure provisions of the new amendments. Accordingly, EPA will be taking the necessary steps to seek to modify the existing orders, injunctions, and stipulations to accord with the new law. Until these changes are accomplished, EPA will not take any action described in this notice with respect to the affected plaintiffs which would cause the Agency to be in violation of such orders, injunctions, or stipulations, or any new agreements entered into concerning challenges to the 1978 amendments.

Dated: December 7, 1978.

DOUGLAS M. COSTLE,  
Administrator.

[FR Doc. 78-35108 Filed 12-18-78; 8:45 am]

[6560-01-M]

#### SUBCHAPTER C—AIR PROGRAMS

[FRL 1002-3]

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

##### California Plan Revision: Humboldt County Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on changes to the Humboldt County APCD portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to

update rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: January 18, 1979.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105, Attn: Wallace Woo (415) 556-7288.

SUPPLEMENTARY INFORMATION: On April 3, 1978 (43 FR 13900), EPA published a notice of proposed rulemaking for revisions to the Humboldt County Air Pollution Control District's rules and regulations submitted on November 4, 1977.

The most significant changes to rules being acted upon by this notice are as follows:

(a) Continuous monitoring requirements for certain pollutants from certain stationary sources are added.

(b) Exceptions to the particulate emission limits are added.

(c) Emission limits and compliance verification requirements for sulfur compounds from geothermal operations are added.

A list of the rules being considered by this action was published as part of the notice of proposed rulemaking on April 3, 1978 (43 FR 13900). The notice of proposed rulemaking provided 30 days for public comment. No comments were received.

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as State Implementation Plan revisions.

Rule 240(e), *Mandatory Monitoring Requirements*, and Appendix D to Regulation 1, *Continuous Monitoring*, are approved because they partially fulfill the requirements of 40 CFR 51.19(e). It is noted, however, that this rule and appendix do not meet all of the requirements of 40 CFR 51.19(e) and Appendix P of Part 51.

It is the purpose of this notice to approve all changes contained in the November 4, 1977 submittal and to incorporate them into the California SIP, with the exceptions of the rules discussed below.

EPA is disapproving Rules 420(e), *Waste Incineration*, and 420(f), *Geothermal Well Drilling*.

Rule 420(e) would exempt from the emission limit of Rule 420(a) single chamber incinerators "used for the disposal of approved combustibles subject to permit conditions specified by the Control Officer after a finding that such use is compatible with the county solid waste management program and will not cause a violation of the control strategy." This rule is disapproved because it relaxes emission

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control, provides an excessive amount of discretion on the part of the Control Officer, and as such could interfere with the attainment/maintenance of the National Ambient Air Quality Standards (NAAQS).

Rule 420(f) provides an exception to the emission limits of Rule 420(d) (including Table I), *Non-Combustion Sources*, for geothermal wells. Without a demonstration that this exception would not interfere with the attainment/maintenance of the NAAQS, Rule 420(f) cannot be approved.

No action is being taken at this time on rules concerning emergency episodes, new source review, or sulfide emission standards. Those pertaining to emergency episodes or new source review will be acted upon in separate FEDERAL REGISTER notices.

Rules 450, *Sulfide Emission Standards for Kraft Pulp Mills*; 455(b), *Geothermal Operations—Power Plant Emissions*; 455(c), *Geothermal Operations—Pre-Power Emissions*; and Appendix B to Regulation 1, *Sonoma County Geothermal Zone I*, are not appropriate for inclusion in the SIP because they would regulate a pollutant for which there is no NAAQS.

The State has submitted revisions to Rule 490 and Regulation 3, concerning New Source Performance Standards (NSPS). These revisions implement Section 111 of the Clean Air Act and are not appropriate for inclusion in the SIP under Section 110 of the Act. Therefore, they will be neither approved nor disapproved by EPA as part of an applicable implementation plan. They will, however, be reviewed under the appropriate provisions of Section 111, and will be acted upon in a separate FEDERAL REGISTER notice.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Sections 110 and 301(a) of the Clean Air Act as amended, 42 U.S.C. §§ 7410 and 7601(a).)

Dated: December 12, 1978.

DOUGLAS M. COSTLE,  
Administrator.

Subpart F of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### Subpart F—California

I. Section 52.220, paragraph (c)(42)(xvii) is added as follows:

§ 52.220 Identification of plan.

(c) \* \* \*

(42) \* \* \*

(xvii) Humboldt County APCD.

(A) New or amended Rules 240(e), 420 (e) and (f), and 455 (a) and (d), and Appendix D to Regulation 1.

2. Section 52.234, paragraph (e)(9)(ii) is added as follows:

§ 52.234 Source surveillance.

(e) \* \* \*

(9) \* \* \*

(ii) Humboldt County APCD

3. Section 52.275, paragraph (b)(3)(ii)(B) is added as follows:

§ 52.275 Particulate matter control.

(b) \* \* \*

(3) \* \* \*

(ii) \* \* \*

(B) Rules 420(e), *Waste Incineration*, and 420(f), *Geothermal Well Drilling*, submitted on November 4, 1977.

[FR Doc. 78-35111 Filed 12-18-78; 8:45 am]

[6560-01-M]

[FRL 1009-6]

### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

#### California Plan Revision: Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, takes no action on changes to the Santa Barbara County Air Pollution Control District (APCD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: January 18, 1979.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, Cali-

fornia 94105, Attn: Douglas Grano, 415-556-2938.

**SUPPLEMENTARY INFORMATION:** On January 20, 1978 EPA published a Notice of Proposed Rulemaking for revisions to the Santa Barbara County APCD's rules and regulations submitted on November 4, 1977 by the California Air Resources Board for inclusion in the California SIP.

A listing of the rules submitted and being considered in this FEDERAL REGISTER notice was included in the January 20, 1978 (43 FR 2829) Notice of Proposed Rulemaking. The Notice of Proposed Rulemaking provided for a 30-day comment period. No comments were received.

Under Section 110 of the Clean Air Act as amended and 40 CFR Part 51, the Administrator is required to approve or disapprove regulations submitted as SIP revisions.

It is the purpose of this Notice to approve the rules listed in the Notice of Proposed Rulemaking, and to incorporate them into the California SIP, with the exception of those rules noted below.

No action will be taken on Rule 23, *Storage of Petroleum and Petroleum Products*, submitted November 4, 1977. Action will be taken in a separate FEDERAL REGISTER notice. The approved version of Rule 23 titled *Storage of Petroleum Products* and submitted February 21, 1972, is retained.

No action will be taken on Rule 35, *Storage and Transfer of Gasoline*, submitted November 4, 1977. Action will be taken in a separate FEDERAL REGISTER notice. The following approved rules are retained for the Santa Barbara County APCD: Rule 31, *Gasoline Loading into Tank Trucks and Trailers*, submitted February 21, 1972; Rule 35, *Gasoline Loading into Tanks*, submitted February 21, 1972; Rule 45.1, *Transfer of Gasoline into Stationary Storage Containers—South Coast Air Basin*, submitted April 21, 1976; and Rule 35.2, *Transfer of Gasoline into Vehicle Fuel Tanks—South Coast Air Basin*, submitted November 10, 1976.

Rule 39.3, *Continuous Emission Monitoring*, submitted November 4, 1977, is approved for the Santa Barbara County APCD since it requires continuous monitoring for specified sources, and thereby partially fulfills the requirements of 40 CFR 51.19(e). It is noted, however, that this rule does not meet all the requirements of 40 CFR 51.19(e) and Appendix P of Part 51.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a).))



Dated: December 12, 1978.

DOUGLAS M. COSTLE,  
Administrator.

Subpart F of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**Subpart F—California**

1. Section 52.220 is amended by adding paragraph (c)(42)(xviii) as follows:

§ 52.220 Identification of plan.

(c) \*\*\*  
(42) \*\*\*  
(xviii) Santa Barbara County APCD.  
(A) New Rule 39.3.

2. Section 52.234 is amended by adding paragraph (e)(6)(iii) and (e)(7)(ii) as follows:

§ 52.234 Source surveillance.

(e) \*\*\*  
(6) \*\*\*  
(iii) Santa Barbara County APCD.  
(7) \*\*\*  
(ii) Santa Barbara County APCD.

[FR Doc. 78-35112 Filed 12-18-78; 8:45 am]

[6560-01-M]

Subchapter C—Air Programs

[FRL 1002-2]

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**California Plan Revision: South Coast Air Quality Management District**

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, take no action on changes to the South Coast Air Quality Management District (AQMD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: January 18, 1979.  
FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105, Attn: Wallace Woo, (415) 556-7288.

SUPPLEMENTARY INFORMATION: On May 26 and September 16, 1977, and June 2, 1978, EPA published Notices of Proposed Rulemaking for revisions to the South Coast AQMD's rules and regulations submitted on April 21, 1976, and February 10, June 6, October 13, and November 4, 1977 by the California Air Resources Board for inclusion in the California SIP.

A listing of the rules submitted and being considered in this FEDERAL REGISTER notice was included in the May 26 and September 16, 1977, and June 2, 1978 Notices of Proposed Rulemaking. The rules listed were revised to correct deficiencies, add clarity and make needed additions.

The Notices of Proposed Rulemaking provided for a 30-day comment period. Comments were received concerning coke oven emission regulations, but these will be addressed in a separate FEDERAL REGISTER notice since final action on these regulations is being temporarily postponed. No other comments were received on the proposed rules.

Under Section 110 of the Clean Air Act as amended and 40 CFR Part 51, the Administrator is required to approve or disapprove regulations submitted as SIP revisions.

It is the purpose of this Notice to approve the rules listed in the Notices of Proposed Rulemaking, and to incorporate them into the California SIP, with the exception of those rules noted below.

No action is being taken on the definition of "agricultural burning" in Rule 102, *Definition of Terms*, submitted April 21, 1976. Action will be taken on this definition along with the rule to which it applies, *Open Burning*, in a separate FEDERAL REGISTER notice.

Rule 218, *Stack Monitoring*, submitted April 21, 1976 with an addition submitted November 4, 1977, is approved for the South Coast Air Quality Management District. It is noted, however, that this rule does not meet all the requirements of Section 51.19(e) of the Code of Federal Regulations.

No action is being taken on Rules 301, *Permit Fees*, or 303, *Hearing Board Fees*, submitted November 4, 1977, because they subsequently have been resubmitted in revised form. The latest version of these rules will be acted on in a later FEDERAL REGISTER notice.

No action is being taken on Rules 401, *Visible Emissions*, 477, *Coke Ovens*, or 477.1, *Coke Oven Enforcement Procedures*, submitted October 13, 1977, because they apply to coke ovens. A separate FEDERAL REGISTER notice will address these rules in the future.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. §§ 7410 and 7601(a)).

Dated: December 12, 1978.

DOUGLAS M. COSTLE,  
Administrator.

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

**Subpart F—California**

1. Section 52.220 is amended by adding paragraphs (c)(37)(i)(C), (c)(39)(vi)(B), (c)(41)(xiv), and (c)(42)(xvi) as follows:

§ 52.220 Identification of plan.

(c) \*\*\*  
(37) \*\*\*  
(i) \*\*\*  
(C) Amended Rule 431

(39) \*\*\*  
(vi) \*\*\*  
(B) Amended Rule 431

(41) \*\*\*  
(xiv) South Coast Air Quality Management District.  
(A) New or amended Rules 101 and 102 (except for the definition of "agricultural burning").

(42) \*\*\*  
(xvi) South Coast Air Quality Management District.  
(A) New or amended Rules 218, 463, and 466.

2. Section 52.234 is amended by adding paragraph (e)(6)(ii) as follows:

§ 52.234 Source surveillance.

(e) \*\*\*  
(6) \*\*\*

(ii) South Coast Air Quality Management District.

[FR Doc. 78-35110 Filed 12-18-78; 8:45 am]

[6560-01-M]

[FRL 999-5]

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

### Guam Regulations and Control Strategies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: It is the purpose of this notice to approve or disapprove portions of the Guam implementation plan revision submitted to EPA by the Governor on August 14, 1973. Specific rules of the Guam Air Pollution Control Standards and Regulations and control strategies are addressed. The subject rules pertain to ambient air quality monitoring, particulate matter from process industries and fugitive dust sources, upset-breakdown reporting, motor vehicle pollution controls, and other miscellaneous items. The subject control strategies relate to all pollutants for which national standards have been promulgated except sulfur oxides. Action was proposed in the FEDERAL REGISTER on January 9, 1974.

EFFECTIVE DATE: January 18, 1979.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, EPA, Region IX, 215 Fremont Street, San Francisco, CA 94105. Attn: Morris I. Goldberg. Telephone: 415-556-2463.

SUPPLEMENTAL INFORMATION:

#### BACKGROUND

On January 25, 1972 the Governor officially submitted to EPA the document entitled "Implementation Plan For Compliance With The Ambient Air Quality Standards For The Territory Of Guam".

On May 31, 1972 (37 FR 10904) the Administrator, EPA, approved the Guam implementation plan.

On June 5, 1973 EPA, Region IX, requested in a letter to the Governor that the implementation plan be revised to meet the requirements of a Priority I-A air quality control region for both particulate matter and sulfur oxides. EPA also requested that the

plan be re-evaluated in terms of actual air quality data.

On June 18, 1973 (38 FR 15834) the Administrator, EPA, promulgated additional implementation plan requirements pertaining to the review of new and modified indirect (complex) sources. A deadline of August 15, 1973 was set for the submittal of plan revisions to meet the new requirements.

On August 14, 1973 the Governor officially submitted to EPA a plan revision which contained the required revisions applicable to complex sources as well as revisions to all other portions of the plan.

On January 9, 1974 (39 FR 1454) the Administrator, EPA, solicited public comments on the entire August 14, 1973 plan revision in a FEDERAL REGISTER notice of proposed rulemaking.

On February 25, 1974 (39 FR 7285) the Administrator, EPA, approved or disapproved implementation plans for all states as they related to the review of indirect sources. In so doing the August 14, 1973 Guam plan revision was inadvertently approved in all respects. The intent was to approve only those portions of the plan revision which pertained to complex sources.

On March 2, 1976 (41 FR 8968) the Administrator, EPA, revised the portion of the *Code of Federal Regulations* (CFR) which lists all approved and disapproved portions of the Guam implementation plan (40 CFR 52.2670). The intent was only to restructure that section of the CFR. Thus, the inadvertent approval of the entire Guam plan revision was repeated in the FEDERAL REGISTER.

#### DISCUSSION OF ACTION

Under Section 110 of the Clean Air Act, as amended, the Administrator, EPA, is required to approve or disapprove all revisions to implementation plans. The entire Guam implementation plan has been revised. This final rulemaking addresses only revisions to the Guam regulations and control strategies. Other portions of the August 14, 1973 plan revision were the subject of a recent FEDERAL REGISTER final rulemaking notice. The entire plan revision has been evaluated by EPA to determine conformance with the requirements of 40 CFR Part 51 of the Act. The public hearing requirements of 40 CFR 51.4 have been met. Public comments were solicited on the entire plan revision on January 9, 1974 and none were received.

#### APPROVAL

Approval is being promulgated by EPA for the portions of the subject plan revision as follows:

1. Regulations (Appendix E of the plan revision):

a. Definitions: 1.1-1.7, 1.10-1.14, 1.16, 1.19, and 1.21-1.32.

b. Ambient Air Quality Standards: 2.1 and 2.2.

c. Monitoring, Records and Reporting: 4.2.

d. Particulate Emissions from Process Industries: 7.1-7.4, including the deletion of the previously approved 7.1 and 7.6.

e. Control of Fugitive Dust: 8.1-8.9.

f. Control of Visible Emissions: 10.1(b) and the deletion of 10.1(c).

g. Motor Vehicle Pollution Controls: 14.1-14.7.

h. Appeal Procedures, Circumvention, Severability, and Effective Date: 15.1-15.4.

2. Control Strategies:

Carbon Monoxide, Nitrogen Dioxide, Hydrocarbons, and Photochemical Oxidants: Section VIII(C) of the plan revision.

#### DISAPPROVAL

Disapproval is being promulgated by EPA for the portions of the subject plan revision as follows:

1. Regulations (Appendix E of the plan revision):

a. Definition-Buffer Zone: 1.8. Ambient air quality sampling is not permitted within buffer zones (property lines), thus prohibiting the measurement of ambient concentrations in excess of the national standards in areas where the general public may have access.

b. Monitoring, Records and Reporting: 4.4. Upset breakdown: Criteria for further enforcement action are not specified, thus permitting the Guam Administrator unlimited discretion.

c. Sampling and Testing Methods (ambient air quality sampling): 5.3. Ambient sampling is not permitted in certain areas (buffer zones) where the public may have access.

d. Control of Open Burning (agricultural crops): 6.2(g)(1-3). An exemption is provided, upon approval by the Guam Administrator, for the open burning of agricultural crop matter. EPA policy requires that such burning be controlled through burn/no burn days and acreage limits with appropriate criteria for approving/denying such requests. Without criteria, the Guam Administrator would have no basis for approving or disapproving applications.

e. Continuous In-Stack Monitoring: The plan does not contain regulations sufficient to satisfy the requirements of 40 CFR 51.19(e) and Appendix P.

2. Control Strategies: Particulate Matter: Section VIII(B) of the plan revision. The plan revision demonstrates that the national standards will not be attained or maintained.

#### DEFERRAL

No action is being taken at this time by EPA on the portions of the Guam regulations as follows:

1. Regulations (Appendix E of the plan revision):

a. Definitions (relating to new and modified stationary source review): 1.15, 1.17, and 1.20.

b. Permits (relating only to new and modified stationary source review): 3.1-3.13.

c. Air Pollution Emergencies: 12.1-12.4.

d. Sulfur Oxide Emissions from Stationary Sources: 13.1-13.3.

2. Control Strategy:

Sulfur Oxides: Section VIII(A) of the plan revision.

NO ACTION

No action is being taken by EPA on portions of the Guam regulations as follows:

Regulations (Appendix E of the plan revision):

1. Definition—Complex sources: 1.9. This definition was approved on February 25, 1974. No further EPA action is required.

2. Definition—Odors: 1.18. This definition does not relate to a pollutant for which national standards have been promulgated and thus should not be a part of the plan.

3. Permits (relating only to new and modified complex source review): 3.1-3.13. These regulations, as they relate to complex sources were approved on February 25, 1974. No further EPA action is required.

4. Control of Odors in Ambient Air: 11.2. This regulation does not relate to a pollutant for which national standards have been promulgated and thus should not be a part of the plan.

5. Miscellaneous Regulations: 2.3, 2.4, 4.1, 4.3, 5.1, 5.2, 6.1, 6.2(a-f), 6.3, 9.1-9.9, 10.1(a), 11.1, and 11.3. These regulations have not been revised. They were previously approved by EPA on May 31, 1972. No further EPA action is required.

CLARIFICATION OF PREVIOUS EPA APPROVALS

As is noted in the subsection of this notice entitled BACKGROUND, the entire August 14, 1973 plan revision was inadvertently approved on February 25, 1974 and approval was repeated on March 2, 1976. The intent of the February notice was to approve only the complex source regulations. The intent of the March notice was to revise the format of the applicable CFR section. The *Identification of plan* section of the CFR applicable to Guam (40 CFR 52.2670) is being revised to insert numerical identifications for the various complex source regulations (those intended to be the only regulations approved on February 25, 1974).

(Sections 110 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7601(a).)

Dated: December 12, 1978.

DOUGLAS M. COSTLE,  
Administrator.

Subpart AAA of Part 52 of Chapter 1, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart AAA—Guam

1. In § 52.2670, paragraph (c) is amended by an addition to the end of subparagraph (1), as follows:

§ 52.2670 Identification of plan.

(c)(1) . . .

Section VIII (B & C)—Control Strategies

Appendix E (Regulations):

Chapter 1, Definitions: 1.1-1.8, 1.10-1.14, 1.16, 1.19, and 1.21-1.32.

Chapter 2, Ambient Air Quality Standards: 2.1 and 2.2.

Chapter 3, Permits (for complex sources only): 3.1-3.13.

Chapter 4, Monitoring, Records, and Reporting: 4.2, and 4.4.

Chapter 5, Sampling and Testing: 5.3.

Chapter 6, Control of Open Burning: 6.2(g)(1-3).

Chapter 7, Control of Particulate Emission from Process Industries: 7.1-7.4 (7.1 and 7.6 deleted without replacement).

Chapter 8, Control of Fugitive Dust: 8.1-8.9.

Chapter 10, Control of Visible Emissions: 10.1(b) and the deletion of 10.1(c).

Chapter 14, Motor Vehicle Pollution Controls: 14.1-14.7.

Chapter 15, Appeal Procedures, Circumvention, Severability, and Effective Date: 15.1-15.4.

2. Section 52.2678 and paragraphs (a) and (b) are added as follows:

§ 52.2678 Control strategy and regulations: Particulate matter.

(a) The requirements of § 51.12(a) and 51.13 of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standards.

(b) Chapter 6, Regulations 6.2(g)(1-3) of the "Guam Air Pollution Control Standards and Regulations" (control of open burning—agricultural crops) are disapproved since they do not provide criteria upon which to base the approval or denial of permit requests.

3. Section 52.2682 and paragraph (a) are added as follows:

§ 52.2682 Air quality surveillance.

(a) The requirements of § 51.17(a)(2) of this chapter are not met. In addition, Chapter 1, Regulation 1.8 and Chapter 5, Regulation 5.3 of the "Guam Air Pollution Control Standards and Regulations" (buffer zones—

air quality sampling) are not in conformance with the intent of the Clean Air Act and the definition of "ambient air" promulgated at 50.1(e) of this chapter. Regulations 1.8 and 5.3 are disapproved because they could prohibit ambient air quality sampling at places of expected maximum concentration and/or at places where the public has access.

4. Section 52.2684 and paragraph (a) are added as follows:

§ 52.2684 Source surveillance.

(a) The requirements of § 51.19(e) and Appendix P of this chapter are not met since the plan does not contain sufficient regulations pertaining to continuous in-stack monitoring.

5. Section 52.2686 and paragraph (a) are added as follows:

§ 52.2686 Upset-breakdown reporting.

(a) Chapter 4, Regulation 4.4 of the "Guam Air Pollution Control Standards and Regulations" (reporting of upsets and breakdowns) is disapproved since criteria for further enforcement action are not specified, thus permitting the Guam Administrator unlimited discretion.

[FR Doc. 78-35113 Filed 12-18-78; 8:45 am]

[6560-01-M]

SUBCHAPTER E—PESTICIDE PROGRAMS

[PP7E1935/R184; FRL 1026-7]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Carbaryl

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide carbaryl on celery. The regulation was requested by the Interregional Research Project No. 4. This rule establishes a maximum permissible level for residues of carbaryl on celery.

EFFECTIVE DATE: December 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460 202-755-4851.

SUPPLEMENTARY INFORMATION: On September 15, 1978, the EPA published a notice of proposed rulemaking

## RULES AND REGULATIONS

in the FEDERAL REGISTER (43 FR 41240) in response to a pesticide petition (PP 7E1935) submitted to the Agency by the Interregional Research Project No. 4 (IR-4), New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of California, Florida, Michigan, New Jersey, and New York. This petition proposed that 40 CFR 180.169 be amended by the establishment of a tolerance for combined residues of the insecticide carbaryl (1-naphthyl N-methylcarbamate) including its hydrolysis product 1-naphthol, calculated as carbaryl, in or on the raw agricultural commodity celery at 10 parts per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.169 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before January 18, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Room M-3708, 401 M Street SW., Washington 20460. Such objections should be submitted 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 19, 1978, Part 180, Subpart C, § 180.169 is amended by adding a tolerance for residues of carbaryl on celery at 10 ppm as set forth below.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e).)

Dated: December 12, 1978.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

Part 180, subpart C, section 180.169 is amended by alphabetically inserting celery at 10 ppm in the table to read as follows:

§ 180.169

Carbaryl; tolerances for residues.

Commodity	Parts per million
Celery	10

[FR Doc. 78-35115 Filed 12-18-78; 8:45 am]

[6560-01-M]

#### Title 41—Public Contracts and Property Management

#### CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

[FRL 962-2]

#### PART 15-1—GENERAL

##### Authority Delegation

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The procurement regulations of the Environmental Protection Agency (EPA) are revised to give the Assistant Administrator for Planning and Management authority to publish regulations which implement or supplement the Federal Procurement Regulations (FPR) (41 CFR Chapter 1). The intended effect of this revision is the simplification of internal EPA administrative procedures.

EFFECTIVE DATE: December 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Boyer, Procurement Analyst, Contracts Policy and Review Branch, Contracts Management Division (PM-214), Environmental Protection Agency, Washington, D.C. 20460, Telephone: 202-755-0900.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency Procurement Regulations (EPPR) are issued in the Code of Federal Regulations as Chapter 15 of Title 41, Public Contracts and Property Management. The EPPR implements and supplements the Federal Procurement Regulations (FPR) (41 CFR Chapter 1). Heretofore, the EPPR has been prescribed by the Administrator. In the interest of simplification of administrative procedures, the Administrator delegated the authority to issue procurement regulations to the Assistant Administrator for Planning and Management. This delegation of authority makes it necessary to change that sec-

tion of the EPPR dealing with the authority to prescribe the EPPR.

It is the general policy of the EPA to allow time for interested parties to participate in the rulemaking process. However, since this amendment reflects an internal procedural change, no purpose would be served in inviting comment; therefore, the rulemaking process is waived in this instance.

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis Statement under Executive Order 11821 and OMB Circular A-107.

(5 U.S.C. 301; 40 U.S.C. 486(c).)

DECEMBER 7, 1978.

DOUGLAS M. COSTLE,  
Administrator.

Accordingly, 41 CFR Chapter 15 is amended by revising § 15-1.003, as follows:

§ 15-1.003 Authority.

The EPPR are prescribed by either the Administrator under the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 471 et seq., or the Assistant Administrator for Planning and Management under a delegation of authority from the Administrator.

[FR Doc. 78-35109 Filed 12-18-78; 8:45 am]

[6712-01-M]

#### Title 47—Telecommunication

#### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 78-204; RM-3032]

#### PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Klamath Falls, Ore., and Weed, Calif; Change Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein substitutes Channel 258 for Channel 253 at Klamath Falls, Oregon, and Channel 265A for Channel 257A at Weed, California. It also modifies the license of Klamath Falls Station KAGM(FM) now operating on Channel 253 to specify operation on Channel 258. These changes were proposed by Klamath Falls Broadcasting Company, licensee of station KAGM(FM), in order to eliminate interference now cause by KAGM(FM) to the service of Channel 10, Medford, Oregon, television station

which occurs in the Klamath Falls area.

EFFECTIVE DATE: January 22, 1979.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

[BC Docket No. 78-204 RM-3032]

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Klamath Falls, Oregon and Weed, California); Report and order (proceeding terminated).

Adopted: December 8, 1978.

Released: December 13, 1978.

By the Chief, Broadcast Bureau:

1. The Commission herein considers the *Notice of Proposed Rule Making*, adopted June 29, 1978, 43 FR 30079, in response to a petition filed by Klamath Broadcasting Company (petitioner), licensee of Station KAGM(FM), Klamath Falls, Oregon. Petitioner proposed the substitution of FM Channel 258 for Channel 253 at Klamath Falls. In order to make possible this substitution, petitioner also requested that FM Channel 265A be substituted for unoccupied and unapplied for Channel 257A at Weed, California. Supporting comments were filed by petitioner and by Sierra Cascade Communications, Inc., licensee of television Station KTVL, Channel 10, in Medford, Oregon. No oppositions to the proposal were received.

2. Klamath Falls (pop. 15,775), seat of Klamath County (pop. 50,021)<sup>1</sup>, is located in south central Oregon, approximately 384 kilometers (240 miles) southeast of Portland, Oregon. It is served locally by FM Stations KJSN (Channel 223), and KAGM (Channel 253), full-time AM Stations KAGO and KFLS, and daytime-only AM Station K1AD.

3. Weed (pop. 2,983), in Siskiyou County (pop. 33,225), is located approximately 111 kilometers (69 miles) southeast of Medford, Oregon. Channel 257A (unoccupied and unapplied for) is assigned to Weed.

4. Petitioner contends that substitution of the Klamath Falls channels would eliminate interference which is being caused to the television service of Medford, Oregon, Stations KTVL (Channel 10)<sup>2</sup>, in the Klamath Falls

area. It asserts that interference is due to the closeness of Station KAGM's second harmonic frequency at 197 MHz to the Channel 10 chrominance subcarrier frequency at 196.839545 MHz. Petitioner notes that in the vicinity of Klamath Falls, at a distance of 96 kilometers (60 miles) from the KTVL transmitter and separated from it by rugged terrain, the television signal is weakened to the point where it is vulnerable to interference from the KAGM second FM harmonic signal. Petitioner states that by shifting its operation from Channel 253 to Channel 258, the possibility of interference to Station KTVL (Channel 10) would be eliminated.

5. A preclusion study indicates that twenty-five communities of over 1,000 population would sustain preclusion as a result of the Channel 258 assignment to Klamath Falls, seven<sup>3</sup> of which have no FM channel assignments of AM stations. However, FM channels would be available to these precluded communities as a result of the deletion of Channel 253 in Klamath Falls where preclusion occurred in the same general area.

6. In view of the above, the Commission believes the public interest would be served by making the proposed substitution of channels in Klamath Falls, Oregon, and Weed, California. The substitution of Channel 258 for Channel 253 in Klamath Falls would eliminate the interference caused by the Klamath Falls FM station to the service of Channel 10 Medford, Oregon, television station which occurs in the Klamath Falls, area. This also requires the substitution of another Class A channel at Weed, California, but this poses no problem.

7. It is expected that Sierra Cascade Communications, Inc., licensee of Station KTVL (Channel 10), Medford, Oregon, will negotiate with Klamath Falls Broadcasting Company, in determining reimbursement for reasonable costs incurred as a result of Station KAGM's frequency change.

8. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered, that effective January 22, 1979, the FM Table of Assignments (Section 73.202(b) of the Rules) is amended with respect to the communities listed below:

City	Channel No.
Klamath Falls, Oregon	223, 258
Weed, California	265A

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

comments filed in response to the *Notice* repeat this.

<sup>3</sup>Oregon: Central Point (pop. 4,004), Jacksonville (1,611); California: Dunsmuir (2,214), Greenville (1,073), Chester (1,551), Summit City (1,000), Corning (3,573).

9. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Klamath Broadcasting company for Station KAGM(FM), Klamath Falls, Oregon, is modified, effective January 22, 1979, to specify operation on Channel 258 instead of Channel 253. The licensee shall inform the Commission in writing no later than January 22, 1979, of its acceptance of this modification. Station KAGM(FM) may continue to operate on Channel 253 for one year from the effective date of this action or until it is ready to operate on Channel 258, or the Commission sooner directs, subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 258 the licensee of Station KAGM(FM) shall submit to the Commission the technical information normally requested of an applicant for Channel 258.

(b) At least 10 days prior to commencing operation on Channel 258 the licensee of Station KAGM(FM) shall submit the measurement data required of an applicant for a broadcast station license; and

(c) The licensee of Station KAGM(FM) shall not commence operation on Channel 258 without prior Commission authorization.

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

FEDERAL COMMUNICATIONS COMMISSION.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 78-35120 Filed 12-18-78; 8:45 am]

[6712-01-M]

[BC Docket No. 78-174; RM-3082]

# PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Fairfield Bay, Arkansas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns Channel 292A as a first FM assignment to Fairfield Bay, Arkansas, at the request of Fairfield Bay, Inc., The channel could be used to provide a first local aural broadcast service to Fairfield Bay.

EFFECTIVE DATE: January 22, 1979.

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

FOR FURTHER INFORMATION CONTACT:

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

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

<sup>2</sup>Sierra Cascade Communications, Inc., licensee of Station KTVL (Channel 10), Medford, Oregon, in initial comments, stated that in order to cooperate in facilitating the Klamath Falls substitution of channels, it would bear a portion of the cost of Station KAGM's frequency change. Supporting

## SUPPLEMENTARY INFORMATION:

[BC Docket No. 78-174 RM-3082]

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Fairfield Bay, Arkansas); *Report and order* (Proceeding Terminated).

Adopted: December 8, 1978.

Released: December 12, 1978.

By the Chief, Broadcast Bureau:

1. On June 13, 1978, at the request of Fairfield Bay, Inc., ("petitioner"), the Commission adopted a *Notice of Proposed Rule Making*, 43 Fed. Reg. 27570, proposing the assignment of Channel 292A to Fairfield Bay, Arkansas, as that community's first FM assignment. Petitioner filed supporting comments reaffirming its intention to apply for the channel, if assigned. Letters in support of the proposal were filed by several citizens in the Fairfield Bay area. Comments were also filed by Weber-King Radio, licensee of daytime-only AM Station KGFL, Clinton, Arkansas.

2. Fairfield Bay (pop. 600)<sup>1</sup>, an unincorporated community, situated in Van Buren County (pop. 8,275)<sup>2</sup>, is located in the foothills of the Ozark Mountains approximately 97 kilometers (60 miles) north of Little Rock, Arkansas. There is no local aural broadcast service in Fairfield Bay.

3. Petitioner points out that Fairfield Bay is a resort, recreation and retirement community which it says is expected to have a population of 5,000 by 1981. Petitioner claims that, in 1977, 50,000 persons visited Fairfield Bay and that visitors have accounted for \$4.7 million in retail sales from 1969 to 1975. It has submitted information with respect to Fairfield Bay's status as a community and its need for a first local aural broadcast service.

4. Weber-King Radio, in its comments, states that it has a pending proposal before the Commission for the assignment of Channel 296A to Clinton, Arkansas. It questions whether two FM channels can be assigned to Van Buren County in which Fairfield and Clinton are located. It asserts that Fairfield Bay's statement as to location of schools is erroneous and contends that Fairfield Bay is a land development and not a community. Weber-King claims that Clinton could better utilize the FM service than Fairfield Bay but adds that it has no objection to Fairfield Bay's having an assignment if two channels can be assigned to the county. It agrees that

both Clinton and the Fairfield Bay area are growing at a rapid rate and that the county needs local nighttime service.

5. Upon careful consideration of the proposal herein, the Commission believes that it would be in the public interest to assign Channel 292A to Fairfield Bay, Arkansas. Although it is unincorporated we believe Fairfield Bay is a community within the meaning of our rules. It has the attributes generally associated with a community such as a Chamber of Commerce, its own post office, churches, civic organizations and a monthly newspaper. A demand has been shown for the proposed assignment and it would provide the community with a needed first local aural broadcast service. It can be made without affecting any existing assignment and would be consistent with the applicable minimum spacing requirements if the transmitter is located 11 kilometers (7 miles) northwest of the community. The assignment of Channel 292A to Fairfield Bay does not preclude the assignment of Channel 296A to Clinton, Arkansas, nor does it conflict with our consideration of that proposal.

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

7. In view of the foregoing, *it is ordered*, that effective January 22, 1979, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, as regards Fairfield Bay, Arkansas, is amended to read as follows:

City	Channel No.
Fairfield Bay, Arkansas .....	292A

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

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

FEDERAL COMMUNICATIONS  
COMMISSION.

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 78-35122 Filed 12-18-78; 8:45 am]

[6712-01-M]

[Docket No. 21350; FCC 78-839]

## PART 90—PRIVATE LAND MOBILE RADIO SERVICES

### Simplifying Certain Procedures for Filing Applications

AGENCY: Federal Communications  
Commission.

ACTION: Report and order.

**SUMMARY:** The FCC adopts rules for the private land mobile radio services (Parts 89, 91 and 93) which simplify the procedures for changing the location of system control points, and the number of mobile transmitters which licensees operate.

**EFFECTIVE DATE:** January 22, 1979.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:**

Eugene C. Bowler, Safety and Special Radio Services Bureau.

[Docket No. 21350, FCC 78-839]

In the matter of amendment of Part 90 of the Commission's Rules to simplify certain procedures for filing applications; *Report and order* (Proceeding Terminated). (See also 42 FR 44561, September 28, 1978).

Adopted: December 7, 1978.

Released: December 15, 1978.

By the Commission: Commissioner Brown absent.

1. We have before us for consideration our proposal to simplify certain of our procedures in the private land mobile radio services.<sup>1</sup> As Proposed, the new rules would eliminate the need for license modification when licensees change either the number of mobile transmitters which they operate below 470 MHz<sup>2</sup>, or the location of their systems' control points.<sup>3</sup> We also proposed to delete the requirement that Land Transportation and Industrial Radio Service applicants furnish us with detailed descriptions of the business activities which form the basis of their eligibility.<sup>4</sup>

2. Comments and replies were filed.<sup>5</sup> They have been considered, and, based on the record, new rules covering changes in the number of mobile transmitters and system control points in the private land mobile radio services are being adopted. However, as urged by the comments, the proposal to eliminate eligibility statements has not been adopted.

<sup>1</sup>Notice of Proposed Rule Making, Docket 21350, 67 FCC 2d. 119 (1977), 42 FR 44561, FCC 77-523 adopted July 21, 1977, issued August 30, 1977.

<sup>2</sup>The new rules do not affect stations operating above 470 MHz, with the exception of Radiolocation Service stations because of the Commission's need above 470 MHz to approve, in advance, any changes in the number of a licensee's mobile units in order to guarantee that applicable loading standards are met.

<sup>3</sup>NPRM, Appendix, Sections 89.75, 91.64, and 93.64.

<sup>4</sup>NPRM, Appendix, Sections 91.252, 91.302, 91.352, 91.402, 91.452, 93.502, 93.552, 93.602, 93.728, and 93.752.

<sup>5</sup>Appendix B, "Parties Filing Comments and Reply Comments."

<sup>1</sup>The community does not appear in the 1970 U.S. Census. Petitioner states that as of 1975 the population of Fairfield Bay was 600 permanent residents.

<sup>2</sup>1970 U.S. Census.



3. These rules, while permitting applicants only to seek authorizations for mobile units which will be operational within eight months of the grant date, will allow licensees of stations operating below 470 MHz and Radiolocation Service licensees to increase or reduce the number of mobile stations they operate without prior Commission approval, but they will be required to notify the Commission within thirty days.

4. The new rules also recognize the special problems governmental public safety licensees have in securing approval and funding for communications systems. The new rules provide for the authorization of public safety radio systems which will not be operational within eight months,<sup>6</sup> if a reasonable implementation schedule for the system involved has been approved, and if commitment for it has been made by the appropriate final authorities of the applicant governmental entity. Further on this point, as we have been requested, we wish to clarify that public safety communications systems which are to be constructed in stages need not have been totally funded before an application may be submitted. The applicant, however, must demonstrate that there is funding for that portion of the system currently being implemented. The rule we have adopted will permit authorizing public safety systems in stages provided, as we said, that the construction of the proposed system and the schedule of its implementation have been considered carefully, and have been approved by the appropriate final authorities.

5. Finally, the new rules permit licensees to change the location of their systems' control points without prior Commission approval, but they will also be required to notify the Commission of new control point locations within thirty days of the change. In this case, as well as when a licensee changes the number of his mobile units, the notification is to be made using the appropriate standard application form (FCC Form 400 or Form 425) and a new license form incorporating the change will be issued. In this way, the licensee's as well as the Commission's requirements will be satisfied.<sup>7</sup>

<sup>6</sup>Section 90.155 of the rules requires licensees to construct their radio station facilities and commence operation within eight months of the date of grant or the authorization becomes invalid.

<sup>7</sup>These changes are not modifications of licenses within the meaning of Section 308(a) of the Communications Act because, in the frequency bands involved here, specific frequency loading standards in terms of mobile units are not prescribed; also, the location of control points is required for administrative purposes only. Therefore, the prescribed application procedures in Section

6. We have not adopted the proposal to eliminate the narrative eligibility statement for applicants in the Land Transportation and Industrial Radio Services. The comments did not support that proposal and we have decided not to pursue it at the present time.

7. We have also not extended beyond the Public Safety Radio Services the rule which we proposed for governmental entities. We have not done this because the rule which is a departure from current practice was designed to accommodate the special needs of public safety licensees, and, beyond merely asking, sufficient showing of need for this capability by others has not been made.

8. For the foregoing reasons, we conclude that the public interest will be served by amending the rules as described.

9. Accordingly, *it is ordered*, That pursuant to the authority contained in Section 4(i) and 303 of the Communications Act of 1934, as amended, Part 90 (formerly Parts 89, 91, and 93) is amended effective January 22, 1979, as set forth below.

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

FEDERAL COMMUNICATIONS  
COMMISSION.

WILLIAM J. TRICARICO.

Secretary.

Part 90 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 90.127 is amended by the addition of subparagraphs (c) and (d) to read as follows:

§ 90.127 Filing of applications.

(c) Each application shall limit its request for authorized mobile transmitters to:

(1) Transmitters which will be installed and operated immediately after authorization issuance; and to

(2) Transmitters for which purchase orders have already been signed and which will be in use within eight months of the authorization date.

(3) In the Public Safety Radio Services only, to transmitters on which bid orders have been or will be sought and which will be in use within eight months of the authorization date, and to transmitters to be placed in operation later than eight months of the authorization date, pursuant to a specific implementation schedule which has been adopted by the appropriate final authorities of the applicant.

(d) Failure on the part of the applicant to provide all information required by the application form or to supply the necessary exhibits or sup-

308(a) of the Act do not preclude the action taken.

plementary statements may constitute a defect in the application.

2. Section 90.135(a)(6) is amended, existing subparagraphs (b)(3) and (b)(4) are deleted and new subparagraphs (b)(3) (b)(4), (b)(5), (b)(6), and (b)(7) are added to read as follows:

§ 90.135 Modification of license.

(a) \* \* \*

(6) Any change in the authorized location of the base station or fixed transmitter or the area of mobile operation.

(b) \* \* \*

(3) Change in the number and location of station control points.

(4) Change in the number of mobile units for stations operation below 470 MHz; or in the number of mobile units operated by Radiolocation Service licensees.

(5) Any other change not listed in paragraph (a) of this section.

(6) In case of a change listed in subparagraph (1) or (2) of this paragraph, the licensee shall promptly notify the Commission of such change. The notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records, the new name or address, the call signs and classes of all radio stations authorized to the licensee under this part and the radio service in which each station is authorized. The notice shall be sent to the Secretary, Federal Communications Commission, Washington, D.C. 20554, and to the Engineer in Charge of the Radio District in which the station is located, and a copy shall be maintained with the license of each station until a new license is issued.

(7) In the case of a change listed in subparagraph (3), (4), or (5) of this paragraph the licensee shall promptly notify the Commission within 30 days of the change. The notice shall be filed on the appropriate application form (FCC Form 400 or Form 425), and shall be sent to the Secretary, Federal Communications Commission, Washington, D.C. 20554.

3. Section 90.155 is amended by the addition of new subparagraph (b) and by paragraph restructuring of the section:

§ 90.155 Time in which station must be placed in operation.

(a) All stations authorized under this part must be placed in operation within 8 months from the date of grant or the authorization shall be invalid and must be returned to the Commission for cancellation.

(b) For local government entities only, a period longer than eight months for placing a station in operation may be authorized by the Com-

mission on a case-by-case basis, where the applicant submits a specific schedule for the completion of each portion of the entire system, along with a showing that the system has been approved and funded for implementation in accordance with that schedule.

#### ELIGIBILITY AND SIGNING REQUIREMENTS

The Commission Document "Instructions for Completion of FCC Form 400" is changed to read as follows:

Item 1(b) paragraph 3 is deleted and a new paragraph is substituted to read:

1. Which will be installed immediately after authorization issuance, or
2. For which purchase orders have been signed and which will be in use within 8 months of the authorization date.
3. In the Public Safety Radio Services only, for units on which bid orders have been sought and which will be in use within 8 months of the authorization date or
4. Transmitters to be placed in operation later than eight months of the authorization date pursuant to a specific implementation schedule which has been adopted by the appropriate final authorities of the applicant.

#### APPENDIX B

##### COMMENTS

1. National Ski Patrol System, Inc.
2. Offshore Navigation, Inc., (ONI).
3. National Association of Business and Educational Radio (NABER).
4. Central Committee on Telecommunications of the American Petroleum Institute (API).
5. Cook's Communication Corporation (CCC).
6. Association of Maximum Service Telecasters, Inc.
7. Forest Industries Telecommunications (FIT).
8. National Association of Manufacturers (NAM).
9. Utilities Telecommunications Council (UTC).
10. Special Industrial Radio Service Association (SIRSA).
11. American Trucking Association (ATA).
12. Associated Public-Safety Communications Officers, Inc. (APCO).
13. Shell Communications, Inc.
14. California Mobile Radio Association (CMRA).
15. American Automobile Association (AAA).
16. Central Station Electrical Protection Association (CSEPA).
17. Mr. Richard S. Woolf.
18. Association of American Railroads (AAR).

##### REPLY COMMENTS

- \*1. Aeronautical Radio, Inc. (ARINC).
- \*2. Association of Maximum Service Telecasters, Inc.

[FR Doc. 78-35123 Filed 12-18-78; 8:45 am]

[4910-06-M]

#### Title 49—Transportation

### CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSFC-5, Notice No. 4]

#### PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Amendment to final rule.

SUMMARY: Part 215 prescribes requirements for the periodic inspection of freight cars including a provision for the completion of all initial periodic inspections by December 31, 1978. The purpose of this notice is to amend Part 215 to provide the railroads and other owners of freight cars with an additional year for completion of the initial periodic inspection of freight cars except for those cars used to transport Class A Poisons or Class A Explosives.

DATES: This amendment is effective December 20, 1978.

FOR FURTHER INFORMATION CONTACT:

#### PRINCIPAL AUTHORS

Principal Program Person: Rolf Mowatt-Larssen, Office of Standards and Procedures, Federal Railroad Administration, Washington, D.C. 20590. Phone 202-426-0924.

Principal Attorney: Lawrence I. Wagner, Office of the Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590. Telephone 202-426-8836.

SUPPLEMENTARY INFORMATION: In response to a petition filed by the Association of American Railroads (AAR), FRA published a notice of proposed rulemaking (NPRM) in the FEDERAL REGISTER on October 2, 1978 (43 FR 45414). The NPRM proposed to amend section 215.25 of the Freight Car Safety Standards (49 CFR 215.25) by changing the date by which the initial periodic inspection of freight cars must be completed. The change proposed by FRA would permit the railroads and other owners of freight cars to have an additional year to complete the required inspections. The proposed amendment would permit these inspections to be completed by December 31, 1979 rather than the present deadline of December 31, 1978. It would also permit a "one-time" extension of the reinspection interval for freight cars that had been initially inspected during the years 1974 and

1975. These cars would have to be reinspected by December 31, 1978.

#### COMMENTER VIEWS

FRA has received written responses from thirty-five parties who offered views or comments on this proposal. Additionally, FRA received oral presentations during a public hearing held on November 15, 1978. All of the commenters, with one exception, supported the proposed amendment. The opposing commenter, the Office of Rail Counsel (ORPC), urged that FRA not permit any extension of the inspection deadline for freight cars used to transport placarded hazardous materials and that other freight cars be given either a six month extension or twelve month extension. The six month extension should, in ORPC's view, be given to railroad owned cars and the longer extension to privately owned freight cars.

Three commenters, who urged adoption of the proposed amendment, took issue with some aspect of the proposal. The AAR and Norfolk and Western Railway (N&W) expressed the opinion the limited reinspection extension proposed by FRA will not be sufficient to avoid an overloading of the railroad shop facilities. Both AAR and N&W reiterated the arguments made in the AAR petition concerning the request that cars inspected in 1974 and 1975 be allowed to operate for up to six years before receiving their second periodic inspection. The remaining commenter, Trailer Train Company (TTX), took issue with entire concept of periodic inspections and expressed the view that the provisions relating to inspection of high utilization equipment in particular were overly restrictive, economically burdensome and not effective to the improvement of rail safety.

#### FRA ANALYSIS OF COMMENTS

In the NPRM, FRA provided its evaluation of the factors that completion of the initial periodic inspection. The factors enumerated by FRA included the economic conditions affecting the railroads, the problems of car supply, equipment shortages and the ability of the railroads to comply.

In suggesting only a six month extension ORPC addressed only the economic condition of the railroads in general terms. ORPC did not address the other factors which in FRA's judgement bear directly and significantly on the issue of the appropriate deadline. Consequently, FRA does not believe that the recommendation of ORPC should be adopted and has retained the one year extension provision that was originally proposed.

Additionally, ORPC urged no extension for cars used to transport hazardous materials. Although not clearly enunciated by ORPC, the concern



here appears to be focused on cars used to transport compressed flammable gases. FRA shares the ORPC concern over this equipment and has already acted to improve the safety performance of these cars. The FRA efforts include a requirement that these cars be equipped with shelf couplers, head shields and thermal insulation on an expedited basis as described in the public notice issued on July 13, 1978 (43 FR 30057). Moreover, since most of the cars used to transport these gases are privately owned, FRA believes that the restrictive approach suggested by ORPC would impose a disproportionate burden on the private owners of railroad freight cars which is precisely the group of cars that ORPC urges be given a full year extension. Consequently, FRA has not adopted this suggestion.

Two commenters, AAR and N&W, who urged extension of the reinspection interval for freight cars initially inspected in 1976, premised their position on a need to evenly distribute the inspection work done in a given year in order to avoid overtaxing the limited shopping facilities of the industry. Although the N&W presented data as to the situation on that railroad, these commenters did not provide any data to support their contention that this will be an industry wide problem. In the absence of such data FRA believes that the proposed change to the reinspection interval for cars inspected in 1974 and 1975 is all that is warranted for the industry in general. If an isolated problem such as that suggested by the N&W data does present itself in the future, FRA will address that issue on a case by case basis through the granting a waiver in unique circumstances.

The final commenter who took issue with the FRA proposal, TTX, expressed concern about the regulations that are beyond the scope of this proposed amendment. The matters raised by TTX in this proceeding were discussed by TTX and others during the general safety inquiries, held by FRA and will be considered when FRA issues proposed changes to the entire regulation.

After considering all of the comments FRA has decided to adopt the proposed changes without modification. However, FRA has added conforming changes to other portions of the Freight Car Safety Standards which are hinged on the date established for completion of the initial periodic inspections.

The amendment being adopted by FRA will serve to relieve an existing restriction. Therefore, in accordance with the provisions of section 553 of the Administrative Procedure Act (5 U.S.C. 553) this amendment is being

made effective in less than 30 days after publication.

ECONOMIC IMPACT

FRA has reviewed its prior analysis of the economic impact of this proposal in light of the comments received in this proceeding and FRA has determined that this notice does not contain a significant regulatory proposal. Therefore, a Regulatory Analysis under Executive Order 12044 is not required (E.O. 12044, 43 FR 12661, March 24, 1978).

In addition, FRA has evaluated this proposal in accordance with DOT's existing and proposed policies for the evaluation of regulatory impacts. Since the proposed regulations would not impose any additional requirements and would merely extend the compliance date for completing certain required periodic inspections, FRA concludes that the regulatory proposal contained in this notice would have no measurable regulatory impact and that a detailed evaluation is not warranted. (Policies and Procedures for Simplification, Analysis, and Review of Regulations, 43 FR 9582, March 8, 1978; Proposed Regulatory Policies and Procedures, 43 FR 23925, June 1, 1978).

In consideration of the foregoing, Chapter II to Title 49, Code of Federal Regulations is amended as follows:

1. By amending the introductory portions of paragraph (b), paragraph (c)(7) and paragraph (e)(1)(i) of § 215.11 to read as follows:

§ 215.11 Stenciling.

(b) After December 31, 1974, each railroad freight car described in § 215.225(a) which has received its initial periodic inspection under § 215.25 or which the railroad knows, or has notice, that it is described under § 215.225, and after December 31, 1979, every car described in § 215.225(a), must be stenciled or otherwise display in clearly legible letters on each side as follows:

(c) \* \* \*  
(7) After December 31, 1979, except for a car originally constructed or reconditioned within the period required by § 215.25 for periodic inspection, the symbol "INSP" followed by—

(e) \* \* \*  
(1) \* \* \*  
(i) After December 31, 1979, inspected as prescribed by § 215.27 unless stenciling or other displayed under paragraph (c)(7) of this section indicates that the car otherwise complies

with the inspection requirements of § 215.25; and

2. By amending § 215.25 as follows:

§ 215.25 Periodic Inspection Required.

(b) Except as provided in paragraph (e) of this section, after December 31, 1979, a railroad may not operate a railroad freight car unless—

(d) Before June 1, 1974, each railroad that is in operation on January 1, 1974, and has in service railroad freight cars to which this part applies shall submit to the Federal Railroad Administrator for approval under § 215.29 three copies of a program to bring all those cars into compliance with paragraphs (a) and (b) of this section by January 1, 1980. Each railroad that commences operations after January 1, 1974, shall submit a program to the Administrator for approval at least 90 days before the date it commences operations. Each program submitted to the Administrator for approval must include procedures to be followed by inspection personnel to assure compliance with all applicable requirements of this part.

(e) Notwithstanding the requirements of paragraph (b)(1) of this section, a railroad may continue to operate a railroad freight car that was inspected in 1975 if—

- (1) The car is other than a high utilization car; and
- (2) The car has been inspected, as prescribed by § 215.27 of this part, within the preceding 60 months.

3. By amending § 215.223(c) as follows:

§ 215.223 Prohibited Cars.

(c) December 31, 1979.

4. By amending § 215.225(b) as follows:

§ 215.225 Restricted Cars.

(b) Subject to the requirements of paragraph (d) of this section, a railroad may operate railroad freight cars described in paragraph (a) of this section only under conditions approved by the Federal Railroad Administrator, after December 31, 1974, if the car has received its initial periodic inspection under § 215.25 or the railroad knows or has notice that the car is equipped with the design or compo-

nent; or December 31, 1979. Petitions for approval must be submitted to the Administrator in triplicate at least 90 days before the date the approval is requested to become effective. Each petition for approval must state:

(Secs. 202 and 208, Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431 and 437); Sec. 1.49(n), Regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)).)

Issued in Washington, D.C. on December 15, 1978.

JOHN M. SULLIVAN,  
Administrator.

[FR Doc. 78-35358 Filed 12-18-78; 8:45 am]

[7035-01-M]

## CHAPTER X—INTERSTATE COMMERCE COMMISSION

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S. O. No. 1182, Amdt. 4]

#### PART 1033—CAR SERVICE

##### Substitution of Stock Cars for Boxcars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order, Amendment No. 4 to Revised Service Order No. 1182.

SUMMARY: Revised Service Order No. 1182 authorizes the Burlington Northern, Inc. to substitute specially prepared stock cars for boxcars for shipments of grain originating on its line in order to augment the available supply of cars suitable for grain traffic. Amendment No. 4 extends the order for six months. The order is printed in full in the FEDERAL REGISTER, Volume 42 at page 3844.

DATES: Effective 11:59 p.m., December 15, 1978. Expires 11:59 p.m., June 15, 1979.

##### FOR FURTHER INFORMATION CONTACT:

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

Decided December 12, 1978.

Upon further consideration of Revised Service Order No. 1182 (42 FR 3844, 37000; 43 FR 2395 and 31015), and good cause appearing therefor:

It is ordered, §1033.1182 Service Order No. 1182 (substitution of stock cars for boxcars) is amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 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., December 15, 1978.

(49 U.S.C. (10304-10305 and 11121-11126).)

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, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

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

H. G. HOMME, Jr.,  
Secretary.

[FR Doc. 78-35239 Filed 12-18-78; 8:45 am]

[7035-01-M]

[S.O. No. 1200, Amdt. 9]

#### PART 1033—CAR SERVICE

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

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order, Amendment No. 9 to Service Order No. 1200.

SUMMARY: The Missouri Pacific Railroad Company (MP) by Service Order No. 1200 is authorized to operate over tracks of the Union Pacific Railroad Company (UP) between South Omaha, Nebraska, and Omaha, Nebraska, in order to reduce substantially the number of train movements over rail-highway grade crossings, thereby minimizing hazards to the public and to operating personnel of the railroad. Amendment No. 9 extends Service Order No. 1200 until June 15, 1979, from its present expiration of December 15, 1978. The order is printed in full in the FEDERAL REGISTER, Volume 39 at page 38103.

DATES: Effective 11:59 p.m., December 15, 1978. Expires 11:59 p.m., June 15, 1979.

##### FOR FURTHER INFORMATION CONTACT:

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

Decided December 12, 1978.

Upon further consideration of Service Order No. 1200 (39 FR 38103; 40 FR 2990, 30268; 41 FR 2644, 29387; 42 FR 3309, 31163, 63788; and 43 FR 26446), and good cause appearing therefor:

It is ordered, §1033.1200 Service Order No. 1200 (Missouri Pacific Railroad Company authorized to operate over tracks of Union Pacific Railroad Company) is amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 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., December 15, 1978.

(49 U.S.C. (10304-10305 and 11121-11126).)

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, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

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

H. G. HOMME, Jr.,  
Secretary.

[FR Doc. 78-35240 Filed 12-18-78; 8:45 am]

[7035-01-M]

[Corrected S. Order No. 1249, Amdt. 5]

#### PART 1033—CAR SERVICE

##### Octoraro Railway, Inc., Authorized To Operate Over Portion of USRA Line No. 142, Former Octoraro Branch of Penn Central Transportation Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order, Amendment No. 5 to Corrected Service Order No. 1249.

**SUMMARY:** The Octoraro Railway, Inc., is authorized by Service Order No. 1249 to operate USRA Line No. 142, between Wawa, Pennsylvania, and the Maryland-Pennsylvania State line. This line was abandoned by the former Penn Central Transportation Company on April 1, 1976. An application seeking permanent authority for operation of this line by the Octoraro Railway is presently being considered by the Commission. Amendment No. 5 to Corrected Service Order No. 1249 extends until June 15, 1979, the Octoraro Railway's authority to operate this line. The order is printed in full in Volume 41 of the FEDERAL REGISTER at page 34607.

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

Decided: December 12, 1978.

Upon further consideration of Corrected Service Order No. 1249 (41 FR 34607, 50448; 42 FR 25325, 59386 and 43 FR 26311), and good cause appearing therefor:

*It is ordered, § 1033.1249 Corrected Service Order No. 1249 (Octoraro Railway, Inc., authorized to operate over portion of USRA Line No. 142, former Octoraro Branch of Penn Central Transportation Company) is amended by substituting the following paragraph (g) for paragraph (g) thereof:*

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 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., December 15, 1978.

(49 U.S.C. (10304-10305 and 11121-11126).)

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

By the Commission, Railroad Service Board, members Joel E. Burns,

Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,  
Secretary.

[FR Doc. 78-35242 Filed 12-18-78; 8:45 am]

[7035-01-M]

[S. Order No. 1343, Amdt. 11]

**PART 1033—CAR SERVICE**

**Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago and North Western Transportation Co.**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Emergency Order, Amendment No. 1 to Service Order No. 1343.

**SUMMARY:** The line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between Clinton, Iowa, and Tama, Iowa, is deteriorated and is in need of rehabilitation because of track conditions. Service Order No. 1343 authorizes the MILW to operate over tracks of the Chicago and North Western Transportation Company (CNW) between Clinton, Iowa, and Tama, Iowa; between Otis, Iowa, and Cedar Rapids, Iowa; and between Beverly, Iowa, and Cedar Rapids, Iowa. This order will permit continued through service between Clinton, Iowa, and Tama, Iowa, and continued service to Cedar Rapids. Amendment No. 1 extends this order for six months. The order is printed in full in volume 43 of the FEDERAL REGISTER at page 50183.

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

Decided December 12, 1978.

Upon further consideration of Service Order No. 1343 (43 FR 50183), and good cause appearing therefor:

*It is ordered, § 1033.1343 Service Order No. 1343 (Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Company is amended by substituting the following paragraph (f) for paragraph (f) thereof:*

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 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., December 15, 1978.

(49 U.S.C. (10304-10305 11121-11126).)

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

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

H. G. HOMME, Jr.,  
Secretary.

[FR Doc. 78-35241 Filed 12-18-78; 8:45 am]

[3510-22-M]

**Title 50—Wildlife and Fisheries**

**CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE**

**PART 611—TANNER CRAB OFF ALASKA**

**Final Regulations**

**AGENCY:** National Oceanic and Atmospheric Administration/Commerce.

**ACTION:** Final regulations.

**SUMMARY:** Final regulations applicable to vessels of foreign nations fishing for Tanner crab off Alaska are promulgated. The regulations implement the Fishery Management Plan (FMP) for Tanner Crab off Alaska prepared by the North Pacific Fishery Management Council and approved by the Secretary of Commerce on April 18, 1978 (see 43 FR 21170, May 16, 1978), under the authority of the Fishery Conservation and Management Act, as amended (the Act) (16 U.S.C. 1801 *et seq.*). For final regulations applicable to vessels of the United States, see 43 FR 57149, December 6, 1978.

**EFFECTIVE DATE:** These regulations are effective immediately.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Harry Rietze, director, Alaska Region, National Marine Fisheries

Service, Box 1168, Juneau, Alaska 99802, Telephone: 907-586-7221.

**SUPPLEMENTARY INFORMATION:** Proposed regulations applicable to foreign vessels fishing for Tanner crab in the United States Fishery Conservation Zone (FCZ) off Alaska were published for public comment on May 16, 1978 (see 43 FR 21170 for a detailed history of this action). Changes and additions were made to those proposed rules and an additional public comment period was provided (43 FR 54964, November 24, 1978).

The changes are primarily editorial. However, § 611.91(b)(2) was rewritten to make it clear that Tanner crab may be retained only by vessels conducting a directed fishery for Tanner crab, and new § 611.91(d)(2) provides that foreign vessels may not possess Tanner crab pots in the FCZ while engaging in any other fishery.

The total allowable level of foreign fishing (TALFF) appears in § 611.20 instead of § 611.91(b). The 1978 TALFF for Tanner crab in the Bering Sea is 15,000 metric tons. The proposed TALFF for 1979 is 15,000 metric tons (see 43 FR 54964, November 24, 1978). Allocations of the TALFF to foreign nations will be announced by the Department of State.

These final rules should be read in conjunction with the final Foreign Fishing Regulations (as proposed for 1979, See 43 FR 51053), particularly Subpart A and § 611.90 which apply specifically to the Tanner crab fishery.

#### COMMENTS

No new comments on the proposed rules were received during the last comment period which ended on November 30, 1978. Issues and concerns raised by commenters during the previous comment period, which ended June 30, 1978, and responses to those comments, are as follows:

1. The Japanese Tanner crab industry commented that the fleet separation line specified in the proposed regulations should be modified to allow Japanese fishing for Tanner crab south of 58° N. latitude and west of 173° W. longitude for the remainder of the 1978 fishing season.

Response: During the 1978 fishing season the Japanese Tanner crab industry has been regulated under a preliminary fishery management plan (PMP). During 1978, the North Pacific Fishery Management Council requested the National Marine Fisheries Service (NMFS) to increase the area in the FCZ within which foreign fishermen were allowed to fish for the Tanner crab species *C. opilio*, to include the area north of 54° N. latitude and west of 173° W. longitude. An amendment to the PMP to that effect was effective on July 3, 1978, for the remainder of the 1978 fishing season (see 43 FR

29127, July 6, 1978). See also the response to comment 2.

2. Several commenters requested that any Tanner crab FMP becoming effective in 1978 be amended to conform to the PMP, as amended, by allowing Japanese fishing for Tanner crab south of 58° N. latitude and west of 173° W. longitude.

Response: In July 1978, the PMP was amended to allow Japanese fishing in this area because no U.S. fishing activity was planned or predicted there. In the FMP, however, the North Pacific Fishery Management Council determined that the U.S. domestic Tanner crab fishing fleet has the intent, desire, and capacity to fully harvest the optimum yield of *C. bairdi* crab in the eastern Bering Sea. Surveys show that the vast majority of the stocks of this species of Tanner crab (all but about 2 percent) are found south of 58° N. latitude. At this time, there is no new evidence on which to base a change in that determination. Future changes can be made by amendment to the plan if new data become available but in order to: (1) Separate fisheries for the two species of Tanner crab *C. bairdi* and *C. opilio* (to minimize incidental catches of *C. bairdi* by the foreign fishermen); (2) reserve the optimum yield of *C. bairdi* for U.S. fishermen; and (3) separate the domestic and foreign fleets to minimize the possibility of gear conflicts, the FMP retains the restriction of foreign harvest of Tanner crab to the area north of 58° N. latitude and west of 164° W. longitude.

3. Several commenters requested that the optimum yield and Japanese allocation of Tanner crab be increased.

Response: *C. bairdi* and *C. opilio* occupy much the same place in U.S. and foreign markets in that the supply of one influences market conditions for the other. The Council has determined that any substantial increase in catch of either species by foreign nations would adversely affect the expanding U.S. Tanner crab fishery. The Japanese allocation of Tanner crab in 1976 was 10,200 metric tons; in 1977, 12,500 metric tons; and under the 1978 PMP, 15,000 metric tons. Thus, the United States has increased quotas cautiously. Future requests for changes in optimum yields and allocations will be fully considered; however, the requirements of U.S. fishermen and the need to provide for an orderly development of the fishery are primary considerations. At this time, until new data indicate otherwise, these needs and requirements preclude any change in the optimum yield and total allowable level of foreign fishing for Tanner crab.

4. Several commenters requested that the Japanese fishing fleets be al-

lowed to fish for the Tanner crab species *C. bairdi*.

Response: The Japanese fishery can fish for and retain *C. bairdi* in the area beyond 12 nautical miles of the base line used to measure the U.S. territorial sea, north of 58° N. latitude and west of 164° W. longitude. Almost all Tanner crab of the species *C. bairdi* are found south of 58°, in areas the FMP reserves for U.S. fishermen. The preponderance of testimony during Council meetings and hearings on these matters indicated that the U.S. catch of Tanner crab would increase in the near future, that U.S. fishermen have the capacity and intent to harvest all the OY of *C. bairdi*, and thus that no additional *C. bairdi* would be available for allocation to foreign fisheries. See also the response to comment 2 above.

The Assistant Administrator for Fisheries, under a delegation of authority from the Secretary of Commerce, has determined that these regulations and the FMP for Tanner Crab off Alaska are consistent with the National Standards, the other provisions of the Act, and other applicable law, and do not require a regulatory impact analysis under Executive Order 12044. An environmental impact statement has been filed with the Environmental Protection Agency.

Signed at Washington, D.C., this 13th day of December 1978.

WINFRED H. MEIBOHM,  
Acting Executive Director, Na-  
tional Marine Fisheries Ser-  
vice.

50. CFR 611.20 and 611.91 are amended.

#### § 611.20 [Amended]

Section 611.20 is amended as follows: In § 611.20, Table I, total allowable level of foreign fishing the entry for "501 and 610 \* \* \* crab, Tanner \* \* \* crab \* \* \* Reserved" is amended to delete the reference to "Reserved" and to insert "15,000."

Section 611.91 is amended as follows:

#### § 611.91 Tanner crab fishery.

(a) *Purpose.* This section regulates foreign fishing for Tanner crab (all species of the genus *Chionoecetes*, including *C. bairdi*, *C. opilio*, and hybrids) in the Bering Sea.

(b) *Authorized fishery.*—(1) *Allocations.* Foreign vessels may engage in fishing only in accordance with applicable national allocations.

(2) *TALFF.* The total allowable level of foreign fishing (TALFF) for Tanner crab is listed in Table I to § 611.20(c).

(3) *Closures.* The taking of Tanner crab for which a nation has an allocation is permitted: *Provided*, That the fishery has not been closed under § 611.15.

(4) *Directed fishery.* The Tanner crab fishery may be conducted only as a directed fishery. Notwithstanding the fact that there may be an applicable national allocation of Tanner crab and the fact that a vessel may be permitted in the Tanner crab fishery in addition to the snail fishery and/or the Bering Sea and Aleutian Islands fishery, Tanner crab caught while engaged in another fishery may not be retained.

(c) *Open areas.* Except for the closed areas set forth in paragraph (d) of this section, foreign fishing vessels may fish for Tanner crab in the entire Bering Sea.

(d) *Closed areas.* No foreign vessel may fish for Tanner crab:

(1) Within twelve nautical miles of the baseline used to measure the U.S. territorial sea; (2) South of 58° N. latitude; or (3) East of 164° W. longitude.

(e) *Gear restrictions.* (1) No foreign vessel fishing for Tanner crab may use gear other than crab pots. A crab pot is defined as a portable structure designed and constructed to capture and retain crabs alive in the water.

(2) No foreign fishing vessel may possess crab pots in the FCZ while engaging in any other fishery.

(f) *Other restrictions.*—(1) *Non-retention.* No foreign vessel may retain any female or soft shell Tanner crab or any species of crab other than the genus *Chionoecetes*. All female or soft shell Tanner crabs and all crabs other than the genus *Chionoecetes* shall be immediately returned to the sea in a manner which minimizes handling mortality, and in accordance with § 611.13.

(2) *Processing.* No foreign fishing vessel operating with a factory ship may process Tanner crabs. All crabs taken by such vessels must be processed solely by a factory ship permitted in the Tanner crab fishery.

(3) *Loading and off-loading.* Tanner crabs must be taken aboard factory ships in a manner in which an observer can verify the total weight of crabs taken aboard. Tanner crabs off-loaded within the fishery conservation zone from fishing vessels not operating with a factory ship must be transferred in a manner in which an observer can verify the total weight of crabs off-loaded.

(4) *Pre-departure inspection.* No foreign vessel which engages in fishing, as defined in § 611.2(r)(1), in the Tanner crab fishery, other than a vessel operating with a factory ship, may depart the fishery conservation zone until its catch of crabs on board is inspected by an observer or an authorized officer. Fishing, as defined in § 611.2(r)(1), by such vessel after the pre-departure inspection is prohibited.

(g) *Additional reports.*—(1) *Daily report.* Each foreign vessel which en-

gages in fishing, as defined in § 611.2(r)(1), in the Tanner crab fishery, other than a vessel operating with a factory ship, shall report daily to the Regional Director, NMFS, Juneau, Alaska:

(i) The vessel's 12 noon (G.m.t.) position;

(ii) The vessel's catch for the preceding day by the following categories: *C. bairdi*, *C. opilio*, and hybrids; and

(iii) The vessel's cumulative catch.

(2) *Weekly catch report.* The weekly catch report required by § 611.9(e) shall be submitted to the Regional Director within 6 days following each 7-day period, and shall contain the following information in addition to that required by § 611.9(e):

(i) Effort in total pot lifted during the 7-day period, and

(ii) Catch during the 7-day period, in metric tons and number of crabs, by the following categories: *C. opilio*, *C. bairdi*, and hybrids.

(3) *Annual report.* Each nation whose vessels engage in this fishery shall report by May 30 of the following year annual catch and effort statistics as follows: *Effort* in number of pots hauled and hours pots soaked; *catch* in metric tons and the number of Tanner crabs by the following categories: *C. opilio*, *C. bairdi*, and hybrids. Each of these requirements is to be supplied by vessel class, by month, by ½° (lat.) by 1° (long.) statistical area.

[FR Doc. 78-35159 Filed 12-18-78; 8:45 am]

## [1505-01-M]

### Title 7—Agriculture

#### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange and Grapefruit Regulation 30, Amendment 1]

#### PART 906—ORANGES AND GRAPEFRUIT GROWN IN TEXAS

##### Grade and Size Requirements Correction

In FR Doc. 78-34602 appearing at page 57912 in the issue for Monday, December 11, 1978, make the following corrections:

(1) On page 57912, in the third column, in § 906.361(a)(2), line one should read, "Such oranges are at least pack".

(2) On page 57912, in the third column, in § 906.361(a)(2), in the 7th line, "pack" should read "pack".

[3410-05-M]

#### CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

##### SUBCHAPTER C—EXPORT PROGRAMS

[GSM-101, Amdt. 1]

#### PART 1487—NONCOMMERCIAL RISK ASSURANCE PROGRAM

##### Subpart—Assuring Against Defaults Caused by Noncommercial Risk Occurrences

##### MISCELLANEOUS AMENDMENTS

AGENCY: Commodity Credit Corporation, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This amendment to the Non-Commercial Risk Assurance Program (GSM-101) regulations broadens the definition of the term "non-commercial risk" to include risk of loss due to failure of a government-owned or controlled foreign bank to make payments for any reason under its letter of credit or related bank obligation.

The amendment is necessary because major U.S. banks have been unwilling to provide financing to U.S. exporters under the GSM-101 Program claiming it is difficult to differentiate non-commercial risk from commercial risks when a government-owned or controlled foreign bank defaults.

This amendment will encourage U.S. banks to provide additional private financing to U.S. exporters under the GSM-101 Program for their sales of U.S. agricultural commodities abroad.

EFFECTIVE DATE: December 19, 1978.

FOR FURTHER INFORMATION CONTACT:

L. T. McElvain, Commercial Export Programs, Office of the General Sales Manager, U.S. Department of Agriculture, 14th Street and Independence Ave., S.W., Washington, D.C. 20250, telephone: (202) 447-3224.

SUPPLEMENTARY INFORMATION: U.S. banking officials have urged the broadened definition of the term "non-commercial risk" because government control of a bank implies that the full faith and credit of the government guarantees payment of the bank's obligations, and therefore, any default of the bank should be imputed to the government which controls it.

All U.S. banks are limited by commercial risk consideration in the extent to which they can provide credit to any one country at any one time. Under the prior definition of "non-commercial risk", a U.S. bank

was required to charge financing transactions secured by a government-owned foreign bank to the U.S. bank's lending ceiling for that country. The amended definition of the term "non-commercial risk" will permit U.S. banks to raise their country ceilings for many countries in need of credit for their agricultural imports and make additional financing available to U.S. agricultural exporters.

Prompt action is necessary for the following reasons: (1) In general, domestic inventories of U.S. agricultural commodities are at exceedingly high levels; (2) there is a pressing and immediate need to increase export sales of U.S. agricultural commodities in order to maintain high levels of farm income; (3) additional sources of financing are needed to permit many foreign buyers of U.S. farm products to meet their needs for food, feeds, and fibers; and (4) export opportunities will be permanently lost if prompt action is not taken to provide such additional financing.

Accordingly, Kelly M. Harrison, General Sales Manager, Office of the General Sales Manager, U.S. Department of Agriculture, has determined that a situation exists requiring immediate program action; that compliance with the notice of proposed rulemaking, public procedure and 30 day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to public interest; and that in accordance with the provisions of Executive Order 12044 (43 FR 12661; March 24, 1978), it is not possible to publish this amendment in proposed form and allow 60 days for public comments.

NOTE.—A draft Impact Analysis Statement is available from L. T. McElvain (OGSM), (202) 447-3224.

#### FINAL RULE

Accordingly, Part 1487 of CFR containing the terms and conditions of the Non-Commercial Risk Assurance Program (GSM-101) regulations (43 FR 4033) is hereby amended as follows:

1. Section 1487.2, paragraph (k) is amended to read as follows:

§ 1487.2 Definition of terms.

(k) "Non-commercial risk" means the risk of loss as a result of (1) failure by the foreign bank, through no fault of its own, to make remittances pursuant to its letter of credit or related obligation arising out of the letter of credit because of: (i) War, hostilities, civil war, rebellion, insurrection, or civil commotion; or (ii) expropriation, confiscation, or like action by government; or (iii) the imposition by governmental authority of any order, decree, or regulation of general applicability

having the force of law; or (iv) the failure of the central exchange authority to transfer local currency into dollars; or (2) failure of the foreign bank to make payments for any reason, if it is an instrumentality of or is wholly owned by the foreign government.

(Sec. 5(f), 62 Stat. 1072 (7 U.S.C. 714c(f)))

Signed at Washington, D.C., on December 13, 1978.

FRED WELZ,  
Acting Vice President, Commodity Credit Corporation and  
Acting General Sales Manager,  
Office of the General Sales Manager.

[FR Doc. 78-35158 Filed 12-18-78; 8:45 am]

[3410-07-M]

#### Title 7—Agriculture

### CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE, ADMINISTRATIVE PROVISIONS; MANAGEMENT, AUDITS AND INVESTIGATIONS, AND ORGANIZATION

[FmHA Instruction 2003-A]

#### Functional Organization of the Farmers Home Administration; Redesignation—Revision

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration issues its new statement of organization and functions. This action is taken as a result of the recent Agency reorganization and is published in order to keep the public informed of the Agency structure.

EFFECTIVE DATE: December 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph Freburger, Director, Management Systems and Organization Planning Division. Phone: (202) 447-2445

SUPPLEMENTARY INFORMATION: The Farmers Home Administration amends its regulations to amend the title of Subchapter Q to read "Reports"; to establish a new Subchapter V entitled "Administration"; to transfer Parts 2006 "Management" and 2012 "Audits and Investigations" to the new Subchapter V; to delete Subparts A and B of Part 1800; add a new Part 2003 to the new Subchapter V of Chapter XVIII, Title 7 in the Code of Federal Regulations. This action is taken as a result of the Reorganiza-

tion of the Farmers Home Administration which was approved on November 21, 1978 by the Assistant Secretary for Rural Development, the Assistant Secretary for Administration and the Administrator.

It is the policy of this Department that rules pertaining to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the changes are strictly internal and administrative and are for the information of the public.

Therefore, various amendments are made to Chapter XVIII as follows:

#### SUBCHAPTER A—GENERAL REGULATIONS

##### PART 1800—ADMINISTRATIVE PROVISIONS

§§ 1800.1-1800.4 (Subpart A) and  
§§ 1800.11-1800.12 (Subpart B) [Reserved]

1. Subparts A and B of Part 1800 are hereby deleted and reserved.

#### SUBCHAPTER Q—REPORTS

2. Subchapter Q is amended to change the title from "ADMINISTRATION" to "REPORTS".

##### PART 2006—MANAGEMENT (TRANSFERRED FROM SUBCHAPTER Q TO SUBCHAPTER V)

##### PART 2012—AUDITS AND INVESTIGATIONS (TRANSFERRED FROM SUBCHAPTER Q TO SUBCHAPTER V)

3. Part 2006 "Management" and Part 2012 "Audits and Investigations" are transferred from Subchapter Q to Subchapter V—Administration.

#### SUBCHAPTER V—ADMINISTRATION

4. A new Subchapter V is established to include a new Part 2003, and Parts 2006 and 2012.

#### SUBCHAPTER V—ADMINISTRATION

##### PART 2003—ORGANIZATION

5. A new Part 2003—Organization, Subpart A, "Functional Organization of the Farmers Home Administration" is added to Subchapter V to read as follows:

#### SUBCHAPTER V—ADMINISTRATION

##### PART 2003—ORGANIZATION

Subpart A—Functional Organization of the Farmers Home Administration

Sec.  
2003.1 General.  
2003.2 Approval authority.  
2003.3 Definitions [Reserved]  
2003.4 Responsibility for administration.



Sec.  
2003.5 Compliance with the approved organization.  
2003.6—2003.50 [Reserved]  
Exhibit A.<sup>1</sup>  
Exhibit B.

AUTHORITY: 7 U.S.C. 1981 and 1989; 42 U.S.C. 1471 and 1480; 5 U.S.C. 301 and 552; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

# **Subpart A—Functional Organization of the Farmers Home Administration**

## **§ 2003.1 General.**

Organization charts are made to show responsibilities and authorities. All officials must know the structure of Farmers Home Administration (FmHA) organization. Exhibit A<sup>1</sup> shows this structure for FmHA as a whole and Exhibit B shows the Assignment of Functions broken down for the National Office and field.

## **§ 2003.2 Approval authority.**

The Assistant Secretary for Administration is responsible for the final approval of organization charts, including changes in functions. The Administrator is responsible for recommending changes to the Assistant Secretary for Rural Development.

## **§ 2003.3 Definitions. [Reserved]**

## **§ 2003.4 Responsibility for administration.**

The Administrator must see that the administration of FmHA's work is efficient. The head of each unit must make periodic reviews and make recommendations for improvements.

## **§ 2003.5 Compliance with the approved organization.**

Units must comply with the organizational structure prescribed in the organizational charts and functional orders. Positions at variance with the approved organization will not be established.

## **§ 2003.6—2003.50 [Reserved]**

# **EXHIBIT B—U.S. DEPARTMENT OF AGRICULTURE, FARMERS HOME ADMINISTRATION**

## **07 01 00 OFFICE OF THE ADMINISTRATOR**

### **ASSIGNMENT OF FUNCTIONS**

Responsible for:

(1) The management of the programs of the Farmers Home Administration which provide assistance to rural Americans and their communities in:

(a) Owning and operating family farms.

<sup>1</sup>Filed with the Office of the Federal Register as part of the original document.

(b) Obtaining adequate, affordable housing.

(c) Having access to needed community facilities.

(d) Improving economic opportunity through business and industrial development.

(2) Assisting the Secretary in carrying out his responsibilities for leadership and coordination of national and local rural development efforts.

## **07 01 00 0003 OFFICE OF ASSOCIATE ADMINISTRATOR FOR RURAL DEVELOPMENT POLICY MANAGEMENT AND COORDINATION**

### **ASSIGNMENT OF FUNCTIONS**

1. Aid the Administrator in supporting the Secretary of Agriculture in carrying the latter's responsibilities for leadership and coordination of national and local rural development efforts.

2. Assist the Administrator in developing policies and objectives for the conduct of the Agency's program for the improvement of small and rural communities.

3. Supervise staffs of experts in matters needed for the development of small and rural communities.

## **0701 00 0003 01 RURAL POLICY DEVELOPMENT STAFF**

### **ASSIGNMENT OF FUNCTIONS**

The purpose of this unit is to provide necessary staff support for developing comprehensive national rural development policies and programs. The focus of this unit's activities will be primarily at the federal level and will cover all federal agencies and programs. The overall emphasis will be in policy and program analysis, development, and management. The objective will be to establish an effective process for the development and management of rural development goals and policies which will result in a comprehensive and integrated federal rural development strategy.

To fulfill this function the Staff will work closely with the Economic Development Division of the Economic Research Service, as well as other appropriate federal agencies and departments in identifying data/information needs and gaps, interpreting rural conditions and trends, identifying significant problems and opportunities, and proposing and reporting on progress on national/regional goals, objectives, targets, etc.

This unit will also be responsible for developing and maintaining organizational and institutional relationships and structures involving all levels of government—federal, state, substate, and local—which contribute to and facilitate a comprehensive rural development policy development/management process. Specific activities will include providing staff assistance to the Assistant Secretary's Working Group for Rural Development, the USDA national and state rural development committees, and other public and private entities which are involved in rural development issues.

## **0701 00 0003 02 AREA DEVELOPMENT ASSISTANCE STAFF**

### **ASSIGNMENT OF FUNCTIONS**

This staff is responsible for the administration of the Section 111 rural planning grant program, which is being called the

## **Area Development Assistance Program (ADAP).**

The objective of the ADAP is to contribute to the development of comprehensive planning for rural development, especially as such planning affects the unemployed, under-employed, those with low-family incomes, and minorities, by providing grants which will:

•• Make possible the development of comprehensive planning by communities;

•• Enable communities which already have plans to revise them and/or fill in critical gaps where this is needed to ensure integrated, usable package;

•• Support the development of an aspect or aspects of a comprehensive plan, provided this will move the community into a position from which it can reasonably expect to turn the plan into action; the planned action should be consistent with other overall community plans;

•• Assist communities to access available federal and/or state funds, especially those administered by FmHA, through ensuring that programs sought are part of a community rural development strategy;

•• Support the purposes of the Rural Development Act of 1972, especially the leadership and coordination role of the Secretary.

It is the intention to utilize this program to enhance the policy management, development, and coordination efforts of state, substate, and local governments, particularly as they contribute to and are supportive of our efforts to develop a comprehensive policy development and management process at the national level.

## **0701 00 0003 03 RURAL DEVELOPMENT POLICY COORDINATION AND TRAINING STAFF**

### **ASSIGNMENT OF FUNCTIONS**

This staff is to provide necessary support and expertise in a number of specialized areas to facilitate more effective coordination and cooperation between USDA and other federal departments and agencies in meeting rural development objectives. Specialists will function in the areas of aging, health, manpower, energy, economic development, transportation, community development, and natural resources. With this added capability, the Secretary will be in a position to exercise the leadership, influence the activities of, and provide advice to other agencies on behalf of small and rural communities.

The objectives of the coordination function include serving as a knowledgeable expert to bring to the attention of other federal departments and agencies, congressional committees, and other public and private groups the special needs and problems of rural people; developing joint initiatives and pilot projects designed to develop better coordinated and more innovative programs to meet the needs of rural communities; assisting other federal agencies concerning special problems and needs regarding their interest and involvement with rural concerns; and developing greater knowledge and skills within FmHA's personnel of rural development goals, programs and processes.

## **07 01 00 0001 INFORMATION STAFF**

### **ASSIGNMENT OF FUNCTIONS**

1. Produces various bulletins for FmHA personnel and the public on program poli-

cies and operations, administrative actions, and approval of loans and grants for community projects.

2. Receives and handles inquiries from the press.

3. Produces and distributes information material including films, transcripts, reports, periodical drafts, and pamphlets on FmHA programs and activities.

4. Responds to public and congressional information requests.

5. Provides policy guidance and technical assistance on public information matters.

6. Assists in planning and conducting information training for State Office and county office personnel as requested.

7. Produces informational materials for internal information as well as external.

#### 07 01 00 0002 EQUAL OPPORTUNITY STAFF

##### ASSIGNMENT OF FUNCTIONS

Develops, recommends and implements plans, procedures and reporting methods for nationwide guidance on non-discrimination policies. Coordinates FmHA's nationwide equal opportunity activities including employment, federal women's programs coordination, and Indian Hispanic program coordination. Participates in the development and administration of specialized training. Travels and provides authoritative advice to FmHA field offices. Plans and conducts surveys to establish trends, needs, and the successes of the Agency's delivery system in reaching minorities and women. Maintains effective liaison with other governmental agencies, and provides out-reach efforts to make FmHA programs known and available to all eligible segments of rural America.

#### 07 01 00 0004 PROGRAM EVALUATION STAFF

##### ASSIGNMENT OF FUNCTIONS

Conducts comprehensive analyses of the effectiveness of FmHA programs in the accomplishment of specific missions and to permit evaluation of cost effectiveness and participates in special studies to resolve program issues.

Develops overall operations review procedures for monitoring field execution of programs and coordinates efforts aimed at reviewing and auditing field activities and identifies problems and opportunities for improvements in program execution. Provides liaison with representatives of the General Accounting Office and the USDA Agency of Inspector General. Coordinates agency responses to reports of these originators.

#### 07 01 AREA COORDINATORS

##### ASSIGNMENT OF FUNCTIONS

Advises the Administrator of program direction being carried out by States and recommends changes in policy and direction. Works closely with National Office officials in establishing goals and objectives to be accomplished through field office operations.

Participates in strategic planning for providing assistance to rural areas. Meets with State and local officials and sub-state planning areas to determine basic needs and unified approach in administering a coordinated program.

Consults and advises with FmHA State Offices in the needs and requirements of the States and counties for each State and for all States in the area of jurisdiction. Provides general guidance of FmHA pro-

gram operation within the region of assignment and monitors program performance in relation to program plans approved by the Administrator. Inspects and evaluates the administration of such programs executed in State, district, and county offices.

#### 07 01 STATE OFFICES

##### ASSIGNMENT OF FUNCTIONS

Provides overall direction of FmHA program operations at the State level, ensures adherence to program plans approved for the State by the Administrator, and renders staff advisory and manpower support to frontline operating personnel in the district and county offices.

#### 07 01 DISTRICT OFFICES

##### ASSIGNMENT OF FUNCTIONS

Provides overall direction of FmHA program operations at the district level, ensures adherence to program plans approved for the district by the State Director and renders supervisory and advisory support to frontline operating personnel in the county offices.

Has full responsibility for making and servicing multi-family housing, community facility, and business and industry program loans and grants. Works with leaders of sub-state planning districts in meeting the rural development needs of the district and in carrying out FmHA national and state office community development objectives.

Maintains liaison with a wide range of community interest groups, community leaders, builders and contractors, and engineers.

Stays currently informed about private financing sources as well as State and federal governmental agencies providing financing to rural communities.

#### 07 01 COUNTY OFFICES

##### ASSIGNMENT OF FUNCTIONS

Executes the FmHA programs and activities in one or more counties, with major responsibility for conducting farm and home ownership programs.

County Supervisors must possess the ability to cooperate with applicants, borrowers, and other lending officials to facilitate program growth and participation.

County Supervisors must be responsive to the individual applicant's needs by being thorough and methodical in planning each step in the loan process.

The County Supervisor must be analytical in order to project farm income from a well planned primary and/or secondary enterprise based upon his knowledge of the type of enterprise, soil production capability, and anticipated market and weather conditions.

The County Supervisor must be quick to act when management decisions are needed at critical points to effectuate a major change in a current functioning plan.

County Supervisors must maintain a current and accurate listing of real estate market transactions and become proficient in analyzing and adjusting these listings in the appraisal process.

County Supervisors must keep abreast of the many technological changes in the building materials area. This requires knowledge of the various sizes, types, grades, and uses of pipes, wiring, lumber, plywood, and insulation.

#### 07 04 DEPUTY ADMINISTRATOR FOR RURAL DEVELOPMENT

##### ASSIGNMENT OF FUNCTIONS

Participates with the Administrator in the overall planning, formulation, and direction of the major rural development programs assigned to the agency. Provides expert advisory assistance and professional and executive leadership in formulation and administration of the agency's community facilities, water and waste disposal, business and industrial, and multi-family housing programs. Directs a staff of experts in, and advises the Administrator on environmental, land use, and other regulatory matters, as well as technological developments relating to energy, affecting the execution of FmHA programs. Maintains liaison with and stays currently informed about a wide range of private financing organizations as well as state and federal governmental agencies providing financing to rural communities of varied and complex multi-family housing, community facility, and business and industrial development type projects. Stays currently informed regarding the many varied types of project applications in process. Evaluates program effectiveness and analyzes needs and trends in the agency's rural development programs.

#### 07 04 00 0001 ENVIRONMENTAL AND TECHNOLOGY STAFF

##### ASSIGNMENT OF FUNCTIONS

1. Provides professional assistance in areas of architecture, engineering, land use planning, environmental analysis, and technical aspects of regulatory matters.

2. Develops policies and standards to assure the agency's compliance with objectives of laws and directives in appropriate technical and regulatory areas and to incorporate proven technological advances into FmHA programs. Reviews field operations to ascertain appropriateness of current policies and standards and proposes changes to provide for more effective program operations.

3. Acquires and monitors external technical assistance for special projects and tasks beyond the capability of the staff personnel.

4. Develops and conducts training programs in coordination with Assistant Administrators for field personnel in assigned technical areas.

#### 07 04 03 ASSISTANT ADMINISTRATOR MULTI-FAMILY HOUSING

##### ASSIGNMENT OF FUNCTIONS

Participates with the Administrator and Deputy Administrator for Rural development in the overall planning, formulation and direction of multi-family housing programs. Provides leadership, formulates and coordinates policies and provides direction in carrying out the multi-family housing loan programs through the Rural Rental Housing Loan Division, Multi-family Housing Management and Support Division, and the Multi-family Housing Special Authorities Loan Division. Evaluates program effectiveness and analyzes needs and trends. Keeps currently informed regarding functions of other federal, state and private agencies; credit principles and accepted practices and of laws, regulations, policies, procedures and systems related to FmHA multi-family housing activities; and real estate values, marketability, construction



and maintenance costs and pertinent realty law related to titles, mortgages, liens; formulates and recommends policies pertaining to multi-family housing programs and appraises legislative and regulatory proposals. Represents and speaks for FmHA on multi-family housing and related credit matters.

07 04 03 0001 RURAL RENTAL HOUSING LOAN DIVISION

ASSIGNMENT OF FUNCTIONS

Develops and recommends operating plans and procedure for rental housing loans and rental assistance programs. Monitors and evaluates the administration of such programs as executed by FmHA State, District and County Offices. Develops a comprehensive training program to meet the needs of field personnel.

Maintains a current and detailed knowledge of FmHA rural rental housing programs and objectives with ability and skill to explain the program and provide guidance to others.

Keeps currently informed as to nationwide rural housing needs and general economic and social problems of rural areas, including living conditions, population trends, and credit sources and legal aspects of real estate transactions.

Develops an expertise in the operating factors associated with rental housing program administration, including real estate values, marketability, construction and maintenance costs.

07 04 03 0002 MULTI-FAMILY HOUSING MANAGEMENT AND SUPPORT DIVISION

ASSIGNMENT OF FUNCTIONS

Develops and recommends operating plans and procedures for loan servicing, account servicing, appraisals, and architectural policy reviews for all multi-family housing programs. Monitors and evaluates such programs as administered by FmHA State, District and County Offices.

Maintains a detailed and comprehensive knowledge of all multi-family housing programs and objectives; management and supervision policies, authorizations and practices for RRR, LH, RCH, RHS, and TA loan and grant programs; and operating factors associated with multi-family housing programs.

Maintains a comprehensive knowledge of supervisory practices and training methods and techniques, and develops a comprehensive training program to meet the needs of field personnel.

07 04 03 0003 MULTI-FAMILY HOUSING SPECIAL AUTHORITIES LOAN DIVISION

ASSIGNMENT OF FUNCTIONS

Develops and recommends operating plans and procedures for Labor Housing (LH) Loans and Grants, Rural Housing Site (RHS) Loans, technical assistance for self-help housing grants, Section 525 Technical Assistance (TA). Monitors and evaluates such programs as executed by FmHA State, District and County Offices.

Maintains a detailed and comprehensive knowledge of LH, RHS, TA programs and objectives; nationwide rural housing needs and general economic and social problems of rural areas, including living conditions, population trends, and credit sources and legal aspects of real estate transactions; and

credit principles and accepted practices of laws, regulations, policies, and procedures.

Maintains a comprehensive knowledge of supervisory practices and training methods and techniques and develops a comprehensive training program to meet the need of field personnel.

07 04 01 ASSISTANT ADMINISTRATOR COMMUNITY PROGRAMS

ASSIGNMENT OF FUNCTIONS

Participates with the Administrator and Deputy Administrator in the overall planning, formulation, and direction of a broad and complex range of community-type programs assigned to the agency and in budget formulation activities. Provides executive leadership, formulates and coordinates policies and provides direction in carrying out community programs nationwide. Maintains liaison with and keeps currently informed regarding private, state and other federal financing organizations which provide financial assistance to rural communities for community facility and industrial development type projects. Also maintains liaison with a wide range of community and public interest groups, professional associations, material suppliers, and advocate groups that follow the day-to-day operation of the program. Stays currently informed on the legal aspects of complex private and local governmental-type organizations regarding their capacity to own and operate community facilities and to issue debt instruments as security for loans. Maintains active and continuous liaison with congressional representatives and participates in budget, oversight and other designated hearings.

07 04 01 0001 WATER AND WASTE DISPOSAL LOAN DIVISION

ASSIGNMENT OF FUNCTIONS

Assists the Assistant Administrator for Community Programs in the development and institution of plans, procedures, and policies necessary for efficient and orderly management of a nation wide program of Water and Waste Disposal Loans and Grants. Oversees administration of these expanding and complex loan and grant programs on a day-to-day basis.

Assists in the ongoing evaluation of program Effectiveness and agency goal and objective attainment.

Maintains a high level of knowledge of the statutes authorizing the respective programs and regulations and circulars governing the operation of the programs and proposed changes in those statutes, regulations and circulars.

Provides direction and guidance to State Office personnel in resolving complex problems of program administration.

Maintains professional and technical knowledge of all aspects of the various complex program areas in order to provide expert and accurate advice, guidance and training to State Office personnel, administrative personnel and other Federal and state agencies.

Maintains knowledge of social, economic and general agricultural and rural credit conditions, trends and problems existing throughout the nation's rural areas.

Provides appropriate documentation for agency budgetary submission.

Communicates FmHA objectives, policies and practices to field personnel, private citizens, interest groups and members of Congress and otherwise represents the agency in the highest professional manner possible.

progress and otherwise represents the agency in the highest professional manner possible.

Maintains a continuous liaison with a wide range of community and public interest groups, professional associations, material supply groups and advocate groups that follow the day-to-day operation of the program.

Maintains liaison with and knowledge of programs and functions of other Federal and state agencies and the National Finance Office.

07 04 01 0002 COMMUNITY FACILITIES LOAN DIVISION

ASSIGNMENT OF FUNCTIONS

Assists the Assistant Administrator for Community Programs in the development and institution of plans, procedures, and policies necessary for efficient orderly management of a nationwide program of community Facility Loans, Industrial Development Grants, Recreation Loans, Watershed (PL 566) Loans, and the Resource Conservation and Development Loans. Oversees administration of these expanding and complex loan and grant programs on a day-to-day basis.

Assists in the ongoing evaluation of program effectiveness and agency goal and objective attainment.

Maintains a high level of knowledge of the statutes authorizing the respective programs and regulations and circulars governing the operation of the programs and proposed changes in those statutes, regulations and circulars.

Provides direction and guidance to State Office personnel in resolving complex problems of program administration.

Maintains professional and technical knowledge of all aspects of the various complex program areas in order to provide expert and accurate advice, guidance and training to state office personnel, administrative personnel and another Federal and state agencies.

Maintains knowledge of social, economic and general agricultural and rural credit conditions, trends and problems existing throughout the nation's rural areas.

Provides appropriate documentation for agency budgetary submission.

Communicates FmHA objectives, policies and practices to field personnel, private citizens, interest groups and members of Congress and otherwise represents the agency in the highest professional manner possible.

Maintains a continuous liaison with a wide range of community and public interest groups, professional associations, material supply groups and advocate groups that follow the day-to-day operation of the program.

Maintains liaison with and knowledge of programs and functions of other Federal and state agencies and the National Finance Office.

07 04 02 ASSISTANT ADMINISTRATOR BUSINESS AND INDUSTRY

ASSIGNMENT OF FUNCTIONS

Participates with the Administrator and Deputy Administrator in the overall planning, formulation and direction of business and industry programs assigned to the Agency. Provides positive leadership, and obtains confidence and cooperation of executives, line supervisors and employees in carrying out the business and industry func-

## RULES AND REGULATIONS

tions assigned to the Agency. Participates directly with applicant, borrower, lender, investor and financial consultants for complex loan projects. Makes decisions or recommendations significantly changing, interpreting, or developing important program policies. The position requires continuing efforts to establish concepts and methods, to resolve complex program problems and requires ability to speak effectively for FmHA on professional rural development and rural credit needs. Evaluates program effectiveness and analyzes needs and trends.

**07 04 02 0001 BUSINESS AND INDUSTRY LOAN  
SERVICING DIVISION**

**ASSIGNMENT OF FUNCTIONS**

Develops and recommends operating plans, policies and procedures for monitoring, servicing and liquidation of loans guaranteed or insured to individuals or public, private, or cooperative organizations for the development and operation of business and industrial enterprises. Reviews, analyzes and recommends appropriate servicing actions for loans involving complex problems, delinquent and liquidation cases. Coordinates, monitors, and supervises field operations for compliance with established loan servicing procedures and policies. Reviews and recommends all amendments to loan agreements or conditions for servicing actions and cost overruns for complex loan projects. Travels extensively to project sites and meets with Corporate Executives, Financial Consultants, and lenders and investors. Reviews and recommends appropriate courses of action on all applications for lender approvals. Participates with other B&I Divisions in carrying out agency wide training for field staff.

**07 04 02 0002 BUSINESS MANAGEMENT AND  
DEVELOPMENT DIVISION**

**ASSIGNMENT OF FUNCTIONS**

Develops, recommends and implements overall operating policies, plans, regulations and procedures for nationwide application for loans made to individuals and to public, private or cooperative organizations for the development and operation of business and industrial enterprises. Coordinates and works closely with other governmental agencies impacting the program and is the liaison with Office of General Counsel, special interest groups, trade associations, professional and business societies, and secondary money market managers. Analyzes and evaluates program operation and accomplishments, and recommends appropriate courses of action for improvement. Develops and recommends special loan assistance and technical advice to business and industries that are unable to obtain regular guaranteed loan financing including disadvantaged applicants. Provides technical assistance to field staff for handling complex inquiries and coordinates with other divisions in the preparation and conduct of agency wide training. Inspects and evaluates the administration of guaranteed and direct loan programs executed by the field. Coordinates overall management and operational functions for the Business and Industry Divisions. Is responsible for analyzing legislation and congressional inquiries.

**07 04 02 0003 BUSINESS AND INDUSTRY LOAN  
REVIEW AND PROCESSING DIVISION**

**ASSIGNMENT OF FUNCTIONS**

Develops and recommends operating plans and procedures for providing loans and loan guarantees to individuals and to public, private or cooperative organizations for the development and operation of business and industrial enterprises. Reviews, analyzes and recommends appropriate actions on a wide variety of complex loan applications. Coordinates, monitors and supervises field operations for compliance with established loan making procedures and works with other governmental lending agencies, associated public interest, and professional groups. Travels to project site to review applications with Corporate Executives, Financial Consultants and lenders and investors. Negotiates loan conditions and requirements for large complex loans. Reviews and recommends to the Administrator courses of action on rejected loan application appeals that have been rejected. Assists field staff in closing loans and guarantees. Participates with the other B&I Divisions in carrying out agency-wide training and implements approved business and industry operating policies.

**07 02 DEPUTY ADMINISTRATOR FOR FARM AND  
FAMILY PROGRAMS**

**ASSIGNMENT OF FUNCTIONS**

Responsible to the Administrator for the conduct of all programs serving the needs of individuals as distinguished from those agency programs designed to serve communities. Participates with the Administrator in the overall planning, formulation and direction of single family housing and farmer programs.

Provides leadership and formulates and coordinates policies in the management of farm real estate, farm operating, emergency, and single family housing loans.

Keeps currently informed regarding new technologies in farm and ranch management, agricultural production, and marketing practices and strategies. Applies such strategies as may be applicable to FmHA farmer loan programs. Continuously searches for and identifies improved methods for delivery of financial assistance coupled with sound and practical management.

Keeps currently informed regarding the problems of beginning, young, and other limited resource farm families and designs methods for delivery of FmHA services, both financial and managerial, as applicable. Keeps currently informed regarding new technologies in the development of modest housing and searches for improved strategies for the delivery of such housing to those rural families requiring FmHA assistance.

Maintains a current, detailed, working knowledge of all Federal, State, and private sources of credit for farmers and single family housing loan applicants and policy changes of such lenders so as to be able to translate the effect such policy changes may have on FmHA programs.

Actively formulates and recommends priorities for use of FmHA loan authorizations so as to assure the limited income and other disadvantaged, yet deserving, families receive a fair and equitable share of FmHA assistance.

Continuously monitors the delivery and administration of farmer and single family

housing loan programs and effects such improvements as may be necessary to see that programs are administered in accordance with current policies.

**07 02 00 0001 PROPERTY MANAGEMENT STAFF**

**ASSIGNMENT OF FUNCTIONS**

Participates with the Deputy Administrator in identifying and diagnosing emerging problems concerning the inflow, holding, and disposition of property acquired through voluntary conveyance and foreclosure. Develops and implements policies and procedures in collaboration with Assistant Administrators for the management and maintenance, rehabilitation and disposal of acquired properties. Provides technical guidance and training to state and field staffs. Functions as principal contracting officer for program property and provides training, guidance and counseling to state office contracting officers.

**07 02 01 ASSISTANT ADMINISTRATOR SINGLE  
FAMILY HOUSING**

**ASSIGNMENT OF FUNCTIONS**

Participates with the Deputy Administrator in the overall planning, formulation and direction of single family housing programs assigned to the Agency. Provides leadership, formulates and coordinates policies and provides direction in carrying out the single family housing loan programs through the Homeownership Loan Division, Single Family Housing Management and Support Division, and the Single Family Housing Guarantee and Special Authorities Loan Division. Participates in the planning for and training of state and field staff personnel.

**07 02 01 0001 HOMEOWNERSHIP LOAN  
DIVISION**

**ASSIGNMENT OF FUNCTIONS**

Participates with the Assistant Administrator in the development of operating plans and procedures for Section 502 (other than guaranteed, mobile homes, individual condominiums, and weatherization) rural housing loans and Section 504 rural housing loans and grants to individuals, and conditional commitments to builders and sellers for single family dwellings, and for overseeing the administration of loans. Monitors and evaluates the administration of Agency programs executed by FmHA State and County Offices. Participates in the planning for and training of State and field staffs.

**07 02 01 0002 SINGLE FAMILY HOUSING  
MANAGEMENT AND SUPPORT DIVISION**

**ASSIGNMENT OF FUNCTIONS**

Participates with the Assistant Administrator and develops and recommends operating plans and procedures for loan servicing, account servicing appraisals, moratoriums, and payments for construction defects for all single family housing programs. Monitors and evaluates the administration of such programs as executed by FmHA State, District and County Offices. Participates in the planning for and training of State and field staffs.

07 02 01 0003 SINGLE FAMILY HOUSING  
GUARANTEE AND SPECIAL AUTHORITIES LOAN  
DIVISION

ASSIGNMENT OF FUNCTIONS

Participates with the Assistant Administrator in the development of operating plans and procedures for Guaranteed Section 502 loans, insured Section 502 loans for mobile homes, and individual condominiums and Section 502 weatherization loans. Monitors and evaluates the administration of such programs as executed by FmHA State, District and County Offices. Plans for and assists in training of State and field staffs.

07-02 02 ASSISTANT ADMINISTRATOR FARMER  
PROGRAMS

ASSIGNMENT OF FUNCTIONS

Participates with the Deputy Administrator in the overall planning, formulation and direction of farmer programs assigned to the Agency. Provides effective leadership, formulates and coordinates policies and provides direction in carrying out the farm real estate, farm production and emergency loan programs assigned to the Agency. Evaluates program effectiveness and analyzes needs and trends. Provides motivation and effective leadership to farm program staffs for maximum performance. Plans and conducts training for State and field staffs.

07 02 02 0001 FARM REAL ESTATE LOAN  
DIVISION

ASSIGNMENT OF FUNCTIONS

Develops and recommends operating plans, policies and procedures for insured and guaranteed farm ownership loans, soil and water conservation loans to individuals, recreation loans to convert farms to outdoor recreation enterprises, group loans for irrigation and drainage, shift in land use, grazing, timber development, and Indian Tribal land acquisition, including management of similar type loans made by predecessor agencies. Develops and recommends real estate appraisal procedures for farm properties and assists in training of field staffs. Monitors and evaluates the administration of such programs as executed by FmHA State, district and county offices. Recommends policy and effective direction to assure that low income small farmers receive the benefit of farm real estate loans. Develops and recommends innovative methods in making and servicing farm real estate loans. Provides motivation and effective leadership to farm real estate staff for maximum performance. Provides technical advice and assistance to field personnel. Plans and conducts training for state and field staffs.

07 02 02 0002 FARM PRODUCTION LOAN  
DIVISION

ASSIGNMENT OF FUNCTIONS

Responsible for developing and recommending operating plans, policies and procedures for farm operating loans including the servicing of similar type loans made by predecessor agencies, and servicing of economic opportunity loans to individuals. Monitors and evaluates the administration of such programs as executed by FmHA State, district and county offices. Provides technical advice and assistance to field personnel. Recommends policy and effective direction to assure that low income, small

farmers receive the benefit of farm production loans. Develops and recommends innovative methods in making and servicing farm production loans. Provides motivation and effective leadership to production loan staff for maximum performance. Provides technical advice and assistance to field personnel. Plans and conducts training for state and field staffs.

07 02 02 0003 EMERGENCY LOAN DIVISION

ASSIGNMENT OF FUNCTIONS

Responsible for developing and recommending operating plans, policies and procedures for natural disaster emergency loans, economic disaster emergency livestock loans, and economic disaster emergency loans, including the servicing of similar type loans made by predecessor agencies, and for carrying out the Civil Defense program activities assigned to the Agency. Coordinates FmHA Civil Defense program activities with the Department and other Agencies. Inspects and evaluates the administration of such programs as executed by FmHA State and county offices. Provides technical advice and assistance to field personnel. Develops and recommends innovative methods in making and servicing emergency loans to farmers. Provides motivation and effective leadership to division staff to assure maximum performance. Works closely with other Federal agencies providing emergency or disaster type assistance to farmers, ranchers, and other rural residents, and recommends policies and programs for the improvement of such over-all assistance.

07 03 DEPUTY ADMINISTRATOR FINANCIAL  
AND ADMINISTRATIVE OPERATIONS

ASSIGNMENT OF FUNCTIONS

Responsible to the Administrator for:  
(a) Conduct of the Finance Center which is responsible for all fiscal and accounting activities of the Agency; processing of fiscal transactions pertaining to borrowers and grantees, and implementation of all Agency management and reporting systems; appropriation fund accounting systems and commercial accounting systems; report preparation and distribution; maintenance of allotment and appropriation registers; design and implementation of Finance Office accounting and computerized systems; provision of office services to county, district, and state offices; oversight of acquisition, distribution, utilization, accountability, and disposition of personal property; supply depot operation for storage and distribution of forms, supplies, and other personal property; printing and duplicating operations; and space management functions for finance, state, and county offices.

(b) Management Systems and Organization Planning including preliminary design and development of broad new processes and the refinement of existing processes to permit the Agency to undertake new programs and initiatives; initiation and monitoring of Agency-wide management improvement projects; the exploration, review and analysis of trends and advanced developments in management concepts, techniques, and systems; conducting feasibility and cost studies within the broad spectrum of current management improvement opportunities; recommending proper organizational structure at various levels in the Agency; and the development, monitoring

and control of manpower planning and staffing.

(c) Agency personnel activities including policy direction and technical guidance to all Agency management personnel regarding the formulation, installation, maintenance, and continuing appraisal of the FmHA personnel management program; compliance with existing laws and with Civil Service and USDA regulations concerning personnel management; position management programs for the assignment of appropriate titles and grades to authorized positions; technical leadership in the classification and description of position duties and responsibilities; the preparation of standards of performance and an equitable grade and salary structure; guidance on recruitment, selection, placement, transfer, promotion, and separation; operation of the Agency's career, merit promotion, and retirement program; leave, insurance, health benefits, and related programs; grievance and appeals procedures and systems for hearings and settlements; employee irregularity and misconduct case reviews; performance rating and award programs; agency-wide training programs; and liaison with the Civil Service Commission, the USDA Office of Personnel and other appropriate agencies, as required.

(d) Management Information Systems (MIS) including identification, through analysis of decision-making process and in consultation with program and administrative managers, management information needs of the Agency; management information systems concepts and requirements for new and revised systems; functional policy direction and technical guidance and assistance to the Finance Office systems development and programming function; monitoring the work of contractors employed to plan, design, develop, and implement MIS projects; liaison with Departmental and other MIS organizations; cost-effectiveness analyses of various aspects of the Agency's management information system; consultation to National Office staff on the use of proper system support; operation of the National Office Management Operating Center; functional policy direction and technical guidance to the Finance Office Management Reports Office; distribution of regular reports; actions on all requests for reports, new forms, and data both within and outside FmHA; forms/reports inventory control systems; provisions of the Freedom of Information and Privacy Acts applicable to FmHA data; clearance of data to those outside FmHA; and special surveys and data collection efforts.

(e) All budget activities including formulating the Agency's budget, monitoring execution and support for the decision-making activities of the Budget Committees; preparation of FmHA budget estimates by program and supplemental budget requests; initiating requests to OMB for apportionment of funds; the control of program and administrative funds to assure compliance with approved apportionments, Congressional intent, and applicable laws and regulations; and financial reports required of the Department and others (Treasury, OMB).

(f) Employee training and career development activities including course design, development, and implementation and evaluation; training techniques and methods for introducing policy and program changes which affect field delivery; programs designed for career development and advancement for managers, program specialists and

para-professionals; and the development, implementation, updating, and monitoring of employee career "ladder" development activities.

(g) Business services activities including developing, recommending and executing standards and procedures for the review and coordination of all Agency issuances; travel authorization and analysis; property, procurement and space management; forms management and reports control; printing and reproduction control; communication records management; developing, planning, recommending, and implementing the installation of Agency-wide systems dealing with property management, space and utilities, procurement, contracting, supply and distribution, government vehicle transportation; policy direction and technical guidance for communications, correspondence and mail management, forms design, analysis and control, file classification plans and systems, documentation and selection records inventory, scheduling and disposition activities, printing and visual aids services.

(h) The National Office Communications Center having responsibility for providing word processing service to the Agency.

#### 07 03 0006 TRAINING AND CAREER DEVELOPMENT PLANNING DIVISION

##### ASSIGNMENT OF FUNCTIONS

Responsible for overall training and planning for such training for all Agency personnel. Develops and keeps current all career (ladder) development programs and criteria including training, experience requirements, experience in lieu of formal training requirements, and mobility and other factors essential to such programs.

Responsible for the development of specific training courses, including correspondence, self taught, and formal classroom for use in connection with career ladder and special instance requirements. Provides guidance and assistance to other staff members in the preparation of training courses as seen necessary by such staff.

Responsible for the training requirements and programs to develop an adequate training staff at each state level. Plans future training facilities for the Agency.

Maintains liaison with appropriate universities, colleges, and other learning institutions for the purpose of identifying curriculum appropriate for potential FmHA hires.

Plans and establishes appropriate rules, regulations, and formulas necessary to the proper allocation of training funds among the States, Finance Office and National Office.

Participates with the training branch of the personnel division to see that the requirements for overall training programs are being met.

#### 07 03 0003 PERSONNEL DIVISION

##### ASSIGNMENT OF FUNCTIONS

1. Provides policy direction and technical guidance to all Agency management personnel regarding the formulation, installation, maintenance, and continuing appraisal of the FmHA personnel management program.

2. Ensures Agency compliance with existing laws and with Civil Service and USDA regulations concerning personnel management.

3. Plans and monitors a position management program for the assignment of appropriate titles and grades to authorized posi-

tions, and executes this program for all National Office personnel. Provides technical leadership in the classification and description of position duties and responsibilities, especially in establishing standards of performance, maintaining an equitable grade and salary structure, and interpreting and developing classification standards and guidance.

4. Provides policy guidance (and execution for National Office activities) on recruitment, selection, placement, transfer, promotion, and separation.

5. Oversees the operation of the Agency's career, merit promotion, equal employment opportunity, and retirement programs, as well as the development of standards, examinations, and rating schedules for FmHA positions.

6. Administers leave, insurance, health benefits, and related programs.

7. Establishes and monitors grievance and appeals procedures and systems for hearings and settlements.

8. Administers employee irregularity and misconduct case reviews.

9. Administers FmHA performance rating and award programs.

10. Develops and coordinates Agency-wide training programs in accordance with the overall and long range training programs and requirements as established by the training and career development planning division.

11. Maintains liaison with the Civil Service Commission, the USDA Office of Personnel, and other appropriate agencies, as required.

#### 07 03 0007 FINANCE OFFICE

##### ASSIGNMENT OF FUNCTIONS

Supports the operations of the National Office and field offices by providing accounting services, collecting and depositing payments, preparing and distributing reports, maintaining custody of specified records and documents, and furnishing other services as directed.

Administers and operates efficient, timely, secure, accurate, and generally effective

Appropriation fund accounting systems and commercial accounting systems for the custody, maintenance, and control of all assets, liabilities, and fiscal operations of FmHA; the establishment and maintenance of the official loan (and grant) accounts; and the recording and processing of resource utilization, program accomplishment, and "loan pipeline" statistics.

Report preparation and distribution, concerning financial activities, program accomplishment, and administrative matters for the use of the Agency in planning, directing, controlling, and evaluating program operations, in particular (a) preparing special nonrecurring reports and analyses as instructed by the Deputy Administrator Financial and Administrative Operations, (b) prioritizing and handling internal information requests; (c) producing automatically prepared reports and preparing manually regular reports and, (d) distributing reports.

Budget management, including the maintenance of allotment and appropriation registers to insure that the Agency does not exceed its various obligation levels.

Collection systems, procedures, and controls to receive directly or indirectly all monies paid to FmHA.

2. Identifies opportunities to improve the efficiency, timeliness, accuracy, security,

and general effectiveness of FmHA financial accounting operations.

3. Participates directly and fully in FmHA management improvement programs.

4. Provides technical accounting or financial accounting assistance to National Office units, State Directors, and county offices.

5. Designs and implements Finance Office accounting systems and other computerized systems.

6. Designs input and output components for computerized systems according to National Office specifications.

#### St. Louis Field Operations Branch

1. Furnishes office services to county offices, State offices, and Finance Office.

2. Provides expert technical advice to field officials.

3. Oversees acquisition, distribution, utilization, accountability, and disposition of personal property (supplies, furniture, equipment) to State, county, and Finance Offices.

4. Secures and reconciles periodic property inventory reports with property control records.

5. Operates St. Louis supply depot for storage and distribution of printed forms, office supplies, and other personal property.

6. Operates printing and duplicating operation.

7. Conducts space management functions for Finance, State and county offices, including:

Negotiating acquisition of rent-free, non-Federal space or leased quarters

Negotiating and executing contracts in connection with space leasing and for heat, light, communications, janitorial, and other services

Preparing agreement supplements and adjusting or terminating leases and other contracts

Surveying space use and acquiring, releasing, or adjusting space assignments

Negotiating with GSA, the Postal Service, and other agencies.

#### 07 03 00 0001 BUDGET DIVISION

##### ASSIGNMENT OF FUNCTIONS

1. Provides services for formulating the Agency's budget, monitoring budget execution, and reallocating appropriated funds and provides support for the decision-making activities of the Budget Committees.

2. Coordinates the preparation of FmHA budget estimates by program and administrative officials in order to develop the Agency budget for submission to the Secretary's office.

3. Coordinates the preparation of supplemental budget requests.

4. On the basis of financial planning, jointly conducted by program and administrative managers, initiates requests to OMB for apportionment of funds.

5. Establishes and maintains controls over program and administrative funds to assure compliance with approved apportionments, Congressional intent, and applicable laws and regulations.

6. Ensures that all budgeting and financial reports required of the Department and others (Treasury, OMB) are prepared and distributed on a timely basis.

07 03 00 0004 MANAGEMENT SYSTEMS AND ORGANIZATION PLANNING DIVISION

ASSIGNMENT OF FUNCTIONS

Administers important management support systems by identifying the need for and ensuring the development and installation of appropriate changes in management and operating systems and organization structure and management of manpower planning and control. Performs liaison with the Office of Operations on matters related to service centers. Inspects and evaluates the aspects as performed by State Offices. Designs, develops, and administers a nationwide work measurement system to support management decision making.

*Management Analysis Branch*

1. Participates in the preliminary design and development of broad new processes and the refinement of existing processes to permit the Agency to undertake new programs and initiatives, subsequently coordinating the requirements developed by program and administrative managers.

2. Initiates and monitors Agency-wide management improvement projects, delegating project work as appropriate to other units and providing technical assistance to them.

3. Provides expertise and technical assistance in management systems (e.g. developing ways to improve productivity or assisting the Finance Office in conducting major equipment feasibility analyses).

4. Performs analyses to develop and recommend necessary modifications and refinements to management processes (e.g., for planning, budgeting, and operations control).

5. Undertakes special management-oriented assignments from the Administrator (e.g., coordinating the Agency-wide establishment of management by objectives).

6. Explores, reviews and analyzes trends and advanced developments in management concepts, techniques, and systems. Conducts feasibility and cost studies within the broad spectrum of current management improvement opportunities.

7. Periodically reviews National Office directives to determine impact on county office operations and ensure a systematic and uniform approach to carrying out program activity.

*Manpower Review and Organization Branch*

1. Recommends proper organizational structure at various levels in the Agency, utilizing studies, analyses, and other controlling basic data and factors. Furnishes leadership to the National Office and field units for organization planning and studies. Prepares functional organization charts for Departmental approval and other types for Agency approval; publishes and distributes Agency-wide.

2. Assists the personnel Division in preparing and modifying position descriptions.

3. Develops, monitors and controls manpower planning and staffing in line with Agency program and management philosophy for all organizational levels of the Agency.

4. Reviews all requests for changes in manpower staffing including requests for temporary personnel and makes recommendations to the Deputy Administrator.

5. Conducts periodic and systematic position management inspections of field offices

to identify, prevent, or eliminate unnecessary organizational fragmentation, improper design of jobs, outmoded work methods, and improper distribution of manpower resources.

6. Develops and obtains approval of proposed changes in delegations of authority which affect the basic organization.

7. Reviews all requests for opening, closing, reclassifying or relocating field offices not within the State Director's authority to approve for determining efficient performance of the missions and programs of the Agency and makes recommendations to the Administrator.

8. Designs and develops necessary changes in the work measurement system as required to support management decision making.

07 03 00 0002 BUSINESS SERVICES DIVISION

ASSIGNMENT OF FUNCTIONS

Responsible for developing, recommending and executing standards and procedures for the review and coordination of all Agency issuances, travel authorization and analysis, property, procurement and space management, forms management and reports control, printing and reproduction control, and communication and records management. Provides technical advice and assistance to field personnel and the Business Services Branch employees of the Finance Office.

*Property and Procurement Branch*

1. Develops, plans, recommends, and implements the installation of Agency-wide systems dealing with:

Property management

Space and utilities

Procurement

Contracting

Supply and distribution

Government vehicle transportation.

2. Provides policy direction and technical guidance for the space management program nationwide.

3. Conducts contract administration negotiation for the Agency and provides technical guidance in awarding contracts. Terminates contracts for nonperformance or other reasons in public interest.

4. Conducts National Office

Property management

Space management

Procurement, contracting, supply and distribution.

*Records, Forms, and Communication Branch*

1. Provides policy direction and technical guidance for

Written and wired communications

Correspondence and mail management

Forms design, analysis, and control

File classification plans and systems

Documentation and selection records inventory scheduling and disposition activities

Printing and visual aids services

Liaison with appropriate suppliers regarding forms

2. Formulates and recommends policies, plans and procedures regarding Agency-wide procurement reproduction functions and printing operations.

3. Directs the National Office Communications Center having responsibility for providing word processing service to the Agency.

4. Directs, maintains, and improves the County Office Management System operations to aid field personnel in planning and organizing activities.

*Directives Management Branch*

1. Designs, develops, and administers an Agency-wide directives and issuance control system. Analyzes proposed changes and recommends other changes to the system. Ensures the consistency, adequacy, editorial review, clearance and distribution of directives and issuances. Coordinates and provides advice and policy directives and training with respect to State Office procedural issuances.

2. Reviews all Agency issuances prior to signature, exercising broad authority in recommending improvements and changes.

3. Ensures the timeliness of the Agency directives manual with respect to changes in organization, procedures, authorities, and programs.

4. Provides assistance to other units in determining the necessity and extent of directives changes.

5. Coordinates Agency publications in the FEDERAL REGISTER and receives, distributes and monitors comments from the public. Provides advice and assistance in preparation of documents for FEDERAL REGISTER publication.

6. Determines the need for legal clearance and FEDERAL REGISTER publication for all Agency issuances.

7. Develops and implements Agency policies regarding use of approved loan closing attorneys and title insurance companies.

8. Acts as prime interface with the Office of the General Counsel (OGC) in setting priorities for OGC's legal review of program regulations.

*Communications Center*

1. Provides typing and editing services for the National Office for correspondence, regulations, instructions, and other issuances.

2. Works with State Directors and assists them in planning for and proper utilization of high speed typing equipment.

3. Provides for training of communication center personnel at the national and State levels.

4. Maintains liaison with equipment suppliers in the interest of operating personnel training and equipment maintenance.

07 03 00 0005 MANAGEMENT INFORMATION SYSTEMS DIVISION

ASSIGNMENT OF FUNCTIONS

Ensures that an effective FmHA management information system is put in place that supplies FmHA managers on an ongoing basis with the information they need to monitor operations and decide policy and changes in operations.

*Management Information Systems Development Branch*

1. Identifies, through analysis of decision-making process and in consultation with program and administrative managers, management information needs of the Agency.

2. Develops management information systems concepts and requirements for new and revised systems.

3. Provides functional policy direction and technical guidance and assistance to the Finance Office systems development and programming function on MIS matters.



4. Monitors the work of contractors employed to plan, design, develop, and implement MIS projects.
5. Maintains liaison with Departmental and other MIS organizations.
6. Conducts cost-effectiveness analyses of various aspects of the management information system of the Agency.
7. Provides consultation to National Office staff on the use of proper system support, technical support for implementing results of the consultation and assists in interpretation of analyses performed via ADP.
8. Operates the National Office Management Operating Center.

#### Reports Management Branch

1. Provides functional policy direction and technical guidance to the Finance Office Management Reports Office.
2. Determines distribution of regular reports.
3. Receives priorities, and determines actions on all requests for reports, new forms, and data both within and outside FmHA.
4. Maintains forms/reports inventory control system as a basis for consolidating/eliminating reports and forms.
5. Administers those provisions of the Freedom of Information and Privacy Acts applicable to FmHA data, reports, and information.
6. Provides clearance of data to those outside FmHA to ensure consistency and adherence to policy with respect to release of information.
7. Undertakes special surveys and data collection efforts, relying to the maximum extent possible on the Finance Office for production operations.
8. Provides technical assistance to data users on the availability, quality, and limitations of data and on technical appropriateness of proposed analyses.
9. Upon request, prepares data displays and analyses for the Administrator and Associate Administrator.

07 03 00 0008 FINANCIAL SUPPORT DIVISION

#### ASSIGNMENT OF FUNCTIONS

1. Analyzes cash flow requirements and performs other financial analyses as necessary for developing individual fund financing actions.
2. Develops projections—especially for budgeting purposes—of cash needs and net financing costs. Prepares input data on these items and forwards them to the Budget Office.
3. Maintains current knowledge of funds-market situation.
4. Works closely with the Treasury Department in determining rates, duration, timing, and repayment terms for FmHA financing actions.
5. Negotiates terms of financing actions with the Federal Financing Bank.
6. Maintains primary liaison between FmHA and other agencies and institutions important to FmHA financing activities—especially the Treasury Department, the Federal Financing Bank, and the Office of Management and Budget.
7. Monitors activities of the Insured Note Administration Unit in the Finance Office and recommends changes in its operations to the Deputy Administrator, Financial and Administrative Operations, as necessary.
8. On request, provides the technical advice and assistance on financing matters to other organizational units, especially to

the Insured Note Administration Unit in the Finance Office, and the Budget Staff in the National Office.

9. Serves as the National Office Liaison with the Finance Office.

10. Provides policy and technical advice to FmHA's fiscal agent, the Federal Reserve Bank of New York, on outstanding issues of securities services by the Bank.

11. Serves as financial interpreter for new programs and program changes.

(7 U.S.C. 1981 and 1989; 42 U.S.C. 1471 and 1480; 5 U.S.C. 301 and 552; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: December 8, 1978.

GORDON CAVANAUGH,  
Administrator,  
Farmers Home Administration.

[FR Doc. 78-35359 Filed 12-18-78; 8:45 am]

[3410-07-M]

## CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

### SUBCHAPTER J—REAL PROPERTY

[FmHA Instruction 1924-F]

### PART 1924—CONSTRUCTION AND REPAIRS

#### Subpart F—Complaints and Compensation for Construction Defects

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations to implement a public law. The action is taken to authorize compensation to FmHA borrowers for defects resulting from construction financed under the Section 502 Rural Housing program. Also, this regulation is combined with the construction complaints regulation. The intended effect of the action is to compensate borrowers for construction defects not due to their fault or neglect, and to expedite such action.

EFFECTIVE DATE: December 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Elvon H. Spencer, (202) 447-4295.

SUPPLEMENTAL INFORMATION: On October 6, 1978, the Farmers Home Administration published a proposed rule at 43 FR 46306 through 46309, to add a new Subpart F to Part 1924, Subchapter J, Chapter XVIII, Title 7 in the Code of Federal Regulations. This action was proposed to

compensate FmHA borrowers for defects resulting from construction financed under its Section 502 Rural Housing program.

Interested persons were invited to submit comments concerning the proposal by November 6, 1978. In response to the notice of proposed rule-making, comments from several sources were received and considered in this final rule.

As a result the following changes were made:

1924.253 (c) Revised to clarify the definition of newly constructed dwelling.

1924.257 (a)(iii) Revised to reflect the suggestions that financial assistance be considered to be granted at the time the loan is closed, or at the time construction is completed, whichever is later.

1924.257 Revised to remove the prohibition against claimants whose dwellings were constructed under the mutual self-help or borrower method of construction.

1924.258 (a)(1) Revised to allow compensation to claimants who have repaired defects at their own expense.

1924.258 (b)(7) Revised to insert "or other public agency having jurisdiction" after Board of Health.

1924.260 (a) Revised to provide that the County Supervisor shall assist the claimant in preparing and submitting the application if such assistance is necessary.

1924.256 (e) Revised to require that FmHA notify the builder when a claim for compensation has been received and to inform the builder of the nature of the claim, the time when an inspection by the FmHA is planned and to invite the builder to take part in the inspection.

The following suggestions were received and considered but could not be implemented because of statutory limitations.

(1) Allow compensation to be given to claimants who received FmHA financial assistance before April 12, 1976.

(2) Allow claimants to obtain a second loan based upon their eligibility at the time the first loan was approved.

(3) To rely upon the Homeowners Warranty to protect all FmHA borrowers against construction defects.

Comments were received suggesting that this regulation prescribed conditions for sale of property acquired by FmHA. These comments will be considered in connection with future revisions of Part 1955, Subpart C of this Chapter.

Subpart C "Complaints," of Part 1918, Subchapter I of this Chapter is redesignated and combined with the regulation for "Compensation for Construction Defects" into Subpart F, as

the two regulations are closely related and information relating to both must be kept together to expedite processing.

Therefore, Subpart C of Part 1918 is deleted and Subpart F of Part 1924 is added as follows:

**PART 1918—[RESERVED]**

1. Part 1918 and Subpart C are hereby deleted and reserved.

2. Subpart F of Part 1924 is added and reads as follows:

**PART 1924—CONSTRUCTION AND REPAIR**

**Subpart F—Complaints and Compensation for Construction Defects**

Sec.

1924.251 Purpose.

1924.252 Policy.

1924.253 Definitions.

1924.254-1924.255 [Reserved]

1924.256 Handling dwelling construction complaints.

1924.257 Eligibility for compensation for construction defects.

1924.258 Purposes for which claims may be approved.

1924.259 [Reserved]

1924.260 Processing applications.

1924.261 Approval—disapproval.

1924.262 Final inspection.

1924.263 Action against contractor.

1924.264 [Reserved]

1924.265 Conveyance of mortgaged property.

1924.266 Notification of borrowers.

1924.267-1924.300 [Reserved]

**PART 1924—CONSTRUCTION AND REPAIR**

**Subpart F—Complaints and Compensation for Construction Defects**

**§ 1924.251 Purpose.**

This Subpart contains policies and procedures for receiving and resolving complaints concerning the construction of dwellings financed by the Farmers Home Administration (FmHA), and for compensating borrowers for structural defects under Section 502(c) of the Housing Act of 1949 as amended. Provisions of this subpart do not apply to dwellings financed through the guaranteed Section 502 program.

**§ 1924.252 Policy.**

The County Supervisor is responsible for receiving and resolving, with such assistance and advice as necessary, all complaints concerning the construction of dwellings financed by FmHA. The County Supervisor must decide whether the complaints are "justified" or "not justified." If a complaint is justified and covered by provisions of the builders warranty, the builder is expected to make the necessary corrections. If it is not justified, the builder is not obligated to correct

the defect. However, the cost for repairing structural defects, in newly constructed dwellings not corrected by the builder may be paid by the Government, or the borrower may be compensated for repairing such defects under the provisions of this Subpart.

**§ 1924.253 Definitions.**

For purposes of this Subpart, the following definitions will apply:

(a) Justified complaints. A complaint is justified if FmHA determines that:

(1) The construction is defective in workmanship, material, or equipment, or

(2) The dwelling has not been built in substantial compliance with the approved drawings and specifications, or

(3) The dwelling does not comply with FmHA's Minimum Property Standards, in effect at the time the loan was approved or the conditional commitment issued, or

(4) The property does not meet code requirements.

(b) Not justified complaint. A "not justified complaint" is any complaint that does not meet the definition of a justified complaint. If the complaint is not justified, the repairs are the responsibility of the homeowner. Examples of not justified complaints are:

(1) The repair of cracks attributed to normal curing or settlement.

(2) The repair of leaky faucets.

(3) The application of protective painting and grouting to prevent accelerated deterioration of material.

(4) Normal care of mechanical equipment.

(5) Keeping the well free from contamination.

(6) Cleaning of individual sewage disposal systems.

(c) Newly constructed dwellings. A newly constructed dwelling is one which (1) is financed with a section 502 RH insured loan, (2) was, at the time the loan was closed, not more than one year old and not previously occupied as a residence, and (3) the required construction inspections were made by Farmers Home Administration (FmHA), Department of Housing and Urban Development (HUD), Or Veterans Administration (VA).

(d) Structural defect. A structural defect is a defect in the dwelling or, a related facility, or a deficiency in the site or site development which directly and significantly reduces the useful life, the habitability, or the integrity of the dwelling. The defect may be due to faulty material, poor workmanship, or latent causes that existed when the dwelling was constructed. The term includes but is not limited to:

(1) Structural failures which directly and significantly affect the basic integrity of the dwelling such as in the foundation, footings, basement walls,

slabs, floors, framing, walls, ceiling, or roof.

(2) Major deficiencies in the utility components of the dwelling or site such as faulty wiring, or failure of sewage disposal or water supply systems located on the property securing the loan.

(3) Serious defects in design or installation of heating systems or central air conditioning.

**§ 1924.254-1924.255 [Reserved]**

**§ 1924.256 Handling dwelling construction complaints.**

The County Supervisor is responsible for receiving and resolving with such assistance and advice as necessary, all complaints concerning FmHA financed dwellings in the following manner:

(a) Each complainant should be requested to make a written complaint. An oral complaint may be accepted if making a written complaint will impose a hardship.

(b) The homeowner will be told to first attempt to resolve the complaint with the builder.

(1) The homeowner should be urged to give the builder a written list of the alleged defects.

(2) The homeowner should be informed that if, after 30 days the defects have not been corrected or other satisfactory arrangements made by the builder, the homeowner should so notify the County Supervisor, preferably in writing.

(c) If the homeowner does not contact the County Office again, the County Supervisor will assume that the complaint has been satisfied, and will take no further action.

(d) If the homeowner notifies the County Supervisor that the complaint has not been satisfied, the County Supervisor should request the homeowner to furnish copies of all correspondence with the builder and submit a written complaint if that has not already been done.

(e) The County Supervisor should advise the builder by letter of the homeowner's complaint, the time and date of planned inspection by FmHA personnel, and request that the builder accompany the inspector and homeowner for a joint inspection in an attempt to resolve the complaint.

(f) If, prior to the planned inspection, the builder informs FmHA that the alleged defect(s) has been or will be corrected within 30 days, the County Supervisor will notify the homeowner by letter and the case will be closed unless a subsequent complaint is received from the homeowner.

(g) If the case is not resolved as outlined in paragraph (f) of this section,

the planned inspection will be made and the County Supervisor will:

(1) Determine that none, some, or all of the complaints are justified.

(2) If there are justified complaints, prepare an inspection report including at least the following information:

(i) A description of the defect and a statement as to whether the defect is the builders responsibility under provisions of the builders warranty, or not covered by the builders warranty but eligible for consideration as a structural defect as defined in § 1924.258. A Form FmHA 424-4 "Request for Compensation of Construction Defects" will be given to the borrower if the complaint is not covered by the warranty.

(ii) The cause or probable cause of the defect.

(iii) A list of any other defects noted in the structure and related facilities.

(iv) A description of the work necessary, to correct the defect and an estimate of the repair cost, or a recommendation that it is not feasible to repair the property.

(3) Notify the borrower and the builder by letter of the findings and the determination made of the responsibility for correcting defects.

(i) If all or part of the complaint appears to be not justified, the borrower will be given a Form-FmHA 424-4 to be submitted for further consideration.

(ii) If defects are determined to be covered by the builders warranty, the builder will be advised that the corrections or repairs must be completed within 30 days or other time period as agreed to by the builder, the borrower and FmHA. The builder will be further advised that if the builder fails to correct the justified complaint(s), the Government will consider compensating the borrower. The builder may be liable for costs paid by the Government and may be subject to suspension/debarment action under Subpart E of this Part.

(h) If the County Supervisor is unable to determine justification or responsibility for complaints, or if a review of the findings is requested by the builder or borrower, the County Supervisor should request assistance from the State Program Support Staff or District Director as appropriate.

(i) Should a builder decline to correct a justified complaint after being officially requested in writing to do so, the borrower will be given Form FmHA 424-4 and formal suspension and debarment proceedings in accordance with FmHA Instruction 1924-E should be instituted promptly. The builders failure to reply to official correspondence can be taken as refusal to correct the justified complaint. Also, a builder's inability to correct a justified complaint constitutes noncompliance.

(j) All correspondence and other documentation in connection with complaints shall be maintained in a complaint file under the builder's name. Such records should be reviewed periodically to aid in evaluating the performance of builders or for formulating a course of action to be taken.

#### § 1924.257 Eligibility for compensation for construction defects.

(a) To be eligible for assistance under this Subpart, all of the following must exist:

(1) The claim must be for one or more of the following:

(i) Pay for repair;

(ii) Compensate the owner for repair;

(iii) Pay emergency living or other expenses resulting from the defect; or

(iv) Acquire title to property.

(2) The dwelling must be newly constructed and financed with an insured section 502 RH loan.

(3) The claim must be filed with FmHA within 18 months after the date financial assistance is granted. (Claims involving assistance granted on or between April 12, 1976, and October 12, 1977, may be filed through April 12, 1979.) For loans made to buy a dwelling, financial assistance is granted on the date the loan is closed. For all other loans, financial assistance is granted on the date of final construction inspection and acceptance by the borrower and FmHA.

(4) Financial assistance must have been granted on or after April 12, 1976.

(5) Any obligation of the contractor or builder to correct the defect(s) under a builders warranty must have expired or the contractor or builder is responsible for making corrections under the builder's warranty, but is unable or unwilling to do so. The claimant, when applicable, must provide evidence that the contractor has been contracted and the reasons, if known, why the contractor will not correct the defect(s).

(b) Subsequent owners of eligible dwellings who are also 502 borrowers may be eligible to receive compensation for construction defects. However, the claim for compensation must be filed within the 18 month period established for the original RH borrower.

#### § 1924.258 Purposes for which claims may be approved.

(a) Eligible purposes. A claim may be approved to:

(1) Pay or reimburse the owner for costs already paid to repair major structural defects, when made in accordance with plans and specifications approved by FmHA. Payment will be based on actual cost of the develop-

ment and the borrower must provide evidence to reasonably establish the development cost. Payment may be made:

(i) To cover damages which are a direct result of the defect to permanent additions, remodeling, upgrading, etc., of the dwelling or related facilities, and

(ii) For costs approved by FmHA for professional reports by engineers, architects or others needed to determine cause of or means to repair the defect.

(2) Reimburse the owner for funds expended for emergency repairs. Emergency repairs are those repairs necessary to preserve the integrity of the structure, to prevent damage or further damage to personal property or fixtures in the dwelling and related facilities, or to prevent or eliminate immediate health hazards. Receipts or other evidence of owner's expenditures must be provided.

(3) Acquire title to the property by the Government and, when appropriate, compensate the claimant for any loss of borrower contribution at the time the loan was closed. Compensation under this paragraph may not exceed the difference between the present market value of the security property as established by the appraisal when the loan was made and the amount of the FmHA loan and any prior liens. A borrower contribution may be such things as:

(i) A borrower's land or cash contribution.

(ii) Development work done by the borrower, the cost of which was not included in the loan funds.

(iii) Attorney fees, abstract costs or title insurance costs actually paid by the claimant in connection with closing the loan.

(4) Pay or reimburse the borrower for temporary living expenses, miscellaneous expenses, storage of household goods and moving expenses incurred as a result of the defect.

(i) Payment under this paragraph may be made under either for the following circumstances:

(A) The property is acquired by the Government because FmHA determines that the dwelling is not habitable and the severity of the defect(s) prevents the property from being repaired and made suitable as a permanent residence for the borrower. Payment of expenses covered by this paragraph is not authorized in cases where the Government accepts conveyance of the property as a convenience to the borrower and the dwelling is or can feasibly be made suitable as a permanent residence.

(B) The property is not acquired by the Government but FmHA determines that the dwelling is not habitable or must be vacated to repair the defects.



(ii) Claims for compensation under paragraph (a)(4) of this section are limited as follows:

(A) Compensation may be granted for temporary living expenses for not more than 45 calendar days per claim unless a longer period is authorized by the National Office. Compensation will be paid for actual cost to the claimant not to exceed \$40 per day. Reimbursement may be claimed for expenses such as food, lodging, laundering, etc., which would not have been incurred had the claimant remained in the house.

(B) Compensation may be granted for actual miscellaneous expenses not to exceed \$200 to cover such items as utility connect and disconnect fees.

(C) Compensation may be granted for moving and storage expenses not to exceed \$2,500 unless authorized by the State Director and not to exceed the actual cost of moving the claimant household with personal belongings, a distance of not more than 50 miles from the original residence. Compensation for storage expenses may not exceed that amount paid to store household furnishings for 45 days.

(5) Compensate the claimant for reasonable interest paid on loans obtained for the sole purpose of correcting structural defects or other approved purposes under this Subpart.

(b) Ineligible purposes. Compensation will not be granted for:

(1) Damage caused by defective design, workmanship, or material in making additions to or remodeling the dwelling or related facilities which was not financed or approved by FmHA.

(2) The loss of past, present, or future wages or salary directly or indirectly resulting from the defect.

(3) Treatment for physical or psychological damages including medical and dental claims.

(4) Death benefits or funeral expenses.

(5) Damages encountered as a result of war, civil disorder, flood, tornado, lightning, earthquake or acts of nature which the structure was not designed to withstand.

(6) Damages resulting from the homeowner's negligence or failure to properly maintain the property.

(7) Correction of defects such as a damp basement or malfunctioning septic system unless the defect is so serious that the Board of Health or other public agency having jurisdiction, condemns the property, or the affected part of the dwelling cannot continue to be used for its intended purpose.

(8) Damage to personal property.

§ 1924.259 [Reserved]

§ 1924.260 Processing applications.

(a) An application for compensation for construction defects shall be submitted by the claimant to the County Supervisor on Form FmHA 424-4. The application shall be completed in its entirety. All structural defects and claims for which compensation is sought will be listed. If necessary, the County Supervisor shall assist the claimant in preparing and submitting the application.

(b) The County Supervisor will review applications for compensation for construction defects to determine if the claim appears to meet the eligibility requirements as detailed in §§ 1924.257 and 1924.258 of this Subpart.

(c) If a builder's warranty has been issued, the County Supervisor will follow the applicable portions of § 1924.256 before processing the application.

(d) If the defect is not covered by a builder's warranty, the contractor does not appear to be liable, or the contractor has failed to perform after proper notification under the warranty, or the County Supervisor has evidence that the contractor is unable or unwilling to make the repairs, the County Supervisor will send the claim file to the District Director.

(e) The assembled claim docket will contain all of the following completed forms and documents as well as other information bearing the validity of the claim.

(1) Form FmHA 424-4 completed and signed by claimant.

(2) Report of inspection completed and signed by the FmHA employee who made the inspection.

(3) Drawings, specifications and cost estimates.

(4) The County Supervisor's comments and recommendations.

§ 1924.261 Approval—disapproval.

(a) The District Director may approve or disapprove claims up to \$2,000. All other claims will be approved or disapproved by the State Director. The approval official must inform the claimant in writing of the decision within 30 days after the claim is received by that official. In no case will the County Supervisor or the District Director hold a claim docket for more than 30 days unless they inform the claimant of the reason(s) why it is being delayed. If the claim or any part of the claim is denied at any level, the claimant will be informed in writing of the reason(s) for the denial and advised of appeal rights in accordance with Subpart B of Part 1900 of this Chapter.

(b) Claims will be approved subject to availability of funds. The approving

official will enter the amount and the categories for which the claim is approved and sign the original Form FmHA 424-4. Two copies will be mailed to the State Office, one copy to the borrower, and the original will remain in the borrower's case file. When the State Office allocates funds for the claim, two copies of Form FmHA 424-4 will be stamped "FUNDED" and returned to the County Supervisor. The County Supervisor, when ordering the check, will send one copy with the "FUNDED" stamp to the Finance Office. The Finance Office will send the check to the county office on the basis of this form. It will not be necessary to use Standard Form 1034 "Public Voucher for Purchases and Services Other Than Personal." The check will be made payable to the claimant and may, as appropriate, be released to reimburse the claimant for approved costs, endorsed by the claimant to be applied on an FmHA loan account, or deposited in a supervised bank account, and disbursed to pay for development costs or other authorized purposes.

§ 1924.262 Final inspection.

All repair work will be performed in accordance with Part 1804 (FmHA Instruction 424.1). In all cases, a final inspection of the repair work performed will be made before final payment is made for the work.

§ 1924.263 Action against contractor.

If FmHA pays for correction of construction defects which are the responsibility of the contractor, debarment proceedings will be initiated against the contractor in accordance with Subpart E of Part 1924 of this Chapter. An assignment of the borrower's claim against the contractor or other party will be obtained if it appears to the approval officials with any necessary advice from OGC, that recovery is reasonably possible.

§ 1924.264 [Reserved]

§ 1924.265 Conveyance of mortgaged property.

The conveyance of property acquired by the Government under § 1924.258(a)(3) will be handled in accordance with applicable provision of § 1955.10 of subpart A, Part 1955.

§ 1924.266 Notification of borrowers.

The County Supervisor will notify by letter all borrowers who received Section 502 RH Financial Assistance on or after April 12, 1976, for a newly constructed dwelling of the provisions of this Instruction. Guide Letter 1924-1 will be used as a guide in preparing the notification letter to be sent to potentially eligible borrowers. The County Supervisor will also give notifi-

## RULES AND REGULATIONS

cation to loan applicants at or before loan closing, and advise borrowers of the construction defects procedure at any time construction defects are apparent and favorable results cannot be obtained from the contractor.

§ 1924.267-1924.300 [Reserved]

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: December 11, 1978.

A. JENNINGS ORR;  
*Acting Administrator,*  
*Farmers Home Administration.*

[FR Doc. 78-35141 Filed 12-18-78; 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.

[7590-01-M]

## NUCLEAR REGULATORY COMMISSION

[10 CFR Chapter I]

STAFF REPORT ON "GENERAL CONSIDERATIONS AND ISSUES OF SIGNIFICANCE ON THE EVALUATION OF ALTERNATIVE SITES FOR NUCLEAR GENERATING STATIONS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT" (NUREG-0499, SUPPLEMENT NO. 1)

Availability of Staff Document for Public Comment

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Availability of Staff Report for Public Comment.

SUMMARY: The Nuclear Regulatory Commission issued an "Interim Policy Statement on Generic Rulemaking to Improve Nuclear Power Plant Licensing," published in the FEDERAL REGISTER on December 14, 1978, with a 60-day comment period ending February 12, 1979. This interim policy statement identifies ten issues for possible rulemaking that might improve the effectiveness of the NRC nuclear power plant licensing procedures. A staff document (NUREG-0499, "Preliminary Statement on General Policy for Rulemaking to Improve Nuclear Power Plant Licensing") was also issued to provide more detail on these ten issues.

One of the ten issues proposed by the staff for consideration in generic rulemaking is alternative siting methodology and information requirements. Subsequently, the staff developed more detailed information on the subject of alternative sites. The purpose of NUREG-0499, Supplement No. 1, therefore, is to provide this more detailed information to better focus public comment on NUREG-0499. Such public comment would enhance subsequent consideration of this important subject by the Commission.

DATE: Comments due on or before February 12, 1979.

ADDRESS: Written comments or suggestions for consideration in connection with this Staff Report should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory

Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

The Staff Report, Supplement 1 to NUREG-0499, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. Requests for single copies should be addressed to the Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT:

Malcolm L. Ernst, Assistant Director for Environmental Technology, Office of Nuclear Reactor Regulation, Mail Stop P-302, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-492-8016.

Dated at Washington, D.C. this 15th day of December 1978.

For the Nuclear Regulatory Commission,

HAROLD R. DENTON,  
Director, Office of  
Nuclear Reactor Regulation.

[FR Doc. 78-35414 Filed 12-18-78; 9:57 am]

[6740-02-M]

## DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[10 CFR Part 580]

[Docket No. RM79-5]

PROTECTION OF ESSENTIAL AGRICULTURAL USES FROM CURTAILMENT OF NATURAL GAS DELIVERIES BY INTERSTATE PIPELINES

Public Hearing and Opportunity for Comment

NOVEMBER 29, 1978.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Public Hearing and Opportunity for Comment.

SUMMARY: On November 22, 1978, the Federal Energy Regulatory Commission (Commission), in the exercise of its discretion under section 404 of the Department of Energy Organization Act (DOE Act), determined that the proposed rule of the Economic Regulatory Administration (ERA), Department of Energy (DOE) (43 FR 54660, November 22, 1978), relating to the protection of essential agricultural uses from curtailment of natural gas

deliveries by interstate pipelines, may significantly affect the Commission's function pursuant to section 402(a)(1)(E) of the DOE Act. Section 402(a)(1)(E) relates to the establishment, review and enforcement of curtailments of natural gas under the Natural Gas Act. The Commission therefore requests the Secretary of Energy (Secretary) to refer the proposed rule to it and is providing notice to the public that it will receive comments and hold a public hearing with respect to the proposal in conjunction with the ERA. The dates provided in this notice of written comments, request to speak, and the hearing date correspond to the dates established by ERA for these procedures.

DATES: Written comments due January 19, 1979; public hearing January 10, 1979; requests to speak due December 27, 1978.

ADDRESS: The hearing will be held at Room 2105, M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Alexander M. Peters, Office of General Counsel, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 275-4227.

SUPPLEMENTARY INFORMATION: On November 16, 1978, the ERA issued a proposed rule (43 FR 54660, November 22, 1978) relating to the protection of essential agricultural uses from curtailment of deliveries of natural gas by interstate pipelines. The rule was referred to the Commission on November 16, 1978, for its consideration under section 404 of the DOE Act.

The rule was proposed pursuant to section 401(a) of the Natural Gas Policy Act of 1978 (NGPA), which was enacted on November 9, 1978. Section 401(a) of the NGPA requires the Secretary to prescribe and make effective, not later than 120 days after the date of enactment of the statute, a rule which provides that to the maximum extent practicable, no curtailment plan of an interstate pipeline may provide for curtailment of deliveries of natural gas for any essential agricultural use unless such curtailment does not reduce the quantity of natural gas delivered for an essential agricultural use; or, is necessary to meet the requirements of high-priority users. Also Section 401(a) of the NGPA provides that if the Commission, in consulta-

tion with the Secretary of Agriculture, determines by rule or order that use of an alternate fuel is economically practicable and that the fuel is reasonably available as an alternative to natural gas for use in an essential agricultural use, the provisions of subsection (a) shall not apply with respect to any curtailment of deliveries for such use. The remaining subsections of section 401 require the Secretary of Agriculture to determine essential agricultural use requirements; provide the Secretary of Agriculture the right to intervene in any proceeding before the Commission which is conducted in connection with implementing the requirements of the rule prescribed in subsection (a); and, define the terms "essential agricultural use" and "high-priority user."

The Secretary is directed to promulgate the rule required pursuant to section 401(a) of the NGPA pursuant to his authority under the DOE Act to establish priorities for curtailments under the Natural Gas Act. See section 403(a) of the NGPA. Likewise the Commission is required to implement the rules promulgated by the Secretary pursuant to its authority in section 402(a)(1)(E) of the DOE Act to establish, review, and enforce curtailments under the Natural Gas Act. See section 403(b) of the NGPA.

In its review of the proposed rule, the Commission intends to examine the administrative feasibility of implementing the rule in its current form. The Secretary's proposed regulation will also be examined in conjunction with the Commission's current curtailment responsibilities. As the Statement of Managers suggests the examination should be limited:

... the Commission is instructed to reopen curtailment plans that are already in effect under the Natural Gas Act only to the extent necessary to adjust those plans to bring them into conformity with the new curtailment priority schedule [established by the Secretary]. The conferees were concerned that these changes not burden the Commission with lengthy proceedings which might throw existing curtailment plans into disarray. ... [T]he conferees do not intend the reopening of curtailment plans for this limited purpose to result in adoption of a new base year for curtailment purposes. S. Rep. No. 95-1126, 95th Congress, 2nd Sess. 113 (1978)

Thus, the Commission's interest in the proposed rule results from the need to conform its current responsibilities with rule promulgated by the Secretary. Accordingly, the Commission has requested the Secretary to refer the proposed rules to it. Comments are requested on the effect of the Secretary's proposed rule upon the Commission's curtailment functions pursuant to section 402(a)(1)(E) of the DOE Act.

In accordance with section 404(b), following the public comment period and after consultation with the Secretary, the Commission will either (1) concur in the adoption of the rule as proposed, (2) concur in the adoption of the rule only with changes the Commission recommends, or (3) recommend that the rule not be adopted. The Commission's action will be published in the FEDERAL REGISTER along with an explanation of the reasons for its action. Subsection (c) of section 404 states that the Secretary shall then have the option of (1) issuing the rule (if the Commission has concurred), (2) issuing the rule with any changes recommended by the Commission, or (3) ordering that the rule not be issued.

#### WRITTEN COMMENTS AND PUBLIC HEARING PROCEDURES

Interested persons may participate in this proceeding by submitting written data, views and arguments by January 19, 1979 to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Each person submitting a comment should include his name and address, identify the notice (Docket No. RM79-5), and give reasons for any recommendations. An original and 14 conformed copies, each containing a summary of contents, should be filed with the Secretary of the Commission. Comments should indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the comments may be addressed. Written comments shall be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426, during regular business hours.

#### PUBLIC HEARING PROCEDURES

The Commission and the ERA will hold a joint public hearing in this proceeding at 2000 M Street NW., Washington, D.C. on January 10, 1979, beginning at 9:30 a.m. Any person interested in this proceeding or representing a group or class of persons interested in this proceeding may file a request to participate in the hearing with the Secretary of the Commission at 825 North Capitol Street NE., Washington, D.C., prior to 4:30 p.m., December 27, 1978 or with the ERA, in accordance with the procedures announced in its Notice of Proposed Rulemaking, by December 27, 1978.

Requests to participate at the hearing should include a reference to Docket No. RM79-5 as well as a concise summary of the proposed oral presentation and a number where the person making the request may be reached by telephone. Persons partici-

pating in the public hearing should, if possible, bring 100 copies of their testimony to the hearing.

The hearing will not be a judicial or evidentiary-type hearing. There will be no cross-examination of persons presenting statements. The hearing panel may question such persons and any interested person may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. At the conclusion of the initial oral statement, if time permits, persons who have made oral statements will be given the opportunity to make rebuttal statements. Any further procedural rules will be announced by the presiding officer at the hearing. A transcript of the hearing will be made available at the Commission's Office of Public Information.

By direction of the Commission.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc. 78-35129 Filed 12-18-78; 8:45 am]

[8010-01-M]

#### SECURITIES AND EXCHANGE COMMISSION.

[17 CFR Part 249]

[Release No. 34-15409; File No. S7-750]

#### ANNUAL REPORT FORM

##### Extension of Time for Comment

AGENCY: Securities and Exchange Commission.

ACTION: Extension of time for comment.

SUMMARY: The Commission is extending from December 15, 1978 to January 15, 1979 the date by which comments must be submitted on the existing Form 10-K and the revised Form 10-K recommended by the Advisory Committee on Corporate Disclosure. The Commission has received requests that such comment period be extended and believes that an extension to January 15, 1979 will be beneficial because it will result in the receipt of additional useful comments.

DATE: Comments must be received on or before January 15, 1979.

ADDRESSES: All communications on the matters discussed in this release should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File S7-750 and will be available for public inspection and copying in the Commission's Public Reference Room,

1100 L Street, NW., Washington, D.C. 20549.

**FOR FURTHER INFORMATION CONTACT:**

William H. Carter 202-376-8090, or Mauri L. Osherooff, 202-376-2379, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

**SUPPLEMENTARY INFORMATION:** In Securities Exchange Act Release No. 15068 (August 16, 1978) (43 FR 37460, August 23, 1978) the Commission requested comments on Part I of the present annual report form required to be filed by most publicly owned companies, Form 10-K, and on the substantially revised annual report format recommended by the Advisory Committee on Corporate Disclosure. In addition to requesting general comments, the Commission requested commentators to focus on certain specified areas. The Commission intends to consider these comments in connection with possibly proposing amendments to Form 10-K in the future.

In order to receive the benefit of the comments of interested persons and in view of the requests received by the Commission for additional time in which to comment, the Commission has extended the comment period until January 15, 1979.

By the Commission.

GEORGE A. FITZSIMMONS,  
*Secretary.*

DECEMBER 13, 1978.

[FR Doc. 78-35257 Filed 12-13-78; 8:45 am]

[4110-03-M]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Food and Drug Administration

[21 CFR Parts 131 and 133]

[Docket No. 75P-0121]

**SUBSTITUTES FOR MILK, CREAM, AND CHEESE**

Proposal To Establish Standards of Identity;  
Reopening of Comment Period

**AGENCY:** Food and Drug Administration.

**ACTION:** Reopening of comment period on proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is reopening the comment period on the proposed rule that would establish standards of identity for milk, cream, and cheese substitutes. This action is based on requests from industry. The reopened comment period will run concurrently with the reopened comment periods for three other related proposals to (1) amend the standard of identity for skim milk cheese for manufacturing, (2) amend

and revise the standards of identity for pasteurized process cheese and pasteurized process cheese products, and (3) revise and update the standards of identity for nine natural cheeses and appropriate cross-referenced cheeses based on international standards for these foods.

**DATE:** Comments by March 19, 1979.

**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:**

Eugene T. McGafrahan, Bureau of Foods (HFF-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1155.

**SUPPLEMENTARY INFORMATION:** In the FEDERAL REGISTER of September 19, 1978 (43 FR 42118), the Commissioner of Food and Drugs proposed establishment of standards of identity for milk and cream substitutes and cheese and cheese product substitutes. The proposed standards of identity would (1) establish descriptive names for milk and cream substitutes and cheese and cheese product substitutes, (2) permit the use of any safe and suitable optional ingredients in their formulation; (3) establish compositional requirements, including requirements for nutritional equivalence to the foods which they simulate, and (4) establish appropriate labeling requirements.

The Commissioner published three other cheese-related documents in the September 19, 1978 issue of the FEDERAL REGISTER: (1) a proposal to revise and update the standards of identity for nine natural cheeses and appropriate cross-referenced cheeses based on the international standards for these foods (43 FR 42127), (2) a notice reopening the comment period for the proposal to amend the standard of identity for skim milk cheese for manufacturing (43 FR 42126), and (3) a notice reopening the comment period for the proposal to revise the standards of identity for pasteurized process cheese and pasteurized process cheese products (43 FR 42127). Comments on all four documents were to be filed by November 27, 1978.

The Commissioner has received several requests from industry for extension of the comment period on this proposal as well as on each of the other three cheese-related proposals. The comments, on file with the Hearing Clerk, FDA, stated that the proposals will have a significant impact on the industry and that the 69-day comment period is not sufficient for a thorough evaluation of the proposed

changes. Consequently, they have requested a 90-day extension to develop substantive comments on the proposals. In view of the complex nature of these interrelated proposals, the Commissioner concludes that an extension should be granted. Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is reopening the comment periods on the related proposals.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), the comment period on the proposal to establish standards of identity for milk and cream substitutes and cheese and cheese product substitutes is reopened and shall run concurrently with the reopened comment periods for the other cheese-related proposals.

Interested persons may, on or before March 19, 1979 submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 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.

Dated: December 12, 1978.

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

[FR Doc. 78-35043 Filed 12-14-78; 8:45 am]

[4110-03-M]

[21 CFR Part 133]

[Docket No. 77N-0331]

**CHEESES AND RELATED CHEESE PRODUCTS**

Proposal Based on International Standards;  
Reopening of Comment Period

**AGENCY:** Food and Drug Administration.

**ACTION:** Reopening of comment period on proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is reopening the comment period on the proposed rule that would revise and update the standards of identity for nine natural cheeses and appropriate cross-referenced cheeses based on international standards for these foods. This action is based on requests from industry. The reopened comment period will run concurrently with the reopened comment periods for three other related proposals to (1) amend the stand-

ards of identity for skim milk cheese for manufacturing, (2) amend and revise the standards of identity for pasteurized process cheese and pasteurized process cheese products, and (3) establish standards of identity for milk, cream, and cheese substitutes.

**DATE:** Comments by March 19, 1979.

**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:**

Eugene T. McGarrahan, Bureau of Foods (HFF-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1155.

**SUPPLEMENTARY INFORMATION:**

In the FEDERAL REGISTER of September 19, 1978 (43 FR 42127), the Commissioner of Food and Drugs proposed to revise the standards of identity for blue cheese, cheddar cheese, edam cheese, gouda cheese, gruyere cheese, limburger cheese, provolone cheese, samsoe cheese, swiss cheese, and the cross-referenced cheeses—cheddar cheese for manufacturing, low sodium cheddar cheese, and swiss cheese for manufacturing. The proposed revision would (1) provide for full ingredient declaration, (2) relax recipe requirements to permit use of safe and suitable ingredients that do not change the basic identity of the food or adversely affect the physical or chemical characteristics, and (3) amend compositional requirements to be consistent with the recommended international standards, when doing so will promote honesty and fair dealing in the interest of consumers.

The Commissioner published three other cheese-related documents in the September 19, 1978 issue of the FEDERAL REGISTER: (1) a proposal to establish standards of identity for milk, cream, and cheese substitutes (43 FR 42118); (2) a notice reopening the comment period for the proposal to amend the standard of identity for skim milk cheese for manufacturing (43 FR 42126); and (3) a notice reopening the comment period for the proposal to revise the standards of identity for pasteurized process cheese and pasteurized process cheese products (43 FR 42126). Comments on all four documents were to be filed by November 26, 1978.

The Commissioner has received several requests from industry for extension of the comment period on this proposal as well as on each of the other cheese-related proposals. The comments, on file with the Hearing Clerk, FDA, stated that the proposals will have a significant impact on the

industry and that the 69-day day comment period is not sufficient for a thorough evaluation of the proposed changes. Consequently, they have requested a 90-day extension to develop substantive comments on the proposals. In view of the complex nature of these interrelated proposals, the Commissioner concludes that such an extension should be granted. Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is reopening the comment periods on the related proposals.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), the comment period on the proposal to amend the standards of identity for nine natural cheeses is reopened and shall run concurrently with the reopened comment periods for the other cheese-related proposals.

Interested persons may, on or before March 19, 1979 submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 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.

Dated: December 12, 1978.

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

[FR Doc. 78-35041 Filed 12-14-78; 8:45 am]

**[4110-03-M]**

[21 CFR Part 133]

[Docket No. 77P-0070]

**PASTEURIZED PROCESS CHEESE AND CHEESE PRODUCTS**

**Proposed Revision of Definition and Standards of Identity; Reopening of Comment Period**

**AGENCY:** Food and Drug Administration.

**ACTION:** Reopening of comment period on proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is reopening the comment period on a proposed rule that would revise the standards of identity for pasteurized process cheese and pasteurized process cheese products. This action is based on requests from industry and will reopen the comment period to run concurrently

with the reopened comment periods for three other related proposals to (1) establish standards of identity for milk, cream, and cheese substitutes, (2) amend the standard of identity for skim milk cheese for manufacturing, and (3) revise and update the standards of identity for nine cheeses and appropriate cross-referenced cheeses based on international standards for these foods.

**DATE:** Comments by March 19, 1979.

**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:**

Eugene T. McGarrahan, Bureau of Foods (HFF-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1155.

**SUPPLEMENTARY INFORMATION:**

In the FEDERAL REGISTER of October 4, 1977 (42 FR 53970), the Commissioner of Food and Drugs proposed to revise the definition and standard of identity for pasteurized process cheese and establish a new standard of identity for pasteurized process cheese products, to include all pasteurized process cheese-type foods that contain less fat than pasteurized process cheese. The standards of identity for pasteurized process cheese food and pasteurized process cheese spread, as well as appropriate cross-referenced standards of identity, would be revoked. The proposed new standards of identity would (1) require label declaration of the fat content, (2) adopt the use of class designation for safe and suitable optional ingredients and require that all such ingredients be declared on the label, and (3) provide for the optional addition of fruits, vegetables, and meats. Comments on the proposal were to be filed by January 3, 1978.

The Commissioner received several requests for extension of the comment period on the proposal. Rather than extending the comment period on the proposal at that time, the Commissioner decided to reopen the comment period later, when two related proposals were published. The notice of the reopening of the comment period (43 FR 42127), the related proposals (Milk, Cream, and Cheese Substitutes (43 FR 42118) and Cheese and Related Cheese Products (43 FR 42127)), and a notice reopening the comment period on the proposal to amend the standard of identity for skim milk cheese for manufacturing (43 FR 42126) were published in the FEDERAL REGISTER of September 19, 1978. Comments on these proposals were to be filed by November 27, 1978.



Again the Commissioner has received requests from industry to extend the comment period on this proposal and the other cheese-related proposals. The comments, on file with the Hearing Clerk, FDA, stated that the proposals will have a significant impact on the industry and that the 69-day comment period is not sufficient for a thorough evaluation of the proposed changes. Consequently, they have requested a 90-day extension to develop substantive comments on the proposals. In view of the complex nature of these interrelated proposals, the Commissioner concludes that an extension should be granted. The comment periods for the related proposals are reopened in documents appearing elsewhere in this issue of the **FEDERAL REGISTER**.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended; 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), the comment period on the proposal to revise the standards of identity for pasteurized process cheese and pasteurized process cheese products is reopened and shall run concurrently with the reopened comment periods for the other cheese-related proposals.

Interested persons may, on or before March 19, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 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.

Dated: December 12, 1978.

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

[FR Doc. 78-35040 Filed 12-14-78; 8:45 am]

[4110-03-M]

[21 CFR PART 133]

[Docket No. 77P-00711]

#### SKIM MILK CHEESE FOR MANUFACTURING

Proposal To Amend the Standard of Identity;  
Reopening of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Reopening of comment period on proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is reopening the

comment period on the proposed rule that would amend the standard of identity for skim milk cheese for manufacturing. This action is based on requests from industry. The reopened comment period will run concurrently with the reopened comment periods for three other related proposals to (1) establish standards of identity for milk, cream, and cheese substitutes, (2) amend and revise the standards of identity for pasteurized process cheese and pasteurized process cheese products, and (3) revise and update the standards of identity for nine natural cheeses and appropriate cross-referenced cheeses based on international standards for these foods.

DATE: Comments by March 19, 1979.

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:

Eugene T. McGarrahan, Bureau of Foods (HFF-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1155.

**SUPPLEMENTARY INFORMATION:** In the **FEDERAL REGISTER** of October 4, 1977 (42 FR 53979), the Commissioner of Food and Drugs proposed to amend the standard of identity for skim milk cheese for manufacturing. The proposed amendments, based on an industry petition, would (1) change the name of the food to "skim milk cheese," (2) increase the maximum permissible moisture from 50 to 60 percent, (3) eliminate the necessity of applying to the surface of the cheese a blue paraffin coating, (4) permit the use of modern cheddar cheese curd handling techniques, and (5), consistent with other more recent standards, recognize skim milk products as acceptable foods and ingredients in other foods. Comments on the proposal were to be filed by December 5, 1977.

The Commissioner received several requests for extension of the comment period on the proposal. Rather than extending the comment period on the proposal at that time, the Commissioner decided to reopen the comment period later when two related proposals were published. The notice of the reopening of the comment period (43 FR 42126), the related proposals (Milk, Cream, and Cheese Substitutes (43 FR 42118) and Cheese and Related Cheese Products (43 FR 42127)), and a notice reopening the comment period on the proposal to amend the standards of identity for pasteurized process cheese and pasteurized process cheese products (43 FR 42127) were

published in the **FEDERAL REGISTER** of September 19, 1978. Comments on these proposals were to be filed by November 27, 1978.

Again the Commissioner has received requests from industry to extend the comment period on this proposal as well as the other cheese-related proposals. The comments, on file with the Hearing Clerk, FDA, stated that the proposals will have a significant impact on the industry and that the 69-day comment period has not been sufficient for a thorough evaluation of the proposed changes. Consequently, they have requested a 90-day extension to develop substantive comments on the proposals. In view of the complex nature of these interrelated proposals, the Commissioner concludes that an extension should be granted. The comment periods for the related proposals are reopened in documents appearing elsewhere in this issue of the **FEDERAL REGISTER**.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), the comment period on the proposal to amend the standard of identity for skim milk cheese for manufacturing is reopened and shall run concurrently with the reopened comment periods for the other cheese-related proposals.

Interested persons may, on or before March 19, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 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.

Dated: December 12, 1978.

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

[FR Doc. 78-35042 Filed 12-14-78; 8:45 am]

[4110-30-M]

[21 CFR Parts 314 and 430]

[Docket No. 78N-03791]

#### NEW DRUGS; ANTIBIOTIC DRUGS

Separation of Functions in Evaluating Requests for Hearing

AGENCY: Food and Drug Administration.

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) proposes to eliminate the requirement of separation of functions before issuance of a notice of hearing in cases in which a bureau recommends granting a request for hearing on the proposed denial or withdrawal of drug product marketing approval. Specifically, this proposal would permit the Bureau of Drugs and the Office of the Commissioner to communicate regarding issues on which a hearing is requested and would thus expedite the agency's response to hearing requests.

**DATES:** Comments by February 20, 1979; the agency proposes that the final rule based on this proposal become effective 30 days after 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:**

Thomas Scarlett, Office of the General Counsel (GCF-1), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1345.

**SUPPLEMENTARY INFORMATION:** In the **FEDERAL REGISTER** of March 13, 1974 (39 FR 9750), the Commissioner of Food and Drugs issued revised regulations for notices of opportunity for hearing on actions relating to new drug applications and antibiotic regulations. The revised regulations specified the contents of a notice of opportunity for hearing and a request for hearing and described the circumstances in which hearings are granted or denied. The new procedures were prompted by the Supreme Court's decisions in *Weinberger v. Hyson, Westcott & Dunning, Inc.*, 412 U.S. 609 (1973), and its companion cases. Among other things, the Court upheld FDA's authority to deny a request for hearing when it conclusively appears from the face of the data, information, and factual analyses submitted in support of the request that there is no genuine and substantial issue of fact that precludes the action proposed to be taken.

This summary judgment procedure was elaborated and refined in the revised regulations. One of the changes advocated by those commenting on the regulations as proposed was that an administrative law judge, rather than the Commissioner, decide whether there is a genuine and substantial issue of fact justifying a hearing. The comments contended that it is unfair for the same person who issues a

notice of opportunity for hearing to rule on whether a hearing has been justified.

The Commissioner declined to adopt the suggestion that an administrative law judge decide whether summary judgment is appropriate, but concluded that the way in which summary judgment is considered by the agency should be changed to respond to concerns about possible prejudice. The regulations were revised to provide for a strict separation of functions between the Bureau of Drugs and the Office of the Commissioner. The Bureau of Drugs is delegated the authority to issue a notice of opportunity for hearing and analyzes any request for hearing that is made. It then drafts a proposed order ruling on the request, which it forwards, together with the request for hearing, to the Office of the Commissioner, for independent review and decision. The proposed order is not made available to anyone outside the agency. (The Bureau may also serve a proposed order denying a hearing on persons who requested a hearing. The response and a proposed order are then forwarded to the Office of the Commissioner.) No negotiations or other communications about the matter are permitted between the Bureau and the Office of the Commissioner during the Commissioner's review. When the review is complete, the Commissioner publishes a notice granting or denying a hearing. This procedure is described in §§ 314.200(f) and 430.20(b)(7) (21 CFR 314.200(f) and 430.20(b)(7)). By regulation published in the **FEDERAL REGISTER** of January 25, 1977 (42 FR 4718) and codified as § 601.7 (21 CFR 601.7), the same procedure applies to proposed actions relating to licenses for biological products. Although not required by any regulation, the procedure has also been followed in practice for proposed actions on new animal drug applications.

Since it was adopted in 1974, the separation of functions requirement generally has worked well. Actions proposed by the Bureau of Drugs, the Bureau of Biologics, and the Bureau of Veterinary Medicine on requests for hearing have been rigorously evaluated by the Office of the Commissioner from an independent point of view and without consultation with the responsible bureau. The Commissioner believes that this procedure has improved the quality of decisionmaking on proposed dispositions of hearing requests, as well as contributing to public confidence in the impartiality of the process by which final judgments are reached.

Based on FDA's experience since 1974, however, the Commissioner has concluded that the separation of functions requirements should be modified

in some respects. The Commissioner believes that when a bureau has determined that a request for hearing should be granted, it is unnecessary to maintain separation of functions while the Office of the Commissioner reviews the Bureau's order acting favorably on the request. By vesting the Commissioner with responsibility for ruling on requests for hearing submitted in response to a notice issued by a bureau and prohibiting communications between the Office of the Commissioner and the bureau, the separation of functions requirement now in effect is intended to avoid the appearance of prejudgment that results when the person who proposes adverse action also decides or helps decide whether a hearing is necessary before making that action final. If that person concludes that a hearing is necessary, however, the appearance of unfairness is dispelled: Either there was no prejudgment against the hearing request, or else it was harmless.

In addition to being unnecessary when a hearing request is to be granted, separation of functions impairs the agency's ability to draft and issue an appropriate notice of hearing expeditiously. Under existing regulations, even when a bureau recommends that a request be granted—a recommendation unlikely to be disturbed by the Office of the Commissioner—the bureau is precluded from consulting with the Commissioner about the issues designated in the proposed notice of hearing it forwards to the Commissioner, and the Office of the Commissioner is similarly forbidden to communicate with the bureau after receiving the proposed order to discuss the basis for the bureau's choices, if the basis is not stated in the proposed order. Separation of functions in this circumstance has resulted in unnecessary delays in issuing notices of hearing over the last several years.

The Commissioner believes that eliminating separation of functions in cases in which a bureau has determined that it should recommend granting a hearing request, although it would allow the bureau to participate in framing the issues, would not adversely affect the rights of the participants because the administrative law judge has discretion to modify the statement of issues at the hearing itself (see § 12.35(b) (21 CFR 12.35(b))).

The Commissioner accordingly proposes to amend §§ 314.200(f) and 430.20(b)(7) to state that representatives of the Bureau of Drugs may participate or advise in review by the Office of the Commissioner of a proposed Bureau order granting a hearing request. In some cases, the Bureau may recommend that a hearing be granted on some issues but denied on



others. The proposal provides that separation of functions will be maintained on issues on which the Bureau recommends denial of a hearing. The Commissioner will not rule on such issues or include them in the notice of hearing. The presiding officer may entertain motions to add such issues to the hearing, and the rulings on those motions may be reviewed by the Commissioner if exceptions are taken to them. Failure to move for the inclusion of an issue in the hearing constitutes a waiver of a right to a hearing on that issue.

The Commissioner notes that the Administrative Procedure Act (5 U.S.C. 554) requires separation of functions between those engaged in prosecuting functions and those responsible for making the ultimate decision only with respect to the decision in a case or the review of the case for purposes of deciding its outcome, i.e., only after a notice of hearing is issued. The changes proposed in this notice relate to the period before that event. In cases where the Bureau has recommended that a hearing be held and has participated in the formulation of a hearing notice, separation of functions will be imposed when the notice of hearing is issued, and substantive communication between the Bureau and the Office of the Commissioner will be prohibited after that time. The Commissioner also notes that in such cases a hearing may not be denied by the Office of the Commissioner contrary to the Bureau's recommendation, for under the agency's procedures, as revised in this proposal, the only circumstance in which a hearing may be denied on all issues would be that in which there have been no substantive communications between the Bureau and the Office of the Commissioner.

Under § 10.40(d) (21 CFR 10.40(d)), these changes in the agency's procedures are being published as proposed rules. When issued as final rules, the regulations will be effective 30 days after the date of publication in the FEDERAL REGISTER.

The Food and Drug Administration has determined that this document does not contain an agency action covered by 21 CFR 25.1(b), and 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. 505, 507, 701(a), 52 Stat. 1052-1053 as amended, 1055, 59 Stat. 463 as amended (21 U.S.C. 355, 357, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Parts 314 and 430 as follows:

PART 314—NEW DRUG APPLICATIONS

1. In Part 314, by revising § 314.200(f) to read as follows:

§ 314.200 Notice of opportunity for hearing; notice of participation and request for hearing; grant or denial of hearing.

(f) Separation of functions commences upon receipt of any request for hearing. The Director of the Bureau of Drugs shall prepare an analysis of the request and a proposed order ruling upon the matter. The analysis and proposed order, the request for hearing, and any proposed order denying a hearing and response under paragraph (g) (2) or (3) of this section shall be submitted to the Office of the Commissioner for review and decision. When the Bureau of Drugs recommends denial of a hearing on all issues on which a hearing is requested, no representative of the Bureau of Drugs shall participate or advise in the review and decision by the Commissioner. When the Bureau of Drugs recommends that a hearing be granted on one or more issues on which a hearing is requested, separation of functions terminates as to those issues, and representatives of the Bureau of Drugs may participate or advise in the review and decision by the Commissioner on those issues. Separation of functions will continue with respect to issues on which the Bureau has recommended denial of a hearing. Such issues will not be included in the notice of hearing, but participants in the hearing may make a motion to the presiding officer for the inclusion of any such issue in the hearing. Failure to so move constitutes a waiver of the right to a hearing on such an issue. Separation of functions on all issues shall resume upon issuance of a notice of hearing. The Office of the General Counsel shall observe the same separation of functions.

PART 430—ANTIBIOTIC DRUGS: GENERAL

2. In Part 430, by revising § 430.20(b)(7) to read as follows:

§ 430.20 Procedure for the issuance, amendment, or repeal of regulations.

(b) (7) Separation of functions commences upon receipt of any request for hearing. The Director of the Bureau of Drugs shall prepare an analysis of the request and a proposed order ruling upon the matter. The analysis and proposed order, the re-

quest for hearing, and any proposed order denying a hearing and response under paragraph (b)(8) (ii) or (iii) of this section, shall be submitted to the Office of the Commissioner for review and decision. When the Bureau of Drugs recommends denial of a hearing on all issues on which a hearing is requested, no representative of the Bureau of Drugs shall participate or advise in the review and decision by the Commissioner. When the Bureau of Drugs recommends that a hearing be granted on one or more issues on which a hearing is requested, separation of functions terminates as to those issues, and representatives of the Bureau of Drugs may participate or advise in the review and decision by the Commissioner on those issues. Separation of functions will continue with respect to issues on which the Bureau has recommended denial of a hearing. Such issues will not be included in the notice of hearing, but participants in the hearing may make a motion to the presiding officer for the inclusion of any such issue in the hearing. Failure to so move constitutes a waiver of the right to a hearing on such an issue. Separation of functions on all issues shall resume upon issuance of a notice of hearing. The Office of the General Counsel shall observe the same separation of functions.

Interested persons may, on or before February 20, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 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 economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major 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: December 8, 1978.

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

[FR Doc. 78-35139 Filed 12-18-78; 8:45 am]

[4110-03-M]

[21 CFR Part 606]

[Docket No. 76N-01091]

**CURRENT GOOD MANUFACTURING PRACTICES  
FOR BLOOD AND BLOOD COMPONENTS;  
RECORDKEEPING REQUIREMENTS AND SUB-  
MISSION**

**Withdrawal of Proposed Rulemaking**

**AGENCY:** Food and Drug Administration.

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is withdrawing its proposal of April 30, 1976 that would have required blood and blood component facilities to record, tabulate, and submit certain data to FDA. After publication of the proposal, the American Blood Commission established the National Blood Data Center (NBDC) to collect and disseminate information relating to the blood service complex. The proposal is being withdrawn consistent with the Executive Order on Improving Government Regulations because the FDA's and the NBDC's reporting systems will generate the needed data without unnecessary duplication of effort.

**FOR FURTHER INFORMATION  
CONTACT:**

Donna C. Williams, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, Md. 20014, 301-443-1306.

**SUPPLEMENTARY INFORMATION:** In the FEDERAL REGISTER of April 30, 1976 (41 FR 18095), the Commissioner of Food and Drugs issued a proposal to amend title 21 Part 606 (21 CFR Part 606), good manufacturing practice regulations for blood and blood components, to require that blood and blood component facilities record, tabulate, and submit certain data to FDA. The data submitted were to be used for a product and resource survey of all blood facilities to determine the need for initiating new programs or to amend the biologics regulations to promote the continued availability of blood and blood components that are safe, pure, potent, and effective.

Over 150 comments were received by interested individuals, business firms, and professional organizations. Most comments objected to the proposed amendments and suggested that data similar to those sought by FDA were already being submitted to a variety of private, professional societies and to other Federal and State governmental agencies. The comments suggested that the FDA effort either be aborted

or coordinated with that of the American Blood Commission.

After publication of the proposal, the American Blood Commission created the NBDC, whose members have been working cooperatively with members of the Bureau of Biologics, FDA, to avoid duplication of efforts in obtaining blood resource data.

The Commissioner has reconsidered the merits of a voluntary, nongovernmental blood data collection system. Voluntary programs have been conducted in the past by the Joint Blood Council (1960), the American Medical Association (1964, 1967, and 1972), and the National Heart and Lung Institute, now the National Heart, Lung, and Blood Institute (NHLBI). In a study involving over 5,000 facilities conducted by NHLBI in 1971, responses were obtained from 81 percent of the facilities surveyed, which had collected 96.5 percent of the estimated total of 9 million units of blood.

The Commissioner believes that an equal or better response is possible today under the sponsorship of the NBDC, whose sole responsibility relates to the collection and dissemination of information regarding operation of blood establishments, and that NBDC will provide the data base needed by FDA. Such a program will benefit both the agency and the public by providing for the central collection, analysis, and dissemination of statistical information useful in planning and evaluating the regulatory needs of government and furthering the goals of the National Blood Policy.

For these reasons, the Commissioner believes that the April 30, 1976 proposal should be withdrawn. This action is consistent with Executive Order No. 12044 on Improving Government Regulations in that it eliminates potential paperwork costs and other burdens to the public by eliminating unnecessary and costly duplication of efforts to obtain the blood resource data required for both FDA's and NBDC's reporting systems.

Accordingly, the Commissioner is withdrawing the proposal of April 30, 1976. The Commissioner advises all affected persons that existing data collection and retention requirements contained in the Code of Federal Regulations and/or in license applications remain in effect. In addition, this action does not affect FDA inspection authority under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act.

This withdrawal is issued under the Federal Food, Drug, and Cosmetic Act (secs. 501, 510, 701, 704, 52 Stat. 1049-1050 as amended, 1055-1056 as amended, 67 Stat. 477 as amended, 76 Stat. 794 as amended (21 U.S.C. 351, 360, 371, 374)) and under authority

delegated to the Commissioner (21 CFR 5.1).

Dated: December 7, 1978.

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

[FR Doc. 78-35045 Filed 12-18-78; 8:45 am]

[4510-29-M]

**DEPARTMENT OF LABOR**

Pension and Welfare Benefit Programs

[29 CFR Part 2530]

**RULES AND REGULATIONS FOR MINIMUM  
STANDARDS FOR EMPLOYEE BENEFIT PLANS**

**Suspension of Benefit Rules**

**AGENCY:** Department of Labor.

**ACTION:** Proposed rulemaking.

**SUMMARY:** This document contains a proposed regulation governing the circumstances in which it is permissible for a plan to suspend the payment of benefits to a retiree. The Employee Retirement Income Security Act of 1974 (the Act) authorizes the Secretary of Labor to prescribe regulations setting forth the circumstances and conditions under which the right of a retiree to a benefit payment is not treated as forfeitable solely because the plan provides that benefit payments are suspended during periods of reemployment. The proposed regulation, if adopted, would affect employees covered under employee pension benefit plans.

**DATES:** Written comments must be received by the Department of Labor (the Department) on or before March 6, 1979. Except for paragraphs (b)(4) and (b)(6), the proposed regulation, if adopted, would become effective, for Title I purposes, 30 days after adoption. The proposed regulation for purposes of section 411(a)(3)(B) of the Internal Revenue Code of 1954, as amended, and paragraphs (b)(4) and (b)(6) of the regulation for Title I purposes, would become effective for plan years beginning after the effective date of the regulation for Title I purposes.

**ADDRESSES:** Written comments (preferably at least six copies) should be submitted to the Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, Washington, D.C. 20216, Attention: Proposed § 2530.203-3. All written comments will be available for public inspection at the Public Documents Room, Pension and Welfare Benefit Programs, Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C.

## FOR FURTHER INFORMATION CONTACT:

Judith Bleich Kahn, Assistant Chief, Division of Collective Bargaining, Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C. 20216 (202-523-8430, not a toll free number).

## SUPPLEMENTARY INFORMATION:

Notice is hereby given that the Department has under consideration a proposed regulation setting forth the circumstances and conditions under which a plan may provide that retirement benefits are to be suspended upon the reemployment of an employee who is receiving pension benefits. Plans which provide for suspension of benefits will be required to comply with all relevant aspects of the regulation, if adopted. To the extent that this regulation would impose specific requirements not provided for in the Act, it would have only a prospective effect on the operation of plans and the rights of employees. Suspension of benefit payments by plans prior to adoption of the regulation will be governed by section 203(a)(3)(B) of the Act without reference to the regulation.

## STATUTORY PROVISIONS

Under the minimum vesting standards for employee pension benefit plans contained in section 203 of the Act, an employee's rights to benefits derived from his own contributions may never be forfeited. With respect to benefits derived from employer contributions, a plan is required to provide that such benefits become nonforfeitable within the time limits of one of three alternative vesting schedules set forth in section 203(a)(2) of the Act. However, section 203(a)(3)(B) of the Act (and section 411(a)(3)(B) of the Internal Revenue Code of 1954, as amended (Code)) permits a plan to provide that, under certain conditions, the right to an accrued benefit derived from employer contributions may be suspended<sup>1</sup> for periods during which the employee is reemployed, without such suspension being deemed an impermissible forfeiture.<sup>2</sup> For a plan

other than a multiemployer plan, such benefits may be suspended upon an employee's reemployment only if such reemployment is with an employer under whose plan the benefits are being paid. In the case of a multiemployer plan, however, suspension is permitted when the employee is reemployed by any employer which is in the same industry, in the same trade or craft and in the same geographic area covered by the plan at the time the payment of benefits commenced.<sup>3</sup>

## PROPOSED REGULATIONS

1. *Employed in section 203(a)(3)(B) service.* The proposed regulation provides that a pension plan may permanently withhold certain accrued benefits which would otherwise have been payable to the retiree if the retiree is employed in "section 203(a)(3)(B) service."

Section 203(a)(3)(B) of the Act specifically authorizes the Secretary of Labor to define the term "employed" for purposes of suspension of benefits. Under the proposed regulation, a retiree may be regarded as "employed," and thus benefits may be suspended, if an employee completes 40 or more hours of service in a calendar month.<sup>4</sup>

<sup>3</sup>Because the statutory provisions differentiate between multiemployer plans and all other plans, any plan which is not a multiemployer plan as defined in section 3(37) of the Act is subject to the rules for other plans.

<sup>4</sup>The Department believes that the proposed 40 or more hours per month requirement is a generally appropriate and workable standard for determining whether a person is "employed" for purposes of suspension of benefits. However, the Department specifically requests comments as to whether there are circumstances which would compel a standard other than 40 or more hours per month. Such circumstances might involve, for example, a particular industry where the normal work week is significantly less than 40 hours. In such a situation, 40 hours of work in a month might be tantamount to full-time employment, a standard not generally required under the proposed regulation. Persons wishing to comment on this aspect of the proposed regulation are requested to specify the factors upon which they base any suggested alternative, particularly any relevant statistical data. As an example in this regard, if a comment were to suggest that the standard should be based upon some percentage of the affected employee's customary pre-retirement monthly employment, detailed information supporting the feasibility, effect and greater appropriateness of the suggested alternative should be submitted.

In addition, the Department is aware that some plans provide for a period of suspension of benefits which is significantly greater than either the actual period of post-retirement employment or the period provided in the proposed regulation. Generally, it appears that such provisions are designed to create a substantial disincentive for a pensioner to return to work, or to cover situations where the employee failed to notify the plan of a return to work, or both. The

An hour of service is defined in 29 CFR 2530.200b-2(a)(1) generally to mean each hour for which an employee is directly or indirectly paid, or entitled to payment, by the employer for the performance of duties during the applicable computation period.<sup>5</sup> For many plans, this definition of an hour of service will already be contained in the plan document, and the suspension of benefit provisions may simply cross-reference the service crediting provisions of the plan.<sup>6</sup> Other plans will be required to modify their plan documents so as to set forth the definition of hour of service for suspension of benefit purposes if the plan provides for suspension of benefits.

Whether the completion of 40 hours of service during a calendar month ("section 203(a)(3)(B) service") could give rise to the suspension of benefits would depend upon whether the plan is a multiemployer plan or not. If it is other than a multiemployer plan, as defined in section 3(37) of the Act, benefits may be suspended by the plan only if the retiree is employed by an

Department is generally sympathetic to the view that plans having valid suspension provisions should be permitted to adopt fair and lawful rules for enforcing such valid suspension provisions against individuals who have been informed of their content. Accordingly, the Department specifically requests comments as to whether a period of suspension greater than that proposed herein is necessary or desirable to achieve the purposes of the Act and, in particular, those of section 203(a)(3)(B).

The proposed regulation provides a special rule for plans covering persons employed in a maritime industry. This provision would substitute a test based upon five or more days of service, rather than 40 or more hours of service, for determining whether a retiree is "employed" for purposes of suspension of benefits.

<sup>5</sup>Under this test, only those activities which might commonly be referred to as "active employment" or "work" may result in the suspension of benefit. Thus, for example, a retiree may not have his benefits suspended as a result of the receipt of disability payments from the employer. See 29 CFR 2530.200b-2(a)(2). In addition, by specifying that the term "hours of service", as used in the proposed regulation, is defined in 29 CFR 2530.200b-2(a)(1), the proposed regulation would preclude the use of any of the equivalencies described in 29 CFR 2530.200b-3 (d), (e) or (f), which are available for determining service to be credited to employees under certain circumstances.

It should be noted that the proposed regulation does not contain an exception for self-employed individuals. Accordingly, in the case of a retiree covered under a multiemployer plan, benefits may be suspended if the retiree returns to work in a self-employed capacity.

<sup>6</sup>29 CFR 2530.200b-2(f) (41 FR 56477, December 28, 1976) states, in part, that "[a] plan which credits service on the basis of hours of service must state in the plan document the definition of hours of service set forth in paragraph (a) of this section. . . ."

<sup>1</sup>Throughout the proposed regulations, the terms "suspend" and "withhold permanently" may be used interchangeably. The inclusion of the suspension provisions in section 203(a)(3) of the Act indicates that Congress intended to permit plans to provide for the permanent withholding of pension benefits under certain circumstances. See *Conference Report*, H.R. Rep. No. 1280, 93d Cong. 2d Sess., at 271 (1974).

<sup>2</sup>The summary plan description (SPD) regulations (42 FR 37178, July 19, 1977) require a plan to identify clearly circumstances which may result in the forfeiture or suspension of any benefit. Accordingly, the SPD must explain how service is counted and how employment is determined for suspension of benefit purposes.

employer which maintains the plan.<sup>7</sup> The regulation specifies that the term "employer which maintains the plan" includes employers described in 29 CFR § 2530.210 (e) and (e). Thus, for example, members of a controlled group of corporations and commonly controlled trades or businesses may be considered to be an "employer which maintains the plan."

Section 203(a)(3)(B)(ii) of the Act provides that a multiemployer plan may not suspend accrued benefits derived from employer contributions unless the employee is employed in the same industry, in the same trade or craft, and in the same geographic area covered by the plan as he was when benefits commenced. For purposes of determining whether a particular employee is reemployed in the same industry, the proposed regulation specifies that "industry" means any business activity of any of the employers maintaining the plan, in which any employee was employed and accruing benefits under the plan at the time the employee's benefit payments commenced or would have commenced had he not returned to employment.

The term "trade or craft" is defined in paragraph (c)(2)(ii) of the regulation as a skill or skills, learned during a significant period of training or practice, which is applicable so as to result in opportunities for employment in occupations in some industry. The term also includes those skills relating to selling, retailing, managerial, clerical or professional occupations, as well as those skills relating to the supervision of persons engaged in any trade or craft. The regulation indicates that a determination as to whether a particular job constitutes or falls within a trade or craft must be made on the basis of all relevant fact, but the registration of an apprenticeship program with the Bureau of Apprenticeship and Training of the Employment Training Administration of the Department would be sufficient to show that a skill or skills which is the subject of the apprenticeship program constitutes a trade or craft.

The term "geographic area covered by the plan," as defined in paragraph (c)(2)(iii) of the proposed regulation, means in general, any state, or any province of Canada, in which contributions have been made or have been required to be made by or on behalf of an employer within the immediately preceding five years.<sup>8</sup> Accordingly, a

multiemployer plan's geographic area is not necessarily limited solely to those areas where contributions are currently being made or in which employees covered under the plan presently work or reside.

The regulation, as proposed, does not define "geographic area covered by the plan" in terms of foreign countries, other than Canada. Public comment is requested specifically on how this term should be applied in situations where a plan is receiving contributions from employers in foreign countries. For example, one interpretation under consideration by the Department is that each foreign country, other than Canada, be deemed to be a separate geographic area. Moreover, commentators are requested to consider whether and to what extent "geographic area covered by the plan" should be specially defined for purposes of plans covering employees in the maritime industries.

It should be noted that before a multiemployer plan can suspend the payment of benefits because of the employment of an employee covered under the plan, such employment must meet all the provisions described above, i.e., the retiree must be employed for at least 40 hours in a calendar month and such employment must be in an "industry," and a "trade or craft," and in the "geographic area covered by the plan," as specified and defined in the regulation. It should be further noted that the proposed regulation does not require a plan to commence benefit payments in order to be permitted to withhold permanently the benefit payments of a reemployed retiree. The proposed regulation provides that the plan may permanently withhold benefits which would have otherwise commenced if the retiree had not been reemployed.<sup>9</sup>

ered under the plan consists of the State of Ohio and the SMSA in which Cincinnati, Ohio is situated. The Cincinnati, Ohio SMSA includes Clermont, Hamilton and Warren Counties in Ohio; Boone, Campbell and Kenton Counties in Kentucky; and Dearborn County in Indiana. A list of SMSAs and the criteria for determining SMSAs is set forth in a publication, *Standard Metropolitan Statistical Areas*, issued by the Office of Management and Budget.

<sup>8</sup>Section 206(a) of the Act, section 401(a)(14) of the Code and the Treasury regulations thereunder, which relate to the commencement of benefits, permit a plan to provide for the commencement of benefits on a date later than the actual date of retirement. Accordingly, an employee may retire and then return to employment in section 203(a)(3)(B) service before the payment of benefits is required to commence under the provisions of the plan or section 206(a) of the Act. Thus, an employee may have fulfilled all the requirements of the plan for the commencement of benefits but may have returned to work before benefits were required to commence. Also, an employee may have retired, failed to file a

2. *Suspendible amount.* If a retiree is employed in section 203(a)(3)(B) service, the plan may permanently withhold, for each month of such employment, a certain amount of that month's retirement benefit.

In the case of an employee receiving a life annuity payable on a monthly basis, the amount which the plan may suspend may not exceed the portion of the monthly payment which is derived from employer contributions. Under certain circumstances described in paragraph (d)(2) of the proposed regulation, the plan may be required to assume a mode of distribution equal to a single life annuity for purposes of determining the "suspendible amount."

3. *Notification of suspension, resumption of payments, offsets and verifications.* The proposed regulation would require a plan to notify an employee during the first month in which it withholds payments of the reason and authority for the suspension, the method by which a suspension of benefits may be reviewed, the procedure for the resumption of payments and whether it intends to offset against future benefit payments any amounts which could have been but were not, suspended.

Paragraph (b)(2) of the proposed regulation provides that the payment of benefits must resume no later than the last day of the second calendar month after the month in which the employee became no longer employed in section 203(a)(3)(B) service. For example, if a retiree works full time from January through mid-June, benefit payments under the plan must resume no later than August 31. Of

benefit commencement claim and then returned to employment in section 203(a)(3)(B) service. Under the proposed regulation, a plan is not required to commence benefits in order to suspend them. However, a plan in suspending benefits is not excused from compliance with the commencement of benefits provisions and regulations. Thus, for example, a plan which suspends the benefits of an employee who has failed to file a benefit commencement claim is required to comply with the retroactive payment rules of the benefit commencement regulations.

In the case of an early retiree, it should be noted that, under section 206(a) of the Act, section 401(a)(14) of the Code and the regulations thereunder, a plan is required only to pay the actuarial equivalent of the normal retirement benefit. Accordingly, a plan would not be prohibited from ceasing payment of benefits to an early retiree for any reemployment, so long as such benefits were actuarially recalculated in order to compensate for the temporary withholding of benefits, and payment of benefits under the recalculation began no later than normal retirement age. However, if a plan intends to withhold permanently the benefits of an early retiree, then the plan would be required to comply with the proposed regulations, if adopted.

<sup>7</sup>A multiple employer plan is included within the rules for a plan other than a multiemployer plan.

<sup>8</sup>For purposes of these regulations, any such area also consists of any Standard Metropolitan Statistical Area which falls in part within it. Thus, for example, if the area in which contributions have been made or have been required to be made is limited to Cincinnati, Ohio, the geographic area cov-

course, the regulation would not preclude the plan from commencing benefit payments at an earlier date. The allowance for a period of delay before benefit payments must be resumed recognizes what may be a necessary processing time for the plan. However, once payments resume, the employee is entitled to the payments held in abeyance during the processing period, less permissible offsets.

The offset rules in paragraph (b)(3) of the proposed regulation would permit a plan to provide for the offsetting of suspendible amounts actually paid during periods of employment in section 203(a)(3)(B) service. A plan may provide for the complete or partial offsetting of benefit payments paid during periods of reemployment, but it may not offset an amount in excess of 25 percent of the month's payment to the retiree in any month. Thus, if a retiree was paid for a month during which he was employed in section 203(a)(3)(B) service, a plan would be permitted to provide for up to a 25 percent reduction in the amount of future monthly benefit payments until such time as the amount paid during the month of employment in section 203(a)(3)(B) service is offset.

A plan could provide for any reasonable and consistently applied method for verification of reemployment. Accordingly, for example, a plan may provide that a retiree must file a form with the plan whenever he is reemployed regardless of whether the retiree considers that such reemployment falls within the suspension of benefit rules of the plan. In addition, a plan might provide that a retiree, under circumstances where the plan administrator reasonably believes that the employee is engaged in section 203(a)(3)(B) service, must upon a reasonable request by the administrator submit a statement that he is unemployed. Similarly, the plan might require such an employee to provide factual information sufficient to establish that any employment does not constitute section 203(a)(3)(B) service.

Finally, in order to afford an employee an opportunity to learn whether the plan will suspend benefits in the event he accepts new employment, the proposed regulation, in § 2530.203-(b)(6), would require a plan administrator to grant a request for a determination of whether particular employment would constitute section 203(a)(3)(B) service. The regulation would require a plan to notify employees that they may seek such determinations from the plan administrator in advance of reemployment. Such notification could be included in the plan's summary plan description.

#### COMPREHENSIVE EXAMPLES

Examples are set forth below in order to illustrate the operation of several of the provisions discussed above and to show their interrelationship. These examples assume that the plan provides that plan benefits will be suspended for each month during which the employee is employed in section 203(a)(3)(B) service, but that the plan does not require notification that such employment has ceased in order for benefits to be resumed.

(1) Retiree W is covered by the AAA Corporation Pension Plan, which is not a multiemployer plan. AAA Corporation is a wholly-owned subsidiary of ZZZ Corporation. W receives benefit payments in the form of a straight life annuity paid monthly. After receipt of the July 1985 payment, W began working 20 hours per week as a consultant for ZZZ Corporation. W worked more than 40 hours in July. During August 1985, W received a letter from the trustee of the AAA Corporation Pension Plan, informing him that his benefits for August 1985 would not be paid to him and that future benefits would be withheld so long as W continued to work 40 or more hours per month for the ZZZ Corporation. The letter described the suspension provisions of the plan, enclosed a copy of such provisions and further informed W that the July 1985 payment would be offset against future payments after W ceased to be reemployed by ZZZ Corporation. W worked 20 hours per week for ZZZ Corporation through December 1985. The payment of benefits is required to resume not later than the last day of February 1986. Because the plan provides that each payment after the cessation of reemployment is subject to a partial offset, which may not exceed 25%, in order to recapture suspendible amounts paid during periods of employment in section 203(a)(3)(B) service, the initial payment made in February includes the amounts owing for January and February less an amount equal to the suspendible amount paid in July 1985, to the extent that such amount is not more than 25% of the total amount which would have been received in February absent any offset. Any part of the payment made in July not offset in February may be offset in future months, subject to the 25% limitation.

(2) In January 1980, retiree K covered by the MNO Corporation Pension Plan which is not a multiemployer plan began to receive benefits which were payable monthly for a period of three years. In May 1982, K began to work 16 straight time hours per week for PQR Corporation which, along with MNO Corporation, is a wholly owned subsidiary of LLL Corporation. K completed more than 40 hours of

service during May 1982. The Plan made the May payment to K. In June 1982, K received a letter from the trustee of the MNO Corporation plan, informing him that an amount X was suspended for June 1982 and that similar amounts equal to X would be suspended for each month during which K worked 40 or more hours for PQR Corporation. The amount X equals the monthly payment amount under a straight life annuity commencing at actual retirement age and of a value equal to the value of the 3 year annuity under which K was receiving benefits. Furthermore, the letter informed K that benefits paid for May 1982 would be offset by withholding during and, if necessary, after the cessation of reemployment 25 percent of the amounts not subject to the suspension rules, until such time as the suspendible amount paid in May 1982 is recouped by the Plan.

(3) Retirees A and B had been employed as plumbers and are covered by a multiemployer plan which receives contributions from employers in respect of service by employees employed only in the borough of Queens, New York. A and B worked only in residential construction while accruing benefits under the plan. Benefits are accrued under the plan by plumbers in residential and commercial construction. Under plan documents in effect when A and B retired, employers were not permitted to contribute to the plan for employment outside the borough of Queens. The plan may and does provide that the "geographic area covered by the plan" consists of SMSA which includes Queens County. A and B retired in January 1975 and immediately began receiving monthly benefits in the form of joint and survivor annuities.

From January 1980 through October 1980, A worked 35 straight time hours per week in Bergen County, New Jersey, as a plumber in commercial construction. Queens and Bergen Counties are located in the same SMSA. In March 1980 (after the payment of benefits), A was visited on the jobsite and given a note, informing him that benefits were suspended and would continue to be suspended so long as A continued to be employed in construction, an industry designation which includes both residential and commercial construction. Furthermore, the note informed A that the benefits paid during January, February and March 1980 were suspendible amounts which may be offset from A's future benefits. A continued to work through October 1980.

Not later than during December 1980, the plan is required to resume benefits. However, the plan is permitted to offset up to 25 percent of each payment to be made in December and



thereafter until it has recovered suspendible amounts paid previously.

Retiree B, in the capacity of a plumber in residential construction, worked the same number of hours in the same months as Retiree A. However, B worked exclusively in Camden, New Jersey, which is outside the SMSA which includes Queens County. In June 1979, the plan began receiving contributions from employers in the State of New Jersey. Because the geographic area covered under the plan included only the State of New York and the SMSA that includes Queens County, at the time when B commenced receiving benefits, B is not employed in section 203(a)(3)(B) service.

#### STATUTORY AUTHORITY

The regulation is proposed under the authority contained in sections 203(a)(3)(B) and 505 of the Act (Pub. L. 93-406, 88 Stat. 854, 894, 29 U.S.C. 1053, 1135) and section 411(a)(3)(B) of the Code.

#### § 2530.203-3 Suspension of pension benefits upon reemployment of retirees.

(a) *General.* Section 203(a)(3)(B) of the Act provides that the right to the employer-derived portion of an accrued pension benefit shall not be treated as forfeitable solely because an employee pension benefit plan provides that the payment of benefits is suspended during certain periods of reemployment which occur subsequent to the commencement of payment of such benefits. This section sets forth the circumstances and conditions under which such benefit payments may be suspended.

(b) *Suspension rules.*—(1) *General rule.* A plan may provide for the permanent withholding of the suspendible amount of an employee's accrued benefit for each calendar month during which an employee is employed in "section 203(a)(3)(B) service", as described in § 2530.203-3(c).

(2) *Resumption of payments.* If benefit payments have been suspended pursuant to paragraph (b)(1) above, payments shall resume no later than the last day of the second calendar month after the calendar month in which the employee ceases to be employed in section 203(a)(3)(B) service, provided that the employee has complied with any reasonable procedure adopted by the plan for notifying the plan that he has ceased such employment. The initial payment upon resumption shall include the payment scheduled to occur in the calendar month when payments resume and any amounts withheld during the period between the cessation of employment and the resumption of payments, less any amounts which are subject to offset.

(3) *Offset rules.* A plan may deduct from benefit payments to be made by the plan any payments previously made by the plan during those calendar months in which the employee was employed in section 203(a)(3)(B) service, provided that such deduction or offset does not exceed, in any one month, 25 percent of that month's total benefit payment (including amounts described in paragraph (b)(2) above) which would have been due but for the offset.

(4) *Notification.* No payment shall be withheld by a plan pursuant to this section unless the plan notifies the employee, by personal delivery or certified mail, during the first calendar month in which the plan withholds payments, that his benefits are suspended. Such notification shall contain a description of the specific reasons why benefit payments are being suspended, a general description of the plan provisions relating to the suspension of payments, and a copy of such provisions. In addition, the suspension notification shall inform the employee of the plan's procedure for affording a review of the suspension of benefits. In the case of a plan which requires the filing of a benefit resumption notice as a condition precedent to the resumption of benefits, the suspension notification shall also describe the procedure for filing such notice and include the forms (if any) which must be filed. Furthermore, if a plan intends to offset any suspendible amounts actually paid during the periods of employment in section 203(a)(3)(B) service, the notification shall identify specifically the periods of employment, the suspendible amounts which are subject to offset, and the manner in which the plan intends to offset such suspendible amounts.

(5) *Verification.* A plan may provide that an employee must notify the plan of any employment. A plan may request from an employee access to reasonable information for the purpose of verifying such employment. Furthermore, a plan may provide that an employee must, at such time and with such frequency as may be reasonable, as a condition to receiving future benefit payments, either certify that he is unemployed or provide factual information sufficient to establish that any employment does not constitute section 203(a)(3)(B) service if specifically requested by the plan administrator.

(6) *Status determination.* A plan shall adopt a procedure, and so inform employees, whereunder an employee may request, and the plan administrator in a reasonable amount of time will render, a determination of whether specific contemplated employment will be section 203(a)(3)(B) service for pur-

poses of plan provisions concerning suspension of benefits.

(c) *Section 203(a)(3)(B) Service.*—(1) *Plans other than multiemployer plans.* In the case of a plan other than a multiemployer plan, as defined in section 3(37) of the Act, the employment of an employee, subsequent to the time the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment, results in section 203(a)(3)(B) service during a calendar month if the employee, in such month, completes 40 or more hours of service, as defined in 29 CFR § 2530.200b-2(a)(1), for an employer which maintains the plan, including employers described in § 2530.210 (d) and (e).

(2) *Multiemployer plans.* In the case of a multiemployer plan, as defined in section 3(37) of the Act, the employment of an employee subsequent to the commencement of benefits results in section 203(a)(3)(B) service during a calendar month if the employee, in such month, completes 40 or more hours of service in:

An industry in which employees covered by the plan were employed and received benefits under the plan as a result of such employment at the time that the payment of benefits commenced or would have commenced if the employee had not returned to employment, and

A trade or craft in which the employee was employed at any time under the plan, and

The geographic area covered by the plan at the time that the payment of benefits commenced or would have commenced if the employee had not returned to employment.

(i) *Industry.* The term "industry" means the business activities of any employers maintaining the plan.

*Example.* One of the employers contributing to a multiemployer plan engages in heavy construction, another in textile manufacturing, and another in communications. Employee E began his career as an employee of an employer engaged in heavy construction. Later E was employed by an employer in communications. With both employers, E accrued benefits under the plan. If E retires and then becomes reemployed in the same trade or craft and in the same geographic area, employment by E in either heavy construction, communications or textile manufacturing may be considered by the plan to be employment in the same industry, assuming that employees covered by the plan were accruing benefits as a result of employment in these industries at the time E commenced receiving benefits. This is true even though E did not previously accrue benefits as a result of employment with an employer engaged in textile manufacturing because other employees covered by the plan were

employed in that industry and were receiving benefits under the plan as a result of such employment at the time when benefit payments to E commenced or would have commenced if E had not returned to employment.

(ii) *Trade or craft.* A trade or craft is (A) a skill or skills, learned during a significant period of training or practice, which is applicable in occupations in some industry, (B) a skill or skills relating to selling, retailing, managerial, clerical or professional occupations, or (C) supervisory activities relating to a skill or skills described in (A) or (B) of this paragraph (c)(2)(ii). For purposes of this paragraph (c)(2)(ii), the determination whether a particular job classification, job description or industrial occupation constitutes or is included in a trade or craft shall be based upon the facts and circumstances of each case. Factors which may be examined include whether there is a customary and substantial period of practical, on-the-job training or a period of related supplementary instruction. Notwithstanding any other factor, the registration of an apprenticeship program with the Bureau of Apprenticeship and Training of the U.S. Department of Labor is sufficient for the conclusion that a skill or skills which is the subject of the apprenticeship program constitutes a trade or craft.

*Example.* Participation in a multiemployer plan is limited solely to electricians. Electrician E retired and then became reemployed as a foreman of electricians. Because a "trade or craft" includes related supervisory activities, E remains within his trade or craft for purposes of this section.

(iii) *Geographic area covered by the plan.* The "geographic area covered by the plan" consists of any state or any province of Canada in which contributions have been made or have been required to be made by or on behalf of an employer within the immediately preceding five years and the remainder of any Standard Metropolitan Statistical Area (SMSA) which falls in part within such state. For purposes of this paragraph (c)(2)(iii), contributions shall not include amounts contributed after December 31, 1978 by or on behalf of an employer where no contributions were made by or on behalf of that employer before that date, if the primary purpose of such contribution is to allow for the suspension of plan benefits in a geographic area not otherwise covered by the plan.

*Example.* A multiemployer plan covers plumbers in Pennsylvania. All contributing employers have always been located within Pennsylvania. Accordingly, the "geographic area covered by the plan" consists of Pennsyl-

vania and any SMSAs which fall in part within Pennsylvania. Thus, for example, in the case of the Philadelphia SMSA, Burlington, Camden and Gloucester Counties in New Jersey are within the "geographic area covered by the plan".

(3) *Employment in a maritime industry.* For plans covering employees employed in a maritime industry, as defined in § 2530.200b-6, the standard of "five or more days of service, as defined in § 2530.200b-7(a)(1)" shall be used in lieu of the standard "40 or more hours of service", for purposes of determining whether an employee is employed in section 203(a)(3)(B) service.

(d) *Suspendible amount.*—(1) *Life annuity.* In the case of benefits payable periodically on a monthly basis for as long as a life (or lives) continues, such as a straight life annuity or a qualified joint and survivor annuity, a plan may provide that an amount not greater than the portion of a monthly benefit payment derived from employer contributions may be withheld permanently for a calendar month in which the employee is employed in section 203(a)(B)(3) service.

(2) *Other benefit forms.* In the case of benefits payable in a form other than the form described in paragraph (d)(1), a plan may provide for the permanent withholding of an amount of the employer-derived portion of benefit payments, for a calendar month in which the retiree is employed in section 203(a)(3)(B) service, not exceeding the lesser of (i) the amount of benefits which would have been payable to the employee if he had been receiving monthly benefits under the plan since actual retirement based on a single life annuity commencing at actual retirement age or (ii) the actual amount paid or scheduled to be paid to the employee for such month. Payments which are scheduled to be paid less frequently than monthly may be converted to monthly payments for purposes of this paragraph (d)(2)(ii).

Signed at Washington, D.C. this 13th day of December, 1978.

IAN D. LANOFF,  
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration.

[FR Doc. 78-35103 Filed 12-14-78; 8:47 am]

[6560-01-M]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

[FRL 1022-4]

### DELAYED COMPLIANCE ORDERS

Proposed Delayed Compliance Order for Phillips Petroleum Co., Clermont, Ind.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

**SUMMARY:** U.S. EPA proposed to issue an Administrative Order to Phillips Petroleum Company. The Order requires the Company to bring the volatile organic storage and loading facility at Clermont, Indiana, (the source) into compliance with APC-15, Sections 3 and 4, part of the federally-approved Indiana State Implementation Plan (SIP). Because the Company is unable to comply with these regulations at this time, the proposed Order would establish an expeditious schedule requiring final compliance by July 1, 1979. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act (the 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 U.S. EPA's proposed issuance of the Order.

**DATES:** Written comments must be received on or before December 28, 1978, and requests for a public hearing must be received on or before January 3, 1979. 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.

**ADDRESS:** Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Materials supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Arthur E. Smith, Jr., Attorney, Enforcement Division, U.S. Environ-

mental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at 312-353-2082.

**SUPPLEMENTARY INFORMATION:** Phillips Petroleum Company owns the volatile organic materials storage and loading facility at Clermont, Indiana. The proposed Order addresses emissions from the volatile organic material storage and loading facility which is subject to APC-15, Sections 3 and 4 of the Indiana Implementation Plan. The regulation limits the emissions of volatile organics and is part of the federally-approved Indiana State Implementation Plan. The Order requires final compliance with the regulations by July 1, 1979, and the source has consented to its terms. The source has agreed to meet the Order's increments during the period of this informal rulemaking.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Clean Air Act. If the Order is issued, source compliance with its terms would preclude further U.S. EPA enforcement action under Section 113 of the Act against the source for violation of the regulations 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 U.S. 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 U.S. EPA will publish in the *FEDERAL REGISTER* the Agency's final action on the Order in 40 CFR Part 65.

Dated: November 24, 1978.

JOHN MCGUIRE,  
Regional Administrator,  
Region V.

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 section 65.190, *Federal Delayed Compliance Orders issued under Section 113(d)(1), and (3) and (4) of the Act*, to reflect approval of the following order:

##### REGION V

In the matter of Phillips Petroleum Company, Clermont, Indiana; Proceeding pursuant to Section 113(d) of the Clean Air Act, as amended (42 U.S.C. Section 7413(d)).

The Order is issued this date pursuant to Sections 113(a), 113(d) and 114 of the Clean

Air Act, as amended, 42 U.S.C. Section 7401 *et seq.* (Act). This Order contains a schedule for compliance, interim control requirements, and reporting requirements. Public notice, opportunity for a public hearing, and thirty (30) days notice to the State of Indiana have been provided pursuant to Section 113(d)(1) of the Act.

##### FINDINGS

1. On April 12, 1978, the United States Environmental Protection Agency (U.S. EPA) issued a Notice of Violation, pursuant to Section 113(a)(1) of the Act, to Phillips Petroleum Company (Phillips), upon a finding that the Clermont Terminal, Volatile organic materials storage and loading facility, was in violation of Indiana APC-15, Sections 3 and 4, a part of the applicable implementation plan defined in Section 110(d) of the Act. This finding was based upon emission factor calculations derived from data submitted to U.S. EPA by the subject facility.

2. In satisfaction of Section 113(a)(4) of the Act, opportunity to confer with the Administrator's delegate was given to Phillips, and on May 8, 1978, an enforcement conference was held.

3. It has been determined that Phillips is unable to immediately comply with the applicable Implementation Plan.

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this Order is as expeditious as practicable, and that the terms of this Order comply with Section 113(d) of the Act. Therefore, it is hereby Ordered:

##### ORDER

I. Phillips shall comply with the Indiana Implementation Plan regulation APC-15, Sections 3 and 4, as approved by U.S. EPA on May 14, 1973, including a vapor collection and disposal/recovery system, in accordance with the following schedule on or before the dates specified therein.

A. In regard to the volatile organic materials storage and loading facility at Clermont, Indiana:

1. December 1, 1978—Phillips shall submit control plans for the control equipment to U.S. EPA.

2. February 15, 1979—Phillips shall award contracts for the control equipment.

3. March 15, 1979—Phillips shall initiate on-site construction for the control equipment.

4. June 15, 1979—Phillips shall complete on-site construction.

5. July 1, 1979—Phillips shall achieve final compliance with the Indiana Implementation Plan regulation APC-15, Sections 3 and 4, as approved by the U.S. EPA on May 14, 1973.

6. After July 1, 1979, Phillips shall implement operation and maintenance procedures to maximize the control efficiency of the pollution control equipment.

II. Phillips, Clermont Terminal, volatile organic materials storage and loading facility shall use the best practicable interim system of emission reduction so as to minimize hydrocarbon emissions; avoid any imminent and substantial endangerment to the health of persons; comply with the requirements of the applicable implementa-

tion plan insofar as it is able to; and, comply with the following interim requirements:

A. Phillips shall insert fill-pipes to the bottom of the loading compartment in a vertical position. Phillips shall control flow rate so as to minimize hydrocarbon emissions.

B. Phillips shall minimize product spillage.

III. Phillips, Clermont Terminal, volatile organic materials storage and loading facility, shall comply with the following emission monitoring and reporting requirements on or before the dates specified below:

A. *Emission Monitoring.*—Until July 1, 1979, Phillips shall maintain a record of the amount of volatile organic material which travels through the facility. This shall include the volume and vapor pressure of the volatile organic material.

B. *Reporting Requirements.*—1. No later than fifteen (15) days after any date for achievement of an incremental step of final compliance, specified in this Order, Phillips shall notify U.S. EPA in writing of its compliance, or noncompliance and reasons therefore, with the requirement. If delay is anticipated in meeting any requirement of this Order, Phillips shall immediately notify U.S. EPA in writing of the anticipated delay and reasons therefore.

2. A quarterly report shall be sent to the U.S. EPA reporting the progress of the program for installation of the control equipment and information required by paragraph 1 A.

3. All submittals and notifications to U.S. EPA pursuant to this Order shall be made to Mr. Eric Cohen, Chief, Compliance Section, Enforcement Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

IV. Nothing herein shall affect the responsibility of Phillips to comply with State or local regulations, or other Federal regulations.

V. Phillips is hereby notified that its failure to achieve final compliance by July 1, 1979, at the Clermont Terminal, may result in a requirement to pay a noncompliance penalty under Section 120. In the event of such failure, Phillips will be formally notified, pursuant to Section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

VI. This Order is effective immediately.

Date \_\_\_\_\_

Administrator, U.S. Environmental  
Protection Agency.

##### WAIVER OF RIGHTS TO CHALLENGE ORDER

Phillips, by the duly authorized undersigned, hereby consents to the provisions of this Order and waives any and all rights under any provisions of law to challenge this Order.

Date \_\_\_\_\_

(Signature of authorized  
representative of source).

[FR Doc. 78-35114 Filed 12-18-78; 8:45 am]



[4110-12-M]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Office for Civil Rights

[45 CFR Parts 80, 84, 86]

**VOCATIONAL EDUCATIONAL PROGRAMS**

**Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap**

**AGENCY:** Office for Civil Rights, Department of Health, Education, and Welfare.

**ACTION:** Guidelines for Vocational Education Programs—Publication for Comment.

**SUMMARY:** These proposed guidelines describe responsibilities of recipients of Federal funds offering or administering vocational education programs. They derive from Title VI of the Civil Rights Act of 1964 and the implementing departmental regulation (45 CFR Part 80), Title IX of the Education Amendments of 1972 and the implementing departmental regulation (45 CFR Part 86), and Section 504 of the Rehabilitation Act of 1973 and the implementing department regulation (45 CFR Part 84).

**DATES:** All comments must be received by January 19, 1979.

**ADDRESS:** Comments should be addressed to Melvyn R. Leventhal, Deputy Director, Office of Standards, Policy, and Research, Office for Civil Rights, Voc. Ed. Guidelines, Department of Health, Education, and Welfare, 330 Independence Ave., SW., Washington, D.C. 20201.

**FOR FURTHER INFORMATION CONTACT:**

David Gerard, Office of Standards, Policy, and Research at the above address (tel. 202-245-9177).

**SUPPLEMENTARY INFORMATION:** The following proposed guidelines set forth the requirements of civil rights authorities applicable to vocational education programs. They are issued as a result of civil rights statutes enacted by Congress, Department regulations issued under such statutes, and injunctive orders entered by the United States District Court for the District of Columbia in *Adams v. Califano*. They are also issued because the Department has found evidence of continuing discrimination in vocational education programs.

**A. LEGAL BASIS FOR THE GUIDELINES**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in any program or activity receiving Federal financial assistance. The Department of Health, Education, and Welfare issued regulations implement-

ing Title VI in 1964. Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs receiving or benefiting from Federal financial assistance. The Department issued regulations implementing Title IX in 1975. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of handicap in any program or activity receiving Federal financial assistance. The Department issued regulations implementing Section 504 in 1977. These civil rights statutes and their implementing regulations apply to vocational education programs.

In 1973, the Department of Health, Education, and Welfare was sued for nonenforcement of Title VI in a number of education areas, including vocational educational (*Adams v. Califano*). As a result of this litigation, the Department was directed to enforce civil rights requirements in vocational education programs through compliance reviews, a survey of enrollments and related data, and the issuance of guidelines explaining the application of Title VI regulations to vocational education.

The Guidelines that follow are issued to meet the requirements of the cited civil rights statutes and regulations and the requirements of the *Adams* court orders. They are not intended, however, to delimit the statutory prohibitions against discrimination. Rather, they derive from, and provide information supplementary to, the cited authorities; although comprehensive they do not identify every civil rights violation that may arise in a vocational education setting.

**B. FACTUAL BASIS FOR THE GUIDELINES**

The Guidelines are also adopted because it is apparent that vocational education programs receiving HEW funds continue to engage in the discriminatory practices identified in the *Adams* litigation and in the Department's enforcement activities. Administrators of these programs need additional guidance and support from the Department to meet their obligation to comply with civil rights authorities.

The Office for Civil Rights' 1974 survey of approximately 1,400 Area Vocational Education Schools (AVES) found a pattern of segregation based on race and sex in schools and courses. At that time, 21 schools were exclusively male or female, 9 schools were all black, and 10 schools were all white. Thus, three percent of the schools surveyed were totally segregated by race or sex. Further, a significant number of schools and courses were substantially segregated: 70 schools were more than 90 percent of one sex; 31 schools in areas with a substantial minority population were more than 90 percent white; over 1,000

schools—72 percent of those surveyed—offered five or more vocational courses attended solely by persons of one sex.

Information provided by the Office of Education's Bureau of Occupational and Adult Education for 1976 demonstrates that women are concentrated in courses traditionally identified as intended for them. Women dominate enrollments in Health Occupations (78.7 percent), Consumer and Home-making Education (83.2 percent), Occupational Home Economics (84.7 percent), and Office Occupations (75.1 percent). Women constitute only 11.3 percent of enrollments in Technical programs, 12.7 percent in Trade and Industrial programs, and 11.3 percent in Agriculture.

Over one-half of the black students enrolled in secondary vocational education programs in 1972 were in home economics and office occupations; 22 percent were being trained in trade and industrial occupations; and 11 percent were enrolled in agricultural training. Only 3 percent of the black students enrolled in vocational courses were being trained for positions in health and technical occupations.

Minority and female students were also underrepresented in apprentice training programs. In most States, according to OCR's 1974 survey of area vocational schools, fewer than 15 percent of apprentices were minorities and fewer than 5 percent of apprentices were women.

Handicapped students are not enrolled in significant numbers in vocational education programs. Instructors often are reluctant to accept handicapped students in regular classroom settings, even when special accommodations are not needed. In addition, vocational education teachers are poorly prepared to assist handicapped students to complete their course work; only 3 percent of all vocational education teachers have completed courses on the special needs of handicapped students.

Vocational education training is often offered in locations and service areas that are inaccessible to minority and handicapped students. This is particularly evident in regional vocational schools located in suburban and rural communities.

Minority women and men are poorly represented in administrative positions in vocational education; in addition, they comprise a small percentage of the teaching staff and are disproportionately assigned to classes with predominantly minority and female enrollments.

Finally, residents of large cities are often unable to raise sufficient funds for vocational education and do not receive Federal funds in proportion to their representation in the Nation's

population. The large cities—which contain 69 percent of the population—received only 51 percent of Federal vocational education funds in 1973. Federal funds for vocational school construction have been used largely for area vocational schools operated by consortia of suburban districts, to the disadvantage of urban minority youth.

There have been improvements since the 1974 survey. Fewer schools are entirely segregated on the basis of race or sex; some districts have made sincere efforts to uproot discrimination. However, recent complaint investigations and compliance reviews demonstrate that serious civil rights violations remain in the following areas:

- Distribution of Federal financial assistance for vocational education to school districts and communities;
- Access of students to vocational instruction, which includes site selection of schools and facilities, geographic boundaries for service areas, numerical limitations on student admission, and dual racial or sex-restricted branches, annexes and courses;
- Counseling and prevocational programs;
- Equal opportunity in the vocational-instructional setting, including accommodations for handicapped persons, student financial assistance, residential housing, and comparable facilities;
- Work study, cooperative education, job placement programs and apprentice training;
- Employment of faculty and staff;
- Proprietary vocational-education schools.

These Guidelines are divided into sections based on these categories. Most vocational instruction is given in the Nation's 16,000 regular-comprehensive high schools and community and junior colleges. In addition, there are more than 2,000 secondary and postsecondary vocational-education centers (often known by the term Area Vocational Education Schools, or AVES), which have as their primary or sole objective the teaching of skills that lead to employment. In many cases, these vocational-education centers are administratively and physically separate from the vocational programs of regular-comprehensive high schools and local education agencies. Whatever the organization of vocational education, it is closely tied to the skill development needs of communities, States, and regions. The variations of programs and courses number in the thousands. They include, for example, "work study" for students needing part-time employment to support their vocational studies; "cooperative education" for students who receive credit for work at jobs related to their vocational field; and "apprentice training" for students

affiliated with a labor union. These Guidelines apply to all of these diverse programs. They are provided with the expectation that through voluntary compliance and enforcement by the Office for Civil Rights they will contribute to bringing an end to unlawful discrimination against persons seeking the skills necessary for gainful and meaningful employment.

In Part 80, it is proposed to add Appendix B to read as follows:

**APPENDIX B—GUIDELINES FOR ELIMINATING DISCRIMINATION AND DENIAL OF SERVICES ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, AND HANDICAP IN VOCATIONAL EDUCATION PROGRAMS**

**I. SCOPE AND COVERAGE**

**A. Application of Guidelines**

These Guidelines apply to all recipients of Federal financial assistance from the Department of Health, Education, and Welfare, including state agency recipients, offering or administering programs of vocational education or training.

**B. Definition of Recipient**

The definition of "recipient" of Federal financial assistance is established by Departmental regulations implementing Title VI, Title IX, and Section 504 (45 CFR 80.13(d), 86.2(h), 84.3(f)).

For the purposes of Title VI:

The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program (45 CFR 80.13(d)).

For the purpose of Title IX:

"Recipient" means any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives or benefits from such assistance, including any subunit, successor, assignee, or transferee thereof (45 CFR 86.2(h)).

For the purposes of Section 504:

"Recipient" means any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to whom Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance (45 CFR 84.3(f)).

**C. Recipients Covered by these Guidelines**

The following education agencies, when they provide vocational education, are examples of recipients covered by these guidelines:

1. The board of education of a public school district and its administrative agency.

2. The administrative board of a specialized vocational high school serving students from more than one school district.

3. The administrative board of a technical or vocational school that is used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market, including students seeking an associate degree through a vocational program offered by the school.

4. The administrative board of a junior college or community college or four year college that has a department or division that provides vocational education to students seeking immediate employment or an associate degree.

5. The administrative board of a proprietary (private) vocational education school.

6. A State agency recipient itself operating a vocational education facility.

**D. Schools to Which these Guidelines Apply**

The following are examples of the types of schools to which these Guidelines apply.

1. A junior high school, middle school, or those grades of a comprehensive high school that offers instruction to inform, orient, or prepare students for vocational education at the secondary level.

2. A vocational education facility operated by a State agency.

3. A comprehensive high school that has a department exclusively or principally used for providing vocational education; or that offers at least one vocational program to secondary level students who are available for study in preparation for entering the labor market; or that offers adult vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market.

4. A comprehensive high school, offering the activities described above, that receives students on a contract basis from other school districts for the purpose of providing vocational education.

5. A specialized high school used exclusively or principally for the provision of vocational education, that enrolls students from one or more school districts for the purpose of providing vocational education.

6. A technical or vocational school that provides vocational education to persons enrolled in a secondary school and to persons who have completed or left high school and who are available for study in preparation for entering the labor market, including students seeking an associate degree through a course of vocational instruction offered by the school.

7. A junior college, a community college, or four-year college that has a department or division that provides vocational education to students seeking immediate employment or an associate degree through a course of vocational instruction offered by the college.

8. A proprietary school, licensed by the State, that offers vocational education.

NOTE.—Subsequent sections of these Guidelines use the term *secondary vocational center* in referring to the institutions described in paragraphs 3, 4 and 5 above and the term *postsecondary vocational center* in referring to institutions of the type described in paragraphs 6 and 7 above.

**II. RESPONSIBILITIES OF STATE AGENCIES ADMINISTERING GRANTS TO OTHER RECIPIENTS**

**A. Responsibilities of State Agency Recipients**

State agency recipients may not require, approve of, or engage in any discrimination or denial of services on the basis of race, color, national origin, sex, or handicap in performing any of the following activities:

1. Establishment of criteria or formulas for distribution of Federal financial assistance or state funds to vocational programs in the state;
2. Establishment of requirements for admission to or requirements for the administration of vocational education programs;
3. Approval of action by local entities providing vocational education; (For example, a State agency must ensure compliance with Section IV of these Guidelines when it reviews a decision of an administrative board of an education agency that provides vocational education to create or change a geographic service area or select a site for a new facility);
4. Conducting its own programs; for example, in employing its staff it may not discriminate on the basis of sex or handicap.

**B. State Agency Responsibility To Obtain Compliance From Subrecipients**

The State agency responsible for the administration of vocational education programs must adopt a compliance program to prevent, identify and remedy discrimination on the basis of race, color, national origin, sex or handicap by its subrecipients. (The term *subrecipient*, in this context, refers to local agencies or vocational centers that receive Federal financial assistance through the State agency.) This compliance program must include:

1. Providing technical assistance to subrecipients;
2. Collecting compliance information from subrecipients;
3. Conducting periodic compliance reviews of subrecipients and investigating complaints it receives against subrecipients and reporting its findings to the Office for Civil Rights; upon finding unlawful discrimination, notifying the subrecipient of steps it must take to attain compliance and attempting to obtain voluntary compliance;
4. Upon failure of a subrecipient to voluntarily comply, notifying the Office for Civil Rights of such resistance;
5. Reporting its activities under the foregoing paragraphs to the Office for Civil Rights.

**C. Statement of Procedures and Practices**

Within one year from the publication of these Guidelines in final form, each State agency recipient must submit to the Office for Civil Rights the methods of administration and related procedures it will follow to comply with the requirements described in paragraphs "A" and "B", immediately above.

**D. Enforcement Policy**

A State agency recipient that meets its responsibilities under paragraphs "A", "B" and "C", above, can generally expect the Office for Civil Rights to look to subrecipients for compliance with all other provisions of these Guidelines.

**III. DISTRIBUTION OF FEDERAL FINANCIAL ASSISTANCE AND OTHER FUNDS FOR VOCATIONAL EDUCATION**

**A. Agency Responsibilities**

Each State agency recipient that administers grants for vocational education must distribute Federal and State funds so that no student or group of students is denied an opportunity to benefit from vocational education on the basis of race, color, national origin, sex, or handicap. All other recipients must distribute local funds for vocational education so that no student or group of students is denied an opportunity to benefit from vocational education, on the basis of race, color, national origin, sex or handicap.

**B. Distribution of Funds by Formula**

State agencies may not use a formula for distribution of either Federal or state funds which includes factors that have the effect of discriminating on the basis of race, color, national origin, sex, or handicap, unless such factors are included to compensate for past discrimination. State agencies must apply formula provisions under the Vocational Education Amendments of 1976 in a manner consistent with civil rights authorities. For example, in each State it is likely that some recipients will enroll greater proportions of minority students than the state-wide average, and a State's funding formula might result in these recipients receiving lower per pupil allocations of Federal or State funds than the state's average per pupil allocation. This pattern will establish a violation of the Department's regulations unless the State can establish the need for the formula.

**C. Distribution Through Competitive Grants or Contracts**

Each State agency that establishes criteria for controlling the award to recipients of competitive vocational education grants or contracts available through Federal funds must establish and apply the criteria without regard to the race, color, national origin, sex, or handicap or any or all of a recipient's students, except where necessary to compensate for past discrimination. The example in paragraph B, above, is applicable to competitive grant awards.

**D. Application Processes for Competitive Discretionary Grants**

State agencies must adequately disseminate information needed to satisfy the requirements of any application process for competitive or discretionary grants so that all recipients including those having concentrations of students of a particular race, color, national origin, sex, or handicap, are informed of and able to seek funds. State agencies that provide technical assistance for the completion of the application process must provide such assistance without discrimination against any one or class of recipients.

**E. Alteration of Fund Distribution to Provide Equal Opportunity**

If the Office for Civil Rights finds that a State's system for distributing vocational education funds unlawfully discriminates on the basis of race, color, national origin, sex, or handicap, it will require the State to adopt an alternative nondiscriminatory method of distribution.

**IV. STUDENT ELIGIBILITY FOR ACCESS AND ADMISSION TO VOCATIONAL EDUCATION**

**A. Recipient Responsibilities**

Plans of student assignment or criteria for admission to vocational education schools and programs may not discriminate on the basis of race, color, national origin, sex, or handicap. A recipient may not develop,

impose, approve, or implement discriminatory plans or criteria.

**B. Site Selection for Vocational Schools**

State and local recipients may not select a site for a vocational education facility for the purpose or with the effect of excluding, segregating, or otherwise discriminating against students on the basis of race, color, national origin, sex, or handicap. Such recipients must locate vocational facilities and programs at sites that are readily accessible to both white and minority communities, and that do not tend to identify the facility or program as intended for white or minority students.

**C. Eligibility for Access and Admission to Secondary Vocational Education Centers Based on Geographic Service Areas**

State and local recipients may not establish or approve geographic boundaries for secondary vocational education center service areas that unlawfully discriminate on the basis of race, color, or national origin. The Office for Civil Rights will presume, subject to rebuttal, that any one or combination of these circumstances indicates unlawful discrimination:

1. The boundaries for a secondary vocational education center exclude a contiguous school system, or part of a school system, that enrolls minority or non-minority students in significantly greater numbers or proportion than that of the secondary vocational education center;
2. Minority students who reside outside a secondary vocational education center service area, and who are ineligible to attend the center, reside, nonetheless, as close to the center as nonminority students who are eligible to attend the center;
3. The over-all program of a secondary vocational education center, in comparison to the vocational program of a contiguous school system or secondary vocational education center enrolling a greater proportion of minority students, provides its students with a broader range of curricular offerings, facilities and equipment, or provides its graduates greater opportunity for employment in jobs: (a) for which there is a demonstrated need in the community or region; (b) that pay higher entry level salaries or wages; or (c) that are generally acknowledged to offer greater prestige or status.
4. The vocational offerings of a secondary vocational education service area have been located primarily or exclusively at schools that enroll predominantly students of one race or national origin.

**D. Remedies for Violations of Site Selection and Geographic Service Area Requirements**

If the conditions specified in paragraphs IV. A, B, and C, immediately above, are found and not rebutted by proof of nondiscrimination, the Office for Civil Rights will require the recipient(s) to submit a remedial plan to overcome the discrimination. The following are examples of steps that may be included in a remedial plan, where necessary to overcome discrimination: (1) the redrawing of the boundaries of the secondary vocational education center service area to include areas unlawfully excluded and/or to exclude areas unlawfully included; (2) the provision of transportation to students residing in such areas; (3) the provision of additional programs and services to students who would have been eligible for attendance at the vocational education center but for

the discriminatory service area or site selection; and (4) construction of new facilities.

**E. Geographic Service Areas for Postsecondary Vocational Centers**

Recipients may not establish or approve geographic boundaries for postsecondary vocational education center service areas that are gerrymandered to exclude or include persons on the basis of race, color, national origin, sex, or handicap. If the Office for Civil Rights finds a violation of this provision, paragraph IV-D, above, shall apply.

**F. Eligibility Based on Numerical Limits Imposed on Sending Schools**

A recipient may not adopt a system for admission to a secondary vocational education center that limits admission to a fixed number of students from each sending school included in the center's service area if such a system disproportionately excludes students on the basis of race, sex, or handicap from the center. (Example: Assume 25 percent of a school district's high school students are black and that most of those black students are enrolled in one high school; the white students, 75 percent of the district's total enrollment, are generally enrolled in the five remaining high schools. This paragraph prohibits a system of admission to the secondary vocational education center which limits eligibility to a fixed and equal number of students from each of the district's six high schools.)

**G. Remedies for Violation of Eligibility Based on Numerical Limits Requirements**

If the Office for Civil Rights finds a violation of paragraph F, above, the recipient must implement, an alternative system of admissions that does not disproportionately exclude students on the basis of race, color, national origin, sex, or handicap. The recipient may also be required to undertake compensatory measures to overcome the effects of the past discriminatory exclusion.

**H. Elimination of Vocational Education Centers, Branches, Annexes, and Courses Enrolling Students of One Race or One Sex**

Recipients may not limit enrollment in a vocational education center, branch, annex, or course to students of one race or sex. The continued enrollment of one race or sex in such a facility or in any course will result in a finding of unlawful discrimination unless a recipient can demonstrate that it has taken steps such as those specified in paragraph "I", below, that should reasonably lead to the enrollment of students of the underrepresented race or sex.

**I. Remedies for Eliminating One-Race and One-Sex Facilities**

If the Office for Civil Rights finds a violation of the type described in paragraph H, above, the recipient will be required to submit a plan of remedial action to eliminate the segregation. The plan may include measures such as: (1) elimination of program duplication in the segregated facility and other proximate vocational facilities; (2) relocation of programs or courses; (3) merger of programs into one facility through school closings or new construction; (4) redrawing of service area boundaries; (5) intensive outreach, recruitment, and counseling; (6) making available to all students in the service area all programs offered in the service area and providing students transportation to such programs; notifying students and the public of this oppor-

tunity; (7) any combination of these or other measures that will most effectively overcome the segregation.

**J. Additions and Renovations to Existing Vocational Education Facilities**

A recipient may not add to, modify, or renovate the physical plant of a vocational education facility in a manner that creates, perpetuates, or increases student segregation on the basis of race, color, national origin, sex, or handicap.

**K. Admissions Criteria**

Recipients may not judge candidates for admission to vocational education programs on the basis of criteria that have the effect of disproportionately excluding persons on the basis of race, color, national origin, sex, or handicap. However, if the recipient can demonstrate that such criteria have been validated as predictors of success in the program and that alternative criteria, which do not have such a disproportionate adverse effect, are unavailable, the criteria will be judged nondiscriminatory. Examples of criteria that must be validated in this way are standardized tests, such as the Test of Adult Basic Education (TABE), academic achievement records, prior record of disciplinary infractions, counselors' approval, teachers' recommendations, interest inventories, and high school diplomas.

An introductory, preliminary, or exploratory course may not be used as a prerequisite for admission to a program if it was not available without regard to race, color, national origin, sex, and handicap unless the recipient can demonstrate that such a course is essential to participation in the program. If such a course is essential to participation, the recipient must demonstrate that the course is presently available to those seeking enrollment for the first time and to those formerly excluded.

**L. Eligibility of National Origin Minority Persons With Limited English Language Skills**

Recipients may not restrict an applicant's admission to vocational education programs solely because the applicant, as a member of a national origin minority with limited English language skills, cannot participate in and benefit from vocational instruction to the same extent as a student whose primary language is English. It is the responsibility of the recipient to identify such applicants and assess their ability to participate in vocational instruction. Acceptable methods of identification include: (1) identification by administrative staff, teachers, or parents of secondary level students; (2) identification by the student in postsecondary or adult programs; and (3) appropriate diagnostic procedures, if necessary.

Recipients must take steps to open all vocational programs to these national origin minority students. A recipient must demonstrate that a concentration of students with limited English language skills in one or a few programs is not the result of discriminatory limitations upon the opportunities available to such students.

**M. Remedial Action for Persons With Limited English Language Skills**

If the Office for Civil Rights finds that a recipient has denied national origin minority persons admission to a vocational school or program because of their limited English language skills or has assigned students to vocational programs based solely upon their limited English language skills, the recipient

will be required to submit a remedial plan that insures national origin minority students equal access to vocational education programs.

**N. Equal Access for Handicapped Students**

Recipients may not deny handicapped students access to vocational education programs, courses or schools because of the existence of architectural or equipment barriers, or because of the absence of effective auxiliary aids. If necessary, recipients must: (1) modify instructional equipment; (2) modify or adapt the manner in which the courses are offered; (3) use facilities that are readily accessible to mobility impaired students or alter facilities to make them readily accessible to mobility impaired students; and (4) provide auxiliary aids that effectively make lectures and necessary materials available to handicapped students.

Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory.

Access to vocational programs or courses may not be denied handicapped students on the ground that employment opportunities in any occupation or profession may be more limited for handicapped persons than for nonhandicapped persons.

**O. Public Notification**

Prior to the beginning of each school year, recipients must advise students, parents, and the general public that all vocational opportunities will be offered without regard to race, color, national origin, sex, or handicap. Announcement of this policy of nondiscrimination may be made, for example, in local newspapers, school publications and/or other media that reach the general public, minorities (including national origin minorities with limited English language skills), women, and handicapped persons. All program offerings and admission criteria, if any, should be included in the announcement.

When a community contains a significant number of national origin minority persons with limited English language skills, public notification materials must be disseminated to this population in its language and must mention that recipients will take steps to assure that the lack of English language skills will not be a barrier to admission and participation in vocational education programs.

**V. COUNSELING AND PREVOCATIONAL PROGRAMS**

**A. Recipient Responsibilities**

Recipients must insure that counseling materials and activities, including program selection, career/employment selection, promotional, and recruitment efforts do not discriminate on the basis of race, color, national origin, sex, or handicap.

**B. Counseling and Prospects for Success**

Recipients that operate vocational education programs must insure that counselors do not direct or urge any student to enroll in a particular career or program, or measure or predict a student's prospects for success in any career or program based upon the student's race, color, national origin, sex, or handicap. Recipients may not counsel handicapped students toward more restrictive career objectives than nonhandicapped students with similar abilities and interests. Where vocational program enroll-

ments reflect a disproportionate number of male or female students, recipients must take steps to insure that the disproportion does not result from sex discrimination in counseling activities.

**C. Student Recruitment Activities**

Recipients must conduct their student recruitment activities so as not to exclude or limit opportunities on the basis of race, color, national origin, sex, or handicap. Where recruitment activities involve the presentation or portrayal of vocational and career opportunities, the curricula and programs described should not be limited to fields traditionally identified with persons of a particular race, color, national origin, sex, or handicap. Also, to the extent possible, recruiting teams should include persons of different races, national origins, sexes, and handicaps.

**D. Counseling of Students With Limited English-Speaking Ability or Hearing Impairments**

Recipients must insure that counselors can effectively communicate with national origin minority students with limited English language skills and with students who have hearing impairments. This requirement may be satisfied by having interpreters available.

**E. Promotional Activities**

Recipients may not undertake promotional efforts (including activities of school officials, counselors, and vocational staff) in a manner that creates or perpetuates stereotypes based on race, color, national origin, sex or handicap. Examples of promotional efforts are career days, parents' night, shop demonstrations, visitations by groups of prospective students and by representatives from business and industry. Literature that is part of promotional efforts may not create or perpetuate stereotypes through text or illustration. In areas where there is a substantial national origin population with limited English language skills promotional literature must be distributed to this population in its language.

**VI. EQUAL OPPORTUNITY IN THE VOCATIONAL-INSTRUCTIONAL SETTING**

**A. Accommodations for Handicapped Students**

Recipients must place handicapped students in the regular educational environment of any vocational education program to the maximum extent appropriate to the needs of the student unless it can be demonstrated that the education of the handicapped person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Handicapped students may be placed in a special education program only after the recipient satisfies the provisions of the Department's Regulation 45 CFR Part 84 relating to evaluation, placement, and procedural safeguards. If a separate class or facility is identifiable as being for handicapped persons, the facility, the programs, and the services must be comparable to the facilities, programs, and services offered to nonhandicapped students.

**B. Student Financial Assistance**

Recipients may not award financial assistance in the form of loans, grants, scholarships, special funds, subsidies, compensation

for work, or prizes to vocational education students on the basis of race, color, national origin, sex, or handicap, except to overcome the effects of past discrimination. Recipients may administer sex restricted financial assistance where the assistance and restriction are established by will, trust, bequest, or any similar legal instrument, if the overall effect of all financial assistance awarded does not discriminate on the basis of sex. Materials and information used to notify students of opportunities for financial assistance may not contain language or examples that would lead applicants to believe the assistance is provided on a discriminatory basis. Where there is a significant national origin minority population with limited English language skills, such information must be disseminated to that population in its language.

**C. Housing in Residential Postsecondary Vocational Education Centers**

Recipients must extend housing opportunities without discrimination based on race, color, national origin, sex, or handicap. This obligation extends to recipients that provide on-campus housing and/or that have agreements with providers of off-campus housing. In particular, a recipient postsecondary vocational education program that provides on-campus or off-campus housing to its non-handicapped students must provide, at the same cost and under the same conditions, comparable convenient and accessible housing to handicapped students.

**D. Comparable Facilities**

Recipients must provide changing rooms, showers, and other facilities for students of one sex that are comparable to those provided to students of the other sex. This may be accomplished by rotating use of the same facilities or by providing separate, comparable facilities.

Such facilities must be adapted or modified to the extent necessary to make the vocational education program readily accessible to handicapped persons.

**VII. WORK STUDY, COOPERATIVE VOCATIONAL EDUCATION, JOB PLACEMENT, AND APPRENTICE TRAINING**

**A. Responsibilities in Cooperative Vocational Education Programs, Work-Study Programs, and Job Placement Programs**

Recipients must ensure that students participating in cooperative vocational education programs, work study programs, and job placement programs are not discriminated against by employers or prospective employers on the basis of race, color, national origin, sex, or handicap in recruitment, hiring, placement, the assignment to work tasks, the hours of employment, the levels of responsibility, and in pay. Recipients may not honor any employer's request for students who are free of handicaps or for students of a particular race, color, national origin, or sex. In the event an employer or prospective employer is or has been subject to court action involving discrimination in employment, school officials should rely on the court's findings where the decision resolves the issue of whether the employer is in violation of its obligations under Title VI, Title IX, or Section 504.

**B. Apprentice Training Programs**

A recipient may not enter into any agreement for the provision of apprentice train-

ing for students with any labor union that discriminates against its members or applicants for membership on the basis of race, color, national origin, sex, or handicap. If a recipient enters into a written agreement with a labor union providing for apprentice training, the agreement must contain an assurance from the union: (1) that it does not engage in such discrimination against its membership or applicants for membership; and (2) that apprenticeship training will be offered and conducted for its membership free of such discrimination.

**VIII. EMPLOYMENT OF FACULTY AND STAFF**

**A. Employment Generally**

Recipients may not engage in any employment practice that discriminates against any employee or applicant for employment on the basis of sex or handicap. Recipients may not engage in any employment practice that discriminates on the basis of race, color, or national origin against any employee who works directly with students, any administrator, or any applicant for such positions.

**B. Recruitment**

Recipients may not restrict their faculty recruitment to schools, communities, or companies disproportionately composed of persons of a particular race, color, national origin, sex, or handicap except for the purpose of overcoming the effects of past discrimination. Every source of faculty must be notified that the recipient does not discriminate in employment on the basis of race, color, national origin, sex, or handicap.

**C. Patterns of Discrimination**

Whenever the Office for Civil Rights finds a pattern of segregation of persons or nonrepresentation of persons on the faculty of a vocational education school or program based upon race, color, national origin, sex, or handicap, it will presume that such segregation or exclusion resulted from unlawful discrimination. This presumption can be overcome by proof that qualified persons of the particular race, color, national origin, or sex, or that qualified handicapped persons are not available in the relevant labor market.

**D. Salary Policies**

Recipients must establish and maintain faculty salary scales and policy based upon the conditions and responsibilities of employment, without regard to race, color, national origin, sex, or handicap.

**E. Employment Opportunities for Handicapped Applicants**

Recipients must provide equal employment opportunities for teaching and administrative positions to handicapped applicants who can perform the essential functions of the position in question. Recipients must make reasonable accommodation for the physical or mental limitations of handicapped applicants who are otherwise qualified unless recipients can demonstrate that the accommodation would impose an undue hardship.

**F. The Effects of Past Discrimination**

Recipients must take steps to overcome the effects of past discrimination in the recruitment, hiring, and assignment of faculty. Such steps may include the recruitment or reassignment of qualified persons of a particular race, national origin, or sex, or who are handicapped.



### G. Staff of State Advisory Councils of Vocational Education

State Advisory Councils of Vocational Education are recipients of Federal financial assistance and therefore must comply with Section VIII of the Guidelines.

### H. Employment at State Operated Vocational Education Centers Through State Civil-Service Authorities

Where recruitment and hiring of staff for State operated vocational education centers is conducted by a State civil service employment authority, the State education agency operating the program must ensure that the civil service authority has recruited and hired staff for the vocational education center in accordance with the requirements of these Guidelines.

## IX. PROPRIETARY VOCATIONAL-EDUCATION SCHOOLS

### A. Recipient Responsibilities

Proprietary vocational education schools that are recipients of Federal financial assistance through Federal student-assistance programs or otherwise are subject to all of the requirements of the Department's regulations and these Guidelines.

### B. Enforcement Authority

Enforcement of the provisions of Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973 is the responsibility of the Department of Health, Education, and Welfare. However, authority to enforce Title VI of the Civil Rights Act of 1964 for proprietary vocational education schools has been delegated to the Veterans Administration.

When the Office for Civil Rights receives a Title VI complaint alleging discrimination by a proprietary vocational education school it will forward the complaint to the Veterans Administration and cite the applicable requirements of the Department's regulations and these Guidelines. The complainant will be notified of such action.

2. In Part 84, it is proposed to add Appendix B to read as follows:

#### APPENDIX B—GUIDELINES FOR ELIMINATING DISCRIMINATION AND DENIAL OF SERVICES ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, AND HANDICAP IN VOCATIONAL EDUCATION PROGRAMS

NOTE.—For the text of these guidelines, see 45 CFR Part 80, Appendix B.

3. In Part 86, it is proposed to add Appendix A to read as follows:

#### APPENDIX A—GUIDELINES FOR ELIMINATING DISCRIMINATION AND DENIAL OF SERVICES ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, AND HANDICAP IN VOCATIONAL EDUCATION PROGRAMS

NOTE.—For the text of these guidelines, see 45 CFR Part 80, Appendix B.

DAVID S. TATEL,  
Director, Office for Civil Rights,  
Department of Health, Education,  
and Welfare.

DECEMBER 15, 1978.

[FR Doc. 78-35337 Filed 12-18-78 8:45 am]

[6712-01-M]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83 and 89]

[Gen. Docket No. 78-376; FCC 78-844]

### COAST GUARD DESIGNATED NEW ORLEANS VESSEL TRAFFIC SERVICES AREA

Making the Frequencies 156.050 and 155.175 MHz Available for Port Operations Purposes

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Amendment of the rules to make the frequencies 156.050 and 156.175 MHz available for port operations purposes in part of the Coast Guard designated New Orleans Vessel Traffic Services (VTS) radio protection area. As a result of the assignment of three maritime mobile frequencies for exclusive use for VTS purposes in the New Orleans VTS area, this proposed amendment is deemed necessary to help alleviate the burden on the remaining frequencies available.

DATES: Comments must be received on or before January 22, 1979, and Reply Comments must be received on or before February 1, 1979.

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

### FOR FURTHER INFORMATION CONTACT:

Robert H. McNamara, Safety and Special Radio Services Bureau (202-632-7197).

### SUPPLEMENTARY INFORMATION:

[FCC 78-844; Gen. Docket No. 78-376]

In the matter of amendment of Parts 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; Proposed rule making.

Adopted: December 7, 1978.

Released: December 15, 1978.

By the Commission: Commissioner Brown absent.

### BACKGROUND

1. As part of a program to implement the provisions of the "Ports and Waterways Safety Act of 1972" (Pub. L. 92-340, 86 Stat. 424, 33 USC 1221) the U.S. Coast Guard is establishing Vessel Traffic Services (VTS) systems for a number of the largest and busiest port areas in the United States. These VTS systems are, essentially, vessel movement reporting systems designed to prevent damage to or loss of vessels, bridges or other structures in U.S. navigable waters, and to protect these waters and associated natural resources from environmental harm resulting from such damage or loss. At the request of the Commandant, U.S.

Coast Guard, the Commission amended the rules in order to make up to three frequencies available for exclusive use for VTS purposes within designated VTS radio protection areas.<sup>1</sup> Due to a scarcity of suitable frequencies it was necessary to select frequencies previously authorized for commercial (156.550 MHz) and port operations (156.600 and 156.700 MHz) purposes in the Maritime Mobile Service. Although these frequencies were extensively utilized in the large port areas involved, the Commission believed it was expected by law, and in the public interest, to assist the Coast Guard in implementing the new legislation.

2. As traffic has shifted in the affected port areas<sup>2</sup> from the previously available frequencies, use of the remaining frequencies has been increasing. It appears that maritime communications in the New Orleans port area have been particularly strained. Due to the size and number of vessel movements, the Coast Guard divided the New Orleans VTS area into three sectors and utilized all three of the frequencies available for assignment exclusively for VTS purposes. This has resulted in the loss of two of the seven available port operations frequencies and one of the eight commercial frequencies for vessels operating in the New Orleans VTS area.

### DISCUSSION

3. In conjunction with the meetings with the Coast Guard and industry we have been studying the feasibility of utilizing frequencies in the band 156.025-156.250 MHz<sup>3</sup> for port operations purposes in certain VTS areas. Although this band is allocated to the land mobile Public Safety Radio Service in the United States, assignments could be made such that the use of one or more of the subject frequencies by maritime mobile stations in certain VTS areas would not result in harmful interference. As an initial step in providing some relief for maritime licensees operating in designated VTS areas, the rules were amended in Docket No. 21370<sup>4</sup> to make available the frequency 156.250 MHz for port operations purposes in the New Orleans and Houston VTS areas. After careful investigation it was determined that the use of the band edge frequency 156.250 MHz by maritime mobile stations in these two VTS areas would not result in harmful

<sup>1</sup>Report and Order, Docket No. 20444, Adopted December 2, 1975, 40 FR 57673, 56 FCC 2d 1089.

<sup>2</sup>The Coast Guard is in various stages of implementing VTS systems in the port areas of New Orleans, New York, Houston, Seattle, San Francisco and Valdez (Alaska).

<sup>3</sup>Frequencies in this band are allocated internationally to the maritime mobile service in Appendix 18 of the Radio Regulations. Therefore, they are within the operating capabilities of many existing shipboard transceivers.

<sup>4</sup>Report and Order, Docket No. 21370, Adopted December 7, 1977, 42 FR 6496, — FC 2d —.

interference with land mobile assignments on the adjacent highway maintenance frequencies.

4. We are continuing our efforts to find suitable frequencies to replace those frequencies now dedicated to VTS usage in U.S. port areas. However, due to the apparent need by vessel operators in the New Orleans VTS area for timely assistance, we are herein addressing that area individually. Further, we wish to note that the proposal discussed herein is not in response to the petition (RM 3128) filed by the American Waterways Operators, Inc. (AWO) which requests the allocation of additional VHF frequencies to the Maritime Services for use in New Orleans and Lower Mississippi River areas. Although this notice also proposes to make additional frequencies available in the New Orleans area, it is more limited in scope than the AWO petition and represents a continuation of our earlier endeavors to replace the three VHF frequencies dedicated to VTS purposes. The AWO petition will be specifically addressed in a separate document.

PROPOSAL

5. We have analyzed land mobile assignments in the band 156.025-156.250 MHz in the New Orleans port area and have obtained information on present frequency usage from the concerned frequency coordinating committees. It appears that the frequencies 156.050 and 156.175 MHz can be utilized by maritime mobile stations in at least a portion of the New Orleans VTS area without potential harmful interference to existing land mobile assignments. However, the utilization of these two frequencies by maritime users will prevent the assignment of four Highway Maintenance Radio Service (HMRS) frequencies in the New Orleans area. This results from the fact that in the frequency band 156.025-156.250 MHz, land mobile channels are spaced 15 kHz apart while maritime channels are spaced 25 kHz apart. Thus, the use of the frequencies 156.050 and 156.175 MHz by maritime stations would likely produce co-channel and adjacent channel interference with any future land mobile (in this case highway maintenance stations) assignments on the frequencies 156.045, 156.060, 156.165 and 156.180 MHz in the New Orleans area.

6. We feel that the New Orleans VTS radio protection area described in Section 81.357 and 83.361 of the rules, may be too large to deny the use of four HMRS frequencies in order to gain two maritime frequencies. Therefore, considering typical land mobile and maritime station effective radiated powers, antenna heights and area propagation characteristics, we propose to limit the use of the frequencies

156.050 and 156.175 MHz by maritime mobile stations to the lower Mississippi River, from the various pass entrances in the Gulf of Mexico to Godchaux light at river mile 136. This is approximately 25 air miles from the center of New Orleans. Since this area represents only a portion of the designated VTS radio protection area, we specifically request comments as to whether the two subject frequencies could be utilized by the Maritime Mobile Service in the entire VTS radio protection area<sup>5</sup> without potential harm to the Highway Maintenance Radio Service. Further we propose to limit assignment of the four HMRS frequencies within 100 miles from the center of New Orleans (29°56'53" N., 90°04'10" W.).

7. We are aware that vessels equipped with frequency synthesized VHF transceivers will be unable to utilize these frequencies on a simplex basis without substantial modification.<sup>6</sup> Since many vessels operating in domestic waters employ crystal controlled channel equipment that will allow crystal replacement, some improvement should result relatively soon after amendment of the rules as proposed. Stations able to utilize the newly available channels will experience few congestion problems, while those unable to use them will benefit by the shift of traffic from other VHF port operations frequencies. Therefore, we believe it is in the public interest to provide for the use of the subject frequencies in the New Orleans area in order to alleviate the communications burden placed on licensees in the Maritime Mobile Service in that area.

8. Accordingly, we propose to amend §§ 2.106, 81.356, 83.351 and 83.359 of the Commission's rules to indicate the frequencies 156.050 MHz (VHF Channel 1) and 156.175 MHz (VHF Channel 63) are available for use on a simplex basis for port operations purposes in

<sup>5</sup>The New Orleans VTS radio protection area is defined in Rules 81.357 and 83.361 as the rectangle between north latitudes 27°30' and 31°30' and west longitudes 87°30' and 92°.

<sup>6</sup>Internationally the frequency 156.050 MHz is paired with 160.650 MHz, and 156.175 MHz is paired with 160.775 MHz for duplex operation.

the part of the Coast Guard designated New Orleans VTS radio protection area described above. Further, we propose to amend § 89.409 to limit the assignment of the frequencies 156.045, 156.060, 156.165 and 156.180 MHz to highway maintenance stations within 100 miles of the center of New Orleans.

9. The proposed amendments to the Commission's rules as set forth below are issued pursuant to the authority contained in Sections 4(i) and 303(c) and (r) of the Communications Act of 1934, as amended.

COMMENTS

10. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before January 22, 1979, and reply comments on or before February 1, 1979. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 5 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this Notice of Proposed Rule Making, will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

12. Regarding questions on matters covered in this document contact Robert McNamara 202-632-7197.

FEDERAL COMMUNICATIONS  
COMMISSION.

WILLIAM J. TRICARICO,  
Secretary.

Parts 2, 81, 83 and 89 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. Part 2—Frequency Allocations and Radio Treaty Matters; General Rules and Regulations.

In § 2.106 the table is amended by deleting NG 117 and adding NG — in column 8 in the band 154.6375-156.250 MHz, and NG footnotes are amended by adding NG —, to read as follows:

§ 2.106 Table of Frequency Allocations.

Band (MHz)	Service	Frequency (MHz)	Nature (OF SERVICES of stations)
7	8	10	11
***	***	***	***
154.6375 - 156.25	LAND MOBILE. (NG —)		PUBLIC SAFETY.
***	***	***	***

NG Footnotes



## PROPOSED RULES

NG — Specified frequencies in the band 156.025-156.250 MHz may be assigned to stations in the maritime mobile service for port operations purposes within certain Coast Guard designated Vessel Traffic Services (VTS)

radio protection areas, or parts thereof, listed in §§ 81.357 and 83.361.

B. Part 81—Stations on Land in the Maritime Services and Alaska-Public Fixed Stations.

In § 81.356, the table in paragraph

(a) is amended, and paragraph (b)(3) is added, to read as follows:

§ 81.356 Assignable frequencies in the band 156-162 MHz.

(a) \*\*\*

Port Operations				
01 .....	156.050	156.050	Coast to ship	3
63 .....	156.175	156.175	do	3
05 .....	156.250	156.250	do	2
***	***	***	***	***

(b) \*\*\*

(3) Available for use within the U.S. Coast Guard designated Vessel Traffic Services (VTS) radio protection area of New Orleans from the various pass entrances of the Lower Mississippi

River in the Gulf of Mexico to Godchaux light at river mile 136.

C. Part 83—Stations on Shipboard in the Maritime Services.

1. In § 83.351, the table in paragraph (a) is amended, and paragraph (b)(9) added, to read as follows:

§ 83.351 Frequencies available.  
(a) \*\*\*

Carrier frequency (MHz)	Conditions of Use	
	Section	Limitations
***	***	***
156.050 -----	83.359	9
156.175 -----	83.359	9
156.250 -----	83.359	12
***	***	***

(b) \*\*\*

(9) Available for use within the U.S. Coast Guard designated Vessel Traffic Services (VTS) radio protection area of New Orleans from the various pass

entrances of the Lower Mississippi River in the Gulf of Mexico to Godchaux light at river mile 136.

2. In § 83.359, the table under "Port Operations" is amended to read as follows:

§ 83.359 Frequencies in the band 156-162 MHz available for assignment.

Channel designator	Frequency MHz		Points of communication
	Ship	Coast	
* * * * *			
Port Operations			
01 . . . . .	156.050	156.050	Intership and ship to coast
63 . . . . .	156.175	156.175	do
05 . . . . .	156.250	156.250	do
* * *	* * *	* * *	* * *

D. Part 89—Public Safety Radio Services.

In § 89.409, the table in paragraph (e) is amended and a new subpara-

graph f(13) is added, to read as follows:  
§ 89.409 Frequencies available to the Highway Maintenance Radio Service.  
(e) \*\*\*

between Albermarle Sound and Pamlico Sound in eastern North Carolina.  
(b) *Population:* Columbia—902; Tyrrell County—3,806.<sup>2</sup>  
(c) *Local Aural Broadcast Service:* There is no local aural broadcast service in Columbia.

3. *Economic Considerations:* Petitioners state that the economy of Tyrrell County is based primarily on agriculture and forestry, with soybeans, corn and potatoes being the major income-producing crops. We are told that fishing is second to agriculture in economic importance, providing employment for approximately 150 individuals. Petitioners note that there are over fifty retail and service businesses in Columbia in addition to three major oil distributors.

4. *Additional Considerations:* Petitioners assert that the nearest existing FM facility to Columbia is a Class A station at Edenton, 96 kilometers (56 miles) from Columbia, and the nearest assigned but unoccupied FM channel is located at Belhaven, 109 kilometers (68 miles) from Columbia. They add that there are no FM assignments in the three-county eastern area of the peninsula proper.

5. *Preclusion Study:* One community of greater than 1,000 population would sustain a preclusion as a result of this proposal. That community is Belhaven (pop. 2,259) which has an unoccupied FM assignment.

6. In this case, where a community has a population of only 902, it would be the usual practice to assign a Class A channel. However, the petitioner requested a Class C channel. Such an exception has been made where the Class C proposal could bring a significant amount of first or second FM service or when a Class C channel represents the best means of serving a sparsely populated area. In their *Roanoke Rapids* study, petitioners show that a first FM service would be provided to 9,755 persons in a 3,800 square kilometer (1,430 square miles) area and a second FM service to 10,248 persons in a 3,830 square kilometer (1,440 square miles) area. Petitioners should indicate in their comments the extent of nighttime service provided by standard broadcast stations so that we can determine how much of this represents first and second aural service. *Anamosa-Iowa City, Iowa*, 46 F.C.C. 2d 520 (1974).

7. Comments are invited on the following proposal to amend the FM Table of Assignments with regard to the community of Columbia, North Carolina:

Frequency or Band	Class of Stations	Limitations
MHz		
***	***	***
156.045	Mobile	13
156.060	do	13
***	***	***
165.165	Base and Mobile	10, 13
165.180	do	10, 13
***	***	***

(f) \*\*\*  
(13) This frequency may not be assigned within 100 miles of New Orleans (coordinates 29-56-53 N and 90-04-10 W).

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:  
[BC Docket No. 78-377 RM-3098]

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Columbia, North Carolina); Proposed rulemaking.

Adopted: December 8, 1978.

Released: December 14, 1978.

By the Chief, Broadcast Bureau:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rulemaking<sup>1</sup> was filed by Thomas C. Cross and John Woolard ("petitioners"), proposing the assignment of Class C FM Channel 289 to Columbia, North Carolina.

(b) Channel 289 can be assigned without affecting any existing FM assignments, provided the transmitter site is located 9.6 kilometers (6 miles) east of Columbia.

(c) Petitioners state that they will promptly file an application for the proposed channel, if assigned.

2. *Demographic Data:*

(a) *Location:* Columbia, seat of Tyrrell County, is located on a peninsula

<sup>1</sup>Public Notice of the petition was given on April 24, 1978, Report No. 1114.

<sup>2</sup>Population figures are taken from the 1970 U.S. Census.

[FR Doc. 8-35124 Filed 12-18-78; 8:45 am]

[6712-01-M]

[47 CFR Part 73]

[BC Docket No. 78-377; RM-3098]

FM BROADCAST STATION IN COLUMBIA, NORTH CAROLINA

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of Class C FM Channel 289 to Columbia, North Carolina. Petitioners, Thomas C. Cross and John Woolard, state that the proposed channel assignment would bring a first local aural broadcast service to Columbia and surrounding sparsely populated areas.

DATES: Comments must be received on or before February 6, 1979; and reply comments on or before February 26, 1979.

## PROPOSED RULES

City	Channel No.	
	Present	Proposed
Columbia, North Carolina.....		289

8. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

NOTE.—A showing of continuing interest is required before a channel will be assigned.

9. Comments must be filed on or before February 6, 1979, and reply comments on or before February 26, 1979.

10. For further information concerning this proceeding contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involves channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* above.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making above. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are

filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* above. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

FR Doc. 78-35121 Filed 12-18-78; 8:45 am

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tiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: December 14, 1978.

ARTHUR GAREL,  
*Director,*  
*Office of Textiles.*

[FR Doc. 78-35152 Filed 12-18-78; 8:45 am]

### [3510-04-M]

#### National Technical Information Service

#### GOVERNMENT-OWNED INVENTIONS

##### Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for \$.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield Virginia 22161 for \$4.00 (\$8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,  
*Patent Program Coordinator,*  
*National Technical Information Service.*

INTELLECTUAL PROPERTY DIV., OTJAG, DEPARTMENT OF THE ARMY, Rm 2D 444, Pentagon, Washington, D.C. 20314.

Patent application 880,734: Automatic Astroposition Determination Apparatus; filed Feb. 24, 1978.

Patent 4,053,712: Adaptive Digital Coder and Decoder; filed Aug. 24, 1976; patented Oct. 11, 1977; not available NTIS.

Patent 4,055,079: Cylinder Firing Indicator; filed Aug. 9, 1976; patented Oct. 25, 1977; not available NTIS.

Patent 4,056,852: Adjustable Helmet Suspension System; filed Apr. 19, 1976; patented Nov. 8, 1977; not available NTIS.

Patent 4,058,438: Rapid Universal Sensing Cell; filed Oct. 28, 1976; patented Nov. 15, 1977; not available NTIS.

Patent 4,059,052: Fuze Modulation System; filed Feb. 21, 1957; patented Nov. 22, 1977; not available NTIS.

Patent 4,062,126: Deadband Error Reduction in Target Sight Stabilization; filed Nov. 8, 1976; patented Dec. 13, 1977; not available NTIS.

Patent 4,062,598: Wedge Block Lock for Vehicle Track-End Connectors; Filed Aug. 9, 1976; patented Dec. 13, 1977; not available NTIS.

Patent 4,069,990: Ring-Wing Canard Spin-Up Control Mechanism; filed Mar. 14, 1977; patented Jan. 24, 1978; not available NTIS.

Patent 4,070,692: Video Digitizing System for Single Valued Functions; filed May 8, 1975; patented Jan. 24, 1978; not available NTIS.

Patent 4,079,955: Locking Device; filed Aug. 9, 1976; patented Mar. 21, 1978; not available NTIS.

Patent 4,080,942: Metering Fuel by Compressibility; filed June 23, 1976; patented Mar. 28, 1978; not available NTIS.

[FR Doc. 78-35156 Filed 12-18-78; 8:45 am]

### [1505-01-M]

#### DEPARTMENT OF DEFENSE

##### Department of the Army

##### PRIVACY ACT OF 1974

##### Amendment and Deletions to Systems of Records

##### Correction

In FR Doc. 78-34586 appearing at page 58111 in the issue for Tuesday, December 12, 1978, third Column, the system identification number reading "A 0701.020d DAPC" should read "A 0701.02 d DAPC".

### [3710-08-M]

#### COMMAND AND GENERAL STAFF COLLEGE ADVISORY COMMITTEE

##### Meeting

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name: Command and General Staff College (CGSC) Advisory Committee.

Date: 10-12 January 1979.

Place: College Conference Room, Bell Hall, Ft. Leavenworth, KS 66027.

Time: 2000-2200, 10 January 1979; 0900-1630, 11 January 1979; 0900-1130, 12 January 1979.

##### Proposed Agenda:

2000-2200, 10 January 1979: Review of CGSC educational program.

0900-1630, 11 January 1979: Continuation of review.

0900-1000, 12 January 1979: Continuation of review.

1000-1130, 12 January 1979: Executive session.

The Purpose of the meeting is for the Advisory Committee to examine the entire range of College operations and, where appropriate, to provide

advice and recommendations to the College Commandant and Faculty.

The meeting will be open to the public to the extent that space limitations of the meeting space permit. Because of these limitations, interested parties are requested to reserve space by contacting the Committee's Executive Secretary.

PHILIP J. BROOKES,  
*Executive Secretary,*  
*CGSC Advisory Committee.*

[FR Doc. 78-35154 Filed 12-18-78; 8:45 am]

### [3710-08-M]

#### ARMED FORCES EPIDEMIOLOGICAL BOARD

##### Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of Committee: Armed Forces Epidemiological Board Subcommittee on Health Maintenance Systems.

Date of Meeting: January 5, 1979.

Time: 0900-1700.

Place: Conference Room 3092, Walter Reed Army Institute of Research, Walter Reed Army Medical Center, Washington, DC.

Proposed Agenda: The proposed agenda will include a discussion of the draft report on the scope of periodic physical examinations for military personnel.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 1B472 Pentagon, Washington, DC 20310.

Dated: December 14, 1978.

CHARLES W. HALVERSON,  
*CDR, MSC, USN,*  
*Executive Secretary.*

[FR Doc. 78-35153 Filed 12-18-78; 8:45 am]

### [6740-02-M]

#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

[Docket No. ER79-84]

##### ALABAMA POWER CO. ET AL

##### Proposed Tariff Change

DECEMBER 12, 1978

Take notice that Southern Company Services, Inc., on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company on November 29, 1978 tendered for filing an amendment to the Southern Company

system Procedures Under Intercompany Interchange Contract and schedules detailing interchange transactions between such companies for the calendar year 1979. The amendment and schedules are proposed to be effective on January 1, 1979.

The Southern Company System Intercompany Interchange Contract and the subject amendment to the Procedures under that contract constitute a coordinator and interchange agreement between the operating companies of the Southern Company system and provide for certain power pooling transactions, including the exchange of interchange energy and the pricing thereof, the purchase and sale of capacity and the rates and charges therefor as well as other interchange arrangements between the operating companies, according to the parties.

Copies of the filing were served upon parties of record in Southern Company Services, Inc., Docket No. ER78-76.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-35169 Filed 12-18-78; 8:45 am]

#### [6740-02-M]

[Docket No. ER79-79]

#### APPALACHIAN POWER COMPANY

##### Proposed Changes in Rates and Charges

DECEMBER 12, 1978

Take notice that American Electric Power Service Corporation (AEP) on November 27, 1978, tendered for filing on behalf of its affiliates, Appalachian Power Company (Appalachian), Ohio Power Company (Ohio), and Wheeling Electric Company (Wheeling), Modification No. 8 dated October 1, 1978 to the Operation Agreement dated June 1, 1971 among Appalachian, Ohio, Wheeling, Monongahela Power Company and West Penn Power Company designated Appalachian Rate Schedule FPC No. 55, Ohio Rate Schedule FPC No. 73 and Wheeling Rate Schedule FPC No. 5.

Applicants state that: Section 1 of Modification No. 8 provides for an increase in the demand charge for Short Term Power from \$0.60 to \$0.70 per kilowatt per week and Section 3 provides for an increase in the demand charge for Limited Term Power from \$3.25 to \$3.75 per kilowatt per month; Section 2 of Modification No. 8 provides for an increase in the transmission charge for third party Short Term Power transactions from \$0.15 per kilowatt per week to \$0.175 per kilowatt per week; and Section 4 provides for an increase in the transmission charge for third party Limited Term transactions from \$0.65 per kilowatt per month to \$0.75 per kilowatt per month. All of the aforementioned Schedules are proposed to become effective November 19, 1978. Applicants state that since the use of Short Term and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from this Modification for such period.

Applicants' Exhibit I which was included with the filing of this Modification, demonstrates that the increase in revenues, which would have resulted had the Modification been in effect during the twelve-month period ending September 1978, would have been \$656,250.00 (i.e., from \$18,111,209.00 to \$18,767,549.20), according to Applicants.

Copies of the filing were served upon Allegheny Power Service Corporation, to the Public Utilities Commission of Ohio, to Virginia State Corporation Commission, to Public Service Commission of West Virginia and to the Public Service Commission of Pennsylvania.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-35170 Filed 12-18-78; 8:45 am]

#### [6740-02-M]

[Docket Nos. ER76-530, ER76-626, ER76-717, ER76-721]

#### ARIZONA PUBLIC SERVICE CO.

##### Compliance Filing

DECEMBER 11, 1978.

Take notice that on November 3, 1978, pursuant to Order Affirming Initial Decision issued August 1, 1978, and Notice of Extension of Time issued August 29, 1978, and the Initial Decision of the Administrative Law Judge, dated December 19, 1977, Arizona Public Service Company ("APS" or "Company") submits for filing six copies of the following documents:

1. Revised rate provisions applicable to the following wholesale customers and APS Rate Schedule FPC Nos.:

- 12—Electrical District No. 3.
- 13—Electrical District No. 7.
- 14—Maricopa County Municipal Water Conservation District No. 1.
- 15—Roosevelt Irrigation District.
- 16—Buckeye Water Conservation & Drainage District.
- 17—Navopache Electric Co-operative, Inc.
- 34—Town of Wickenburg.
- 35—Electrical District No. 6.
- 50—Citizens Utilities Company.
- \*51—Comision Federal de Electricidad, Division Noroeste (Naco).
- 52—Papago Tribal Utility Authority.
- \*53—Comision Federal de Electricidad (Sonoyta).
- \*54—Compania de Servicios Publicos de Agua Prieta, S.A.
- 57—Arizona Electric Power Cooperative, Inc.
- 58—Wellton-Mohawk Irrigation & Drainage District.
- 59—Arizona Power Authority.
- 62—Arizona Electric Power Cooperative, Inc.
- 65—Colorado River Indian Irrigation Project.
- 66—San Carlos Indian Irrigation Project.
- 68—Electrical District No. 1 (Formerly Rate Schedule No. 64).

\*Subsequent to the commencement of these proceedings and the implementation of interim increased rates including rates to the export customers, none of which protested or intervened, jurisdiction over electric exports was transferred to the Economic Regulatory Administration by the Department of Energy Organization Act.

2. Electric Tariff Original Volume 1—(No Customers) is hereby cancelled. A revised cover sheet for this schedule bearing the word "Cancelled" is enclosed herewith.

3. Revised cost-of-service pursuant to the above-noted decisions.

4. Workpapers reflecting computations of revised rates.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice

and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before December 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-35172 Filed 12-18-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-88]

ARKANSAS LOUISIANA GAS CO.

Application

DECEMBER 12, 1978.

Take notice that on November 28, 1978, Arkansas Louisiana Gas Company (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP 79-88 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an exchange of gas with Lone Star Gas Company, a Division of Enserch Corporation (Lone Star), all as more fully set forth in the application on file with the Commission and grant for public inspection.

It is stated that Arkla and Lone Star have contracted to buy natural gas supplies located in the Carthage Field, Panola County, Texas (Carthage), in proportions of 80 and 20 per cent, respectively, and that they entered into a gas exchange agreement (Agreement) on August 18, 1978, to enable Lone Star, whose pipeline system is remote from Carthage, to receive its share of the gas.

It is stated that the agreement is a straight gas for gas exchange, under which Arkla would receive Lone Star's share of the Carthage gas at Arkla's existing gathering facilities, and redeliver thermally equivalent volumes of gas to Lone Star at an existing interconnection between their systems, located in McClain County, Oklahoma.

It is estimated that the daily exchange volumes would be approximately 2,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceed-

ing. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Arkla to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-35171 Filed 12-18-78; 8:45 am]

[6740-02-M]

[Docket No. ER79-90]

CENTRAL KANSAS POWER COMPANY, INC.

Filing of Proposed Tariffs

DECEMBER 12, 1978.

Take notice that Central Kansas Power Company, Inc., on December 1, 1978, tendered for filing a proposed change in its existing FERC Electric Tariff. The proposed rate filing would increase revenues from jurisdictional sales and service by \$612,293 based upon the twelve-month test period ending December 31, 1979.

The Company indicates that since the test period utilized to justify the existing rates, the Company has experienced increases in its plant in service and in the costs of capital, labor, material and taxes. The proposed rates are necessary to provide the Company with a fair return on its investment so as to maintain its financial integrity and enable it to continue to provide its customers with adequate and sufficient service, according to the Company.

Copies of this filing were served upon the Company's jurisdictional customers, Sunflower Electric Cooperative, and upon the State Corporation Commission of the State of Kansas, according to the Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-35173 Filed 12-18-78; 8:45 am]

[6740-02-M]

[Docket No. RP78-76]

GAS RESEARCH INSTITUTE

Change in GRI Adjustment Charge

DECEMBER 11, 1978.

Take notice that on November 14, 1978, Pacific Gas Transmission Company (PGT) tendered for filing the following sheet to its FERC Gas Tariff:

Original Volume No. 1

Second Revised Sheet No. 16

An effective date of January 1, 1979 is proposed.

PGT states that this filing is made under its filed Gas Research Institute (GRI) Charge Adjustment Provision and pursuant to the Commission's Opinion No. 30 issued September 21, 1978 in Docket No. RP78-76. That Opinion authorizes members of the Gas Research Institute (GRI) to collect a general R&D funding unit of 3.5 mills per Mcf of Program Funding Services for payment to GRI. PGT further states that the change in rates will affect only charges for natural gas service rendered to Pacific Gas and Electric Company under Rate Schedule PL-1.

PGT states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1978. Protests



will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-35174 Filed 12-18-78; 8:45 am]

[6740-02-M]

[Docket No. RP78-76]

GAS RESEARCH INSTITUTE

Proposed Changes in Tariff Provisions

DECEMBER 11, 1978.

Take notice that on December 1, 1978, East Tennessee Natural Gas Company (East Tennessee) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Sixth Revised Volume No. 1, to be effective January 1, 1979.

First Revised Sheet No. 74B  
Second Revised Sheet No. 74C  
Third Revised Sheet Nos. 66, 69B and 74D  
Fourth Revised Sheet Nos. 67 and 69A  
Sixth Revised Sheet No. 69

East Tennessee states that the purpose of the revised tariff sheets is to revise (1) the PGA clause in the General Terms and Conditions of its tariff to conform to the requirements of Order No. 13 and (2) the Gas Research Institute Rate Adjustment provision in its tariff to conform to the requirements of Opinion No. 30.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

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KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-35175 Filed 12-18-78; 8:45 am]

[6740-02-M]

[Docket No. ER79-88]

GEORGIA POWER CO.

Proposed Tariff Change

DECEMBER 12, 1978.

Take notice that Georgia Power Company ("Georgia Power") on December 1, 1978, tendered for filing proposed changes in its FERC Electric Tariffs, Original Volumes No. 1 (full requirements service) and No. 2 (partial requirements service). Georgia Power indicates that based on the twelve-month period ended December 31, 1979, the proposed changes would increase revenues from jurisdictional full requirements service by \$45,209 and would increase revenues from jurisdictional partial requirements service by \$8,342,979. The filing contains proposed Rate Schedules FR-2 which would replace Rate Schedule FR-1 (full requirements) and PR-4 which would replace Rate Schedule PR-3 (partial requirements). Georgia Power has requested an effective date of February 1, 1979, for the changes.

Georgia Power asserts that its costs have escalated steadily since the filing of its FR-1 and PR-3 rates, resulting in a large increase in the revenue required from wholesale service. The data submitted with Georgia Power's filing allegedly demonstrate that FR-1 and PR-3, as presently in effect, do not provide a fair return on Georgia Power's wholesale service.

Georgia Power states that copies of the filings were served upon all of its jurisdictional customers and on the Georgia Public Service Commission.

Any person desiring to be heard or to protest said application should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this application are on file with the Commission and are available for public inspection.

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KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-35176 Filed 12-18-78; 8:45 am]

[6740-02-M]

[Docket No. ER78-11]

KANSAS POWER AND LIGHT CO.

Certification

DECEMBER 12, 1978.

On November 24, 1978, the Kansas Power and Light Company filed a motion for certification of the proposed Stipulation and Agreement of Settlement to the Commission in this proceeding. No participant objects thereto.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before December 27, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-35177 Filed 12-18-78; 8:45 am]

[6740-02-M]

[Docket No. ER76-5391]

MISSOURI POWER & LIGHT CO.

Compliance Filing

DECEMBER 11, 1978.

Take notice that Missouri Power & Light Company (MP&L) on November 20, 1978, tendered for filing pursuant to Opinion & Order Modifying Initial Decision issued October 27, 1978: Revised MP&L Electric Service Wholesale Rate (MESWR) 2nd Revised Sheets Nos. 1, 2, and 3; Appendix A showing the adjusted cost of service; a copy of MP&L's current Large Industrial Retail Rate.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-35178 Filed 12-18-78; 8:45 am]

[6740-02-M]

[Docket No. ER79-83]

MONTAUP ELECTRIC CO.

Filing

DECEMBER 7, 1978.

Take notice that on November 29, 1978, Montaup Electric Company (Montaup) tendered for filing a contract for service to the Pascoag Fire District in Rhode Island (Pascoag). Montaup states that Pascoag presently takes all requirements bulk power from Montaup with transmission service provided by Montaup's affiliate Blackstone Valley Electric Company. Montaup further states that under the new contract Pascoag would purchase contract demand service from Montaup to supplement Pascoag's entitlements in generating units. Montaup indicates that the contract provides for Pascoag entitlements in Montaup's 50% share of the Canal No. 2 unit and in Montaup's Somerset No. 6 unit and J-1 combustion turbine.

Montaup further indicates that the contract provides that it will be effective from December 1, 1978 through the 1982/1983 NEPOOL power year, with provision for extension.

Montaup requests waiver of the Commission's notice requirements to allow said contract to become effective on December 1, 1978.

According to Montaup copies of this filing were sent to the Massachusetts Department of Public Utilities and the Rhode Island Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before December 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-35179 Filed 12-18-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-87]

MOUNTAIN FUEL SUPPLY CO.

Application

DECEMBER 12, 1978.

Take notice that on November 28, 1978, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP79-87 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the wellhead sale to Mountain Fuel Resources, Inc. (Resources), of a supply of natural gas which Applicant controls, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to the terms of Gas Purchase Agreement dated June 22, 1978, as amended September 25, 1978, Applicant agreed to make available for sale to Resources all the gas which may be produced from certain acreages located in the Big Horse Draw area of Rio Blanco County, Colorado. The initial daily sales volumes are estimated to be 700 Mcf per day. Applicant would charge Resources the current national rate as established by the Natural Gas Policy Act of 1978 and the FERC regulations applicable thereunder.

Applicant states that the aforementioned natural gas supply, four new wells which were developed by Applicant, is remote from Applicant's own gathering and transmission facilities, but is in close proximity to those of Resources.

Applicant further states that it has been advised that Resources would construct any necessary jurisdictional gas purchase facilities under the budget-type authority granted in Docket No. CP78-80.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-35180 Filed 12-18-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-82]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

DECEMBER 12, 1978.

Take notice that on November 22, 1978, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP79-82 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant desires to make available to its Gulf Coast pipeline system up to 50,000 Mcf of natural gas supplies; in pursuit of this end, Applicant has filed an application in Docket No. CP78-524 for authority to construct and operate 31.03 miles of loop pipeline.

Pending the grant of the requested authorization in Docket No. CP78-524, Applicant seeks authority in the instant docket to construct and operate a 10-inch measuring facility and an 8-inch connection in Panola County, Texas, in order to effectuate an interim transportation agreement, dated November 1, 1978, (agreement) with United Gas Pipe Line Company (United). The application indicates that the estimated cost of these facilities

ties is \$41,300, which cost would be financed from funds on hand.

The agreement, it is stated, requires United to transport for Applicant up to 50,000 Mcf of natural gas per day for a primary term ending (a) on the date that the facilities proposed in Docket No. CP78-524 are placed in service, or (b) one year from the date of initial deliveries under the proposed transportation arrangement, whichever date is earlier, and from year to year thereafter, subject to termination by either party.

It is stated that United has an existing transportation agreement with Transcontinental Gas Pipe Line Corporation (Transco) which can be used to transport Applicant's gas. Accordingly, it is proposed that Applicant would cause U-T Offshore System (UTOS) to deliver to (Transco) for Applicant's account up to 50,000 Mcf of gas per day at the existing interconnection between UTOS and Transco in Cameron Parish, Louisiana, for further transportation and delivery by Transco to United. If United does not have sufficient unused capacity under its arrangements with Transco for the transportation of all or a portion of the volumes Applicant has available for transportation, then Applicant would deliver those volumes to United either at the outlet of the Sea Robin Pipeline Company measuring station near Erath, Vermilion Parish, Louisiana, or at or near the outlet of the Texaco Henry Plant, Vermilion Parish, Louisiana, it is stated. United would deliver equivalent volumes; less fuel and company-used gas, to Applicant at a proposed new point of delivery to be constructed in Panola County, Texas, it is indicated.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natu-

ral Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

(FER Doc. 78-35181 Filed 12-18-78; 8:45 am)

[6740-02-M]

(Docket No. ER79-93)

NEW ENGLAND POWER CO.

Proposed Tariff Change

DECEMBER 12, 1978.

Take notice that New England Power Company ("NEP") on October 1, 1978, tendered for filing proposed changes in its FERC Electric Tariff, Original Volume Number 1, and its Service Agreement for Primary Service for Resale with the Narragansett Electric Company ("NARRAGANSETT"). The proposed changes would decrease the credits allowed Narragansett on its purchased power billing by NEP in the amount of \$678,800 annually based on the 12 month period ending December 31, 1979, according to NEP.

NEP indicates that conjunctively with its affiliate Narragansett, it reviews annually that part of Narragansett's system which is used by it in providing all-requirements service to Narragansett, and upon a substantial change in circumstance, refiles with the Commission the revised generation and transmission credits. The instant revision is primarily due to a decreased requirement in the rate of return and associated income taxes, according to NEP.

Copies of the filing were served upon Narragansett and the Rhode Island Public Utilities Commission, according to NEP.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Proce-

dures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

(FER Doc. 78-35182 Filed 12-18-78; 8:45 am)

[6740-02-M]

(Project No. 2067)

OAKDALE IRRIGATION DISTRICT AND SOUTH  
SAN JOAQUIN IRRIGATION DISTRICT

Applications

DECEMBER 12, 1978.

Public notice is given that the Oakdale Irrigation District and South San Joaquin Irrigation District (Districts), Licensees for Project No. 2067, filed two applications for Commission approval. On November 3, 1978, the Districts filed an application for approval of a reservoir management plan. The Districts filed on November 20, 1978, an application which would authorize the development of the Lake Tulloch Shores Subdivision. Correspondence concerning these applications should be sent to: Tri-Dam Project, Oakdale and South San Joaquin Irrigation Districts, c/o J. W. Southern, Executive Secretary, Star Route, Box 1303, Sonora, California 95370. Project No. 2067 is located on the Stanislaus River in Calaveras and Tuolumne Counties, California.

The Districts propose to institute a permitting program that would allow minor construction activities at the project without Commission approval. The minor construction would include boat ramps, retaining walls, floats, and piling for structures. The plan sets forth the conditions under which any permit would be issued, including the following limitations: construction would be done in the dry; soil or rock removal would be limited to 1000 cubic yards; and no construction would be allowed below the 485 foot contour.

In its November 20 application the Districts seek authorization to allow the sale and development of lands below the 515 foot contour (the project boundary) by Heart Federal Savings and Loan Association, the fee owners of the lands. The development would be residential with some of the homes constructed partially on piers in the project reservoir.

Anyone desiring to be heard or to make any protest about these applica-

tions should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR §1.8 or §1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before January 22, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The applications are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc. 78-35183 Filed 12-18-78; 8:45 am]

#### [6740-02-M]

[Docket Nos. G-17350, G-17351, CP69-346,  
CP69-347]

#### PACIFIC GAS TRANSMISSION CO.

##### Petition to Amend

DECEMBER 12, 1978.

Take notice that on November 22, 1978, Pacific Gas Transmission Company (PGT), 245 Market Street, San Francisco, California 94105, filed in Docket Nos. G-17350, G-17351, CP69-346, and CP69-347, a petition to amend the orders of the Commission issued in Docket Nos. G-17350 and G-17351 on August 5, 1960 (24 FPC 134), in Docket Nos. CP69-346 and CP69-347 on March 13, 1970 (43 FPC 418), and in all four of the above dockets on February 6, 1978, pursuant to section 7(c) of the Natural Gas Act to continue the authorization granted in the February 6, 1978, amending order, which permitted PGT to transport on a best efforts basis additional volumes of natural gas imported from Canada for Northwest Pipeline Corporation (Northwest), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is stated that the order of February 6, 1978 (and predecessor orders dated October 31, 1974, April 15, 1975, and February 17, 1977), authorized PGT to transport, in excess of the peak day volumes previously authorized, up to 30,000 Mcf of gas on average days and 125,000 Mcf of gas on peak days for Northwest from Northwest's Kingsgate, British Columbia, import point to the interconnection of PGT's and Northwest's systems at

Spokane, Washington, and Stanfield, Oregon, on a best-efforts basis. It is further stated that the authorization under said order expired on October 31, 1978.

PGT, by the instant petition to amend, requests authorization to continue the subject transportation arrangement from November 1, 1978, to October 31, 1979, in accordance with a letter agreement between PGT and Northwest dated July 20, 1978. PGT states that the said letter agreement is, in substance, identical with the previously authorized best efforts agreement; it provides that PGT is not obligated to accept for transportation and delivery quantities of natural gas in excess of the previously authorized peak day volumes of 151,731 Mcf unless, in PGT's sole judgment and discretion, sufficient pipeline capacity and operating flexibility exist to transport and deliver said additional quantities. According to PGT, such capacity may be available for best efforts service to Northwest at Spokane or Stanfield when there are mechanical difficulties in the portion of PGT's pipeline system and intrastate extensions south of the Stanfield tap such that deliveries from that portion of the pipeline system must be reduced.

It is stated that the charges for the transportation and delivery of the additional volumes of natural gas would be determined in accordance with the cost of service and cost allocation procedures set forth in Rate Schedule T-1 of PGT's FERC Gas Tariff, Original Volume No. 1.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc. 78-35162 Filed 12-18-78; 8:45 am]

#### [6740-02-M]

[Docket No. ER79-851]

#### SIERRA PACIFIC POWER CO.

##### Proposed Changes in Rates and Charges

DECEMBER 12, 1978.

Take notice that on November 30, 1978, Sierra Pacific Power Company ("Sierra Pacific") tendered for filing a notice of change in rates and charges in Rate Schedule R of its FERC Electric Tariff, Volume 1. Based upon the test period for twelve months ending June 30, 1978, Sierra Pacific estimates that the total effect of the changes in rates and charges would increase annual revenues from FERC jurisdictional sales and services by approximately \$846,820, or 14.2 percent.

The reason for the proposed increase in rates and charges is to compensate Sierra Pacific for increases in virtually all items of cost, according to Sierra Pacific.

Sierra Pacific proposes an effective date for the tariff sheets tendered herein of thirty (30) days following the filing date of this notice.

Copies of the filing were served upon Sierra Pacific's jurisdictional customers, the California Public Utilities Commission and the Nevada Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc. 78-35164 Filed 12-18-78; 8:45 am]

#### [6740-02-M]

[Docket No. ER79-941]

#### SOUTHERN CALIFORNIA EDISON CO.

##### Proposed Tariff Change

DECEMBER 12, 1978.

Take notice that Southern California Edison Company (Edison) on December 4, 1978 tendered for filing a change of rate for scheduling and dispatching services under the provisions of Edison's agreements with the par-

ties listed below as embodied in their FERC Rate Schedules. The new rates

for these services are proposed to be effective January 1, 1979.

	FERC No.	New Rate \$/ Month	Monthly Increase Over 1978 (\$)	Total 1979 Increase (\$)
1. City of Anaheim.....	83	525	25	300
2. City of Riverside.....	84	525	25	300
3. San Diego Gas & Electric Co.....	86	840	40	480
4. City of Pasadena.....	88	840	40	480
5. Arizona Power Pool Association.....	92	3,465	165	1,920
6. Arizona Power Pool Association.....	93	525	25	300
7. City of Glendale.....	97			
First Supplier.....		945	45	540
Each Additional Supplier.....		525	25	300

Said filing is in accordance with the terms of each of these agreements, which state that the rates for these services will be redetermined prior to January 1 of each year based on Edison's budgeted amounts of money for load dispatching and production section function expenses for that year, according to Edison.

Copies of this filing were served upon all the interested parties and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (§§ 1.8, 1.10). All such petitions or protests should be filed on or before January 3, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FER Doc. 78-35163 Filed 12-18-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-85]

TEXAS EASTERN TRANSMISSION CORP.

Application

DECEMBER 12, 1978.

Take notice that on November 22, 1978, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP79-85 and application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience

and necessity authorizing the transportation of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that Consolidated Gas Supply Corporation (Consolidated) and Equitable Gas Company (Equitable) entered into an exchange agreement (exchange agreement) dated September 7, 1978. It is further stated that in order to implement the exchange agreement, Consolidated and Applicant entered into a transportation agreement (transportation agreement) on November 21, 1978.

Pursuant to the transportation agreement, it is proposed that Applicant receive natural gas from Consolidated, at either of two receipt points in Greene and Westmoreland Counties, Pennsylvania (Applicant's meter station 037 and 082 respectively); that the gas received at the Greene County receipt point would be delivered to Equitable at Applicant's meter station 009, Greene County, Pennsylvania; and that the gas received at two Westmoreland County receipt points would be delivered to Equitable at Applicant's meter station 355, Westmoreland County, Pennsylvania.

It is stated that the total maximum daily transportation quantity under the transportation agreement would be 20,000 dekatherms equivalent of natural gas, for which Applicant would charge Consolidated \$8,219 per month.

It is stated that Equitable has an urgent need for gas supplies to meet its high priority requirements during the upcoming winter, and that the authorization sought in the instant docket would enable Equitable to avoid operational difficulties and the construction of duplicate facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance

with the requirements of the Commission's Rules of Practice and Procedure (18 CFR or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in any subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FER Doc. 78-35165 Filed 12-18-78; 8:45 am]

[6740-02-M]

[Docket Nos. CP76-514; CP76-529]

TRANSCONTINENTAL GAS PIPE LINE CORP.  
AND UNITED GAS PIPE LINE CO.

Petition To Amend

DECEMBER 12, 1978.

Take notice that on October 25, 1978, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket Nos. CP76-514 and CP76-529, a petition to amend the order issued December 3, 1976, in said dockets, as amended, pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission General Policy and

\*These proceedings were commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1009.1), they were transferred to the FERC.

Interpretation (18 CFR 2.79) so as to extend for an additional two years authorization to transport natural gas for the New Jersey Zinc Company, now New Jersey Zinc Division of G & W Natural Resources Group, a Division of Gulf and Western Industries, Inc. (Zinc), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that the subject supply of gas is produced from reserves which Zinc acquired in place from Trident Oil and Gas Company, *et al.* (Trident), Winn Parish, Louisiana. It is stated that by amended certificates issued by the Commission on June 6, 1977, preceded by temporary certificates dated February 25, 1977, and temporary amended certificates dated March 28, 1977, Transco and United were authorized to transport an additional supply of gas, still within the 3,500 Mcf per day limit, from an additional 25 percent working interest acquired by Zinc in one of the Winn Parish wells and from Trident volumes produced from two additional wells known as Louisiana-Pacific "C" No. 2 and Pardee "A" No. 1, Winn Parish, Louisiana. It is further stated that all transportation quantities are gathered and delivered to United's pipeline in Caldwell Parish, Louisiana. United delivers such quantities to Transco at mutually agreeable existing authorized points of interconnection between the two systems for further transportation to Union Gas Company (Union), a Transco CD-3 customer which is Zinc's distributor-supplier, it is said. The subject gas is for use in Zinc's Palmerton, Pennsylvania, plant, it is said. It is stated that the purpose of this joint petition to amend is to extend the term of the transportation services rendered by Transco and United for an additional two-year term.

It is said that due to the alleged failure of two of the wells in which Zinc had a working interest and declining deliverability from the Louisiana-Pacific "C" No. 2 well, a decrease in the maximum daily transportation volume from 3,500 Mcf per day to 2,000 Mcf per day is also requested.

It is said that Zinc has requested that Transco convert the existing transportation agreement between Transco and Zinc to a service agreement under Transco's effective Rate Schedule T. It is said that in compliance with such request and upon receipt of authorization requested in a form satisfactory to Transco, a service agreement with Zinc under Rate Schedule T will be filed with the Commission. Under such rate schedule, Transco would charge an initial rate of 24.0 cents per dekatherm equivalent for all quantities delivered thereunder and retain, initially, 4.4 percent of the

quantities received for transportation as make-up compressor fuel and line loss, it is said. United and Zinc have amended the existing transportation agreement between them, it is said. It is further said that United is currently charging Zinc 24.46 cents per Mcf transported, and is retaining 2.3 percent for fuel.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-35166 Filed 12-18-78; 8:45 am]

[6740-02-M]

[Docket No. CP78-45]

#### TRANSCONTINENTAL GAS PIPELINE CORP.

##### Petition To Amend

DECEMBER 11, 1978.

Take notice that on October 20, 1978, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP78-45 a petition to amend the order issued June 21, 1978 in said docket pursuant to section 7(c) of the Natural Gas Act and §2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to authorize the transportation of natural gas from additional sources for American Bakeries Company (ABC) for delivery to ABC's bakeries in Charlotte, Winston-Salem, Fayetteville and Rocky Mount, North Carolina and Anderson, South Carolina, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that the gas presently transported is purchased by ABC from production of Glen A. Martin (Martin) in the South Longhorn Field, Duval County, Texas and delivered to Transco at a mutually agreeable point on Transco's system in that county. Transco redelivers the transportation quantities (less compressor fuel and

line loss) to Piedmont Natural Gas Company (Piedmont) and North Carolina Natural Gas Corporation (NCG) for the account of ABC, it is said.

It is stated that the purpose of this petition to amend is to request authorization to transport gas purchased by ABC from Martin from additional wells in the South Longhorn Field and in the Greenbranch Field, McMullen County, Texas. Gas from these additional sources of supply would be delivered to Transco at mutually agreeable points on Transco's system in said counties, it is said.

It is stated that no additional facilities would be required by Transco to transport the gas from the additional sources of supply, which transportation will continue for the balance of the term authorized by the June 21, 1978 order herein. No increase in the maximum daily transportation volume of 700 Mcf, converted to a heat value of 725 Dekatherms (dt), is requested, it is said.

It is stated that ABC has requested that Transco convert the transportation agreement between Transco and ABC to a service agreement under Transco's effective Rate Schedule T. In compliance with such request and upon receipt of authorization requested in a form satisfactory to Transco, a service agreement with ABC under Rate Schedule T encompassing all sources of supply for ABC from Martin would be filed with the Commission, it is said. Under Rate Schedule T, Transco would charge an initial rate of 23.5 cents per dekatherm equivalent for all quantities delivered hereunder, and would retain, initially, 3.8 percent of the quantities received for transportation as make-up for compressor fuel and line loss, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-35167 Filed 12-18-78; 8:45 am]



[6740-02-M]

[Docket No. ER79-911]

YORK HAVEN POWER CO.

Proposed Change of Rates

DECEMBER 12, 1978.

Take notice that the York Haven Power Company, Reading, Pennsylvania, on December 1, 1978, tendered for filing a proposed change in its rate schedule for the sale of power to its parent, Metropolitan Edison Company, from FPC licensed Project No. 1888. The change in rates is proposed to be effective for deliveries of power and energy on or after January 30, 1979. The proposed changes would decrease revenues from jurisdictional sales and service by \$2,969 based on the 12 month period ending January 31, 1979, according to York Haven.

York Haven states that under the affected rate schedule all of the power and energy from Project No. 1888 is sold to Metropolitan Edison on a rate based upon York Haven's costs and expenses in generating and transmitting such power and energy. Under its agreement with Metropolitan Edison, York Haven is entitled to the same return on net investment as was most recently allowed Metropolitan Edison by the Pennsylvania Public Utility Commission. That Commission on September 18, 1978 allowed a rate of return to Metropolitan Edison of 9.74 percent. This filing is submitted to reflect that rate of return. York Haven indicates that its current rate of return is 9.82 percent under its rate schedule. Copies of the filing have been mailed to Metropolitan Edison and the Pennsylvania Public Utility Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make any protestant a party to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file at the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FPR Doc. 78-35168 Filed 12-18-78; 8:45 am]

[6560-01-M]

# ENVIRONMENTAL PROTECTION AGENCY

[FRL 1027-1; OPP 180252]

## CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

### Issuance of a Specific Exemption To Use Methomyl to Control the Omnivorous Looper and *Amorbia* Species on Avocados

The Environmental Protection Agency (EPA) has granted a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") to use methomyl for the control of the omnivorous looper and *Amorbia* species on 46,813 acres of avocados in California. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460.

Omnivorous looper and *Amorbia* species are relatively commonplace pests of avocados; however, due to unusual rains this year, the Applicant claims that natural controls for these pests are now inadequate. These two pest populations infest virtually all avocados at some level and many acres are infested so heavily that loss of trees is possible. The Applicant states that growers in California are presently faced with the loss of a number of young plantings and severe damage to the fruit and foliage of mature plantings and that there is also the possibility that the pest will build in other orchards toward the end of the season.

*Bacillus thuringiensis* has currently been used as the primary control for lepidopterous larvae; however, the Applicant advises that this material does not provide adequate control of late instars or under heavy population pressures. In addition, standard organophosphate compounds, both registered and experimental, do not appear to provide adequate control either. Without an effective pesticide, the Applicant claims a loss of more than \$6 million may be incurred and that some orchards may be totally destroyed.

The Applicant proposes to use a maximum of three applications of methomyl at rates ranging from 0.45 to 1.80 pounds active ingredient (a.i.) per acre using ground or air equipment. Farm workers will be prohibited

from entering the groves sooner than two days after treatment.

Tolerances have been established for residues of methomyl on a variety of raw agricultural commodities ranging from 0.1 part per million (ppm) to 10 ppm. EPA has determined that this use of methomyl should not exceed the 2 ppm residue level on avocados that has been deemed to be adequate to protect the public health and the environment. No adverse effects or threat to non-target species are anticipated.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of the omnivorous looper and *Amorbia* species on avocados has occurred; (b) there is no pesticide presently registered and available for use which gives effective control of these pests in California; (c) there is no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the omnivorous looper and *Amorbia* species are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above to the extent and in the manner set forth in the application until December 31, 1978. The specific exemption is also subject to the following conditions:

1. The product methomyl may be used at a dosage rate of 0.45 to 1.80 pounds a.i. per acre;
2. Applications are limited to 46,813 acres;
3. A maximum of three applications may be made;
4. Applications may be made by either ground or air equipment;
5. All applications will be made by or under the supervision of State-certified applicators;
6. The Applicant is responsible for ensuring that all of the provisions of this specific exemption are adhered to and must submit a report summarizing the results of this program by May 31, 1979;
7. All applicable directions, restrictions, and precautions on the label must be followed;
8. The EPA shall be immediately informed of any adverse effects resulting from the use of methomyl in connection with this exemption; and
9. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been notified of this action.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)



Dated: December 12, 1978.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 78-35104 Filed 12-18-78; 8:45 am]

[6560-01-M]

[FRL 1027-3; OPP-180240A]

FLORIDA DEPARTMENT OF AGRICULTURE AND  
CONSUMER SERVICES

Amendment to Specific Exemption To Use Permethrin to Control Leafminers on Chrysanthemums.

On November 3, 1978 (43 FR 51445), the Environmental Protection Agency (EPA) published a notice in the Federal Register which announced the granting of a specific exemption to the Florida Department of Agriculture and Consumer Services to use 1,150 pounds of permethrin on 750 acres of chrysanthemums to control vegetable leafminers in seven counties in Florida. Applications were to be made in Broward, Dade, Glades, Lee, Martin, Palm Beach, and St. Lucie Counties. This specific exemption was granted in accordance with, and was subject to, provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

Since then, the Florida Department of Agriculture and Consumer Services has requested that the specific exemption be amended to include three counties that had been inadvertently left out of the application. The requested amendment in no way changes the total number of acres involved or the quantity of active ingredient to be used.

After reviewing the application, EPA has determined to issue the amendment. Accordingly, the area or place of application has been extended to include Hillsborough, Manatee, and Pinellas Counties. All other provisions of the specific exemption remain in force.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819 (7 U.S.C. 136).)

Dated: December 12, 1978.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 78-35105 Filed 12-18-78; 8:45 am]

[6560-01-M]

[FRL 1027-2; OPP-180250]

IDAHO STATE DEPARTMENT OF AGRICULTURE

Issuance of Specific Exemption To Use  
Difenzoquat to Control Wild Oats in Rape

The Environmental Protection Agency (EPA) has granted a specific exemption to the Idaho State Department of Agriculture (hereafter referred to as the "Applicant") to use difenzoquat to control wild oats on 750 acres of rape in Idaho. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW., Room E-315, Washington, D.C. 20460.

Rape is grown for seed which is used to produce rape seed oil and in bird seed mixtures. In addition, rape forage and rape seed meal can be fed to livestock. According to the Applicant, 85 percent of the total rape seed produced in Idaho is grown for seed which is used primarily to produce lubricant oil. Between 10 to 15 percent of the rape seed is used in bird seed mixtures. Approximately 70 percent of the rape grown in Idaho will be shipped to Japan where, the Applicant reported, the same use pattern exists as in the United States.

The Applicant claimed that high rainfall during August and September this year has resulted in a sudden outbreak of wild oats in rape fields. There are no registered pesticides or alternative means of control that will mitigate damage to this year's crop. The Applicant estimated that without treatment a 100 percent loss would occur on 250 acres; the remaining 500 acres of infested rape would suffer 50 to 75 percent losses. The total monetary value of these losses is valued at \$125,000.

The Applicant plans to use Avenge, which is registered for use in barley and wheat to control wild oats (EPA Registration No. 241-250). A single application at a rate of 0.75 to 1.0 pound active ingredient per acre would be made by ground and air equipment.

Permanent tolerances have been established for an identical use pattern for Avenge on wheat and barley, 0.05 part per million (ppm) for residues in wheat grain, and 0.2 ppm for residues in barley. EPA has concluded that residues in rape seed treated with Avenge will not exceed 0.2 ppm and that any

residues that may transfer into the oil fraction should be removed by the refining process. Residues in rape seed meal, which should not exceed 0.32 ppm, are not expected to result in a problem with secondary residues in meat, milk, poultry, and eggs. These residue levels have been determined to be adequate to protect the public health. Since rape is a broadleaf plant, EPA cannot translate forage data for wheat and barley, and thus, cannot estimate residues that may result in treated rape foliage. Therefore, a label restriction against the feeding or grazing of treated rape has been imposed.

EPA has also determined that this use of Avenge should pose minimal hazard to the environment.

After reviewing the application and other available information, EPA determined that (a) a pest outbreak of wild oats has occurred; (b) there is no pesticide presently registered and available for use to control wild oats in rape in Idaho; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic losses may result if the wild oats are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until February 15, 1979, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. A single post-emergence application of Avenge (EPA Reg. No. 241-250) may be made at a rate of three quarters to one pound active ingredient per acre;

2. Applications will be made with ground equipment or aircraft;

3. A maximum of 750 acres may be treated;

4. All applications will be made by qualified growers, or by State-licensed commercial applicators;

5. Precautions will be taken to avoid or minimize spray drift to non-target areas;

6. Residue levels if difenzoquat are not expected to exceed 0.2 ppm on rape seed and 0.32 ppm in rape seed meal. Rape seed and rape seed meal with residues which are not in excess of these levels may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

7. Established tolerances for residues of difenzoquat in meat, milk, poultry, and eggs will not be exceeded. *Provided*, The grazing of feeding of treated rape is prohibited;

8. All applicable directions, restrictions, and precautions of the EPA-approved label must be followed;

9. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by September 1, 1979; and

10. The EPA shall be immediately informed of any adverse effects resulting from the use of Avenge in connection with this exemption.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; (7 U.S.C. 136)).)

Dated: December 12, 1978.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.  
[FR Doc. 78-35106 Filed 12-18-78; 8:45 am]

[6560-01-M]

[FRL 1026-8; Opp-1802531]

#### OREGON DEPARTMENT OF AGRICULTURE

##### Issuance of a Specific Exemption To Use Paraquat to Control Certain Weeds in Peppermint Fields

The Environmental Protection Agency (EPA) has granted a specific exemption to the Oregon Department of Agriculture (hereafter referred to as the "Applicant") to use a paraquat formulation to control certain annual, biennial, and perennial weeds in peppermint fields. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, the peppermint in western Oregon and in various other parts of the State is now grown under a non-tillage system as a cultural method to prevent the spread of *Verticillium* wilt. This has caused an extreme pressure from various kinds of weeds. The major weeds occurring during the dormant season of the peppermint are Italian ryegrass (*Lolium multiflorum*), common groundsel (*Senecio vulgaris*), and several other annual, biennial, and perennial weed species. These weeds, the Applicant stated, germinate in the fall, grow vigorously during the winter season, and literally overwhelm the

emerging peppermint in the spring. Treatment to combat these weeds should be made while the peppermint is dormant.

Only three herbicides are presently registered for use on peppermint: Terbacil, Trifluralin, and Dluron. According to the Applicant, none of these are adequate to control the pest weeds. Data submitted by the Applicant indicated that paraquat (1, 1-Dimethyl-4, 4'-bipyridinium ion) seems to be the only effective herbicide which can be used in a pest management system which relies exclusively on cultural methods for mint disease control.

The Applicant proposed to use a paraquat formulation on a maximum of 15,000 acres located mainly in the Willamette Valley of western Oregon; some of this acreage is also located in southern, central, and eastern Oregon. A total of 11,250 pounds of the active ingredient will be required. Applications will be made by ground equipment using 20 to 50 gallons of water. Either State-licensed commercial applicators or growers who have qualified as private applicators will make such treatments.

The Applicant estimated that growers with weed-infested fields will lose an average of at least 15 pounds of mint oil per acre. Maximal losses of 45 pounds per acre also occurred. The current price of mint can range from over \$180 to over \$500 per acre. Hand labor can be used for the removal of certain perennial and biennial weeds when in sparse stands, but the ryegrass and groundsel cannot be economically removed by hand. In addition to the short-term economic impact to these weeds, another concern is the accumulation of millions of weed seeds in the soil to cause future problems.

There does not appear to be any potential irreversible hazard to the environment as a result of this short-term use of paraquat. The use of paraquat on peppermint, a minor crop, will not significantly increase the amount of residues in the total diet of man or domestic animals.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of various weeds in peppermint fields has occurred or is about to occur; (b) there is no pesticide presently registered and available for use to control these weeds in Oregon; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the weeds are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use.

Accordingly, the Applicant has been granted a specific exemption to use

the pesticide noted above until March 31, 1979, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Paraquat formulations containing 2 pounds active ingredient/gallon may be used at a dosage rate from 1 to 3 pints product per 20 to 50 gallons of water/acre. If the high dosage rate is used, only a single application may be made. Two applications may be made at the low dosage rate;

2. Applications may be made by either State-licensed commercial applicators or growers who have qualified as private applicators. Applications must be restricted to ground equipment only;

3. Application rates and procedures for specific farms will be recommended by qualified Oregon State University Extension agents;

4. A residue level of paraquat not exceeding 0.05 part per million in mint oil has been deemed adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

5. The fresh peppermint forage must be used only for the distillation of mint oil. The spent hay must not be fed to livestock;

6. All label precautions and restrictions must be adhered to;

7. The EPA shall be immediately informed of any adverse effects resulting from the use of paraquat in connection with this exemption; and

8. A full report summarizing the results of this program must be submitted to the EPA by the end of August, 1979.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). As amended in 1972, 1975, and 1978 (92 Stat. 819; (7 U.S.C. 136)).)

Dated: December 12, 1978.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 78-35107 Filed 12-18-78; 8:45 am]

[6712-01-M]

#### FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 78-373; RM-2875; FCC 78-824]

##### REPORTING LOBBYING EXPENSES BY REGULATED CARRIERS

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: The FCC is instituting an Inquiry into the advisability of adopting rules delineating accounting and reporting requirements for lobbying

expenses incurred by regulated carriers. This action is pursuant to a Petition for Rulemaking filed by Common Cause.

**DATES:** Comments are due by February 15, 1979 and Reply comments are due by March 15, 1979.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Kent Nilsson, Common Carrier Bureau (202) 632-9342.

ICC Docket No. 78-373; RM-2875; FCC 78-8241

In the Matter of Reporting Lobbying Expenses By Regulated Carriers; Notice of inquiry.

Adopted: November 30, 1978.

Released: December 12, 1978.

By the Commission: Commissioner Quello concurring in the result; Commissioners Washburn and White dissenting and issuing a joint statement.

1. Institution of this notice of inquiry is in response to a Petition for Rulemaking filed by Common Cause on April 1, 1977. In its Petition, Common Cause requested that the Commission "issue rules and regulations which will require all regulated carriers to report, on a quarterly basis, lobbying expenses, including all sums expended to influence federal, state and local legislation, matters pending before the FCC, and decisions of other federal, state and local agencies, as well as contributions and expenditures made to benefit any elected or appointed official or employee of federal, state or local government." Common Cause asserted that the rates charged by common carriers would be "unjust and/or unreasonable" if a carrier's tariffs were, in part, based upon expenditures which influenced "legislative or executive actions that would primarily benefit the carriers and their stockholders, rather than consumers." Thus, it is appropriate, in Common Cause's view, that accounting rules and reporting requirements be established to provide sufficient information to the Commission to enable it to exclude from the revenue requirement of a common carrier those expenditures which are "unrelated to the operating costs necessary for the functioning of communications services."

2. Common Cause has specifically requested that reported expenditures include:

"(1) Costs of preparing and printing statements or pamphlets urging shareholders, employees, or customers to support or oppose matters pending before Congress or federal agencies.

<sup>1</sup>In support of its petition, Common Cause cited 47 U.S.C. 201(b) which provides, in pertinent part, that "all charges, practices, classifications, and regulations for and in connection with such communication service shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is hereby declared to be unlawful \* \* \*". Common Cause also cited 47 U.S.C. & 205(a), which states " \* \* \* the Commission is authorized and empowered to determine and prescribe what will be the just and reasonable charge \* \* \*".

(2) Postage or distribution costs when such material is mailed or otherwise distributed to shareholders, employees, or customers.

(3) Costs for media advertising, meetings, speeches, or fees to consultants for promoting or opposing legislative or administrative actions.

(4) Salaries, travel and other expenses of employees who prepare, distribute, or promulgate material to promote or oppose legislative or administrative actions or who contact federal officials to influence such actions.

(5) Salaries, travel, and other expenses of employees who, while not assigned solely to this program, incur such expenses on behalf of it.

(6) Costs of preparing testimony and testifying before legislative bodies in connection with matters pending before Congress.

(7) Costs of participation in rulemakings, adjudications, or other proceedings before FCC or other executive agencies, including salaries and other expenses of the employees involved and fees paid to law firms or attorneys for such participation.

(8) An identification of the legislative or executive action in relation to which the above expenses were incurred.

(9) Expenditures, gifts, honoraria, or contributions made by the regulated carrier or anyone acting on behalf of the carrier to benefit any elected or appointed official or employee of federal, state, or local government. For each expenditure, gift, honorarium, a contribution of ten dollars (\$10.00) or more, the carrier shall name the beneficiary and itemize by date, amount, and the circumstances of the transaction."

3. The carriers who filed comments in response to the Common Cause Petition have raised the following objections to the proposed rule: (1) the additional costs of reporting "lobbying expenses" may more than offset any reduction in tariffs which may occur from the disallowance of "lobbying expenses"; (2) legislative proposals in Congress may require analogous expense reporting, which may occasion a conflict between Commission reporting requirements of "lobbying expenses" and the reporting required by Congress; (3) existing state and F.C.C. accounting rules require that "lobbying expenses" be reported with the consequence that additional reporting would serve no useful purpose; (4) the reporting requirements may interfere with the First Amendment right of free speech; (5) the Commission lacks the authority to require information with respect to purely intrastate matters; (6) Common Cause's definition of "lobbying expenses" is too broad because: (a) the reporting requirement would constitute an "unwarranted intrusion into matters traditionally left to local and state regulation," and (b) the expenses of providing some types of information to regulatory and legislative bodies benefit the public, and not just the stockholders of common carriers; (7) finally, MCI stated that the Commission should require more detail than the rule proposed by Common Cause if the Commission were to make accurate determinations of those expenses which should be excluded from the revenue requirements of common carriers.

4. We believe that before we can consider instituting a rulemaking, we must have more complete information about the area of concern. Therefore, we shall solicit information from interested parties on the fol-

lowing issues. First, should the definition of "lobbying expenses" include the expenses of providing information about existing and proposed operations to legislative bodies and administrative agencies at the federal, state, and local levels? Second, should alternative definitions of "lobbying expenses" be considered, and if so, which definition should be adopted? Third, does the Federal Communications Commission's jurisdiction extend to the reporting of "lobbying expenses" which are incurred at the state and/or local levels? Fourth, should the Commission require that the identities of the parties and the nature of each "lobbying" contact be disclosed? Fifth, at what point, if any, would reporting requirements incident to "lobbying expenses" violate the First Amendment right of free speech? Sixth, what reporting requirements of "lobbying expenses" now exist at the federal, state, and local levels for common carriers? Seventh, to what extent, if any, can existing reporting requirements at the federal, state, and local levels be integrated with any rule which the Federal Communications Commission may adopt in this matter? Eighth, will the costs of reporting "lobbying expenses" outweigh any improvement in the specification of the revenue requirements of the common carriers?

5. Parties filing comments need not limit their responses to the specific questions contained in paragraph 4 of this Notice. We encourage the submission of comments which include additional information which the parties may deem to be appropriate to this inquiry.

6. Accordingly, *it is hereby ordered*, Pursuant to Sections 1, 4(i), 4(j), 201(b), 218, 219, 220(a), 220(c), and 403 of the Communications Act of 1934 as amended, 47 U.S.C. 154(i), 154(j), 201(b), 218, 219, 220(a), 220(c), and 403, that an inquiry be, and it hereby is, instituted in the above-captioned matter.

7. *It is further ordered* That interested parties may file comments on the issues discussed in paragraph 4, above, no later than February 15, 1979, and that replies to such comments may be filed no later than March 15, 1979. Pursuant to the procedures set forth in Section 1.51(c)(1) of the Commission's Rules (47 CFR § 1.51(c)(1)), an original and nine (9) copies of all filings shall be furnished to the Commission. All material received in response to this Notice will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C. In reaching its determination in this proceeding, the Commission may take into account other relevant material before it, in addition to the specific comments invited by this Notice. The Commission may spin-off for separate determination one or more of the issues specified in this proceeding. The Commission may also

<sup>2</sup>General and/or qualitative statements of costs and expenses would be of little assistance. Comments which are addressed to the eighth issue of paragraph #4, *supra*, should specify: the dollar amounts currently classifiable as "lobbying expenses" under the definition proposed by Common Cause (*Petition for Rulemaking*, RM-2875, p. 1), and the quarterly expenditures which would be required to comply with the reporting requirements which have been suggested by Common Cause (*Petition for Rulemaking*, RM-2875, pp. 3-4). It would also be useful to receive cost of reporting and lobbying expense information for any alternative definitions of "lobbying expenses".

consolidate this Inquiry with the Revision of Accounts and Financial Reporting For Telephone Companies docket (CC Docket No. 78-196).

**FEDERAL COMMUNICATIONS  
COMMISSION.\***

**WILLIAM J. TRICARICO,**  
*Secretary.*

**DISSENTING STATEMENT OF COMMISSIONERS  
MARGITA E. WHITE AND ABBOTT M. WASH-  
BURN**

**In Re: Notice of Inquiry on "Lobbying"  
Expenses.**

Today the FCC has raised even higher the peak of its paperwork pyramid through an unnecessary and expensive Notice of Inquiry into whether common carriers should be required to file massive new reports with the Commission. The Notice ostensibly is the first step in a process aimed at saving ratepayers from paying for the carriers' so-called "lobbying" expenses—a phrase not specifically defined but which, in view of the questions asked in the Inquiry itself, must be interpreted to include the cost of having to comment in proceedings such as this one and to comply with all the Commission's and the legislatures' demands for information and reports. The goal of reducing ratepayer costs is a commendable one, but only the most convoluted bureaucratic double-think reasoning could lead to the conclusion that this proceeding will have that result. The additional costs to the industry of reporting such informational activity in the detail contemplated by the Notice are bound to offset any savings to the public in the future. And since the ratepayers as taxpayers will fund this FCC paperwork exercise and its progeny, including the costs of processing the anticipated new forms, the public will pay again and then again.

Although the staff suggests the Inquiry itself can be handled by existing personnel, this new mound of pleadings inevitably will add to the already excessive regulatory delay evidenced by the fact that the petition was not acted upon by the Commission until nineteen months after it was filed! In the meantime, staff will be diverted from proceedings with far more significant impact on all ratepayers and the public interest.

Existing FCC and state accounting rules already require such expenses to be reported. If some costs are included inappropriately in the rate base, the Commission can address the problem in future rate cases or through the Uniform System of Accounts proceeding. Instead, the Commission—despite the often heard deregulatory rhetoric—has reached once again for the most overregulatory option at a time when the President and the public are pleading for more responsible and less intrusive government in Washington.

The majority vote today was for more regulation, more government paperwork and more bureaucratic meddling with no likely benefit to the ratepayer. That is not in the public interest. Therefore, we dissent.

[FR Doc. 78-35133 Filed 12-18-78; 8:45 am]

\*See attached Dissenting Statement of Commissioners Margita E. White and Abbott M. Washburn.

**[6712-01-M]**

**[CC Docket No. 78-371]**

**EXCHANGE NETWORK FACILITIES FOR  
INTERSTATE ACCESS**

**AGENCY:** Federal Communications Commission.

**ACTION:** Request for Comments, Docket No. 78-371.

**SUMMARY:** The Commission requests comments and replies on the Joint Motion and Interim Settlement Agreement negotiated between AT&T, MCI, SPCC, GTE, USITA, ITT-CCS, NTCA and OPASTCO establishing interim charges for the use of local subscriber facilities supplied by telephone companies.

**DATES:** Comments to be filed no later than January 22, 1979 and replies no later than February 6, 1979.

**ADDRESSES:** Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

**FOR FURTHER INFORMATION  
CONTACT:**

Francis L. Young, Room 530,  
Common Carrier Bureau, (202) 632-  
7084.

**In the Matter of Exchange Network  
Facilities for Interstate Access; Re-  
quest for Comments**

**Adopted:** December 15, 1978.

**Released:** December 15, 1978.

**By the Acting Chief, Common Carri-  
er Bureau:**

1. The attached Joint Motion and Interim Settlement Agreement,<sup>1</sup> filed December 14, 1978, by American telephone and Telegraph and the Bell System Operating Companies (AT&T), MCI Telecommunications Corporation (MCI), Southern Pacific Communications Corp. (SPCC), ITT Corporate Communications Services, Inc. (ITT-CCS), GTE Service Corporation (GTE), United States Independent Telephone Association (USITA), National Telephone Cooperative Association (NTCA), and Organization for Protection and Advancement of Small Telephone Companies (OPASTCO) seek Commission approval of their negotiated settlement agreement for the establishment of interim rates for access to local exchange facilities used by non-telephone companies in the provision of Execunet/SPRINT-type interstate services or any end-to-end MTS/WATS-type interstate services.

2. The parties to the agreement entered into negotiations in response to

<sup>1</sup>The Appendices to the Interim Settlement Agreement may be reviewed and copied at the Commission's Headquarters. Copies of the Appendices may be ordered from the Commission's contract duplicator pursuant to the Commission's Rules and Regulations. 47 CFR §0.465(a).

the Commission's urging that the recommendation of the Assistant Secretary of Commerce for Communications and Information to seek a reasonable interim solution appeared to have substantial merit. These negotiations were conducted openly and all were given the right to participate in or observe these negotiations. Pending these negotiations AT&T deferred its tariff filing proposing regulations and rates for the use of local exchange facilities. The attached Interim Settlement Agreement is designed to replace the AT&T tariff presently on file and pending Commission action on the relief requested in the Joint Motion the effective date of the tariff currently on file will be further deferred.

3. In order to assure an adequate basis for consideration of the specifics of the proposed Joint Motion and Interim Settlement Agreement, public comments are being requested. In view of the open conduct of these negotiations, the pleading period established in Paragraph 4 appears adequate to satisfy the needs of interested parties and the public interest.

4. Accordingly, it is ordered, That comments and replies on the attached Joint Motion and Interim Settlement Agreement, filed December 14, 1978, shall be filed in accordance with the following schedule:

**Comments—no later than January 22, 1979.**

**Replies—no later than February 6, 1979.**

5. It is further ordered, That an original and fourteen copies of all comments and replies shall be filed with the Secretary, Federal Communications Commission, and one copy with each of the parties to the agreement, and that all comments and replies shall be available for public inspection in the Public Reference Room at the Commission's Headquarters, 1919 M Street, N.W., Washington, D.C. during normal working hours.

**JACK D. SMITH,**  
*Acting Chief,*  
*Common Carrier Bureau.*

**BEFORE THE FEDERAL COMMUNICATIONS  
COMMISSION, WASHINGTON, D.C. 20554**

**In the matter of Exchange Network Faci-  
lities for Interstate Access.**

**To: The Commission**

**JOINT MOTION**

The undersigned parties hereby request that, upon review of the attached Interim Settlement Agreement, the Commission adopt an appropriate order which would:

(1) Accept and approve the Interim Settlement Agreement as being in the public interest;

(2) Grant appropriate authorizations and waivers of applicable sections of the Commission's Rules and Regulations (e.g., sections 61.16, 61.38, 61.54, 61.55(e), 61.58, 61.59, 61.71, 61.74, 61.94, and 61.112) and ap-

propriate waivers of the cost methodology and earnings level requirements of the Commission's Decisions in Docket No. 18128, to the extent necessary to: (a) permit the Exchange Network Facilities for Interstate Access (ENFIA) tariff, a copy of which is attached to the Interim Settlement Agreement, to become effective on not less than one day's notice; (b) permit, on an ongoing basis, AT&T to file changes in the ENFIA tariff in accordance with the Interim Settlement Agreement; and (c) otherwise implement the terms and conditions of the Interim Settlement Agreement;

(3) Indicate that the GTE Domestic Telephone Operating Companies and the OCCs may enter into the form agreement which is attached to the Interim Settlement Agreement in lieu of filing tariffs for the Interim Period to cover such facilities; and

(4) Require that any OCC not a party to the Interim Settlement Agreement obtaining ENFIA, whether under tariff or agreement, shall file with the Commission the following information, as described in detail in the Interim Settlement Agreement:

(a) A quarterly report which details each said OCC's total operating revenues (after provision for uncollectables) for the past 12 months from services furnished under the Interim Settlement Agreement;

(b) In December of each year, a report of the total OCC's billed minutes of use per month for services furnished under the Interim Settlement Agreement for the preceding August, September and October, and the number of ENFIA per month for that period. Each OCC will also file, for the month of October, ENFIA terminating minutes of use for each NPA, with further detail by central office prefix within each NPA, where Independent Telephone Companies are involved.

I. In May 1978, the Bell System Companies filed Tariff F.C.C. No. 5, Transmittal No. 14, providing for the Establishment of Regulations and Rates for an offering of Exchange Network Facilities for Interstate Access. A number of parties filed petitions to suspend or reject the tariff. While these pleadings were pending, the Assistant Secretary of Commerce for Communications and Information, in a letter dated September 6, 1978, urged the Commission to seek a "reasonable interim solution" and in this regard to make "every effort to achieve a negotiated settlement among the parties similar to the successful negotiations that took place under Docket 20099." Subsequently, the Commission advised the parties that an interim settlement appeared to have "substantial merit in light of the difficulty and the public importance of the issues raised in Transmittal No. 14." The Commission observed that a negotiated settlement could satisfy interim public interest requirements and, at the same time, serve the best interests of the parties involved. In accordance with the Commission's request, AT&T deferred the effective date of the tariff and negotiations began on September 28, 1978.

2. As a result of settlement discussions conducted in public under the aegis of the Commission with the direct participation of representatives of the Chief, Common Carrier Bureau and the Assistant Secretary of Commerce for Communications and Information, the undersigned parties have reached an Interim Settlement Agreement which is attached hereto and incorporated as a part hereof.

3. The undersigned parties believe that the settlement, as reflected in the attached Interim Settlement Agreement, and its attachments, will serve the public interest, as well as the interests of the parties. This agreement affords for an Interim Period an expeditious and acceptable compromise of differences on matters which would otherwise necessitate substantial time, expense and effort to resolve through formal Commission processes.

WHEREFORE, the parties respectfully request that the Commission take the action requested in the opening paragraph of this Joint Motion.

Signed this 13th day of December, 1978:

AMERICAN TELEPHONE AND TELEGRAPH AND  
THE BELL SYSTEM OPERATING COMPANIES

By: /S/ JAMES D. ELLIS  
James D. Ellis  
Room 2556  
195 Broadway  
New York, New York 10007  
Its Attorney

MCI TELECOMMUNICATIONS CORPORATION

By: /S/ KENNETH A. COX  
Kenneth A. Cox  
Haley, Bader & Potts  
1730 M Street, N.W.  
Washington, D.C.  
Its Attorney

SOUTHERN PACIFIC COMMUNICATIONS CORP.

By: /S/ ROBERT W. ROSS  
Robert W. Ross  
1801 K Street, N.W.  
Washington, D.C. 20006  
Its Attorney

ITT CORPORATE COMMUNICATIONS SERVICES,  
INC.

By: /S/ JOSEPH J. JACOBS  
Joseph J. Jacobs  
67 Broad Street  
New York, New York 10004  
Its Attorney

GTE SERVICE CORPORATION

By: /S/ VINCENT GALLOGLY  
Vincent Gallogly  
One Stamford Forum  
Stamford, Connecticut 06904  
Its Attorney

UNITED STATES INDEPENDENT TELEPHONE  
ASSOCIATION

By: /S/ LLOYD D. YOUNG  
Lloyd D. Young  
1150 17th Street, N.W.  
Washington, D.C. 20036  
Its Attorney

NATIONAL TELEPHONE COOPERATIVE  
ASSOCIATION

By: /S/ DAVID COSSON  
David Cosson  
2626 Pennsylvania Avenue  
Washington, D.C. 20037  
Its Attorney

ORGANIZATION FOR THE PROTECTION AND  
ADVANCEMENT OF SMALL TELEPHONE  
COMPANIES

By: /S/ NICHOLAS P. MILLER  
Nicholas P. Miller  
Preston, Thorgrimson, Ellis, Holman  
& Fletcher

Suite 201  
1776 F Street, N.W.  
Washington, D.C. 20006  
Its Attorney

BEFORE THE FEDERAL COMMUNICATIONS  
COMMISSION, WASHINGTON, D.C. 20554

In the Matter of Exchange Network Facilities for Interstate Access.

#### INTERIM SETTLEMENT AGREEMENT

This Interim Settlement Agreement, executed this 13th day of December, 1978, by and between the undersigned parties, has been concluded as a result of settlement discussions conducted under the aegis of the Commission with the direct participation of representatives of the Chief, Common Carrier Bureau and the Assistant Secretary of Commerce for Communications and Information.

1. The undersigned parties have been engaged in negotiations for the purpose of developing interim payments to be made—pending resolution of related issues in CC Docket No. 78-72—by Other Common Carriers (OCCs) for access to the local exchange facilities of the local telephone companies for use by OCCs in the provision of Execunet/SPRINT-type interstate services\* or any end-to-end MTS/WATS-type interstate service.

2. The undersigned parties have reached an agreement which they believe will serve the public interest. This agreement affords, for an Interim Period (as hereinafter defined), an expeditious and acceptable compromise of differences on matters which would otherwise necessitate substantial time, expense and effort to resolve through formal Commission processes.

3. The terms of this Interim Settlement Agreement have been agreed to only for the Interim Period pending ultimate resolution of related issues in CC Docket No. 78-72 or in other appropriate proceedings. The terms agreed to are without prejudice to the right of each party to take different and inconsistent positions in any forum or proceeding. Notwithstanding the foregoing, the undersigned parties further agree that they will not attack or challenge this Interim Settlement Agreement or the lawfulness thereof, nor shall they rely upon it, in whole or in part, in any forum or proceeding other than a proceeding directed to the interpretation or enforcement of this Interim Settlement Agreement.

4. The parties recognize that there are interstate services, in addition to those referred to above, which also utilize the local telephone company exchange facilities. However, this agreement establishes the charges, terms and conditions for the use of those facilities only for Execunet/SPRINT-type interstate services or any end-to-end MTS/WATS-type interstate services furnished by OCCs. The parties recognize that the overall question of interim charges for access to local telephone company exchange

\* The phrase "Execunet/SPRINT-type interstate services" as used herein includes services which MCI Telecommunications Corp. presently markets as Execunet and Network Service and which Southern Pacific Communications Company presently markets as SPRINT IV and V and any other like service which may be offered by those two carriers or by any other OCC and which requires the use of the facilities provided for herein.



plant by services not included in this agreement—such as FX, CCSA ONALS, value-added data and facsimile services, etc.—needs resolution while CC Docket No. 78-72 is pending.

5. At the suggestion of the representative of the Chief Common Carrier Bureau, the parties reached this agreement on access charges for the instant OCC services "as if" these charges could, after appropriate consideration by the Commission, be ultimately applied to other services which also utilize the local telephone company exchange facilities—such as interstate FX, CCSA ONALS, value-added data and facsimile services, etc. It is understood by the parties that the question of the applicability of access charges for connection of other services, not previously resolved, is in need of prompt resolution and that an appropriate procedure will be recommended by the Common Carrier Bureau to the Commission. The parties recommend that the Commission should undertake the most expeditious proceeding possible to resolve this question.

6. Subject to the foregoing, it is agreed as follows. This Interim Settlement Agreement will become effective upon release of a Commission Order accepting and approving this Agreement and granting the Joint Motion by which this Agreement will be submitted to the Commission. American Telephone & Telegraph Company (AT&T) and its Associated Bell System Companies (Bell System Companies) will thereafter file with the Commission the Exchange Network Facilities for Interstate Access (ENFIA) tariff which is attached hereto as Appendix A. This tariff will be filed to be effective on not less than one day's notice. The tariff is intended to reflect the agreement reached herein among the parties as to an acceptable compromise for the Interim Period\* of various questions in connection with the provision of local exchange facilities to OCCs for their use in provision of Execunet/SPRINT-type interstate services or any end-to-end MTS/WATS-type interstate service. Other local telephone companies providing local exchange facilities to OCCs for such purposes may elect to do so under agreements incorporating provisions similar to those set forth in the tariff attached hereto. To the extent the implementing tariff or agreements may not so indicate on their face, the bases for this Interim Settlement Agreement are mutually understood and agreed to be as follows.

7. A form of agreement covering provision of facilities by GTE Domestic Telephone Operating Companies is attached as Appendix B. GTE Service Corporation shall recommend to its Domestic Telephone Operating affiliates execution of an agreement in the form attached. Such form of agreement contains the various undertakings and conditions applicable to GTE as set forth in this Interim Settlement Agreement. Refer-

ences to "GTE" hereafter shall be taken to mean any GTE Domestic Telephone Operating Company which executes any such agreement.

8. An OCC will pay each local telephone company from which it obtains ENFIA a charge consisting of the following components:

(a) For the voice grade central office connecting facilities (VGCOCF) to connect its terminal locations with the Bell System telephone company's central office, the OCC will pay the charge for such VGCOCF which is set forth in the Bell System telephone company's Facilities for Other Common Carriers Tariff on file with the FCC.<sup>1</sup> The basic charges for such facilities now average \$4.50 per month, but on December 1, 1978, the Bell System Companies filed a proposed tariff replacement to change these rates.<sup>2</sup> The OCCs reserve the right to oppose this proposed replacement tariff filing, or any future tariff changes for this component.

(b) For the local exchange switching and trunking facilities needed to terminate its Execunet/SPRINT-type interstate services, or any end-to-end MTS/WATS-type services, the OCC will pay the local telephone company a flat rate which reflects plant costs per minute of use, less a message unit credit per month per line terminated. The initial rate per month per line of \$19.83<sup>3</sup> (\$37.97 plant costs less a message unit credit of \$18.14) for Bell System Companies was calculated upon an average initial monthly use of 3240 OCC billed minutes per month per ENFIA.<sup>4</sup> This rate will be adjusted annually on the basis of subsequent OCC weighted average use of the facilities and to reflect a 5% per year increase in plant costs. For OCC services covered by this Agreement, the OCCs will file with the Commission in December of each year the total OCC billed minutes of use per month for the preceding August, September and October and the number of ENFIA per month for the same period.<sup>4</sup> Each OCC will also provide to AT&T, for the month of October, OCC ENFIA terminating minutes of use for each NPA with further detail by central office prefix within each NPA, where Independent Telephone Companies are involved.

The Bell System will file annually in February, to be effective on not less than 15 days' notice, changes in the rate level for the following year to reflect the change in average OCC billed minutes of use per ENFIA per month in accordance with the formula set forth in the ENFIA tariff.

9. In addition to the above rates, the OCC will make a further payment to the local telephone company for use of jointly used subscriber plant. The parties agree that the existing separations and settlements proce-

dures, among other things, should be the subject of examination in CC Docket No. 78-72 or other appropriate proceeding to determine, in light of the present circumstances, the appropriate compensation for the use of local exchange facilities by all interstate services. The parties further agree in principle that all carriers using local exchange facilities in the provision of their interstate services should pay for the use of the local exchange facilities on a nondiscriminatory basis, as determined by the Commission. However, in order to provide time for the Commission to conduct the proceeding(s) described above, the parties have reached the following two-phase interim agreement.

10. Rates for the use of jointly used subscriber plant for Bell System and GTE—provided ENFIA will be determined in accordance with the table below:

[PHASE I, COMBINED OCC REVENUES,<sup>1</sup> OCC Payment<sup>2</sup> in Percent]

Step 1—not exceeding \$110M per year.....	35
Step 2—more than \$110M but not exceeding \$250M per year.....	45
Step 3—more than \$250M per year.....	55

Phase II, See paragraph 11 Below.

During the period in which combined OCC revenues do not exceed \$110 million per year, rates for the use of the jointly used subscriber plant element of ENFIA per minute of use will be 35% of the amount per minute calculated under the Separations Manual for the respective Bell System and GTE Interstate MTS and WATS minutes of use. As combined OCC revenues reach the Step 2 and 3 levels, rates reflecting the higher OCC payment percentages will become effective as described in paragraph 12 following. Phase I of this Interim Settlement Agreement will terminate three years from the effective date of this Agreement.

11. Phase II, a period not to exceed an additional two years, will not be implemented unless, prior to the end of Phase I, the FCC

<sup>1</sup>Total OCC industry operating revenues (after provision for uncollectibles) from Execunet/SPRINT-type interstate services or any end-to-end MTS/WATS-type interstate service utilizing ENFIA.

<sup>2</sup>This payment is a percentage of the of the amount calculated under the Separations Manual, for the respective Bell System and GTE Interstate MTS and WATS minutes of use. For the Bell System, it now averages 5.5 cents per minute per circuit end and that figure has been used in calculating the payments of \$62.37 per line per month in 1979 for use of jointly used subscriber plant, at the usage rate of 3240 minutes per line per month (subject to adjustment for change in usage as specified above). Similar methodology will be employed for GTE. It is anticipated that unless capped, this amount will increase each year, and that any change in this amount will be reflected in the tariff changes to be filed each year in February (see paragraph 13 herein) for the use of jointly used subscriber plant, in accordance with the formula set forth in the ENFIA tariff and GTE-OCC agreements. For Independent Companies other than GTE, paragraph 16, below, describes how the charges for this component will be developed. See paragraph 16, below, for an adjustment to recognize ENFIA related use involved in Bell-Independent Telephone Company Extended Area Service (EAS) Areas.

\*For purpose of this Interim Settlement Agreement, "Interim Period" is defined as the period from the effective date of this Agreement to: (1) the effective date of a Commission Order disposing of the related issues in CC Docket No. 78-72 or in other appropriate proceedings, and directing termination of the Agreement; or (2) the effective date of any Federal legislative enactment which specifies the interconnection obligations and rights of the respective parties to this Agreement; or (3) five years from the effective date of this Agreement, whichever occurs first.

<sup>3</sup>Use of the VGCOCF rate avoids the need to negotiate such additional items as installation charges, two-wire to four-wire conversions, mileage charges to "distant exchange areas" etc.

<sup>4</sup>The GTE rates for this component will be negotiated on an individual company basis.

<sup>5</sup>See paragraph 16, below, for an adjustment to recognize ENFIA related use involved in Bell-Independent Telephone Company Extended Area Service (EAS) areas. With this adjustment, the initial rate is \$20.13.

<sup>6</sup>It is understood that the reported data is subject to verification by the telephone companies by periodic traffic measurements.

determines that it is reasonable and in the public interest to implement Phase II and determines an appropriate level of payment for the use of jointly used subscriber plant to be applied during that period. In the event the Commission does not make such determinations, the Agreement will terminate at the end of Phase I. It is expected that, with respect to the implementation of Phase II, the Bell System and GTE will urge that the OCC's level of payment be increased to 100%. Conversely, it is expected that the OCC's will urge that the level of payment for Phase II should be substantially reduced below the Phase I level.

12. Beginning with the quarter ending June 30, 1979, the calculation of combined OCC industry revenues for services under this Agreement will be determined as of the close of the quarters ending on the last day of March, June, September and December of each year, and will reflect the combined industry results for the preceding 12 months, including the most recent quarter. Each OCC will provide to the FCC and to AT&T and GTE, within 45 days following the close of each such quarter, either a published company report or similar documentation which sets forth the OCC's total operating revenues (after provision for uncollectibles) for the preceding 12 months from services covered by this Agreement. When the combined OCC industry revenues reach a new step, the Bell System will file changes to provide notice of the new rate levels. These changes will be filed on not less than 15 days' notice to become effective beginning with the start of the next quarter specified above.

13. The initial rates for the use of jointly used subscriber plant are based on 3240 average OCC billed minutes of use per ENFIA per month. For subsequent years of the Interim Settlement Agreement, the current weighted average OCC billed minutes of use per ENFIA per month will be determined as set forth in paragraph 8b above. The Bell System will file in February, to be effective on not less than 15 days' notice, changes in the rate level for the following year to reflect the change in OCC average minutes of use per month per ENFIA and the change in the amount calculated under the Separation Manual for Bell's interstate MTS and WATS minutes of use, in accordance with the formula set forth in the ENFIA tariff.

14. In return for the payments set forth above, the Bell System and GTE will provide to the OCCs all the local exchange facilities currently being provided to OCCs for their Execunet/SPRINT-type interstate services or any end-to-end MTS/WATS-type interstate service.<sup>1</sup> These payments will allow unlimited usage of local exchange facilities for all calls which can be dialed on a seven digit basis (non-toll, but including message unit areas) from the central office where the specific local exchange facility of the OCC is terminated.<sup>2</sup>

15. Certain parties expressed concern as to the application of the deposit provision (see Appendix A, para. 2.4.1(B)) and the manner in which Bell System Companies would administer that tariff provision. The Bell System Companies have promulgated practices, dated March 12, 1975, which they will

use in administering this deposit provision in connection with the provision of OCC facilities and have provided copies thereof to the OCCs and the Common Carrier Bureau.

16. a. For those instances where the ENFIA termination is supplied by a non-Bell System company (Independent Telephone Company), the Associations signing this Agreement will recommend to their members that the charges for local switching and trunking be developed on a basis consistent with the methodology described herein, reflecting the supplying company's costs for all components of such exchange plant. They will further recommend that, for use of jointly used subscriber plant supplied by an Independent Telephone Company, the OCC's payment (pursuant to tariff or agreement) be based on a negotiated percentage of the amounts calculated under the Separations Manual in cents per minute for the Independent Telephone Company's interstate MTS and WATS minutes of use. Where the Independent Telephone company supplying jointly used subscriber plant does not have such amounts per minute for its company readily available because the company uses nationwide average toll settlements schedules rather than individual company studies for determining interstate toll settlements, such amounts per minute should be determined based upon average Independent telephone industry data mutually acceptable to the Independent Company and the OCC.<sup>1</sup> Where an Independent Telephone Company accepts these recommendations, the OCCs agree to proceed with negotiations on this basis.

b. In other instances, an Independent telephone company may participate with either a Bell System company or another Independent company in Extended Area Service (EAS), and consequently may originate and/or receive Execunet/SPRINT-type traffic entering or leaving that EAS area via ENFIA provided by such other company. Such Independent telephone company incurs costs related to such traffic originating and terminating over its local exchange plant within that EAS area. The Bell System and the Associations signing this Agreement agree to recommend to their respective operating and member telephone companies involved in such Bell-Independent EAS areas that Bell-Independent (B-I) ENFIA settlement arrangements be implemented, and that factors to be applied in connection with such B-I ENFIA settlement arrangements for recovery of such costs shall be negotiated between the Bell and Independent telephone companies involved. In cases where the Independent telephone company (or any other telephone company in the System of which it is a member) has negotiated a basis for settlement with an OCC for ENFIA terminating in its territory, Bell will settle on that same basis with that Independent company for the B-I Execunet/SPRINT-type traffic involved in that EAS area. The Associations signing this Agreement and the Bell System also agree that where Execunet/SPRINT-type traffic is exchanged over B-I EAS routes, the B-I EAS settlement arrangements covering such routes will be adjusted appropriately to recognize the interstate nature of such OCC generated traffic.

<sup>1</sup>Appendix C and the ENFIA tariff contain methodology and calculations, using Bell System data, underlying the rate schedule set forth in the ENFIA tariff.

c. For the duration of the Interim Period, certain Bell System charges, as specified in the ENFIA Tariff, include a multiplier of 1.015 to provide for ENFIA-related use of Independent Telephone Company local exchange facilities involved in Bell-Independent Extended Area Service Areas.

17. The Bell System Companies will not, during the Interim Period, make revisions to the ENFIA tariff which are inconsistent with the agreements reflected herein, or cease to provide the OCCs during the Interim Period facilities or connections necessary to enable them to provide their authorized interstate or foreign communications services except in accordance with the provisions of this Interim Settlement Agreement and the tariff set forth in Appendix A. The parties to this Agreement will meet quarterly, under the aegis of the Commission, to monitor and oversee the implementation of the terms and conditions of the Agreement, and to resolve any problems arising in connection therewith. At these meetings the parties will also conduct ongoing dialogue concerning technical and operational matters associated with the provision of local facilities used in connection with OCC Execunet/SPRINT-type interstate services or any end-to-end MTS/WATS-type interstate service covered by this Agreement.

18. It is agreed that all parties will join in submitting a Joint Motion to the Commission requesting that: (1) this Interim Settlement Agreement be accepted and approved by the Commission; (2) the Bell System be authorized to file the tariff attached hereto to become effective on not less than one day's notice following release of the Commission Order accepting and approving this Interim Settlement Agreement; and (3) the Commission grant such waivers of its Rules (e.g., Sections 61.16, 61.38, 61.54, 61.55 (a), 61.58, 61.59, 61.71, 61.74, 61.94 and 61.112) and appropriate waivers of the cost methodology and earnings level requirements of the Commission decisions in Docket No. 18128 as it deems necessary to permit the terms of the tariff to become effective and to otherwise implement the terms and conditions of this Interim Settlement Agreement, including all waivers necessary to permit, on an ongoing basis, the Bell System to make changes in the tariff in accordance with this Interim Settlement Agreement (See Appendix D hereto). It is further agreed that the Bell System will defer the effective date of Transmittal No. 14 for FCC tariff No. 5 for a period of 60 days from the date of submission of the Joint Motion to provide the Commission an opportunity to issue a decision, after opportunity for public comment, on this proposed Interim Settlement Agreement and illustrative tariff. Transmittal No. 14 will be withdrawn on the effective date of this Agreement and the other parties agree that all pleadings addressed to Transmittal No. 14, insofar as they relate to the Bell System Companies, shall be considered withdrawn.

19. The Interim Settlement Agreement shall become effective and binding only upon release of a Commission decision granting the relief requested in the Joint Motion, and the effective date of the Agreement shall be the date of release of such decision.

Signed this 13th day of December, 1978:

<sup>1</sup>ENFIA will not include dialed operator assisted calls or directory assistance calls.

<sup>2</sup>The parties will impose no restrictions with respect to non-toll calls which can be dialed on a seven digit basis.



**AMERICAN TELEPHONE AND TELEGRAPH AND  
THE BELL SYSTEM OPERATING COMPANIES**

By: /S/ WILLIAM R. STUMP

William R. Stump  
Assistant Vice President of American  
Telephone and Telegraph Company

**MCI TELECOMMUNICATIONS CORPORATION**

By: /S/ BERT C. ROBERTS, JR.

Bert C. Roberts, Jr.  
Its Senior Vice President

**SOUTHERN PACIFIC COMMUNICATIONS CORP.**

By: /S/ E. J. KUSHAN

E. J. Kushan  
Its Western Region Operations Manager

**ITT CORPORATE COMMUNICATIONS SERVICES,  
INC.**

By: /S/ JOSEPH J. JACOBS

Joseph J. Jacobs  
Its Attorney

**GTE SERVICE CORPORATION**

By: /S/ ROY BAHNSON

Roy Bahnsen  
Its Assistant Vice President

**UNITED STATES INDEPENDENT TELEPHONE  
ASSOCIATION<sup>1</sup>**

By: /S/ DONALD L. HIRT

Donald L. Hirt  
Its Director of Settlements

**NATIONAL TELEPHONE COOPERATIVE  
ASSOCIATION<sup>1</sup>**

By: /S/ DAVID COSSON

David Cosson  
Its Attorney

**ORGANIZATION FOR THE PROTECTION AND AD-  
VANCEMENT OF SMALL TELEPHONE COMPA-  
NIES<sup>1</sup>**

By: /S/ NICHOLAS P. MILLER

Nicholas P. Miller  
Its Attorney

[FR Doc. 78-35317 Filed 12-18-78; 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).

<sup>1</sup>The Associations signing this Interim Settlement Agreement urge approval of said Agreement by the Federal Communications Commission and agree to recommend to their member telephone companies that employment of the methodology of said Agreement provides a reasonable way for developing charges for OCC use of the local exchange plant over the life of the proposed Interim Settlement Agreement, provided that proper recognition is given to those companies' exchange plant costs. The Associations recognize that any particular member company's circumstances, not anticipated by the parties to this Agreement, may require that a different methodology be employed. The Associations do not purport to become a party to this Interim Settlement Agreement on behalf of any of their member companies.

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, N.W., 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 21, 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.

**AGREEMENTS NOS.: T-1389-3, T-1389-4 and T-1389-5.**

**FILING PARTY:** Sanford C. Miller, Esquire, Haight, Gardner, Poor and Havens, One State Street Plaza, New York, New York 10004.

**SUMMARY:** Agreements Nos. T-1389-3, T-1389-4 and T-1389-5 modify the basic agreement providing for the lease of certain marine terminal facilities (Burnside Terminal) by the Greater Baton Rouge Port Commission. Agreement No. T-1389-3 is an assignment of the interest of Ormet Corporation (the present lessee) to its sole shareholders Consolidated Aluminum Corporation and Revere Copper and Brass Incorporated. Agreement No. T-1389-4 is an assignment of the lease by Consolidated Aluminum Corporation and Revere Copper and Brass Incorporated to Burnside Terminal Company, an Ohio general partnership. Agreement No. T-1389-5 is a sublease from Burnside Terminal Company to Ormet Corporation, the present sublessee.

By Order of the Federal Maritime Commission.

Dated: December 13, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-35130 Filed 12-18-78; 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, N.W., 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 January 8, 1979. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement 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. 2846-40.**

**FILING PARTY:** Marc J. Fink, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

**SUMMARY:** Agreement No. 2846-40 amends the basic WINAC conference agreement by providing that at ordinary owners' meetings, decisions regarding Conference freights will be binding on all members when made by at least two-thirds of the owners present.

**AGREEMENT NO. 6200-20**

**FILING PARTY:** David C. Jordan, Esq. Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

**SUMMARY:** Agreement No. 6200-20 would expand the scope of the U.S. Atlantic & Gulf/Australia-New Zealand Conference Agreement to cover the amount of cargo inland from points in the United States via Atlantic and Gulf Coast ports to points in Australia, New Zealand and other South Pacific Islands. In addition, the instant agreement authorizes the parties to enter into arrangements (1) with other modes of transportation; (2) concerning intermodal shipments, inland rates, rules, charges, classifications, practices, etc. concerning cargo moving under a through bill of lading or otherwise; and (3) ancillary to the transportation of intermodal shipments. The instant agreement also provides that a party desiring to offer an intermodal service shall first give the conference 60 days' written notice of its intention in this regard.

**AGREEMENT NO. 10360.**

**FILING PARTY:** John R. Attanasio, Esq. Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

**SUMMARY:** Agreement No. 10360, among d'Amico di Navigazione, S.p.A., "Italia", S.p.A., United Yugoslav Line, and Zim Israel Navigation Co. Ltd., in the trade between and/or via ports on the Mediterranean Sea, Black Sea, the Atlantic Coast of Spain, Morocco, and Portugal, and ports on the Pacific Coast of the United States and Canada and in the Hawaiian Islands, provides that by virtue of force majeure or other cause beyond their control, any signatory may ship cargo via another signatory pursuant to terms and conditions agreed upon subject to the provisions of the agreement.

**AGREEMENT NOS. 10107-5 AND 10107-6.**

**FILING PARTY:** Charles F. Warren, Esq., Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

**SUMMARY:** Agreement 10107 is a rate-making agreement between those members of the Trans-Pacific Freight Conference (Hong Kong) as an entity, and thirteen of its non-conference carriers engaged in the transportation of cargoes from Hong Kong, Macao, and Taiwan to West Coast ports of the United States including Alaska and Hawaii. Agreement 10107-5 would extend the rate-making powers of the 10107 group to include intermodal movements from Hong Kong, Taiwan, and Macao to "... inland points in the United States ... including merchandise destined to overland points and to merchandise destined to U.S. Atlantic and Gulf ports via U.S. Pacific Coast ports." The Conference, as an entity, or the various non-conference carriers may maintain their own individual intermodal tariffs until such time as the 10107 lines pre-empt them with tariffs "... covering essentially the same origins, destinations and commodity descriptions."

Agreement 10107-6 would extend from ten to thirty days the advance notice required of any party to all others of its intent to exercise independent action with respect to any alteration of any tariff rate, rule or other tariff matter.

By Order of the Federal Maritime Commission.

Dated: December 13, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-35131; Filed 12-18-78; 8:45 am]

#### [6730-01-M]

[Docket No. 77-7; Agreements Nos. 9929-2, 9929-3, and 9929-4]

**(MODIFICATIONS TO THE COMBI LINE JOINT SERVICE AGREEMENT) AND AGREEMENTS NOS. 10266 AND 10266-1 (JOINT MARKETING AGREEMENT BETWEEN INTERCONTINENTAL TRANSPORT, B.V., AND COMPAGNIE GENERALE MARITIME)**

Notice of Draft Energy and Environmental Impact Statement

Upon completion of a Draft Energy and Environmental Impact Statement (DEEIS), the Federal Maritime Commission's Office of Environmental Analysis (OEA) has identified the energy and environmental consequences of the Commission's final res-

olution in this proceeding. The DEEIS indicates that the FMC's final resolution in this proceeding may result in savings in fossil fuel consumption. The energy impact statement is required under section 382(b) of the Energy Policy and Conservation Act of 1975. An environmental analysis is required under section 4332(2)(c) of the National Environmental Policy Act of 1969 (NEPA).

Docket No. 77-7 is an investigation to determine whether Agreements Nos. 9929-2, 9929-3, and 9929-4 and Agreements Nos. 10266 and 10266-1 should be approved, disapproved or modified pursuant to section 15 of the Shipping Act, 1916. Also included in this proceeding by "Modification of Order of Investigation and Hearing" served February 3, 1978, are Amendments 9929-5 and 10266-2.

The OEA's conclusion is contained in the DEEIS which is available on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725. Interested parties may, on or before February 2, 1979, comment on the DEEIS by filing statements (exceptions) with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573. If a party fails to comment within this period, it will be presumed that party has no comment to make.

It should be emphasized that the DEEIS is not an official decision of the Commission. It represents an evaluation of the energy and environmental issues in the proceeding and does not purport to resolve the legal issues in this proceeding. Therefore, comments on the environmental study should be limited to discussion of the presence or absence of energy and environmental impacts as well as the alternatives available.

Copies of comments or exceptions to the DEEIS and copies of all future correspondence and pleadings filed in this proceeding shall be served on Chief, Office of Environmental Analysis, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-35148 Filed 12-18-78; 8:45 am]

#### [6730-01-M]

[Docket No. 78-32]

**PACIFIC WESTBOUND CONFERENCE, EQUALIZATION AND ABSORPTION RULES AND PRACTICES**

Notice of Intent To Make an Environmental Assessment

The above-referenced proceeding is an investigation to determine whether

Article 3 of the Pacific Westbound Conference's ("PWC") basic agreement No. 57 permits equalization and absorption of motor carrier inland freight rates and charges; whether the equalization and absorption practices of the PWC members violate section 205 of the Merchant Marine Act, 1936, and sections 15, 16 and 17 of the Shipping Act, 1916, and whether PWC Freight Tariff No. 3, Rule 16 violates sec. 205 of the Merchant Marine Act, 1936, and sec. 15, 16 and 17 of the Shipping Act, 1916, by permitting equalization and absorption of cargo away from the Port of Portland where direct service is adequate to handle such cargo; whether PWC Freight Tariff No. 3, Rule 16 permits cargo being equalized and absorbed to move on Interstate Commerce Commission exempt carriers.

The Federal Maritime Commission ("FMC") believes that its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment. Consequently, the environmental factors involved warrant consideration and evaluation before decision making is undertaken.

**THEREFORE,** Notice is hereby given that the FMC's Office of Environmental Analysis intends to make an environmental assessment to determine whether the Commission's final decision in this proceeding will constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. Written comments regarding possible environmental effects which may occur from the eventual resolution of the proceedings are invited. Such comments should be submitted on or before January 8, 1979 to the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

Copies of discovery materials and all future correspondence, pleadings and exhibits exchanged or filed in this proceeding shall be served on the Chief, Office of Environmental Analysis, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-35147 Filed 12-18-78; 8:45 am]

#### [6730-01-M]

[Docket No. 78-54]

**PUERTO RICO MARITIME SHIPPING AUTHORITY V. SEA-LAND SERVICE, INC.**

Filing of Complaint

Notice is given that a complaint filed by Puerto Rico Maritime Shipping Au-

thority against Sea-Land Service, Inc. was served December 11, 1978. The complaint alleges that certain of Sea/Land's tariff provisions regarding insurance coverage, applicable to its service in the U.S. Atlantic Coast/Puerto Rico trade, violate sections 16 First and 18(a) of the Shipping Act, 1916.

Hearing in this matter, if any is held shall commence on or before June 11, 1979. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,  
Secretary.

[FPR Doc. 78-35146 Filed 12-18-78; 8:45 am]

[6820-24-M]

## GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 34]

## FEDERAL PROCUREMENT

Cost Accounting Standards Board (CASB) Cognizant Contracting Officers—Interagency Administration

1. *Purpose.* This bulletin provides the means for identifying or verifying cognizant contracting officers for CASB matters.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Background.* a. The regulations and standards of the Cost Accounting Standards Board are implemented by Subpart 1-3.12 of the Federal Procurement Regulations for negotiated national defense and nondefense contracts. Many of the duties involving CASB matters are assigned by the FPR to a single contracting officer for each contractor/subcontractor.

b. The various components of the Department of Defense already have assigned a CASB cognizant contracting officer for the large majority of contractors/subcontractors subject to CASB rules and regulations. This contracting officer is also the cognizant Government representative for nondefense contracts awarded by the various civilian agencies. In the event such an assignment does not exist, § 1-3.1208 of the FPR provides that the predominant interest agency will make the cognizant contracting officer assignment.

c. It is desirable and appropriate that the negotiator/contracting officer awarding a contract and the assigned CASB cognizant contracting officer establish a cooperative working relationship. While the individual contractor/subcontractor normally will know the identity of his CASB cognizant contracting officer, the contracting officer who signs the contract may need other means to identify that individual.

d. Actual assignments of cognizant contracting officers may change from time to time. Accordingly, agency contact points are provided by this bulletin that can identify the appropriate cognizant contracting officer within an agency.

4. *Agency contact points for the identification of cognizant contracting officers.* a. Attachment A to this bulletin is a list of contact points in Federal agencies that are responsible for the identification of cognizant contracting officers for CASB matters when an agency is the predominant interest agency—as the term is defined in § 1-3.1208 of the Federal Procurement Regulations (Title 41, Code of Federal Regulations, Chapter 1). By means of these contact points, a Government negotiator in any agency can ascertain the identity of the Government contracting officer who has cognizance over CASB matters of a particular contractor/subcontractor with whom he or she may be considering the award of a negotiated contract(s) subject to CASB rules and regulations.

b. Cognizant contracting officers for CASB matters are assigned by various contract administration service components of the Department of Defense. Each contractor/subcontractor is assigned to a DOD service component as listed in the "DOD Directory of Contract Administration Services Components (DOD 4105.59H)." Most of the needs for information can be satisfied by telephone contacts. However, Government agencies may make written requests for limited quantities (up to 5) of the DOD Directory. Contact points are listed in Attachment A.

c. Cognizant contracting officers for CASB matters are assigned by civilian agencies only when an assignment has not been made for a particular contractor/subcontractor by a Department of Defense contract administration services component. The assignment of a cognizant contracting officer for CASB matters in these cases is the responsibility of the predominant interest agency (see § 1-3.1208 of the FPR). Therefore, requests for the identity of the cognizant contracting officer should be made to the contact point of that agency listed in Attachment A that has the predominant interest in the particular contractor/subcontractor of concern.

5. *Cancellation.* This bulletin cancels GSA Bulletin FPR 22, April 11, 1975.

## ATTACHMENT A

DECEMBER 1, 1978—GSA BULLETIN FPR 34

*Agency contacts for the identification of cognizant contracting officers*

### Department of Defense

#### 1. Telephone contacts:

(a) Nearest defense contract administrative services office, or

(b) Defense Logistics Agency, Attn: DLA-AO, Mr. Richard Meyer (202) 274-7732.

#### 2. DOD Directory (see paragraph 4b.)

Agency requests for a limited number of copies or inclusion on the mailing list should be directed as follows: Defense Logistics Agency, Attn: DLA-XM, Cameron Station, Alexandria, Virginia 22314.

### Civilian agencies

1. *Agency for International Development (AID), Department of State* (also see State): Office of Contract Management, Supply Division. Overhead and Special Costs Branch, Washington, DC 20523 (703) 235-9855, D. B. Dickie.

2. *Agriculture, Department of:* Office of Operations and Finance, Procurement Division, Room 1575, South Building, Washington, DC 20250 (202) 447-5225, Lacy H. Arnold.

3. *Arms Control and Disarmament Agency, United States:* General Counsel, Room 5534, State Department Building, 21st and Virginia Avenue, NW., Washington, DC 20451 (202) 632-3582, Thomas Graham, Jr.

4. *Central Intelligence Agency:* Office of Logistics, Procurement Management Staff, Washington, DC 20505 (703) 281-8167, A. T. Chason.

5. *Commerce, Department of:* Deputy Director for Program Development, Office of Administrative Services and Procurement, Washington, DC 20230 (202) 377-3322, David Larkin.

6. *Energy, Department of:* Office of Procurement Policy, Washington, DC 20545 (202) 376-4193, Herbert J. Pelton.

7. *Environmental Protection Agency:* Contracts Management Division, Cost Review and Policy Branch, Room 711, Crystal Mall Building #2, Washington, DC 20406 (703) 557-7986, Donald L. Hambric.

8. *Federal Communications Commission:* Procurement Division, Washington, DC 20554 (202) 632-6407, Margie Sharp.

9. *General Services Administration:* Automated Data and Telecommunications Service: Procurement Division, Programs Branch (CDPRS), Room G-20, Washington, DC 20405 (202) 566-0771, Mary Hoar.

*Federal Supply Service:* Office of Procurement, Policy and Procedures Division (FPP), Washington, DC 20406 (703) 557-0536, John Harms or Hyman Kornberg.

*Public Buildings Service:* Procurement Policy Review Staff (PMP), Washington, DC 20405 (202) 566-1954, Anthony Ratkus, Jr.

10. *Health, Education, and Welfare, Department of:* Chief, Procurement Operations Branch, Division of Procurement Policy and Regulations Development, Office of Grants and Procurement Management, Room 539H, 200 Independence Avenue SW., Washington, DC 20201 (202) 724-8791, Fred S. Brennan.

11. *Housing and Urban Development, Department of:* Office of Procurement and Contracts (OPC), 451 7th Street SW., Wash-

ington, DC 20410 (202) 724-0031, Duane Murray.

12. *International Communication Agency:* Contract and Procurement Division, Washington, DC 20547, (202) 724-9711, James T. McIlwee.

13. *Interior, Department of the:* Office of Administrative and Management Policy, Division of Procurement and Grants, Washington, DC 20240 (202) 343-5914, William S. Opdyke.

14. *Justice, Department of (includes LEAA):* Office of Management and Finance, Administrative Programs Group, Administrative Management Staff, Washington, DC 20530 (202) 739-2971, Vincent A. Lobisco.

15. *Labor, Department of:* Director, Office of Grants, Procurement, and ADP Management Policy, Room S 1325, 200 Constitution Avenue NW., Washington, DC 20210 (202) 523-9148, Walter C. Terry.

16. *Law Enforcement Assistance Administration (LEAA):* (see Justice).

17. *Library of Congress:* Procurement and Supply Division, 1701 Brightseat Road, Landover, Maryland 20785 (202) 436-8702, John G. Kormos.

18. *National Aeronautics and Space Administration:* Office of Procurement, Contract Pricing and Finance Office, (Code HC-1), Washington, DC 20546 (202) 755-2310, Arlene A. Brown.

19. *National Science Foundation:* Division of Grants and Contracts, Washington, DC 20550 (202) 632-5872, Leonard A. Redecke.

20. *Nuclear Regulatory Commission:* Office of Administration, Division of Contracts, Washington, DC 20555 (301) 427-4365, Kellogg V. Morton.

21. *Panama Canal Company:* President, Balboa Heights, Canal Zone (202) 724-0104, Thomas M. Constant, Secretary.

22. *Smithsonian Institution:* Office of Supply Services, Washington, DC 20024 (202) 381-5924, H. P. Barton.

23. *Small Business Administration:* Administrative Services Division, 1441 L Street NW., Washington, DC 20416 (202) 653-6623, W. W. Bears.

24. *State, Department of (also see AID):* Supply and Transportation Division, Procurement Branch, Washington, DC 20520 (703) 253-9531, Gerald L. John.

25. *Transportation, Department of:* Office of Installations and Logistics, 400 7th Street SW., Washington, DC 20590 (202) 426-4129, Margarita Moncada.

26. *Treasury, Department of the:* Office of Administrative Programs, (Procurement and Personal Property Management), Washington, DC 20220 (202) 376-0650, Thomas P. O'Malley.

27. *Veterans Administration:* Department of Medicine and Surgery, Supply Service, Chief, Procurement Division (134C), Washington, DC 20420 (202) 389-3054, Joseph M. Cumiskey.

DECEMBER 1, 1978.

JAY SOLOMON,  
Administrator of  
General Services.

[FR Doc. 78-35155 Filed 12-18-78; 8:45 am]

[4110-88-M]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health  
Administration

### ADVISORY COMMITTEE

#### Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National advisory body scheduled to assemble during the month of January 1979:

**CRIME AND DELINQUENCY REVIEW COMMITTEE**, January 24-26; 9:00 a.m. Capital Room, Dupont Plaza Hotel, 1500 New Hampshire Avenue, N.W., Washington, D.C. 20008.

OPEN—January 24; 9:00-11:00 a.m.

CLOSED—Otherwise. Contact: Arthur Leabman, Room 18C-04, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3728.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in crime and delinquency, individual violent behavior, and related law and mental health interactions, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-11:00 a.m., January 24, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact person listed above. The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Dr. Jacquelyn Hall, Acting Chief, Public Information Branch, Division of Scientific and Public Information, NIMH, Room 15C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4573.

Dated: December 13, 1978.

ELIZABETH A. CONNOLLY,  
Committee Management Officer,  
Alcohol, Drug Abuse, and  
Mental Health Administration.

[FR Doc. 78-35125 Filed 12-18-78; 8:45 am]

[4110-88-M]

### ADVISORY COMMITTEES

#### Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of January 1979:

**NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM**, January 15-16; 9:30 a.m., Conference Rooms G and H, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

OPEN—January 15.

CLOSED—January 16. Contact: Ms. Helen Garrett, Room 14C-02, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5173.

Purpose: Advises the Secretary, Department of Health, Education, and Welfare regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda: January 15 will be devoted to administrative reports, program developments, and the general business of the Council.

January 16, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions set forth in Section 552b(c)(6), Title 5 U.S. Code, and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

The NIAAA Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Mr. Harry Bell, Associate Director, Office of Public Affairs, NIAAA, Room 11A-17, Parkland Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3306.

Dated: December 13, 1978.

ELIZABETH A. CONNOLLY,  
Committee Management Officer,  
Alcohol, Drug Abuse, and  
Mental Health Administration.

[FR Doc. 78-35126 Filed 12-18-78; 8:45 am]

[4110-03-M]

### Food and Drug Administration

#### ADVISORY COMMITTEES

#### Meetings

AGENCY: Food and Drug Administration.

**ACTION: Notice.**

**SUMMARY:** This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, place	Meeting place and contact person
1. Ophthalmic Section of the Ophthalmic, Ear, Nose, and Throat, and Dental Devices Panel.	January 8 and 9, 9 a.m. (January 9), Rm. 727A, HHH Bldg., 200 Independence Ave. SW., Washington, DC.	Closed committee deliberations January 8, 9 a.m. to 5 p.m.; open public hearing January 9, 9 a.m. to 10 a.m.; open committee discussion January 9, 10 a.m. to 5 p.m.; Max W. Talbott (HFK-460), 8757 Georgia Ave. Silver Spring, MD 20910, 301-427-7538.

**General function of the Committee.** The Committee reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

**Agenda—Closed committee deliberations.** The Committee will review data originating from current clinical investigations of intraocular and contact lenses. The data accumulated in these clinical investigations are proprietary in nature; therefore, this portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

**Open public hearing.** Interested parties are encouraged to present information pertaining to the clinical investigations (and related guidelines and protocols) of intraocular and contact lenses and any other ophthalmic device matters to Max W. Talbott. Submission of data related to tentative classification findings is also invited. Those desiring to make formal presentations should notify Max W. Talbott by December 26, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and

also an indication of the approximate time required to make their comments.

**Open committee discussion.** The Committee will discuss nonproprietary aspects of the ongoing clinical investigations of intraocular and contact lenses. The Committee invites input from the public on any matters relating to these clinical investigations and specifically encourages comment on any existing intraocular lens or contact lens protocols or guidelines. The Committee will also discuss approaches to the "coding" of contact lens care solutions.

Committee name	Date, time, place	Meeting place and contact person
2. Orthopedic Devices Section of Surgical and Rehabilitation Devices Panel.	January 18 and 19, 10 a.m., Rm. 339A, HHH Bldg., 200 Independence Ave. SW., Washington, DC.	Open Committee discussion January 18, 10 a.m. to 12 p.m.; open public hearing January 18, 12 p.m. to 1 p.m.; closed committee deliberations January 18, 2 p.m. to 5 p.m.; open public hearing January 19, 9 a.m. to 10:30 a.m.; open committee discussion January 19, 10:30 a.m. to adjournment; James G. Dillon (HFK-410), 8757 Georgia Avenue, Silver Spring, MD 20910 301-427-7238.

**General function of the Committee.** The Committee reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

**Agenda—Open public hearing.** Interested parties are encouraged to present information pertaining to the clinical and preclinical guidelines and the classification of orthopedic devices to the Executive Secretary. Submission of data related to tentative classification findings is also invited. Those desiring to make formal presentations should notify James G. Dillon by January 4, 1979, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

**Open committee discussion.** The Panel will review and discuss clinical guidelines for orthopedic devices; clinical and preclinical guidelines for testing orthopedic devices. The Panel will also review and make recommendations on the classification of nonconstrained ankle prosthesis, constrained hip prosthesis (metal), constrained hip prosthesis (metal/polymer), femoral (hemi-hip) prosthesis (metal UHWPE), femoral (hip) resurfacing prosthesis (metal/polymer), pelvifemoral (hip) resurfacing prosthesis (metal/polymer), ulnar (hemi-wrist) prosthesis, acetabular (hemi-hip) prosthesis (metal), semiconstrained shoulder prosthesis (uncemented), constrained wrist prosthesis (metal), and glenoid (hemi-shoulder) prosthesis.

**Closed committee deliberations.** The Panel will review a premarket approval

(PMA) from one manufacturer and an investigational new drug (IND) submission from another medical device manufacturer. This portion of the meeting will be closed to permit discussion of trade secret information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fisher Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to

significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably, deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: December 11, 1978.

SHERWIN GARDNER,  
*Acting Commissioner of  
Food and Drugs.*

[FR Doc. 78-35047 Filed 12-18-78; 8:45 am]

#### [4310-31-M]

##### DEPARTMENT OF THE INTERIOR

Geological Survey

[Int DES 78-51]

##### ENVIRONMENTAL IMPACT STATEMENT

Availability of Draft Statement, Big Sky Mine,  
Rosebud County, Mont.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and section 69-6504 R.C.M. 1947 of the Montana Environmental Policy Act of 1971, the Department of the Interior, in cooperation with the State of Montana, has prepared a draft environmental impact statement on the proposed Big Sky surface coal mining operation by Peabody Coal Company

in Rosebud County, Montana. The draft statement assesses the environmental impacts of the lessee's plan for the surface mining of 4.2 million tons annually of federally and privately owned coal, and the concurrent reclamation and revegetation of surface lands. The proposed action is on Federal coal lease M-15965 T. 1 N., R. 41 E., Principal meridian.

The draft statement is available for public review in the U.S. Geological Survey Library, 1526 Cole Blvd., Golden, Colo.; the U.S. Geological Survey Library, Room 4A100, National Center, Reston, Va.; the Montana Department of State Lands, 1625 11th Ave., Helena, Mont.; the Bureau of Land Management, Miles City, Mont.; the Parmley Billings Public Library, 510 North Broadway, Billings, Mont.; the Big Horn County Public Library, 419 North Custer Ave., Hardin, Mont.; the Montana State Library, 930 East Lyndale, Helena, Mont.; and the Rosebud County Library, 201 North 9th Ave., Forsyth, Mont.

A limited number of copies are available on request from the U.S. Geological Survey, Land Information and Analysis Office, Federal Center, Stop 701, Box 25046, Denver, CO 80225, and the Montana Department of State Lands, 1625 11th Ave., Helena, MT 59601.

Written comments on the draft statement will be accepted until close of business February 5, 1979. All substantive comments received will be considered in preparing the final environmental statement on this proposal. Written comments should be addressed to Director, U.S. Geological Survey, National Center, Mail Stop 108, Reston, VA 22092.

Dated: December 14, 1978.

LARRY E. MEIEROTTO,  
*Deputy Assistant Secretary  
of the Interior.*

[FR Doc. 78-35128 Filed 12-18-78; 8:45 am]

#### [4310-03-M]

##### Heritage Conservation and Recreation Service

##### NATIONAL REGISTER OF HISTORIC PLACES

##### 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 December 8, 1978. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forward-



ed 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 29, 1978. (10 days after publication date)

WILLIAM J. MURTAGH,  
Keeper of the National Register.

## ARIZONA

## Cochise County

Bisbee, *Muheim House*, 207 Youndblood Ave.

## Navajo County

Shumway, *Shumway School*, off AZ 77.

## Yuma County

Tacna vicinity, *Antelope Hill Highway Bridge*, NW of Tacna spanning Gila River.  
Yuma, *Blaisdell Slow Sand Filter Washing Machine*, N. Jones St.  
Yuma, *Ocean to Ocean Highway Bridge*, Penitentiary Ave. at Colorado River.

## CALIFORNIA

## Merced County

Le Grand vicinity, *Fremont, John C., House*, NE of Le Grand on White Rock Rd.  
Snelling, *First Merced County Courthouse Building*, CA 59.

## Monterey County

Soledad vicinity, *Los Coches Rancho*, 1 mi (1.6 km) S of Soledad on U.S. 101.

## Napa County

Napa, *Lisbon Winery*, 1720 Brown St.  
Napa vicinity, *Suscol House*, S of Napa on Old Soscol Ferry Rd.  
St. Helena, *St. Helena Public Library*, 1360 Oak Ave.

## Sacramento County

Fair Oaks, *Slocum House*, 7992 California Ave.

## San Diego County

San Diego, *San Diego Rowing Club*, 525 E. Harbor Dr.

## San Francisco County

San Francisco, *House at 1254-56 Montgomery Street*.

## San Mateo County

Princeton, *Princeton Hotel*, Capistrano Rd. and Prospect Way.

## Santa Barbara County

Santa Barbara vicinity, *San Marcos Rancho*, W of Santa Barbara.

## Santa Clara County

Morgan Hill vicinity, *Malaguerra Winery*, N of Morgan Hill on Burnett Ave.

## Santa Cruz County

Santa Cruz, *Branciforte Adobe*, 1351 N. Branciforte Ave.

## Shasta County

Redding vicinity, *Buffalo Pitts Separator*, NE of Redding at 1065 N. Old Oregon Trail.

## Sonoma County

Santa Rosa, *Wasserman House*, 930 Mendocino Ave.

## COLORADO

## Summit County

Dillon vicinity, *Procupine Peak Site*, E of Dillon.

## GEORGIA

## Bibb County

Macon, *Collins, Andrew J., House*, 1495 2nd St.

## Fulton County

Atlanta, *Rhodes-Haverty Building*, 134 Peachtree St., NW.

## Muscogee County

Columbus, *Woolfolk, John W., House*, 1615 12th St.

## INDIANA

## Howard County

Kokomo vicinity, *Youngman, Frederick, House*, SE of Kokomo at 200 East Rd.

## IOWA

## Black Hawk County

La Porte City, *La Porte City Station*, 202 Main St.

## KENTUCKY

## Boyd County

Ashland, *Ashland Multiple Resource Area*, various locations in Ashland.

## Fulton County

Hickman, *Thomas Chapel C.M.E. Church*, Moscow Ave.

## Grant County

Sherman vicinity, *Sherman Tavern*, S of Sherman on U.S. 25

## Kenton County

Covington, *Champion Ice Manufacturing and Cold Storage Company*, 40 E. 2nd St.

## Scott County

Midway vicinity, *Payne's Depot Multiple Resource Area*, E of Midway.

## MAINE

## Cumberland County

Pownal, *Randall, Jacob, House*, Lawrence Rd.  
Yarmouth, *Camp Hammond*, 74 Main St.

## Hancock County

Deer Isle vicinity, *Pond Island Archeological District*, W of Deer Isle.

## MICHIGAN

## Charlevoix County

St. James vicinity, *Beaver Island Light Station*, S of St. James on E Side Dr.

## MISSISSIPPI

## Adams County

Natchez, *Winchester House*, 816 Main St.  
Natchez vicinity, *Elgin*, S of Natchez off U.S. 61.

## Attala County

Sallis, *Bluff Springs Manor*, E of Sallis off MS 12.

## Perry County

New Augusta vicinity, *Old Augusta Historic Site*, NE of Augusta.

## NEBRASKA

## Douglas County

Omaha, *St. Cecilia's Cathedral*, 701 N. 40th St.

## Saunders County

Ashland, *St. Stephen's Episcopal Church*, 15th and Adams Sts.

## NEVADA

## Carson City (Independent city)

Carson City, *Clemens, Orion, House*, 502 N. Division St.

## Clark County

Las Vegas vicinity, *Tule Springs Archeological Site*, N of Las Vegas.

## Nye County

Austin vicinity, *Gatecliff Rockshelter*, SE of Austin.

## Washoe County

Verdi, *O'Neill's Crossing*, Bridge St. and Dog Valley Rd.

## NEW YORK

## Tompkins County

Ithaca vicinity, *Enfield Falls Mill and Miller's House*, SW of Ithaca in Robert H. Treman State Park.

## OKLAHOMA

## Tulsa County

Tulsa, *McFarlin, Robert M., House*, 1610 S. Carson.

## RHODE ISLAND

## Providence County

Central Falls, *Central Falls Multiple Resource Area*, various locations in Central Falls.

## SOUTH DAKOTA

## Minnehaha County

Sioux Falls, *Berdahl-Rolvaag House*, 1009 W. 33rd St.

## TENNESSEE

## Hamilton County

Chattanooga, *Shiloh Baptist Church (First Baptist Church)* 506 E. 8th St.

## Haywood County

Brownsville, *Temple Adas Israel*, Washington and College Sts.

## TEXAS

*Austin County*

Wesley vicinity, *Wesley Brethren Church*, S of Wesley.

*El Paso County*

El Paso, *Hotel Paso del Norte*, 115 S. El Paso St.

## UTAH

*Cache County*

Logan, *Logan Center Street Historic District*, roughly bounded by 200 North, 200 South, 200 East and 600 West.

*Emery County*

Ferron vicinity, *Ferron Box Pictographs*, E of Ferron.

## VERMONT

*Washington County*

Waterbury, *Mill Village Historic District*, roughly bounded by VT 100, I-89, and Stowe St.

## WISCONSIN

*Dodge County*

Waupun vicinity, *Horicon Site*, E of Waupun.

*Juneau County*

Necedah, *Weston-Babcock House*, Maine St.  
[FR Doc. 78-34868 Filed 12-18-78; 8:45 am]

[4710-14-M]

## INTERNATIONAL JOINT COMMISSION

## POSSIBLE CHANGES TO ITS ORDERS OF APPROVAL ON THE REGULATION OF LAKE SUPERIOR

## Public Hearings

The International Joint Commission will hold public hearings at the times and places noted below to receive comment concerning possible changes to its Orders of Approval for the regulation of Lake Superior.

Under the 1914 Orders of Approval, as amended, Lake Superior outflows are calculated on levels of that lake and levels and flows in the St. Marys River.

The Commission has declared to the Governments of Canada and the United States in a 1976 report its intention, after holding public hearings and considering the evidence, to direct the operation of the Lake Superior control works to provide benefits to interests throughout the Great Lakes system without undue detriment to Lake Superior interests. Governments have indicated their general concurrence. The Commission is now considering whether the 1914 Orders of Approval should be amended, to reflect this philosophy. If anyone believes he may be harmed by the order or its

amendment, he should make this concern known at this hearing, so that the Commission may take these concerns into account when providing for suitable and adequate provision for the protection and indemnity of all interests. The Commission's Control Board has proposed Plan 77 as a regulation plan to implement this objective. Under Plan 77, all control works would be operated to keep the levels of Lake Superior, Michigan and Huron at the same elevation relative to their historical mean monthly levels. This will in turn have a slight impact on the level of Lake Erie during periods of extremely high or low lake levels.

These hearings are being held to obtain the public's views concerning amendment of the 1914 Orders of Approval with a view to possible implementation of Plan 77, and concerning measures to ensure suitable protection and/or adequate indemnification of all interests in connection with these actions.

The hearings are international and citizens of both Canada and the United States are welcome to participate in both countries. Opportunity will be given to anyone, whether on his own behalf or in a representative capacity, to offer pertinent information to assist the Commission.

Testimony may be given orally or in writing. While not mandatory, written statements are desirable to supplement oral testimony and to ensure accuracy of the record. When a written statement is presented, the Commission requests 30 copies if convenient.

## TIMES AND PLACES OF HEARINGS

January 16, 1979—Buffalo Room, Statler Hilton, 107 Delaware Avenue, Buffalo, New York; 2:30 p.m. and 7:30 p.m.

January 17, 1979—Michigan Room, St. Clair Inn, 500 North Riverside, St. Clair, Michigan; 2:30 p.m. and 7:30 p.m.

W. A. Bullard, Secretary, United States Section, International Joint Commission, 1717 H Street, N.W., Washington, D.C. 20440. Stop No. 86. Phone: (202) 296-2142.  
D. G. Chance, Secretary, Canadian Section, International Joint Commission, 100 Metcalfe Street, 18th Floor, Ottawa, Ontario, K1P 5 M1. Phone: (613) 995-2984.

WILLIAM A. BULLARD,  
Secretary, United States Section.

DECEMBER 13, 1978.

[FR Doc. 78-35189 Filed 12-18-78; 8:45 am]

[7020-02-M]

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-56]

## CERTAIN THERMOMETER SHEATH PACKAGES

## Commission Order

## PROCEDURAL HISTORY

A motion to Amend the Complaint was filed on September 5, 1978,<sup>1</sup> pursuant to §§ 210.20(d) and 210.22(a) of the Commission's *Rules of Practice and Procedure* (19 CFR 210.20(d), 22(a)) by Steridyne Corporation, complainant in investigation No. 337-TA-56. The motion sought to add an additional paragraph alleging that respondents were offering the imported thermometer sheath packages below their average variable costs in order to damage the business of the complainant and make the complainant less effective as a competitor, in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337). On September 18, 1978, the Commission's investigative attorney filed a response to the motion to amend, supporting the complainant but suggesting that additional language be included to set forth an allegation that the alleged unfair methods of competition and unfair acts also have a tendency to restrain trade and commerce in the United States. The presiding officer, acting pursuant to §§ 210.20(d), 210.22(a), and 210.24(a) of the Rules (19 CFR 210.20(d), 210.22(a), and 210.24(a)), concluded that good cause had been demonstrated in support of the motion to amend and neither the public interest nor the rights of the parties would be prejudiced by such an amendment. He therefore certified his recommendation, on September 29, 1978, that the motion to amend, including the language suggested by the investigative attorney, be granted.

## DETERMINATIONS AND ORDERS

Having considered (1) the Motion to Amend filed by complainant Steridyne Corporation (Motion Docket No. 56-2) and supporting documents, (2) the response of the Commission investigative attorney filed September 18, 1978, (3) the response of the respondent filed September 18, 1978, (4) the transcript of the hearing on the Motion to Amend held on September 20 and 21, 1978, and (5) the presiding officer's recommendation of September 29, 1978, The Commission determines (Chairman Parker dissenting) that good cause to amend the complaint has been shown upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties to the investigation. The

<sup>1</sup> Motion Docket No. 56-2.

Commission further determines that there is good and sufficient reason for waiving strict adherence to certain procedural rules in testing the sufficiency of the complaint in this case.

Accordingly, the Commission Grants Motion No. 56-2 and orders that the complaint be amended by adding the following paragraph to paragraph (2) of the original complaint:

On information and belief, respondents are offering the imported sheath packages below their variable cost in order to damage the business of complainant and make complainant less effective as a competitor. These sales and offers for sale below the average variable cost have a tendency to substantially injure an efficiently and economically operated industry in the United States. These unfair methods of competition and unfair acts also have a tendency to restrain trade and commerce in the United States.

By order of the Commission:

Issued: December 14, 1978.

KENNETH R. MASON,  
Secretary.

[FR Doc. 78-35237 Filed 12-18-78; 8:45 am]

[4510-30-M]

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### ALLOCATIONS UNDER TITLE II AND TITLE VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT ("CETA")

Proposed Discretionary Allocations for FY 1979

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice lists the proposed allocation of discretionary funds under Titles II, IV, and VI of the Comprehensive Employment and Training Act of 1973, as amended. The purpose of this notice is to afford the public the opportunity to comment on the discretionary allocations before distribution is made.

FOR FURTHER INFORMATION CONTACT:

T. James Walker, Administrator, Ad-

ministration and Management, 601 D Street, N.W. — Room 4000, Washington, D.C. 20213, Telephone No. (202) 376-7563.

DATES: Pursuant to Section 123(3) of the Comprehensive Employment and Training Act Amendments of 1978, P.L. 95-524, the proposed distribution which follows is published for the purpose of receiving public comment on or before January 18, 1979. You are asked to address your comments in writing to T. James Walker at the above address.

#### SUPPLEMENTARY INFORMATION:

##### Table I:

Column 1: The FY 1978 availability data used in this column were computed by:

(a) Identifying those Public Service Employment grants which were operating during FY 1978.

(b) Establishing the total amount of funds obligated under those grants.

(c) Subtracting accrued expenditures through the quarter ending September 30, 1977.

All data were drawn from Employment and Training Administration regional office records on obligations and prime sponsor accrued expenditures reported on Financial Status Report (FSR), as input to the computerized data base by the regional offices.

Column 2: This column lists the total Public Service Employment (PSE) formula allocations to prime sponsors under Titles II-D and VI as announced by the Secretary of Labor on November 2, 1978.

Column 3 & 4: These columns provide a split of the proposed distribution by Title. Not all prime sponsors will receive discretionary allocations under this proposed distribution. Only prime sponsors whose column 1 amount is larger than their column 2 amount would qualify. Those that do qualify would get forty-five percent (45%) of this difference, which will be paid out of discretionary funds. This method of distribution would mitigate the effects of the reduction in PSE formula allocations in FY 1979.

The discretionary funds were split for each prime sponsor between Titles II-D & VI by using each title's new obligational authority (NOA) as a percentage of the NOA for both Titles (total PSE NOA).

Column 5: This is the total of columns 2, 3, and 4. Please note that the data on Fiscal Year 1978 availability is subject to adjustment. When the Fiscal Year 1978 availability is finally verified, all necessary adjustments (plus or minus) will be made to the final discretionary allocation based upon the final actual total of available funds.

##### Table II:

The Comprehensive Employment and Training Act Amendments of 1978 requires that the Secretary of Labor use discretionary funds to hold harmless the "prime sponsors serving areas within those standard metropolitan statistical areas and central cities for which current population surveys were used to determine annual unemployment data prior to January 1, 1978." (Note: See Section 202(f)(2)(B); Section 233(e)(1)(B), and Section 604(b)(1)(B)). To carry out this provision, the Department allocated all the formula allocated funds using the current methodology for estimating unemployment; then current population survey (CPS) data were substituted for those areas which would be negatively impacted by termination of the use of this data and the allocations again were computed. Each area received the higher of either allocation (current methodology for estimating unemployment or the CPS methodology). The positive dollar differences between the two methods are to be covered by the Secretary's discretionary fund.

Table II contains the CPS adjustment by Title for the affected prime sponsors.

Signed at Washington, D.C., 14th day of November 1978.

T. JAMES WALKER,  
Administrator,  
Administration and Management.

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## DISCRETIONARY

	FY 1978 AVAILABILITY	FY 1979 ALLOCATION	DISCRETIONARY		TOTAL
			TITLE IID	TITLE VI	
BRIDGEPORT CONSORTIUM	14,605,635	8,228,738	1,205,395	1,664,209	11,098,342
HARTFORD CONSORTIUM	16,921,157	11,188,240	1,083,668	1,496,145	13,788,053
NEW HAVEN CONSORTIUM	16,945,021	6,282,334	2,015,520	2,782,689	11,080,543
STAMFORD CONSORTIUM	5,502,062	2,777,380	515,035	711,072	4,003,487
WATERBURY CITY	5,784,649	3,695,781	394,850	545,141	4,635,772
BALANCE OF CONNECTICUT	55,905,566	33,493,470	4,236,457	5,848,986	43,578,913
CONNECTICUT	115,664,090	65,665,943	9,450,925	13,048,242	88,165,110
PENOBSCOT/HANCOCK CSRT	6,541,412	5,580,063	181,720	250,887	6,012,670
CUMBERLAND COUNTY	6,375,578	3,775,054	491,566	678,670	4,945,290
BALANCE OF MAINE	19,991,685	15,543,120	840,891	1,160,963	17,544,974
KENNEBECK CO	3,347,835	2,652,802	131,378	181,387	2,965,567
YORK COUNTY	4,010,467	1,443,962	485,134	669,793	2,598,889
MAINE	40,266,977	28,995,001	2,130,689	2,941,700	34,067,390
BOSTON CITY	31,549,215	28,090,197	653,843	902,715	29,646,755
ENHRDA CONSORTIUM	15,373,691	11,600,944	713,146	984,590	13,298,680
NEW BEDFORD CONSORTIUM	10,078,217	8,069,720	379,658	524,166	8,973,544
HAMPDEN COUNTY CONSORTIUM	19,487,472	12,179,196	1,381,449	1,907,275	15,467,920
WORCESTER CONSORTIUM	12,625,534	6,581,980	1,142,386	1,577,213	9,301,579
LOWELL CONSORTIUM	11,338,573	7,091,664	802,773	1,108,336	9,002,773
BROCKTON CONSORTIUM	8,642,041	7,000,962	310,205	428,281	7,739,448
FALL RIVER CSRT	6,102,701	5,000,156	287,737	287,737	5,496,301
BALANCE OF MASSACHUSETTS	141,304,273	99,768,739	7,851,273	10,839,717	118,459,729
MASSACHUSETTS	256,501,717	185,383,558	13,443,141	18,560,030	217,386,729
ROCKINGHAM/STRAFFORD CSRT	5,180,001	3,015,359	409,173	564,916	3,989,448
HILLSBOROUGH COUNTY	6,343,674	3,221,454	590,180	814,819	4,626,453
BALANCE OF NEW HAMPSHIRE	9,145,602	4,582,945	862,459	1,190,737	6,636,141
NEW HAMPSHIRE	20,669,277	10,819,758	1,861,812	2,570,472	15,252,042
PROVIDENCE CITY	7,506,371	7,472,593	6,384	8,816	7,487,793
BALANCE OF RHODE ISLAND	23,629,718	24,479,149	0	0	24,479,149
RHODE ISLAND	31,136,089	31,951,742	6,384	8,816	31,966,942
STATE OF VERMONT	15,159,302	12,799,790	446,007	615,773	13,861,570
VERMONT	15,159,302	12,799,790	446,007	615,773	13,861,570
REGION I	479,397,452	335,615,792	27,338,958	37,745,033	400,699,783

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	FY 1978 AVAILABILITY	FY 1979 ALLOCATION	DISCRETIONARY		TOTAL
			TITLE IID	TITLE VI	
ATLANTIC COUNTY	9,836,339	9,175,588	124,898	172,440	9,472,926
BERGEN COUNTY	31,739,131	26,874,049	919,625	1,269,662	29,063,336
BURLINGTON COUNTY	10,245,480	9,718,558	99,601	137,514	9,955,673
BAL OF CANDEN COUNTY	10,933,857	10,582,038	66,502	91,817	10,740,357
CAMDEN CITY	5,286,890	6,562,382	0	0	6,562,382
CUMBERLAND COUNTY	6,178,200	6,181,171	0	0	6,181,171
ELIZABETH CITY	5,347,034	4,562,417	148,312	204,766	4,915,495
BAL OF ESSEX COUNTY	19,523,006	15,673,199	727,712	1,004,701	17,405,612
GLOUCESTER COUNTY	6,913,667	6,308,017	114,484	158,058	6,580,559
HUDSON COUNTY CSRT	29,926,949	30,316,009	0	0	30,316,009
BAL OF MERCER COUNTY	3,898,516	2,672,519	231,744	319,955	3,224,218
MIDDLESEX COUNTY	24,942,633	18,883,286	1,145,370	1,581,336	21,609,992
NONMOUTH COUNTY	15,323,850	15,709,041	0	0	15,709,041
MORRIS COUNTY	10,413,280	7,782,594	497,266	686,543	8,966,403
NEWARK CITY	22,654,567	24,119,468	0	0	24,119,468
OCEAN COUNTY	11,567,621	9,204,712	446,649	616,660	10,268,021
BAL OF PASSAIC COUNTY	12,201,430	10,616,270	299,635	413,687	11,329,592
PATERSON CITY	9,233,545	8,991,556	45,743	63,152	9,100,451
SOMERSET COUNTY	4,053,818	2,115,689	366,355	505,803	2,987,847
TRENTON CITY	4,646,849	4,277,831	69,753	96,305	4,443,889
BAL OF UNION COUNTY	13,667,893	10,652,901	569,911	786,835	12,009,647
BAL OF NEW JERSEY	16,962,674	15,601,301	257,335	355,283	16,213,919
NEW JERSEY	285,497,229	256,580,596	6,130,895	8,464,517	271,176,008
ALBANY CITY	3,058,275	3,160,524	0	0	3,160,524
BAL OF ALBANY COUNTY	2,930,433	2,334,404	112,664	155,549	2,602,617
BROOME COUNTY	5,627,431	5,544,536	15,670	21,633	5,581,839
BUFFALO CITY	24,646,127	20,746,248	737,176	1,017,770	22,501,194
CHAUTAUQUA CONSORTIUM	9,913,741	8,180,720	327,584	452,275	8,960,579
CHENUNG COUNTY	2,904,693	3,120,088	0	0	3,120,088
DUTCHESS COUNTY	5,410,357	3,403,975	379,258	523,614	4,306,847
ERIE CONSORTIUM	23,360,509	15,387,807	1,507,043	2,080,673	18,975,523
HENPSTEAD/LONG BEACH CSRT	26,893,757	25,744,461	217,247	299,936	26,261,644
ROCHESTER CITY	12,517,846	9,602,485	551,078	760,834	10,914,397
BALANCE OF NONROE COUNTY	7,173,193	3,274,824	736,890	1,017,376	5,029,090
BAL OF NASSAU COUNTY CSRT	18,343,845	16,016,318	439,961	607,426	17,063,705
NIAGARA COUNTY	11,096,198	7,167,311	742,659	1,025,340	8,935,310
ONEIDA COUNTY	9,376,726	7,049,772	439,854	607,275	8,096,901
BAL OF ONONDAGA COUNTY	7,022,208	3,442,400	676,674	934,240	5,053,314
ORANGE COUNTY	8,087,277	8,009,021	14,793	20,422	8,044,236
OSWEGO COUNTY	5,606,188	4,218,899	262,232	362,048	4,843,179
RENSSELAER COUNTY	4,371,804	3,911,463	87,015	120,138	4,118,616
ROCKLAND COUNTY	6,528,063	6,959,648	0	0	6,959,648
ST. LAWRENCE COUNTY	5,644,118	4,415,295	232,278	320,692	4,968,265
SARATOGA COUNTY	3,623,455	3,348,775	51,921	71,685	3,472,381

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	FY 1978 AVAILABILITY	FY 1979 ALLOCATION	DISCRETIONARY		TOTAL
			TITLE IID	TITLE VI	
SCHENECTADY COUNTY	4,421,152	1,980,836	461,281	636,861	3,078,978
STEUBEN COUNTY	3,445,790	2,838,591	114,777	158,463	3,111,831
SUFFOLK CONSORTIUM	46,033,209	37,614,545	1,591,341	2,197,058	41,402,944
SYRACUSE CITY	7,194,169	5,800,140	263,506	363,807	6,427,453
ULSTER COUNTY	6,896,863	5,006,061	357,409	493,452	5,856,922
WESTCHESTER CONSORTIUM	21,058,441	18,592,648	447,196	617,411	19,757,255
YONKERS CITY	8,208,912	6,881,204	288,775	398,694	7,368,673
BALANCE OF NEW YORK	68,531,029	59,713,808	1,666,678	2,301,071	63,681,557
NEW YORK CITY	276,428,489	291,388,462	0	0	291,388,462
NEW YORK	646,354,298	594,755,269	12,722,960	17,565,743	625,043,972
BAYANON MUNICIPIO	6,348,745	6,389,610	0	0	6,389,610
CAGUAS MUNICIPIO	5,920,865	5,970,682	0	0	5,970,682
CAROLINA MUNICIPIO	2,485,369	3,100,843	0	0	3,100,843
MAYAGUEZ MUNICIPIO	4,956,008	5,505,763	0	0	5,505,763
PONCE MUNICIPIO	7,426,752	9,078,914	0	0	9,078,914
SAN JUAN CONSORTIUM	19,855,438	24,346,602	0	0	24,346,602
BALANCE OF PUERTO RICO	103,695,165	153,750,507	0	0	153,750,507
PUERTO RICO	150,688,342	208,142,921	0	0	208,142,921
REGION II	1,082,539,869	1,059,478,786	18,853,855	26,030,260	1,104,362,901



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	FY 1978 AVAILABILITY	FY 1979 ALLOCATION	DISCRETIONARY		TOTAL
			TITLE IID	TITLE VI	
DELAWARE MANPOWER CSRT WILMINGTON CITY	15,798,788 4,662,708	14,161,415 4,257,789	309,506 76,541	427,312 105,673	14,898,233 4,440,003
DELAWARE	20,461,496	18,419,204	386,047	532,985	19,338,236
DISTRICT OF COLUMBIA	28,794,869	27,156,696	309,657	427,521	27,893,874
DIST OF COLUMBIA	28,794,869	27,156,696	309,657	427,521	27,893,874
BALANCE OF MARYLAND	13,901,414	15,306,000	0	0	15,306,000
BALTIMORE CONSORTIUM	63,889,469	58,475,438	1,023,389	1,412,925	60,911,752
MONTGOMERY COUNTY	3,536,970	3,754,313	0	0	3,754,313
PRINCE GEORGES COUNTY	6,951,249	6,187,013	144,459	199,447	6,530,919
WESTERN MARYLAND CSRT	12,319,885	11,152,861	220,598	304,563	11,678,022
MARYLAND	100,598,987	94,875,625	1,388,446	1,916,935	98,181,006
LEHIGH VALLEY CONSORTIUM	13,650,429	11,213,089	460,720	636,083	12,309,892
LANCASTER/LEBANON CSRT	11,202,047	7,169,363	762,279	1,052,429	8,984,071
BUCKS COUNTY	11,127,675	11,915,749	0	0	11,915,749
CHESTER COUNTY	4,946,511	4,840,266	20,082	27,728	4,888,076
DELAWARE COUNTY	14,574,350	18,520,406	0	0	18,520,406
MONTGOMERY COUNTY	14,617,604	16,928,775	0	0	16,928,775
PHILADELPHIA CITY/COUNTY	60,866,169	71,746,316	0	0	71,746,316
BERKS COUNTY	6,597,085	5,328,713	239,755	331,012	5,899,480
BAL OF LACKAWANNA COUNTY	4,481,045	4,679,653	0	0	4,679,653
SCRANTON CITY	3,223,239	3,623,406	0	0	3,623,406
LUZERNE COUNTY	12,218,923	13,139,585	0	0	13,139,585
SCHUYLKILL/CARBON CSRT	6,648,274	7,788,390	0	0	7,788,390
ERIE CITY	5,133,774	3,479,066	312,783	431,836	4,223,685
BAL OF ERIE COUNTY	5,282,696	3,449,890	346,448	478,315	4,274,653
BAL OF ALLEGHENY COUNTY	23,892,754	19,497,538	830,807	1,147,040	21,475,385
PITTSBURGH CITY	17,326,582	17,230,084	18,240	25,184	17,273,508
DEAVER COUNTY	5,100,093	4,421,428	128,284	177,115	4,726,827
WASHINGTON COUNTY	5,839,599	6,355,235	0	0	6,355,235
WESTMORELAND COUNTY	12,727,849	13,229,008	0	0	13,229,008
TRI-COUNTY CONSORTIUM	8,248,330	8,323,237	0	0	8,323,237
PAYETTE COUNTY	4,500,674	5,821,457	0	0	5,821,457
LAWRENCE COUNTY	3,139,658	2,824,123	59,645	82,346	2,966,114
MERCER COUNTY CONSORTIUM	11,095,772	9,237,487	351,264	484,964	10,073,715
SOUTHERN ALLEGANY CSRT	13,256,063	22,380,595	0	0	22,380,595
SUSQUEHANNA CONSORTIUM	5,875,261	7,532,905	0	0	7,532,905
YORK COUNTY	7,022,362	3,675,192	632,701	873,525	5,181,410
LYCOMING CONSORTIUM	6,208,693	5,347,928	162,707	224,637	5,735,272
FRANKLIN COUNTY	3,000,977	2,402,036	113,214	156,309	2,671,559
BALANCE OF PENNSYLVANIA	28,750,852	26,407,470	442,958	611,564	27,461,992

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			TITLE IID	TITLE VI	
CENTRE COUNTY	1,456,454	1,975,465	0	0	1,975,465
NORTHUMBERLAND COUNTY	3,667,605	3,886,130	0	0	3,886,130
PENNSYLVANIA	335,679,399	344,369,985	4,881,887	6,740,087	355,991,959
PENINSULA CONSORTIUM	7,548,521	7,521,576	5,094	7,031	7,533,701
STAMA CONSORTIUM	16,450,278	16,682,654	0	0	16,682,654
RAMPS CONSORTIUM	5,469,592	4,185,989	242,634	334,987	4,763,610
CHESTERFIELD/HENRICO CSRT	1,859,772	1,997,420	0	0	1,997,420
HOANOKE CONSORTIUM	6,195,173	5,569,520	118,265	163,279	5,851,064
ARLINGTON COUNTY	2,164,660	1,881,149	53,590	73,990	2,008,729
FAIRFAX/LOUDOUN CSRT	3,076,984	4,292,455	0	0	4,292,455
PRINCE WILLIAM COUNTY	755,542	1,023,987	0	0	1,023,987
ALEXANDRIA CITY	743,165	1,597,606	0	0	1,597,606
BALANCE OF VIRGINIA	56,855,115	53,296,199	672,725	928,787	54,897,711
VIRGINIA	101,118,802	98,048,555	1,092,308	1,508,074	100,648,937
WEST VIRGINIA STATEWIDE	41,086,872	45,625,322	0	0	45,625,322
WEST VIRGINIA	41,086,872	45,625,322	0	0	45,625,322
REGION III	627,740,425	628,495,387	8,058,345	11,125,602	647,679,334

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	FY 1978 AVAILABILITY	FY 1979 ALLOCATION	DISCRETIONARY		TOTAL
			TITLE IID	TITLE VI	
BALANCE OF ALABAMA	42,986,923	52,539,604	0	0	52,539,604
BIRMINGHAM CONSORTIUM	15,448,582	14,311,110	215,010	296,852	14,822,972
HUNTSVILLE CONSORTIUM	4,239,120	4,781,936	0	0	4,781,936
MOBILE CONSORTIUM	8,871,632	12,749,129	0	0	12,749,129
MONTGOMERY CONSORTIUM	3,023,022	4,140,706	0	0	4,140,706
TUSCALOOSA COUNTY	1,176,015	3,301,781	0	0	3,301,781
ALABAMA	75,745,294	91,824,266	215,010	296,852	92,336,128
BALANCE OF FLORIDA	31,348,799	30,466,006	166,871	230,386	30,863,263
ALACHUA COUNTY	2,772,235	1,852,639	173,826	239,992	2,266,457
BREVARD COUNTY	10,629,984	7,527,495	586,450	809,670	8,923,615
BROWARD CONSORTIUM	39,797,696	25,164,630	2,766,021	3,818,859	31,749,510
MIAMI/DADE CONSORTIUM	57,048,060	54,917,524	402,726	556,015	55,876,265
ESCAMBIA COUNTY	3,753,546	3,318,522	82,211	113,505	3,514,338
HEARTLAND MANPOWERCSRT	12,940,622	14,481,882	0	0	14,481,882
LEE COUNTY	6,385,996	2,181,079	794,837	1,097,376	4,073,292
LEON/GADSDEN CONSORTIUM	2,403,075	3,264,525	0	0	3,264,525
NE FLORIDA MANPOWER CSRT	11,946,600	10,066,502	355,387	490,657	10,912,546
OKALOOSA COUNTY	2,587,698	2,606,646	0	0	2,606,646
ORANGE CNTY/ORLANDO CSRT	14,254,148	10,867,717	640,121	883,773	12,391,611
NAWATTEE COUNTY	4,010,715	2,726,802	242,693	335,068	3,304,563
MARION COUNTY	3,037,219	2,984,721	9,924	13,700	3,008,345
PALM BEACH COUNTY	18,944,019	13,805,996	971,216	1,340,894	16,118,106
PASCO COUNTY	4,289,664	4,488,001	0	0	4,488,001
SEMINOLE COUNTY	5,449,767	4,384,326	201,396	278,052	4,863,774
ST. PETERSBURG CONSORTIUM	17,032,556	15,334,092	321,052	443,257	16,098,401
SARASOTA COUNTY	4,726,796	2,550,788	411,322	567,882	3,529,992
TAMPA CONSORTIUM	20,807,833	13,905,855	1,304,650	1,801,240	17,011,745
VOLUSIA COUNTY	6,964,506	5,059,869	360,024	497,063	5,916,956
FLORIDA	281,131,534	231,955,717	9,790,727	13,517,389	255,263,833
BALANCE OF GEORGIA	67,396,209	53,144,569	2,693,923	3,719,315	59,557,807
CSRA CONSORTIUM	8,572,333	8,646,044	0	0	8,646,044
ATLANTA CITY	25,098,666	20,762,722	819,603	1,131,572	22,713,897
CLAYTON COUNTY	2,754,895	1,931,176	155,705	214,969	2,301,850
COBB COUNTY	7,091,880	5,640,404	274,365	378,799	6,293,568
COLUMBUS AREA CONSORTIUM	4,693,591	4,160,598	100,750	139,097	4,400,445
BAL OF DEKALB COUNTY	7,655,861	4,984,618	504,932	697,127	6,186,677
BAL OF FULTON COUNTY	5,096,397	3,090,054	379,249	523,605	3,992,908
MID GEORGIA CONSORTIUM	8,681,239	8,796,246	0	0	8,796,246
SAVANNAH/CHATHAM CSRT	4,971,707	4,798,300	32,779	45,254	4,876,333
WINNETT COUNTY	846,027	878,605	0	0	878,605
GEORGIA	142,858,805	116,833,336	4,961,306	6,849,738	128,644,380
BLUE GRASS MANPOWER CSRT	3,195,670	2,983,885	40,032	55,271	3,079,188

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			TITLE IID	TITLE VI	
LOUISVILLE/JEFFERSON CSRT	18,121,013	6,921,459	2,117,001	2,922,798	11,961,258
KENTON COUNTY	3,680,053	2,122,579	294,403	406,460	2,823,442
BALANCE OF KENTUCKY	35,988,912	30,094,574	1,114,179	1,538,273	32,747,026
EASTERN KENTUCKY RURAL CEP	9,653,217	12,247,740	0	0	12,247,740
KENTUCKY	70,638,865	54,370,237	3,565,615	4,922,802	62,858,654
BALANCE OF MISSISSIPPI	42,692,217	56,309,622	0	0	56,309,622
JACKSON CONSORTIUM	4,805,451	6,149,466	0	0	6,149,466
HARRISON COUNTY	2,083,077	3,697,888	0	0	3,697,888
MISSISSIPPI	49,580,745	66,156,976	0	0	66,156,976
BALANCE OF NORTH CAROLINA	77,072,249	63,336,705	2,596,368	3,584,627	69,517,700
ALAMANCE COUNTY	3,662,471	1,633,467	383,534	529,518	2,546,519
WINCOMBE COUNTY	3,624,441	2,418,438	227,966	314,735	2,961,139
CUMBERLAND COUNTY	3,027,903	4,326,838	0	0	4,326,838
CHARLOTTE CITY	6,718,131	2,514,265	794,637	1,097,103	4,406,005
DURHAM CITY	1,585,908	1,479,530	20,109	27,761	1,527,400
GASTON COUNTY	2,709,655	1,544,044	220,331	304,194	2,068,569
GREENSBORO CONSORTIUM	5,140,540	4,350,556	149,328	206,165	4,706,049
ONSWLOW COUNTY	1,176,683	1,805,607	0	0	1,805,607
RALEIGH CONSORTIUM	4,924,848	3,399,974	288,239	397,954	4,086,167
ROBESON COUNTY	4,578,474	3,616,508	181,837	251,048	4,049,393
VAL OF WAKE COUNTY	827,440	1,035,911	0	0	1,035,911
WINSTON SALEM CONSORTIUM	5,412,033	2,783,347	496,888	686,021	3,966,256
DAVIDSON COUNTY	1,664,136	996,484	126,204	174,239	1,296,927
NORTH CAROLINA	122,124,912	95,241,674	5,485,441	7,573,365	108,300,480
S. CAROLINA STATE CSRT	75,570,369	74,271,834	245,457	338,884	74,856,175
SOUTH CAROLINA	75,570,369	74,271,834	245,457	338,884	74,856,175
BALANCE OF TENNESSEE	51,141,309	62,577,244	0	0	62,577,244
CHATTANOOGA CITY	1,874,204	3,064,058	0	0	3,064,058
MEMPHIS CONSORTIUM	13,809,947	13,696,420	21,460	29,627	13,747,507
BAL OF HAMILTON COUNTY	1,044,177	1,862,079	0	0	1,862,079
KNOXVILLE CONSORTIUM	3,220,949	3,104,249	22,060	30,455	3,156,764
NASHVILLE/DAVIDSONCOUNTY	8,032,369	4,721,831	625,756	863,941	6,211,528
SULLIVAN COUNTY	1,980,101	1,221,702	143,356	197,924	1,562,982
TENNESSEE	81,102,956	90,247,583	812,632	1,121,947	92,182,162
REGION IV	898,753,480	820,901,623	25,076,188	34,620,977	880,598,788

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			TITLE IID	TITLE VI	
CHICAGO CITY	109,692,936	106,306,026	640,211	883,898	107,830,135
EAL OF COOK COUNTY	39,967,468	21,307,199	3,527,265	4,869,856	29,704,320
LUPAGE COUNTY	2,207,020	4,416,181	0	0	4,416,181
KANE COUNTY CSRT	7,983,251	5,643,391	442,294	610,643	6,696,328
LAKE COUNTY	8,883,051	4,779,792	775,620	1,070,847	6,626,259
MACON COUNTY	4,091,687	3,723,074	69,678	96,198	3,888,950
MC HENRY COUNTY	2,752,558	2,012,043	139,977	193,255	2,345,275
ROCK ISLAND COUNTY	3,733,681	4,019,874	0	0	4,019,874
TAZEWELL COUNTY	1,220,059	2,022,155	0	0	2,022,155
LA SALLE COUNTY	2,542,064	3,298,301	0	0	3,298,301
ROCKFORD CONSORTIUM	10,990,232	6,839,711	784,553	1,083,181	8,707,445
CHAMPAIGN CONSORTIUM	2,769,867	3,402,270	0	0	3,402,270
WILL/GRUNDY CONSORTIUM	7,489,473	6,876,589	115,850	159,948	7,152,387
SARGANON/CASS CSRT	4,408,943	4,715,070	0	0	4,715,070
HADISON COUNTY CONSORTIUM	8,028,541	8,352,421	0	0	8,352,421
ST. CLAIR CONSORTIUM	6,848,063	7,535,212	0	0	7,535,212
PEORIA CONSORTIUM	3,783,220	3,956,933	0	0	3,956,933
SHAWNEE CONSORTIUM	3,150,499	3,046,943	19,574	27,026	3,093,543
BALANCE OF ILLINOIS	47,912,427	57,929,486	0	0	57,929,486
MC LEAN COUNTY	934,767	1,430,174	0	0	1,430,174
ILLINOIS	279,389,807	261,612,845	6,515,022	8,994,852	277,122,719
GARY CITY	6,296,103	5,664,692	119,352	164,783	5,948,827
HAMMOND CITY	3,052,561	1,466,202	299,863	413,999	2,180,064
BAL OF LAKE COUNTY	4,628,217	3,074,799	293,636	405,402	3,773,837
ELKHART COUNTY	2,231,615	2,087,470	27,246	37,619	2,152,335
SOUTH BEND CITY	3,100,038	2,239,762	162,613	224,511	2,626,886
BAL OF ST. JOSEPH COUNTY	2,070,558	1,299,126	145,821	201,323	1,646,270
TIPPECANOE COUNTY	983,744	1,051,515	0	0	1,051,515
MADISON COUNTY	3,012,788	1,996,089	192,183	265,332	2,453,604
VIGO COUNTY	1,905,611	2,187,212	0	0	2,187,212
INDIANAPOLIS CITY	24,821,532	23,621,430	226,849	313,197	24,161,476
LA PORTE COUNTY	3,124,365	1,235,979	356,954	492,820	2,085,753
FT. WAYNE CONSORTIUM	13,001,818	4,554,824	1,596,696	2,204,451	8,355,971
DELAWARE/BLACKFORDCSRT	3,545,707	3,321,360	42,408	58,548	3,422,316
SOUTHWESTERN CONSORTIUM	6,685,407	4,726,120	370,356	511,323	5,607,799
BALANCE OF INDIANA	53,196,197	50,267,371	553,622	764,350	51,585,343
INDIANA	131,656,261	108,793,951	4,387,599	6,057,658	119,239,208
BALANCE OF MICHIGAN	66,613,558	61,216,729	1,020,137	1,408,436	63,645,302
FLINT/GENESSEE CONSORTIUM	22,206,225	18,091,347	777,816	1,073,879	19,943,042
LANSING CONSORTIUM	13,912,258	12,322,772	300,454	414,815	13,038,041
REGION II CONSORTIUM	11,430,030	8,096,644	630,092	869,927	9,596,663
GRAND RAPIDS CONSORTIUM	23,520,986	16,338,955	1,357,586	1,874,328	19,570,869

	FY 1978 AVAILABILITY	FY 1979 ALLOCATION	DISCRETIONARY		TOTAL
			TITLE IID	TITLE VI	
NUSKEGON/OCEANA CSR	6,693,286	6,215,795	90,257	124,614	6,430,666
DEARBORN CITY	2,694,415	1,324,185	259,009	357,594	1,940,788
DETROIT CITY	56,631,274	59,466,275	0	0	59,466,275
LIVONIA CITY	1,636,624	749,077	167,768	231,628	1,148,473
WARREN CITY	5,559,106	3,244,268	437,564	604,113	4,285,945
BAY COUNTY	4,338,335	3,311,801	194,040	267,900	3,773,741
BERRIEN COUNTY	8,328,433	6,050,002	430,682	594,612	7,075,296
CALHOUN COUNTY	6,125,703	4,368,341	332,187	458,626	5,159,154
KALAMAZOO COUNTY	6,607,950	3,313,763	622,686	859,698	4,796,147
BAL OF MACOMB COUNTY	14,905,893	10,524,454	828,203	1,143,445	12,496,102
MONROE COUNTY	2,879,134	2,699,315	33,990	46,929	2,780,234
OAKLAND COUNTY	33,559,577	25,219,108	1,576,560	2,176,561	28,972,319
OTTAWA COUNTY	4,319,004	1,899,297	457,387	631,481	2,988,165
SAGINAW COUNTY	6,444,722	4,845,509	302,293	417,353	5,565,155
ST. CLAIR COUNTY	9,199,610	4,942,837	804,639	1,110,909	6,865,385
BAL OF WAYNE COUNTY	31,579,674	19,786,217	2,229,263	3,077,793	25,093,273
ANN ARBOR CITY	2,899,460	863,724	384,805	531,276	1,779,805
BAL OF WASHTENAW COUNTY	6,745,287	4,644,613	397,080	548,223	5,589,916
NICHIGAN	348,830,534	279,535,028	13,634,498	18,824,230	311,993,756
DAKOTA COUNTY	2,634,020	1,045,020	300,362	414,688	1,760,070
BAL OF RAMSEY COUNTY	3,276,032	1,048,451	421,070	581,341	2,050,862
ST. PAUL CITY	11,491,826	2,794,506	1,644,014	2,269,780	6,708,300
QUAD COUNTIES CSRT	8,400,682	2,685,229	1,080,367	1,491,587	5,257,183
REGION III CONSORTIUM	5,225,456	7,018,179	0	0	7,018,179
DULUTH CITY	2,755,725	2,353,606	76,010	104,944	2,534,560
BALANCE OF MINNESOTA	24,765,322	18,389,616	1,205,170	1,663,898	21,258,684
MINNESOTA RURAL CEP	10,249,199	9,587,621	125,056	172,654	9,885,331
BAL OF HENNEPIN COUNTY	9,728,792	3,465,030	1,184,011	1,634,682	6,283,723
MINNEAPOLIS CITY	17,381,910	4,232,356	2,485,601	3,431,698	10,149,655
MINNESOTA	95,908,964	52,619,614	8,521,661	11,765,272	72,906,547
CINCINNATI CITY	20,220,190	13,412,775	1,286,774	1,776,563	16,476,112
BUTLER COUNTY	8,121,586	5,868,906	425,813	587,893	6,882,612
CLARK COUNTY	4,751,589	2,662,522	394,886	545,194	3,602,602
BAL OF HAMILTON COUNTY	9,841,528	4,056,479	1,093,522	1,509,750	6,659,751
LORAIN COUNTY	7,033,327	3,246,158	715,872	988,354	4,950,384
AKRON CONSORTIUM	19,306,981	10,218,271	1,717,998	2,371,921	14,308,190
CANTON CONSORTIUM	18,963,720	7,861,333	2,098,633	2,897,441	12,857,407
CLEVELAND CONSORTIUM	45,486,759	30,208,114	2,888,053	3,987,337	37,083,504
COLUMBUS CONSORTIUM	25,402,984	12,191,578	2,497,291	3,447,842	18,136,711
CENTRAL OHIO RURALCSRT	5,847,787	3,029,700	532,691	735,448	4,297,839
TOLEDO CONSORTIUM	16,707,668	14,008,433	510,225	704,431	15,223,089
NORTH EAST OHIO MANPOWER	23,981,604	19,006,056	940,506	1,298,491	21,245,053



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			TITLE IID	TITLE VI	
BALANCE OF OHIO	75,930,761	53,731,947	4,196,141	5,793,325	63,721,413
ALLER COUNTY	4,716,218	3,005,841	323,304	446,366	3,775,511
GREENE COUNTY	2,943,762	1,023,096	363,054	501,246	1,887,396
CLERMONT/WARREN CSRT	4,739,893	3,610,437	213,495	294,760	4,118,692
PORTAGE COUNTY	6,890,476	3,058,970	724,253	999,925	4,783,148
RICHLAND/NORROW CSRT	5,633,037	4,358,316	240,954	332,670	4,931,940
SCIOTO COUNTY	5,407,878	3,364,593	386,232	533,246	4,284,071
LAKE COUNTY	4,676,348	1,996,503	506,558	699,372	3,202,433
ASHTABULA COUNTY	4,316,625	1,552,673	522,458	721,320	2,796,451
DAYTON CITY	14,852,550	5,245,542	1,815,970	2,507,184	9,568,696
MONTGOMERY/PREBLE CSRT	3,713,134	3,011,696	132,589	183,058	3,327,343
OHIO	339,486,405	209,729,939	24,527,272	33,863,137	268,120,348
OUTAGAMIE COUNTY	2,051,732	1,529,720	98,674	136,231	1,764,625
ROCK COUNTY	2,580,311	1,217,876	257,534	355,562	1,830,972
WILMAUKEE COUNTY	29,766,486	25,484,999	809,309	1,117,360	27,411,668
WADISON/DANE CONSORTIUM	2,856,133	2,374,580	91,025	125,674	2,591,279
WOW CONSORTIUM	3,276,534	2,533,890	140,378	193,812	2,868,080
WINNE/FOND CONSORTIUM	6,082,763	2,093,357	754,100	1,041,133	3,888,590
WICO CETAC	10,396,938	7,820,139	487,080	672,480	8,979,699
BALANCE OF WISCONSIN	40,215,659	26,466,286	2,598,982	3,588,236	32,653,504
WISCONSIN NORTHWEST CEP	5,438,974	5,186,646	47,696	65,852	5,300,194
WARATHON COUNTY	2,177,903	967,822	228,735	315,801	1,512,358
WISCONSIN	104,843,433	75,675,315	5,513,513	7,612,141	88,800,969
REGION V	1,300,115,404	987,966,692	63,099,565	87,117,290	1,138,183,547

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			TITLE IID	TITLE VI	
CENTRAL ARKANSAS CSRT	6,879,992	6,362,853	97,752	134,961	6,595,566
TEXARKANA CONSORTIUM-ARK	1,805,692	1,101,030	133,200	183,898	1,418,128
BALANCE OF ARKANSAS	45,111,932	44,107,975	189,773	262,008	44,559,756
ARKANSAS	53,797,616	51,571,858	420,725	580,867	52,573,450
RAPIDES PARISH	2,796,743	3,627,474	0	0	3,627,474
BAYOU ROUGE CITY	5,002,923	8,377,075	0	0	8,377,075
LAFAYETTE PARISH	714,835	2,265,802	0	0	2,265,802
CALCASIEU/JEFF CONSORTIUM	4,306,248	6,343,227	0	0	6,343,227
CUACHITA PARISH	2,992,357	3,501,134	0	0	3,501,134
NEW ORLEANS CITY	19,242,538	16,176,603	579,539	800,132	17,556,274
JEFFERSON PARISH	4,863,749	9,593,361	0	0	9,593,361
SHREVEPORT CITY	3,569,006	2,928,165	121,136	167,242	3,216,543
BALANCE OF LOUISIANA	34,868,880	50,935,025	0	0	50,935,025
LOUISIANA	78,357,279	103,747,866	700,675	967,374	105,415,915
ALBUQUERQUE CONSORTIUM	14,794,679	9,979,193	910,250	1,256,719	12,146,162
BALANCE OF NEW MEXICO	22,652,822	19,225,144	647,919	894,536	20,767,599
NEW MEXICO	37,447,501	29,204,337	1,558,169	2,151,255	32,913,761
COMANCHE COUNTY	1,571,698	1,575,503	0	0	1,575,503
BAL OF OKLAHOMA COUNTY	2,586,450	1,452,343	214,376	295,972	1,962,691
OKLAHOMA CITY CONSORTIUM	9,891,184	4,587,185	1,002,590	1,384,210	6,973,985
BAL OF CLEVELAND COUNTY	2,084,322	677,190	265,983	367,226	1,310,399
TULSA CONSORTIUM	7,178,365	5,664,005	286,252	395,210	6,345,467
BALANCE OF OKLAHOMA	20,939,048	23,131,742	0	0	23,131,742
OKLAHOMA	44,251,067	37,087,968	1,769,201	2,442,618	41,299,787
TEXARKANA CONSORTIUM-TEX	2,952,346	2,046,321	171,261	236,450	2,454,032
TEXAS PANHANDLE CSRT	1,665,120	2,205,901	0	0	2,205,901
CAPITAL AREA CONSORTIUM	6,453,757	5,746,619	133,668	184,544	6,064,831
SOUTH EAST TEXAS CSRT	9,449,822	9,853,951	0	0	9,853,951
GREATER PASADENA CSRT	1,134,831	1,810,960	0	0	1,810,960
CAMERON COUNTY	6,460,224	7,364,174	0	0	7,364,174
COASTAL BEND CSRT	9,726,162	7,904,455	344,348	475,420	8,724,223
DALLAS CITY	12,112,732	9,579,429	478,858	661,128	10,719,415
DALLAS COUNTY CSRT	4,033,642	4,056,015	0	0	4,056,015
SOUTH PLAINS CONSORTIUM	1,892,032	2,302,119	0	0	2,302,119
WEST CENTRAL TEXAS CSRT	2,205,853	3,061,436	0	0	3,061,436
EL PASO CONSORTIUM	15,938,360	16,379,996	0	0	16,379,996
FT. WORTH CONSORTIUM	8,556,148	10,585,778	0	0	10,585,778
BAL OF TARRANT COUNTY	1,439,986	1,332,023	20,407	28,176	1,380,606

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			TITLE IID	TITLE VI	
GALVESTON COUNTY	4,536,231	4,881,327	0	0	4,881,327
HOUSTON CITY	26,821,859	28,300,407	0	0	28,300,407
BAL OF HARRIS COUNTY	4,012,506	4,433,665	0	0	4,433,665
CENTRAL TEXAS CONSORTIUM	3,138,853	3,226,003	0	0	3,226,003
HIDALGO COUNTY CONSORTIUM	8,018,285	12,063,845	0	0	12,063,845
ALAMO CONSORTIUM	27,230,874	24,910,266	438,655	605,619	25,354,540
REGION XI CONSORTIUM	2,729,050	3,051,589	0	0	3,051,589
NORTH TEXAS STATE CSRT	1,719,923	1,928,614	0	0	1,928,614
WEBB COUNTY	4,938,411	4,375,800	106,347	146,828	4,628,975
GULF COAST CONSORTIUM	4,529,402	5,205,007	0	0	5,205,007
EAST TEXAS HARPOWER CSRT	6,581,072	6,908,321	0	0	6,908,321
BALANCE OF TEXAS	25,285,671	28,664,372	0	0	28,664,372
PERMIAN BASIN	3,552,462	2,817,915	138,849	191,697	3,148,461
TEXAS	207,115,614	214,996,308	1,832,393	2,529,862	219,358,563
REGION VI	420,969,077	436,608,337	6,281,163	8,671,976	451,561,476

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			TITLE IID	TITLE VI	
BALANCE OF IOWA	17,677,203	19,146,366	0	0	19,146,366
BLACKHAWK COUNTY	3,001,642	1,234,068	334,117	461,291	2,029,476
CEH. IOWA REGIONALCSRT	4,898,945	4,984,906	0	0	4,984,906
JUNI COUNTY NAIPOWER CSRT	1,755,472	1,209,055	103,286	142,602	1,454,943
WOODBURY COUNTY	1,190,976	2,160,808	0	0	2,160,808
SCOTT COUNTY CSRT	1,785,238	1,766,145	3,610	4,982	1,774,737
IOWA	30,309,476	30,501,348	441,013	608,875	31,551,236
BALANCE OF KANSAS	10,545,482	11,531,890	0	0	11,531,890
KANSAS CITY CONSORTIUM	5,616,093	4,780,230	158,000	218,138	5,156,368
JOHNSON/LEAVENWORTH CSRT	2,465,436	2,171,401	55,581	76,735	2,303,717
MICHITA CITY	4,127,796	3,241,805	167,474	231,222	3,640,501
TOPEKA CONSORTIUM	1,957,781	1,398,640	105,691	145,922	1,650,253
KANSAS	24,712,588	23,123,966	486,746	672,017	24,282,729
BALANCE OF MISSOURI	31,605,610	44,230,368	0	0	44,230,368
SPRINGFIELD CITY	1,957,269	1,975,403	0	0	1,975,403
HAL OF JACKSON COUNTY	1,132,757	1,344,333	0	0	1,344,333
KANSAS CITY CONSORTIUM	17,216,870	18,040,415	0	0	18,040,415
JEFFERSON/FRANKLINCSRT	4,304,516	6,379,367	0	0	6,379,367
ST. LOUIS COUNTY	10,445,673	12,337,757	0	0	12,337,757
ST. LOUIS CITY	23,446,225	21,112,325	441,167	609,088	22,162,580
INDEPENDENCE CITY	1,669,600	1,549,810	22,644	31,261	1,603,715
ST. CHARLES COUNTY	2,244,048	2,487,232	0	0	2,487,232
MISSOURI	94,022,568	109,457,010	463,811	640,349	110,561,170
BALANCE OF NEBRASKA	4,983,782	7,029,228	0	0	7,029,228
LINCOLN CITY	1,275,737	1,221,462	10,260	14,164	1,245,886
OMAHA CONSORTIUM	10,492,310	6,249,479	802,004	1,107,270	8,158,753
NEBRASKA	16,751,829	14,500,169	812,264	1,121,434	16,433,867
REGION VII	165,796,461	177,582,493	2,203,834	3,042,675	182,829,002

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	FY 1978 AVAILABILITY	FY 1979 ALLOCATION	DISCRETIONARY		TOTAL
			TITLE IID	TITLE VI	
ADAMS COUNTY	5,914,520	3,807,158	398,346	549,967	4,755,471
ARAPAHOE COUNTY	3,469,299	2,213,501	237,377	327,732	2,778,610
BOULDER COUNTY	4,085,652	1,997,043	394,801	545,073	2,936,917
COLORADO SPRINGS CRST	5,302,771	6,403,360	0	0	6,403,360
DENVER CITY/COUNTY	13,301,392	14,713,675	0	0	14,713,675
JEFFERSON COUNTY CSRT	4,322,783	2,945,103	260,416	359,540	3,565,059
LAKEVIEW COUNTY	1,461,123	1,542,728	0	0	1,542,728
LAKEVIEW COUNTY	2,815,741	4,718,247	0	0	4,718,247
PUEBLO COUNTY	935,615	1,272,524	0	0	1,272,524
WELD COUNTY	9,583,109	14,328,285	0	0	14,328,285
BALANCE OF COLORADO					
COLORADO	51,192,005	53,941,624	1,290,940	1,782,312	57,014,876
BUTTE RURAL CEP	4,597,145	3,442,152	218,324	301,423	3,961,899
BALANCE OF MONTANA	15,436,082	17,128,444	0	0	17,128,444
MONTANA	20,033,227	20,570,596	218,324	301,423	21,090,343
STATE OF NORTH DAKOTA	11,454,264	9,495,594	370,239	511,162	10,376,995
NORTH DAKOTA	11,454,264	9,495,594	370,239	511,162	10,376,995
S. DAKOTA STATEWIDE CSRT	4,379,098	5,594,718	0	0	5,594,718
SOUTH DAKOTA	4,379,098	5,594,718	0	0	5,594,718
UTAH STATEWIDE CONSORTIUM	25,327,202	13,442,397	2,246,531	3,101,631	18,790,559
UTAH	25,327,202	13,442,397	2,246,531	3,101,631	18,790,559
STATE OF WYOMING	3,982,694	3,268,576	134,987	186,366	3,589,929
WYOMING	3,982,694	3,268,576	134,987	186,366	3,589,929
REGION VIII	116,368,490	106,313,505	4,261,021	5,882,894	116,457,420

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	FY 1978 AVAILABILITY	FY 1979 ALLOCATION	DISCRETIONARY		TOTAL
			TITLE IID	TITLE VI	
BALANCE OF ARIZONA	21,292,466	21,161,668	24,725	34,134	21,220,527
PHOENIX CITY	29,888,834	18,014,398	2,244,571	3,098,925	23,357,894
BAL OF MARICOPA COUNTY	21,242,746	11,233,936	1,891,920	2,612,044	15,737,900
TUCSON/PINA CONSORTIUM	12,533,562	11,322,882	228,950	315,956	11,867,888
ARIZONA	84,957,608	61,732,884	4,390,066	6,061,059	72,184,009
BAL OF ALAMEDA COUNTY	23,011,592	15,149,468	1,486,141	2,051,815	18,687,424
BERKLEY CITY	8,093,306	6,362,652	327,137	451,657	7,141,446
BAL OF CONTRA COSTA CNTY	17,711,507	11,789,892	1,119,335	1,545,392	14,454,619
MARIN COUNTY	6,474,979	3,409,168	579,517	800,098	4,788,783
OAKLAND CITY	21,318,703	16,488,917	912,952	1,260,452	18,662,321
RICHMOND CITY	4,229,128	3,218,526	191,029	263,742	3,673,297
SAN FRANCISCO CITY/COUNTY	38,071,327	28,155,247	1,874,392	2,587,844	32,617,483
SAN MATEO COUNTY	17,007,839	7,493,273	1,798,496	2,483,059	11,774,828
SOROMA COUNTY	9,867,880	9,096,137	145,878	201,406	9,443,421
SANTA BARBARA COUNTY	7,639,133	7,863,670	0	0	7,863,670
GLENDAL CITY	3,651,901	2,631,151	192,947	266,390	3,090,488
LONG BEACH CITY	13,013,401	11,874,405	215,300	297,248	12,386,953
BAL OF LOS ANGELES COUNTY	110,731,019	100,132,765	2,003,340	2,765,874	104,901,979
LOS ANGELES CITY	124,042,743	112,909,437	2,104,479	2,905,509	117,919,425
ORANGE CNTY MANPOWER CSRT	39,635,494	31,587,087	1,521,353	2,100,430	35,208,870
PASADENA CITY	2,967,649	2,475,318	93,064	128,485	2,696,867
TORRANCE CITY	3,470,466	2,543,777	175,167	241,843	2,960,787
VENTURA COUNTY	15,109,914	14,659,276	85,183	117,604	14,862,063
BALANCE OF CALIFORNIA	40,924,812	41,771,180	0	0	41,771,180
HUMBOLDT COUNTY	5,935,791	7,310,705	0	0	7,310,705
SANTA CLARA VALLEY	32,386,767	28,533,588	728,350	1,005,581	30,267,519
SOLANO COUNTY	4,329,888	5,769,377	0	0	5,769,377
HUNYVALK CITY	3,510,252	2,002,859	284,935	393,392	2,681,186
WYTE COUNTY	5,574,859	6,623,751	0	0	6,623,751
SACRAMENTO CSRT	20,162,405	24,489,728	0	0	24,489,728
YOLO COUNTY	4,424,040	3,628,813	150,319	207,533	3,986,665
STOCKTON/SAN JOAQUIN CSRT	13,639,676	17,884,740	0	0	17,884,740
STANISLAUS COUNTY	15,310,467	17,585,888	0	0	17,585,888
SHASTA COUNTY	5,404,895	6,064,256	0	0	6,064,256
MONTEREY COUNTY	9,001,026	10,399,271	0	0	10,399,271
SANTA CRUZ COUNTY	8,577,739	7,973,718	114,176	157,633	8,245,527
FRESNO CITY/COUNTY	17,059,848	22,633,697	0	0	22,633,697
IMPERIAL COUNTY	5,407,617	11,617,730	0	0	11,617,730
KERN COUNTY	9,727,314	14,225,477	0	0	14,225,477
HERCUL COUNTY	4,829,135	7,442,463	0	0	7,442,463
INLAND MANPOWER ASSN	40,372,938	47,311,446	0	0	47,311,446
SAN LUIS OBISPO COUNTY	2,340,503	3,083,499	0	0	3,083,499
TULARE COUNTY	5,032,064	8,085,088	0	0	8,085,088
SAN DIEGO RETC	70,228,284	59,771,818	1,976,539	2,728,871	64,477,228

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	FY 1978 AVAILABILITY	FY 1979 ALLOCATION	DISCRETIONARY		TOTAL
			TITLE IID	TITLE VI	
CALIFORNIA	790,228,301	742,049,258	18,080,029	24,961,858	785,091,145
BALANCE OF HAWAII	7,905,455	5,536,357	447,819	618,275	6,602,451
HONOLULU CITY/COUNTY	21,004,895	17,495,574	663,350	915,844	19,074,768
HAWAII	28,910,350	23,031,931	1,111,169	1,534,119	25,677,219
BALANCE OF NEVADA	5,166,832	2,875,538	433,112	597,970	3,906,620
LAS VEGAS CONSORTIUM	13,224,401	9,888,271	630,614	870,644	11,389,529
WASHOE COUNTY	4,634,055	1,829,243	530,180	731,985	3,091,408
NEVADA	23,025,288	14,593,052	1,593,906	2,200,599	18,387,557
REGION IX	927,121,547	841,407,125	25,175,170	34,757,635	901,339,930

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	FY 1978 AVAILABILITY	FY 1979 ALLOCATION	DISCRETIONARY		TOTAL
			TITLE IID	TITLE VI	
MUNICIPALITY OF ANCHORAGE BALANCE OF ALASKA	4,518,954 8,942,495	5,027,094 12,450,196	0 0	0 0	5,027,094 12,450,196
ALASKA	13,461,449	17,477,290	0	0	17,477,290
IDAH0 STATEWIDE CSRT	18,838,690	17,670,132	220,888	304,963	18,195,983
IDAH0	18,838,690	17,670,132	220,888	304,963	18,195,983
PORTLAND CITY BAL OF CLACKAMAS COUNTY	18,279,107 6,265,403	8,766,579 3,077,435	1,798,109 602,608	2,482,529 831,978	13,047,217 4,512,021
LANE COUNTY	11,255,690	7,003,937	803,689	1,109,600	8,917,226
MULTNOMAH/WASHINGTON CSRT	11,384,339	4,788,007	1,246,875	1,721,474	7,756,356
MID WILLAMETTE VALLEY CSR	10,418,970	5,039,862	1,016,789	1,403,810	7,460,461
JACKSON COUNTY CONSORTIUM	7,436,623	4,914,406	476,764	658,234	6,049,404
BALANCE OF OREGON	32,356,289	19,397,294	2,449,579	3,381,969	25,228,842
OREGON	97,396,421	52,987,520	8,394,413	11,589,594	72,971,527
SPOKANE CONSORTIUM	8,352,503	7,722,579	119,071	164,395	8,006,045
CLARK COUNTY	3,472,808	3,054,805	79,014	109,087	3,242,906
KING/SNOHOMISH CONSORTIUM	50,686,280	40,281,723	1,966,727	2,715,324	44,963,774
KITSAP COUNTY	3,403,458	2,771,426	119,469	164,945	3,055,840
TACOMA CITY	6,136,828	5,875,315	49,432	68,249	5,992,996
BAL OF PIERCE COUNTY	6,419,604	6,389,401	5,708	7,883	6,402,992
YAKIMA COUNTY	6,350,061	7,194,498	0	0	7,194,498
BALANCE OF WASHINGTON	38,123,300	37,151,217	183,749	253,688	37,588,654
WASHINGTON	122,944,842	110,440,964	2,523,170	3,483,571	116,447,705
REGION X	252,641,402	198,575,906	11,138,471	15,378,128	225,092,505
NATIONAL TOTAL	6,271,443,607	5,592,945,646	191,486,570	264,372,470	6,048,804,686

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	TITLE IIABC	TITLE IID	TITLE VI	YETP	YCCIP
BOSTON CITY	250,054	1,075,723	2,125,871	55,932	31,457
ENHRDA CONSORTIUM	109,199	480,115	944,199	24,471	13,738
BROCKTON CONSORTIUM	0	60,207	116,914	0	0
BALANCE OF MASSACHUSETTS	382,696	2,050,299	4,005,930	34,919	47,160
MASSACHUSETTS	741,949	3,666,344	7,192,914	115,322	92,355
REGION I	741,949	3,666,344	7,192,914	115,322	92,355
BURLINGTON COUNTY	228,630	666,604	1,374,388	44,823	28,969
BAL OF CAMDEN COUNTY	255,770	938,588	1,835,623	114,721	32,408
CAMDEN CITY	129,616	509,924	983,141	58,124	16,423
GLOUCESTER COUNTY	140,064	526,664	1,024,893	62,845	17,747
NEW JERSEY	754,080	2,641,780	5,218,045	280,513	95,547
BUFFALO CITY	0	99,287	205,389	8,361	0
ERIE CONSORTIUM	0	141,731	264,978	7,373	0
HEMPSTEAD/LONG BEACH CSRT	0	202,748	313,416	38,197	0
BAL OF NASSAU COUNTY CSRT	0	149,231	230,666	24,776	0
NIAGARA COUNTY	0	50,136	100,299	885	0
SUFFOLK CONSORTIUM	0	320,492	495,386	53,897	0
NEW YORK	0	963,625	1,610,134	133,489	0
REGION II	754,080	3,605,405	6,828,179	414,002	95,547

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	TITLE IIABC	TITLE IID	TITLE VI	YETP	YCCIP
BALTIMORE CONSORTIUM	669,574	1,779,976	3,322,741	176,274	84,407
MARYLAND	669,574	1,779,976	3,322,741	176,274	84,407
PHILADELPHIA CITY/COUNTY	275,139	1,154,160	1,783,986	35,942	34,032
BAL OF ALLEGHENY COUNTY	289,259	1,516,844	2,634,355	291,115	36,524
PITTSBURGH CITY	93,780	774,439	1,411,549	129,109	27,030
BEAVER COUNTY	64,593	303,895	534,370	54,949	8,156
WASHINGTON COUNTY	79,489	318,251	576,683	52,028	10,038
WESTMORELAND COUNTY	153,407	617,259	1,121,689	100,445	19,370
PENNSYLVANIA	955,667	4,684,848	8,062,632	663,588	135,150
REGION III	1,625,241	6,464,824	11,385,373	839,862	219,557
MIAMI/DADE CONSORTIUM	656,163	1,633,058	2,671,271	393,489	82,727
FLORIDA	656,163	1,633,058	2,671,271	393,489	82,727
KINTON COUNTY	98,777	243,880	481,743	37,897	13,757
BALANCE OF KENTUCKY	27,924	116,422	245,457	7,675	3,096
KENTUCKY	126,701	360,302	727,200	45,572	16,853
REGION IV	782,864	1,993,360	3,398,471	439,061	99,580

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	TITLE IIABC	TITLE IID	TITLE VI	YETP	YCCIP
BAL OF COOK COUNTY	550,900	590,011	1,823,962	118,790	69,590
LAKE COUNTY	0	37,086	45,073	0	0
NADISON COUNTY CONSORTIUM	69,433	120,536	255,693	34,392	8,722
ST. CLAIR CONSORTIUM	0	89,792	187,276	23,624	7,293
ILLINOIS	620,333	837,425	2,312,004	176,806	85,605
INDIANAPOLIS CITY	124,196	3,696,106	6,373,399	531,797	15,521
BALANCE OF INDIANA	0	1,106,719	1,871,674	209,065	0
INDIANA	124,196	4,802,825	8,245,073	740,862	15,521
BALANCE OF MICHIGAN	0	37,637	84,257	0	0
FLINT/GENESSEE CONSORTIUM	0	22,191	34,300	0	0
DEARBORN CITY	25,265	26,610	47,504	4,844	3,184
LIVONIA CITY	19,685	20,693	63,970	4,535	2,481
WARREN CITY	46,901	57,650	165,546	7,633	5,909
BAL OF MACOMB COUNTY	131,508	197,488	519,604	19,728	16,571
OAKLAND COUNTY	295,843	786,943	1,698,829	144,600	37,277
ST. CLAIR COUNTY	50,101	154,043	319,725	24,462	6,313
BAL OF WAYNE COUNTY	267,769	421,120	1,038,290	60,624	33,740
NICHIGAN	837,072	1,724,375	3,972,025	266,426	105,475
DAKOTA COUNTY	17,438	10,522	32,530	4,017	2,189
BAL OF RANSEY COUNTY	21,378	9,431	29,156	4,924	2,683
ST. PAUL CITY	53,859	23,353	72,192	12,407	6,759
QUAD COUNTIES CSRT	45,936	63,985	129,682	22,139	5,765
BAL OF HENNEPIN COUNTY	65,890	33,206	102,653	15,179	8,270
MINNEAPOLIS CITY	86,356	35,208	108,843	19,893	10,838
MINNESOTA	290,857	175,705	475,056	78,559	36,504
CINCINNATI CITY	96,980	562,194	993,516	42,732	12,150
BAL OF HAMILTON COUNTY	58,085	115,093	252,352	15,098	7,277
AKRON CONSORTIUM	598	90,642	166,618	0	0
CLEVELAND CONSORTIUM	301,723	437,074	1,276,518	59,006	37,798
CLERMONT/WARREN CSRT	29,062	490,026	794,879	91,249	3,641
LAKE COUNTY	72,959	0	0	16,263	9,234
OHIO	559,407	1,695,029	3,483,883	224,348	70,100
MILWAUKEE COUNTY	754,294	5,333,302	9,262,399	768,400	95,700

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	TITLE IIABC	TITLE IID	TITLE VI	YETP	YCCIP
WISCONSIN	754,294	5,333,302	9,262,399	768,400	95,700
REGION V	3,186,159	14,568,661	27,750,440	2,255,401	408,905
GREATER PASADENA CSRT	89,917	153,553	381,008	20,713	11,401
HOUSTON CITY	626,171	3,444,810	6,372,612	223,426	79,231
BAL OF HARRIS COUNTY	225,619	270,455	778,346	51,973	28,607
GULF COAST CONSORTIUM	100,942	272,144	420,653	81,586	12,732
TEXAS	1,042,649	4,140,962	7,952,619	377,698	131,971
REGION VI	1,042,649	4,140,962	7,952,619	377,698	131,971

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	TITLE IIABC	TITLE IID	TITLE VI	YETP	YCCIP
KANSAS CITY CONSORTIUM , JOHNSON/LEAVENWORTH CSRT	83,623 68,878	541,351 39,784	910,745 128,493	103,196 15,867	10,575 8,697
KANSAS	152,501	581,135	1,039,238	119,063	19,272
BAL OF JACKSON COUNTY	18,819	74,184	129,225	4,335	2,360
KANSAS CITY CONSORTIUM	117,452	998,763	1,655,859	166,766	14,668
ST. LOUIS CITY	397,725	2,224,427	3,005,873	207,998	50,380
INDEPENDENCE CITY	18,244	200,532	324,010	42,700	2,288
MISSOURI	552,240	3,497,906	5,114,967	421,799	69,696
REGION VII	704,741	4,079,041	6,154,205	540,862	88,968
ADAMS COUNTY	0	101,438	156,793	23,006	0
JEFFERSON COUNTY CSRT	0	82	127	0	0
COLORADO	0	101,520	156,920	23,006	0
REGION VIII	0	101,520	156,920	23,006	0

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	TITLE IIABC	TITLE IID	TITLE VI	YETP	YCCIP
BAL OF ALAMEDA COUNTY	149,831	674,954	1,307,718	58,209	18,835
BERKELEY CITY	53,853	233,718	456,161	20,930	6,770
BAL OF CONTRA COSTA CNTY	117,622	530,499	1,027,545	45,704	14,787
MARIN COUNTY	46,241	191,672	377,803	12,908	5,813
OAKLAND CITY	139,170	606,720	1,183,363	54,060	17,495
RICHMOND CITY	20,403	121,613	236,992	10,779	3,493
SAN FRANCISCO CITY/COUNTY	255,609	1,131,565	2,199,985	99,280	32,133
SAN MATEO COUNTY	120,331	557,726	1,074,260	51,455	15,127
INLAND MANPOWER ASSN	925,020	3,894,963	7,224,443	461,479	117,184
SAN DIEGO RETC	1,703,185	5,129,419	9,620,621	813,599	216,047
CALIFORNIA	3,531,265	13,072,849	24,708,891	1,628,403	447,684
REGION IX	3,531,265	13,072,849	24,708,891	1,628,403	447,684
NATIONAL TOTAL	12,368,948	51,692,966	95,528,012	6,633,617	1,584,567

[FR Doc. 78-35095 Filed 12-18-78; 8:45 am]



[4510-30-M]

## Office of the Secretary

DEFERRAL OF FEDERAL UNEMPLOYMENT TAX  
CREDIT REDUCTIONS

## Findings of the Secretary of Labor

Pursuant to section 110(b) of Pub. L. 94-45, approved June 30, 1975, (89 Stat. 236, 239), a finding must be made as of November 10, 1978, with respect to each State named herein as to whether the incremental reduction in total credits under section 3302(c)(2) of the Internal Revenue Code of 1954, on account of an outstanding balance of advances made to each State pursuant to Title XII of the Social Security Act, shall apply with respect to the taxable year 1978.

A State may qualify for deferral of the incremental reduction in credit with respect to 1978 if it takes certain actions set forth in clause (i) or clause (ii), § 601.5(f)(2), Title 20, Code of Federal Regulations.

Clause (i) requires, (A) an average employer tax rate based on total wages in employment which exceeds the State's average benefit cost rate for the preceding 10-year period, (B) an effective minimum employer tax rate which is not less than 1.0 percent of the wages of any employer which are subject to the Federal Unemployment Tax Act, and (C) an effective maximum employer tax rate which exceeds 2.7 percent of the wages of any employer which are subject to the Federal Unemployment Tax Act, or provision for no reduced tax rates.

Clause (ii) requires, (A) amendment of a State unemployment compensation law to result in increased contributions to the State unemployment fund and allocation from the increased contributions of a sum equal to the reduction in credit for 1978, and (B) repayment of that sum to the Federal unemployment account prior to November 10, 1978, and (C) a determination by the Secretary of Labor that the State unemployment fund will have sufficient funds for benefit expenditures during the 6-month period beginning November 1, 1978, without the necessity of obtaining further Title XII advances.

The following States have taken appropriate action to satisfy the criterion in clause (i), § 601.5(f)(2) of Title 20, Code of Federal Regulations. Each State has an effective minimum employer tax rate of not less than 1.0 percent, an effective maximum employer tax rate exceeding 2.7 percent (or has suspended reduced rates), and an average employer tax rate which exceeds the State 10-year average benefit cost rate, as set forth in the following schedule:

	Average employer tax rate	Benefit cost rate
Delaware.....	1.30	1.27
District of Columbia.....	1.78	1.15
Hawaii.....	2.50	1.70
Illinois.....	1.50	1.07
Maine.....	1.89	1.75
Massachusetts.....	1.84	1.82
Michigan.....	1.80	1.50
Minnesota.....	1.40	1.09
Montana.....	1.77	1.35
Pennsylvania.....	1.59	1.58
Puerto Rico.....	2.95	2.69
Vermont.....	1.86	1.85
Virgin Islands.....	2.60	1.90
Washington.....	2.00	1.97

I hereby make a finding that, as of November 10, 1978, the States of Delaware, District of Columbia, Hawaii, Illinois, Maine, Massachusetts, Michigan, Minnesota, Montana, Pennsylvania, Puerto Rico, Vermont, Virgin Islands, and Washington have satisfied the criterion specified in clause (i) of 20 CFR 601.5(f)(2). Therefore, the incremental reduction in total credits pursuant to section 3302(c)(2) of the Internal Revenue Code of 1954 shall not apply to those States with respect to the taxable year beginning on January 1, 1978.

The States of Alabama, Arkansas, Connecticut, and New Jersey have taken appropriate action to satisfy the criterion in clause (ii), § 601.5(f) of Title 20, Code of Federal Regulations. Each of these States has paid into the Federal unemployment account in the Unemployment Trust Fund, from its unemployment fund, an amount equal to the amount of the additional tax otherwise payable through the reduction in total credits under section 3302(c)(2) of the Internal Revenue Code of 1954. The amount indicated below was paid by each State prior to November 10, 1978:

	Amount of repayment
Alabama.....	\$16,850,000
Arkansas.....	10,500,000
Connecticut.....	37,300,000
New Jersey.....	40,000,000

Each of these States has submitted data to justify a determination by the Secretary that, under current economic conditions and reasonable projections, unemployment reserves and income from contributions in each State's unemployment fund will be adequate to meet benefit payment obligations without Title XII advances during the 6-month period beginning November 1, 1978.

I hereby make a finding that, as of November 10, 1978, the States of Alabama, Arkansas, Connecticut, and New Jersey have satisfied the criterion specified in clause (ii) of 20 CFR 601.5(f)(2). Therefore, the incremental reduction in total credits pursuant to section 3302(c)(2) of the Internal Revenue Code of 1954 shall not apply to

those States with respect to the taxable year beginning on January 1, 1978.

The State of Rhode Island had an outstanding balance of Title XII advances on January 1, 1976, and on January 1, 1978, was granted deferral in 1977, and did not apply for deferral of a reduction in credit pursuant to 20 CFR 601.5(f)(2). Therefore, no finding of deferral is made with respect to Rhode Island for 1978, and the tax credit reduction prescribed by section 3302(c)(2) of the Internal Revenue Code of 1954 will apply to that State for 1978.

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

RAY MARSHALL,  
Secretary of Labor.

[FR Doc. 78-35094 Filed 12-18-78; 8:45 am]

[4510-28-M]

INVESTIGATIONS REGARDING CERTIFICA-  
TIONS 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 As-

## NOTICES

sistance, at the address shown below, not later than December 29, 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 29, 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. Depart-

ment of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 6th day of December 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 Number	Articles Produced
Barringer Knitting Mills, Inc. (Knit-goods Union, ILGWU)	Philadelphia, Pa.	11/20/78	11/17/78	TA-W-4,463	Ladies' sweaters & knit tops
Brown's Furniture Manufacturing Co. (United Furniture Workers of America)	Pine Bluff, Ark. Plants	11/28/78	11/20/78	TA-W-4,464	Wood components for furniture, assemblies & finishes & packages for shipment
Mr. Casuals, Inc. (workers)	Troutdale, Virginia	12/4/78	11/29/78	TA-W-4,465	Ladies' men's & children's apparel: jeans, skirts, vests
Deanna Dee (ILGWU)	Los Angeles, Calif.	11/27/78	11/20/78	TA-W-4,466	Women's coats
Denley Knitting Mills (workers)	Brooklyn, New York	12/1/78	11/27/78	TA-W-4,467	Polyester knit fabrics & ladies' suits
Foreign Products; A Unit of CPC International, Inc.	Corpus Christi, Texas	12/4/78	11/14/78	TA-W-4,468	Liquid & dry sweeteners
Frechette Fashions (workers)	Montville, Conn.	12/1/78	11/24/78	TA-W-4,469	Women's dresses & pants suits
Galey & Lord Div. of Burlington Industries (workers)	New York, N.Y.	12/4/78	11/20/78	TA-W-4,470	Textile fabrics—bottom & shirting weights. Yarn-dyed products
W.F. Hofford, Inc. (workers)	Weissport, Pa.	11/20/78	11/14/78	TA-W-4,471	Contractor of insulated underwear & also knitting full fashioned sweaters for ladies'
Huntely of York, Ltd (company)	York, South Carolina	12/4/78	12/1/78	TA-W-4,472	Full fashioned shirts & sweaters
L.C. Mae (ILGWU)	Los Angeles, California	11/27/78	11/20/78	TA-W-4,473	Ladies' coats
New England Bobbin, Inc. (workers)	Nashua, N.H.	11/29/78	11/27/78	TA-W-4,474	Textile bobbins for weaving
P.F. Industries, Inc. (United Rubber, Cork, Linoleum & Plastic Workers of America)	Bristol, Rhode Island	12/4/78	11/28/78	TA-W-4,475	Canvas, sporting & waterproof footwear
M. Shapiro Company (ILGWU)	Los Angeles, California	11/27/78	11/20/78	TA-W-4,476	Ladies' coats & jackets
Smart Modes, Inc. (ILGWU)	Los Angeles, California	11/27/78	11/20/78	TA-W-4,477	Ladies' coats & suits
Sperry Remington, Consumer Products Division (workers)	Bridgeport, Conn.	12/1/78	11/20/78	TA-W-4,478	Electric shavers
Ernest Strauss (ILGWU)	Los Angeles, California	11/27/78	11/20/78	TA-W-4,479	Women's coats
Levi Strauss & Company (workers)	Lubbock, Texas	12/4/78	12/1/78	TA-W-4,480	Men's jeans
Sun Cal Coat Co. (ILGWU)	Los Angeles, California	11/27/78	11/20/78	TA-W-4,481	Women's coats
Tami Sportswear (ILGWU)	San Francisco, California	11/13/78	8/29/78	TA-W-4,482	Ladies' sportswear such as sweaters, skirts, jackets, blouses, pants, shorts, etc.
The Mohawk Rubber Company, Akron Tire Plant (URW)	Akron, Ohio	11/29/78	11/22/78	TA-W-4,483	Bias/ply heavy truck tires & bias/ply light truck tires & racing tires
The Pittsburgh & Conneaut Dock Co. (USWA)	Conneaut, Ohio	11/29/78	11/27/78	TA-W-4,484	Unload iron ore, lime stones, coal from boats & rail road car for steel mills & power plants
U.S. Steel Corp. (workers)	Buffalo, New York	11/27/78	11/21/78	TA-W-4,485	Sales office
Waverly Fashions, Inc. (workers)	New York, N.Y.	12/4/78	11/30/78	TA-W-4,486	Ladies' coats
Wendy Watts, Inc. (ILGWU)	New York, N.Y.	12/4/78	11/27/78	TA-W-4,487	Women's sportswear & suits

[FR Doc. 78-34986 Filed 12-18-78; 8:45 am]

## [4510-28-M]

[TA-W-3976]

**BARAN ABRAHAM HAT CORP., PLAINFIELD,  
NEW JERSEY**

**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-3976: 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 by the United Hatters, Cap and Millinery Workers International Union on behalf of former workers producing roll-up sports hats

at Baran Abraham Hat Corporation, Plainfield, New Jersey.

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 Baran Abraham Hat Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of men's, boys', women's, and girls' cloth hats and caps, not knit,

(including sports hats and caps) increased in quantity in 1977 from 1976 and increased during January-June 1978 compared to January-June 1977.

Baran Abraham produced roll-up sports hats from 1966 through June 1978. Since July 1978 the firm has produced men's dress hats. Production of roll-up sports hats was completely discontinued in June 1978.

A survey conducted by the Department revealed that some surveyed customers who decreased purchases from Baran Abraham Hat Corporation in 1977 and the first six months of 1978 relied principally upon foreign sources to meet their requirements for roll-up sports hats 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 roll-up sports hats produced at Baran Abraham Hat Corporation, Plainfield, 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 Baran Abraham Hat Corporation, Plainfield, New Jersey who became totally or partially separated from employment on or after July 10, 1977 and before July 23, 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 11th day of December 1978.

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

[FR Doc. 78-35194 Filed 12-18-78; 8:45 am]

#### [4510-28-M]

[TA-W-3574]

BROWN SHOE CO., CARUTHERSVILLE,  
MISSOURI

#### Negative Determination on Reconsideration

On October 30, 1978, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the cutting department of the Brown Shoe Company's Caruthersville, Missouri, plant. This determination was published in the FEDERAL REGISTER on November 3, 1978, (43 FR 51472).

The petitioner raises one basic issue; namely, that the appropriate subdivision should be redefined from the total plant at Caruthersville, Missouri, to the cutting department at the plant which reportedly suffered a decline in work in 1978 because of company imports of unfinished shoes which did not require the cutting operations performed by the cutting department at the Caruthersville, Missouri, plant.

The reconsideration review did not support the petitioner's statement that the company imported unfinished shoes for the Caruthersville, Missouri, plant. Instead, it was learned that the employment of cutters at the Caruthersville, Missouri, plant follows an intermittent pattern reflecting shoe styles and seasonal factors. Recent declines in employment of cutters was due to the use of urethane rather than leather uppers. The cutting operation is faster and simpler for urethane. With renewed production of shoes with leather uppers the cutters have been recalled. Since style and seasonality are the key factors affecting the employment of cutters in the cutting department of the Caruthersville, Mis-

souri, plant, there is no reason to define it rather than the whole plant as the appropriate subdivision in this case.

#### CONCLUSION

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers at the Caruthersville, Missouri, plant of the Brown Shoe Company.

Signed at Washington, D.C. this 11th day of December 1978.

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

[FR Doc. 78-35195 Filed 12-18-78; 8:45 am]

#### [4510-28-M]

[TA-W-3997]

CHICAGO PNEUMATIC TOOL CO., UTICA, NEW  
YORK

#### 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-3997: 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 26, 1978 in response to a worker petition received on July 20, 1978 which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers producing pneumatic and rotary tools at the Utica, New York plant of Chicago Pneumatic Tool Company. The investigation revealed that the workers produce only rotary-action pneumatic tools.

The Notice of Investigation was published in the FEDERAL REGISTER on August 4, 1978 (43 FR 34562). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Chicago Pneumatic Tool 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 pneumatic and powder actuated hand tools increased in value by 50 percent from 1976 to 1977. U.S. imports decreased slightly in the first six months of 1978 compared to the first six months of 1977.

The ratio of imported pneumatic and powder actuated hand tools to domestic production increased from 4.6 percent in 1976 to 5.8 percent in 1977.

A certification applicable to the petitioning group of workers was issued on July 13, 1976 (TA-W-843). That certification remained in effect until July 13, 1978.

The Department's investigation revealed that Chicago Pneumatic Tool Company has been replacing pneumatic tools made domestically with identical tools made at foreign subsidiaries. Foreign-made tools have assumed an increasingly larger percentage of total company sales. Company imports of pneumatic tools more than tripled during the July-October period of 1978 compared to the same period in 1977.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with pneumatic tools produced at Chicago Pneumatic Tool Company, Utica, New York 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 Chicago Pneumatic Tool Company, Utica, New York, who became totally or partially separated from employment on or after July 13, 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 11th day of December 1978.

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

[FR Doc. 78-35196 Filed 12-18-78; 8:45 am]

#### [4510-28-M]

[TA-W-3801]

CLUB PRODUCTS CO., CLEVELAND, OHIO

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3801: 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 5, 1978 in response to a worker petition received on May 30, 1978 which was filed by the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America on behalf of workers and former workers producing cast aluminum cookware at Club Products Company, Cleveland, Ohio.

The Notice of Investigation was published in the *FEDERAL REGISTER* on June 20, 1978 (43 FR 26498-26499). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Club Products 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 separations, or threat thereof, and to the absolute decline in sales or production.

Imports of aluminum cookware decreased from 17,782 thousand dollars in 1976 to 17,056 thousand dollars in 1977. Imports relative to domestic production decreased from 6.7 percent in 1976 to 6.1 percent in 1977. Imports increased from 8,407 thousand dollars during the first 6 months of 1977 to 9,299 thousand dollars during the first 6 months of 1978. Imports relative to domestic production increased from 6.4 percent during the first 6 months of 1977 to 6.8 percent during the first 6 months of 1978.

Some customers of Club Products Company were surveyed by the Department. Respondents which indicated that they had decreased purchases from Club Products Company did not increase purchases of imported cast aluminum cookware.

#### CONCLUSION

After careful review, I determine that all workers of Club Products Company, Cleveland, Ohio are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974

Signed at Washington, D.C. this 8th day of December 1978.

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

[FR Doc. 78-35197 Filed 12-8-78; 8:45 am]

#### [4510-28-M]

[TA-W-4137]

#### COLUMBUS COATED FABRICS, NORTH ANDOVER, MASSACHUSETTS

##### 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-4137: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 6, 1978 in response to a worker petition received on September 5, 1978 which was filed on behalf of workers and former workers producing PVC film at the North Andover, Massachusetts plant of Columbus Coated Fabrics, Columbus, Ohio.

The investigation revealed that the plant primarily produced fabric-backed vinyl wallcovering.

The Notice of Investigation was published in the *FEDERAL REGISTER* on September 29, 1973 (43 FR 44935-36). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Columbus Coated Fabrics, Columbus, Ohio, Borden, Incorporated, the Wallcover Manufacturers Association, 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 subdivision have contributed importantly to the total or partial separation, or threat thereof, and to the absolute decline in sales or production.

The management of Columbus Coated Fabrics decided to close the North Andover, Massachusetts plant and consolidate all production of fabric-back vinyl wall coverings at the Columbus, Ohio plant. Company sales of fabric-back vinyl wall coverings increased in 1977 compared with 1976 and in the first nine months of 1978 compared with the same period of 1977.

#### CONCLUSION

After careful review, I determine that all workers of the North Andover, Massachusetts plant of Columbus Coated Fabrics 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 11th day of December 1978.

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

[FR Doc. 78-35198 Filed 12-18-78; 8:45 am]

#### [4510-28-M]

[TA-W-4025]

#### CURCURU FISHING CORP., GLOUCESTER, MASSACHUSETTS

##### 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-4025: 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 2, 1978 in response to a worker petition received on July 31, 1978 which was filed on behalf of workers and former workers engaged in the catching and selling of fish for the Curcuru Fishing Corporation, Gloucester, Massachusetts.

The Notice of Investigation was published in the *FEDERAL REGISTER* on August 11, 1978 (43 FR 35759). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Curcuru Fishing 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.

U.S. imports of groundfish decreased in quantity from 755,538 thousand pounds in 1976 to 736,302 thousand pounds in 1977 and decreased from 349,115 thousand pounds in the first half of 1977 to 346,559 thousand pounds in the first half of 1978. The ratio of imports to domestic production decreased from 191.0 percent in 1976 to 167.8 percent in 1977 and decreased from 159.1 percent in the first

half of 1977 to 146.3 percent in the first half of 1978.

Total commercial landings of groundfish by all fishing vessels in the Gloucester, Massachusetts area increased from 46,672 thousand pounds in 1976 to 70,453 thousand pounds in 1977 and from 36,483 thousand pounds in the first six months of 1977 to 44,075 thousand pounds in the first six months of 1978.

On March 30, 1977, the Fisheries Conservation Zone (FCZ), which limits domestic and foreign catches within 200 miles of its boundaries was established. Domestic landings of cod, haddock and yellowtail flounder were restricted and no foreign fishing of these species is permitted. Since the institution of FCZ, total imports of groundfish have declined.

#### CONCLUSION

After careful review, I determine that all workers of the Curcuro Fishing Corporation, Gloucester, Massachusetts 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 8th day of December 1978.

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

[FR Doc. 78-35199 Filed 12-18-78; 8:45 am]

[4510-28-M]

[TA-W-3636]

DAYTON INDUSTRIES, INC., PASSAIC, NEW JERSEY AND THE JACKFINN COMPANY, INC., NEW YORK, NEW YORK

#### 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-3636: 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' blazers, skirts and blouses at Dayton Industries, Incorporated, Passaic, New Jersey. During the course of the investigation it was determined that workers at Dayton Industries also produce women's slacks. It was also determined that Dayton Industries and The Jackfinn Company, the only manufacturer that Dayton works for, are commonly owned. The investigation was expanded to include The Jackfinn Company, Incorporated, New York, New York.

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.

U.S. imports of women's misses' and children's skirts declined from 791 thousand dozen in 1976 to 654 thousand dozen in 1977. Imports increased from 220 thousand dozen in the first half of 1977 to 568 thousand dozen in the first half of 1978. The ratio of imports to domestic production decreased from 14.2 percent in 1976 to 10.5 percent in 1977.

U.S. imports of women's, misses' and children's blouses and skirts increased from 30,273 thousand dozen in 1976 to 30,849 thousand dozen in 1977. Imports increased from 16,829 thousand dozen in the first half of 1977 to 19,854 thousand dozen in the first half of 1978. The ratio of imports to domestic production decreased from 70.3 percent in 1976 to 69.7 percent in 1977.

Dayton Industries is a contracting firm that produces ladies' sportswear for The Jackfinn Company, Incorporated. Dayton Industries and Jackfinn are owned by the same principals. Production by Dayton Industries is equivalent to sales by Jackfinn.

The Department conducted a survey of Jackfinn's principal customers in 1976 and 1977. A customer that accounted for a significant portion of sales in 1976 reported that they ceased purchasing from Jackfinn in August 1977. This customer increased purchases of imported ladies' slacks, blazers, skirts and blouses in 1977 compared to 1976 and in the first eight months of 1978 compared to the same period in 1977.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the ladies' slacks, blazers, skirts and blouses produced at Dayton Industries, Incorporated, Passaic, New Jersey contributed importantly to the decline in sales and to the separation of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of Dayton Industries, Incorporated, Passaic, New Jersey and of The Jackfinn Company, Incorporated, New York, New York who became totally or partially separated from employment on or after April 25, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of December 1978.

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

[FR Doc. 78-35200 Filed 12-18-78; 8:45 am]

[4510-28-M]

[TA-W-3850]

E & W DOVER, INC., DOVER, TENNESSEE

#### 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-3850: 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 15, 1978 in response to a worker petition received on June 12, 1978 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's jeans and shorts at E & W of Dover, Inc., Dover, Tennessee. Investigation revealed that the firm produced men's and women's styled jeans and overalls.

The notice of Investigation was published in the FEDERAL REGISTER on June 27, 1978 (43 FR 27922). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of E & W of Dover, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of men's jeans and dungarees increased in quantity in 1977 from 1976 and during January-June 1978 compared to January-June 1977. Imports of women's, misses' and children's slacks and shorts increased in quantity in 1977 from 1976 and during January-June 1978 compared to January-June 1977.

Most surveyed customers who decreased purchases from E & W of Dover, Inc., in the first six months of 1978 increased purchases of imported jeans 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 men's and women's jeans and overalls produced at E & W of Dover, Inc., Dover, Tennessee 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 E & W of Dover, Inc., Dover, Tennessee who became totally or partially separated from employment on or after December 1, 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 8th day of December 1978.

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

[FR Doc. 78-35201 Filed 12-18-78; 8:45 am]

#### [4510-28-M]

TA-W-40481

#### GIBRALTER PACIFIC CORP., PIOCHE, NEVADA

##### 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-4048: 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 8, 1978 in response to a worker petition received on August 1, 1978 which was filed on behalf of workers and former workers of Gibraltar Pacific Corporation, Pioche, Nevada who were loading, hauling, and stockpiling zinc ore for the Bunker Hill Company in Pioche, Nevada.

The Notice of Investigation was published in the FEDERAL REGISTER on August 29, 1978 (43 FR 38634). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Gibraltar Pacific Corporation and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. The Department has determined that services are not "articles" within the meaning of Section 222(3) of the Act. Therefore, the only basis for certification would be a finding that the Bunker Hill Company is the "workers' firm."

The Department's investigation revealed that Gibraltar Pacific Corporation operates as a transport company loading, hauling and stockpiling zinc ore for the Bunker Hill Company mine in Pioche, Nevada.

Bunker Hill removes the ore from the mine and puts it through a crusher at the mine entrance. Gibraltar loads the crushed ore at the mine and hauls it sixteen miles to

Bunker Hill's concentration mill where Gibraltar unloads it and stockpiles it for the mill's use. Gibraltar assumes responsibility for the transported ore from the time it is loaded until it is delivered to the mill. All of the equipment used to transport ore is owned by Gibraltar Pacific.

Gibraltar Pacific Corporation is not owned or controlled by the Bunker Hill Company.

All workers engaged in transporting zinc ore from the mine to the mill at the Bunker Hill Company mine in Pioche, Nevada, are employed by Gibraltar Pacific Corporation. All personnel actions and payroll transactions are controlled by Gibraltar Pacific. All employee benefits are provided and maintained by Gibraltar Pacific. Workers are not at any time under the supervision of the Bunker Hill Company. Thus, Gibraltar Pacific Corporation must be considered the "workers' firm."

#### CONCLUSION

After careful review, I determine that all workers of Gibraltar Pacific Corporation, Pioche, Nevada, 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 11th day of December 1978.

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

[FR Doc. 78-35202 Filed 12-18-78; 8:45 am]

#### [4510-28-M]

(TA-W-3560)

#### GRIFFITH-CUSTER STEEL CO., JOHNSTOWN, PENNSYLVANIA AND R & W ENTERPRISES, INC., JOHNSTOWN, PENNSYLVANIA

##### Negative Determination Regarding Application for Reconsideration

On November 8, 1978, the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers of R & W Enterprises, Inc., formerly the Griffith-Custer Steel Company of Johnstown, Pennsylvania. The determination was published in the FEDERAL REGISTER on October 10, 1978 (43 FR 46604).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears, on the basis of facts not previously considered, that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioners claim that customers of R & W Enterprises, Inc., formerly the Griffith-Custer Steel Company, reduced purchases from the subject firm in favor of imports of fabricated structural steel. The petitioners further claim that their situation is very similar to the Johnstown and Stony Creek Railroad and the Conemaugh and Blacklick Railroad whose workers are covered under certifications.

The Department's survey of the subject firm's customers which represented about 50 percent of the subject firm's total 1977 sales revealed that none of the customers purchased imports of fabricated structural steel, plates or angles in the period from 1975 through the first quarter of 1978. Furthermore, the imports to shipments ratio for fabricated structural steel is very small increasing from 2.0 percent in 1974 to only 4.1 percent in 1977.

The Johnstown flood and the depressed levels of demand for fabricated structural steel led to the layoffs at the Johnstown, Pennsylvania, plant of R & W Enterprises, Inc.

The petitioners assert that R & W Enterprises' dependency upon its customers is akin to the J & SC Railroad's dependency on U.S. Steel and the Conemaugh and Blacklick Railroad's dependency on Bethlehem Steel. The J & SC Railroad and the Conemaugh and Blacklick Railroad are wholly-owned subsidiaries of U.S. Steel and Bethlehem Steel, respectively. The J & SC Railroad hauled a significant amount of freight in 1977 and 1978 for the Johnstown, Pennsylvania, plant of U.S. Steel whose workers were covered under a certification issued on April 20, 1978 (TA-W-2779). The Conemaugh and Blacklick Railroad hauls freight for the Johnstown, Pennsylvania, plant of Bethlehem Steel to the Baltimore and Ohio Railroad. Workers of the Conemaugh and Blacklick Railroad and the Johnstown, Pennsylvania, plant of Bethlehem Steel are covered under a certification issued on March 16, 1978 (TA-W-2556).

The Department of Labor has determined in cases such as these that where the railroad is owned and controlled by the same firm which produces import-impacted articles, the railroad facility may be considered an appropriate subdivision of the firm producing import-impacted articles.

#### CONCLUSION

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of



Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 4th day of December 1978.

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

[FR Doc. 78-35203 Filed 12-18-78; 8:45 am]

[4510-28-M]

[TA-W-3102 and 3112]

HART, SCHAFFNER AND MARX CLOTHES,  
CHICAGO, ILLINOIS, ROCK ISLAND, ILLINOIS

Negative Determinations Regarding Eligibility  
To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3102 and 3112: Investigation regarding certification of Eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 9, 1978 in response to a worker petition received on January 31, 1978, which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's coats at the Chicago, Illinois plant of Hart, Schaffner and Marx Clothes, and at the Rock Island, Illinois plant of Seaford Clothes. The investigation revealed that the correct name of the company is Hart, Schaffner and Marx Clothes.

In determinations signed on December 23, 1975 all workers at the Chicago, Illinois plant and on April 14, 1976 all workers at the Rock Island, Illinois plant of Hart, Schaffner and Marx Clothes were certified as eligible to apply for adjustment assistance. The certifications expired on December 23, 1977 (see TA-W-212) and on April 14, 1978 (see TA-W-561).

The Notices of Investigation were published in the FEDERAL REGISTER on February 24, 1978 (43 FR 7743). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials from Hart, Schaffner and Marx Clothes, 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 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.

There were no significant declines in the average number of production workers at the Chicago and Rock Island, Illinois plants in the first quarter of 1978 compared to the same quarter of 1977. There were no significant partial separations during this period. There is no immediate threat of separations to workers at the Chicago and Rock Island plants.

CONCLUSION

After careful review, I determine that all workers of the Chicago and Rock Island, Illinois plants of Hart Schaffner and Marx Clothes 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 8th day of December 1978.

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

[FR Doc. 78-35204 Filed 12-18-78; 8:45 am]

[4510-28-M]

[TA-W-3103]

HART, SCHAFFNER AND MARX CLOTHES  
ROCHESTER, INDIANA

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-3103: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 9, 1978 in response to a worker petition received on January 31, 1978, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's pants and vests at the Rochester, Indiana plant of Hart, Schaffner and Marx.

In a determination signed on April 20, 1976, all workers at the Rochester, Illinois plant of Hart, Schaffner and Marx Clothes were certified eligible to apply for adjustment assistance. The certification expired on April 20, 1978.

The Notice of Investigation was published in the FEDERAL REGISTER on February 24, 1978 (43 FR 7743). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hart, Schaffner and Marx Clothes, its cus-

tomers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales of suits and sportcoats by Hart, Schaffner and Marx clothes increased in the first quarter of 1978 compared to the same quarter of 1977.

Production at the Rochester plant increased in the first quarter of 1978 compared to the same quarter of 1977.

CONCLUSION

After careful review, I determine that all workers of the Rochester, Indiana plant of Hart, Schaffner and Marx Clothes 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 8th day of December 1978.

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

[FR Doc. 78-35205 Filed 12-18-78; 8:45 am]

[4510-28-M]

[TA-W-3851]

HOUDAILLE INDUSTRIES, INC., HUNTINGTON,  
WEST VIRGINIA

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-3851: 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 15, 1978 in response to a worker petition received on June 13, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing bumpers for automobiles at the Huntington, West Virginia plant of Houdaille Industries, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on June 27, 1978 (43 FR 27922). No public hearing was requested and none was held.

The determination was based upon information obtained principally from



officials of Houdaille Industries, 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 separations, or threat thereof, and to the absolute decline in sales or production.

Customers which reduced purchases of bumpers from Houdaille did not increase purchases from foreign sources. Reduced purchases from Houdaille were accompanied by reduced purchases of imported bumpers.

Houdaille Industries operates a plant in Oshawa, Canada that produces automobile bumpers. Imports of bumpers from the Canadian plant decreased from 1976 to 1977 and decreased during the first half of 1978 compared to the first half of 1977.

#### CONCLUSION

After careful review, I determine that all workers of the Huntington, West Virginia plant of Houdaille Industries, Incorporated 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 11th day of December 1978.

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

[FR Doc. 78-35206 Filed 12-18-78; 8:45 am]

[4510-28-M]

[TA-W-3891]

#### INTERNATIONAL PAPER COMPANY, SPRINGHILL, LOUISIANA

##### 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-3891: 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 21, 1978 which was filed by the United Paperworkers International Union on behalf of workers and former workers producing cup stock and polycoating at

the Springhill, Louisiana Mill of International Paper Company. The investigation revealed that polycoated cup stock, linerboard, and bleached board were produced at the Mill.

The Notice of Investigation was published in the FEDERAL REGISTER on July 7, 1978 (43 FR 29365-66). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of International Paper 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 with respect to cup stock and linerboard:

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.

Major cup stock customers of International Paper Company which were surveyed by the Department did not report any purchases of imported cup stock in 1976 or during the first six months of 1978. A very small purchase of imported cup stock was made by one customer in 1977. This purchase represented a negligible proportion of cup stock sales by International Paper Company in 1977. Additionally, the reduction in purchases from International Paper by that customer represented an insignificant percentage of the total decline in sales at the Springhill facility.

U.S. imports of Kraft Linerboard have been negligible. The ratios of imports to domestic production and to domestic consumption were below one quarter of one percent in 1976, 1977, and the first six months of 1978.

Major linerboard customers of International Paper Company which were surveyed reported that they did not purchase imported linerboard in 1976, 1977, or in the first six months of 1978.

Without regard to whether any of the other criteria have been met, the following criterion has not been met with respect to bleached board:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales of bleached board at the Springhill, Louisiana Mill of International Paper Company were higher in 1977 than in 1976, in both quantity

and value. Sales were higher in each of the first two quarters of 1978 than in the corresponding periods of 1977.

Production of bleached board at the Springhill Mill increased in both quantity and value from 1976 to 1977. Production, in quantity, changed by less than one percent in the first six months of 1978 compared with the first six months of 1977. The value of production increased over the same period.

#### CONCLUSION

After careful review, I determine that all workers of the Springhill, Louisiana Mill of International Paper 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 11th day of December 1978.

JAMES F. TAYLOR,  
*Director, Office of  
Management,*

*Administration and Planning.*

[FR Doc. 78-35207 Filed 12-18-78; 8:45 am]

[4510-28-M]

[TA-W-4052]

#### JOHNSON STEEL AND WIRE COMPANY, INC., LOS ANGELES, CALIFORNIA

##### 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-4052: 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 10, 1978 in response to a worker petition received on August 9, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing high carbon steel wire at the Los Angeles, California plant of Johnson Steel and Wire Company, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on August 29, 1978 (43 FR 38634). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Johnson Steel and Wire Company, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act

must be met. The Department's investigation revealed that all of the requirements have been met.

The Department of Labor conducted and survey of tire manufacturers who purchased bead wire produced at the Los Angeles, California plant of Johnson Steel and Wire Company, Inc. The survey indicated that two customers who represented a major portion of Johnson's West Coast sales during the period under investigation increased purchases of imported bead wire in 1977 compared to 1976 and decreased purchases of bead wire produced at Johnson's Los Angeles plant over the same period. The survey further revealed that the surveyed customers' import purchases, relative to domestic purchases, increased in 1977 compared to 1976 and increased in the first eight months of 1978 compared to the first eight months of 1977. One of Johnson's largest West Coast customers in 1977 decreased purchases in the first eight months of 1978 compared to the same period in 1977 while increasing purchases of imported bead wire.

According to company officials, the major factor influencing the company's decision to shut down the Los Angeles plant was severe competition from imports. With price competition for foreign sources, the firm was unable to raise prices to keep pace with increasing production costs and, although there was a large increase in sales during the first half of 1978, the decision was made to abandon the West Coast market and shut down the Los Angeles plant.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with high carbon steel bead wire produced at the Los Angeles, California plant of Johnson Steel and Wire Company, Inc. contributed importantly to the decline in sales and to the separation of workers at the plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Los Angeles, California plant of Johnson Steel and Wire Company, Inc. engaged in employment related to the production of high carbon steel bead wire who became totally or partially separated from employment on or after July 15, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of December 1978.

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

[FR Doc. 78-35208 Filed 12-18-78; 8:45 am]

#### [4510-28-M]

[TA-W-4383]

#### L. R. TEXTILES, PATERSON, NEW JERSEY

#### 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-4383: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 14, 1978 in response to a worker petition received on November 7, 1978 which was filed on behalf of workers and former workers producing printed remnants and piece goods at L. R. Textiles, Paterson, New Jersey.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, (43 FR 55913). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of L. R. Textiles, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. The Department has determined that services are not "articles" within the meaning of section 222 of the Act, and that independent firms for which the subject firm provides services cannot be considered to be the "workers' firm".

L. R. Textiles was founded in 1968, and operates from a single facility in Paterson, New Jersey. The company is not affiliated with any other companies.

Workers at L. R. Textiles are engaged exclusively in examining printed fabric remnants and excising damaged portions in preparation for resale to apparel jobbers, and do not produce an article within the meaning of section 222(3) of the Act.

L. R. Textiles and its customers or suppliers have no controlling interest in one another.

All workers of L. R. Textiles, Paterson, New Jersey are employed by that firm. All personnel actions and payroll transactions are controlled by L. R. Textiles. All employee benefits are provided and maintained by L. R. Textiles. Workers are not, at anytime, under employment or supervision by customers or suppliers of L. R. Textiles. Thus, L. R. Textiles must be considered to be the "workers' firm".

#### CONCLUSION

After careful review, I determine that all workers of L. R. Textiles, Pa-

terson, 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 8th day of December 1978.

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

[FR Doc. 78-35209 Filed 12-18-78; 8:45 am]

#### [4510-28-M]

[TA-W-3982]

#### LAKE CENTER INDUSTRIES, PARTS DIVISION, WINONA, MINNESOTA

#### 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-3982: 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 13, 1978 which was filed on behalf of workers and former workers producing cosmetic mirrors at the Parts Division of Lake Center Industries, Winona, Minnesota.

The Notice of Investigation was published in the FEDERAL REGISTER on August 28, 1978 (43 FR 32885). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lake Center Industries, its customer, 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 group eligibility requirements have been met.

U.S. imports of lighted makeup mirrors increased absolutely from 32,000 in 1976 to 225,000 in 1977, and relatively from 2.6 percent in 1976 to 20 percent in 1977. Imports increased absolutely from 18,000 in the first six months of 1977 to 132,000 in the first six months of 1978.

The Department surveyed the only customer of cosmetic mirrors produced by Lake Center Industries. The customer indicated a cancellation of the purchasing contract from Lake Center Industries in favor of subcontracting a foreign supplier. The contract was

## NOTICES

awarded to the foreign subcontractor in June 1978, The Lake Center plant closed in July 1978.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with cosmetic mirrors produced by the Parts Division, Lake Center Industries, Winona, Minnesota contributed importantly to the decline in sales or production and to the total or partial separation of workers at the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Parts Division, Lake Center Industries, Winona, Minnesota engaged in employment related to the production of cosmetic mirrors who became totally or partially separated from employment on or after September 1, 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 8th day of December 1978.

JAMES F. TAYLOR,  
*Director, Office of Management,  
Administration, and Planning.*  
[FR Doc. 78-35210 Filed 12-18-78; 8:45 am]

## [4510-28-M]

[TA-W-2906]

M. HOFFMAN COMPANY, INC., BOSTON,  
MASSACHUSETTS

Revised Certification of Eligibility To Apply for  
Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a certification of eligibility to apply for adjustment assistance on September 28, 1978, applicable to workers and former workers producing sailor pants and jeans at the Boston, Massachusetts, plant of M. Hoffman Company, Incorporated. The Notice of Certification was published in the FEDERAL REGISTER on October 13, 1978, (43 FR 47306). A Revised Certification was published in the FEDERAL REGISTER on November 3, 1978 (43 FR 51474).

At the request of a petitioner, a further investigation was instituted by the Director of the Office of Trade Adjustment Assistance. A review of the case revealed that some layoffs of workers were not covered by the revised impact date of May 12, 1977.

The intent of the certification is to cover all workers at the Boston, Massachusetts, plant of M. Hoffman Company Incorporated, who were affected by the decline in production of sailor pants and jeans related to import competition. The certification, therefore, is revised providing a new impact date of December 20, 1976.

The revised certification applicable to TA-W-2906 is hereby issued as follows:

All workers at the Boston, Massachusetts, plant of M. Hoffman Company, Incorporated, who became totally or partially separated from employment on or after December 20, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 8th day of December 1978.

JAMES F. TAYLOR,  
*Director, Office of Management,  
Administration, and Planning.*  
[FR Doc. 78-35211 Filed 12-18-78; 8:45 am]

## [4510-28-M]

[TA-W-3669]

MIDLAND GARMENTS, INC., GARFIELD, NEW  
JERSEY

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-3669: 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' coats, suits, jackets, pants, skirts, and blouses at Midland Garments, Incorporated, Garfield, New Jersey. The investigation revealed that the plant primarily produces ladies' coats, jackets, skirts, and slacks.

The Notice of Investigation was published in the FEDERAL REGISTER on May 28, 1978 (43 FR 22793). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Midland Garments, 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 increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have con-

tributed importantly to the total or partial separation, or threat thereof, and to the absolute decline in sales or production.

The Department surveyed several manufacturers who accounted for a majority of Midland Garment's sales in recent years. The survey revealed that customers who represented the majority of the sales decline at Midland in 1977 and 1978, did not utilize foreign contractors and did not purchase imports of ladies' coats, jackets, pants, and skirts in 1977 or in 1978. Sales by these manufacturers increased from 1976 to 1977 and in the first quarter of 1978 compared to the like period in 1977.

## CONCLUSION

After careful review, I determine that all workers of Midland Garments, Incorporated, Garfield, 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 11th day of December 1978.

JAMES F. TAYLOR,  
*Director, Office of Management,  
Administration, and Planning.*  
[FR Doc. 78-35212 Filed 12-18-78; 8:45 am]

## [4510-28-M]

[TA-W-4106]

NIRENBERG AND SALZMAN COMPANY, INC.,  
NEW YORK, NEW YORK

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-4106: 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 22, 1978 in response to a worker petition received on August 18, 1978 which was filed on behalf of workers and former workers engaged in the sale of men's sport shirts at Nirenberg and Salzman, Inc., New York Sales Office, New York, New York.

The Notice of Investigation was published in FEDERAL REGISTER on September 5, 1978 (43 FR 39458). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Nirenberg and Salzman Company, Incorporated, 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.

Salesmen employed by the firm sell shirts under the company label as well as imported shirts. Sales by Nirenberg and Salzman increased in January-September 1978 from the same period of 1977. Compared to the same quarter of the previous year sales by the firm increased in each quarter from the fourth quarter of 1977 through the third quarter of 1978.

#### CONCLUSION

After careful review, I determine that all workers of Nirenberg and Salzman Company, Incorporated, 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 11th day of December 1978.

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

[FR Doc. 78-35238 Filed 12-18-78; 8:45 am]

[4510-28-M]

[TA-W-4285]

#### NOVELTY FOOTWEAR, INC., PORT JERVIS, NEW YORK

##### 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-4285: 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 24, 1978 in response to a worker petition received on October 20, 1978 which was filed by the Retail Clerks International Union on behalf of workers and former workers producing women's nonrubber footwear at Novelty Footwear, Incorporated, Port Jervis, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on November 3, 1978 (43 FR 51476). No public hearing was requested and none was held.

The determination was based upon information obtained principally from

officials of Novelty Footwear, Incorporated, its customers, the American Footwear Industries Association, 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 women's nonrubber footwear (except athletic) decreased from 205.2 million pairs in 1976 to 192.4 million pairs in 1977. Imports increased from 100.6 million pairs in the first six months of 1977 to 105.6 million pairs for the same period of 1978. The imports to domestic production ratio increased from 131.6 percent in 1976 to 137.3 percent in 1977. The imports to domestic production ratio increased from 139.7 percent in the first half of 1977 to 143.3 percent for the same period in 1978.

Customers of Novelty Footwear, Incorporated have indicated they have decreased purchases from Novelty in the first three quarters of 1978 compared to the same period of 1977 while increasing purchases of imports of women's nonrubber footwear for 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 the women's nonrubber footwear produced at Novelty Footwear, Incorporated, Port Jervis, New York 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 Novelty Footwear, Incorporated, Port Jervis, New York, who became totally or partially separated from employment on or after April 3, 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 8th day of December 1978.

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

[FR Doc. 78-35214 Filed 12-18-78; 8:45 am]

[4510-28-M]

[TA-W-4279A]

OFFSPRING INDUSTRIES, INC., BRONX, N.Y.

[TA-W-4279A]

OFFSPRING FASHIONS, INC., NEW YORK, NEW YORK

##### 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-4279 and 4279a: 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 20, 1978 in response to a worker petition received on October 17, 1978 which was filed on behalf of workers and former workers producing junior's and misses' sweaters at Offspring Industries, Incorporated, Bronx, New York. Offspring Industries also produced ladies' knit tops. The investigation was expanded to include Offspring Fashions, Incorporated of New York, New York, a sales subsidiary of Offspring Industries.

The Notice of Investigation was published in the FEDERAL REGISTER on October 31, 1978 (43 FR 50758-50759). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Offspring Industries, Incorporated, its customers, 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. It is concluded that all of the requirements have been met.

U.S. imports of women's misses' and children's sweaters increased from 1975 to 1976. In 1977, imports of sweaters increased 9.0 percent over the average level of imports for the years 1973 through 1976. Imports increased in the first quarter of 1978 compared to the first quarter of 1977. The ratio of imports of sweaters to domestic production in 1977 was above the import to domestic production ratio recorded in each year in the 1973 to 1975 time period.

U.S. imports of women's, misses' and children's blouses and shirts increased in absolute terms, in each year, from 1975 through 1977 and from the first six months of 1977 to the first six months of 1978.

A survey was conducted by the U.S. Department of Commerce among the retail customers of Offspring Indus-

tries, Incorporated. The survey revealed that major customers increased their purchases of imported ladies' sweaters and knit tops and decreased their purchases from Offspring Industries in 1977 compared to 1976.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with junior's and misses' sweaters and knit tops produced at Offspring Industries, Incorporated, and Offspring Fashions, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of those firms. In accordance with the provisions of the Act, I make the following certification:

All workers of Offspring Industries, Incorporated, Bronx, New York, and Offspring Fashions, Incorporated, New York, New York, who became totally or partially separated from employment on or after October 12, 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 11th day of December 1978.

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

[FR Doc. 78-35215 Filed 12-18-78; 8:45 am]

#### [4510-28-M]

[TA-W-4414]

PAN AMERICAN WORLD AIRWAYS, INC.,  
LOGAN INTERNATIONAL AIRPORT, EAST  
BOSTON, MASSACHUSETTS

#### 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-4414: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 21, 1978 in response to a worker petition received on November 15, 1978 which has filed by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America on behalf of workers and former workers performing mechanical, administrative, selling and checking, marketing, cargo loading, etc., work for Pan American World Airways, Inc., East Boston, Massachusetts. The investigation revealed that the workers are performing work involved in the operation on Pan Am flights from Logan International Airport in East Boston to London, England.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978, (43 FR 56951-2). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Pan American World Airways, Inc., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. The Department has determined that services are not "articles" within the meaning of Section 222 of the Act.

Evidence developed during the course of the investigation revealed that the workers of Pan American World Airways, Inc., Logan International Airport, East Boston, Massachusetts perform those services involved in the operation of Pan Am flights from Boston, Massachusetts to London, England. These services include passenger (gate, ramp, ticketing, and "check-in" agents), cargo (loading and unloading mail and luggage), mechanical, administrative, and managerial services. Pan American World Airways is not involved in the production of an article within the meaning of Section 222(3) of the Act.

#### CONCLUSION

After careful review, I determine that all workers of Pan American World Airways, Inc., Logan International Airport, East Boston, Massachusetts, 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 11th day of December 1978.

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

[FR Doc. 78-35216 Filed 12-18-78; 8:45 am]

#### [4510-28-M]

[TA-W-4050]

PERRI SPORTSWEAR, INC., POUGHKEEPSIE,  
NEW YORK

#### 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-4050: 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 8, 1978 in response to a worker petition received on August 7, 1978 which was filed by the International

Ladies' Garment Workers Union on behalf of workers and former workers producing women's raincoats at Perri Sportswear, Inc., Poughkeepsie, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on August 29, 1978 (43 FR 38634). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Perri Sportswear, Inc., its manufacturers, 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 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 Department concluded a survey of Perri Sportswear's customers representing all of Perri Sportswear's sales in 1976, 1977 and the first six months of 1978. The survey results revealed that all but one of Perri Sportswear's customers purchased no imports. Further, all of Perri's customer's, who were manufacturers, increased their sales in 1978 compared to 1977. Perri Sportswear's major customer reduced its purchases from 1976 to 1977 and in the first nine months of 1978. Although this customer increased its purchases of imported raincoats, those purchases represented an insignificant percentage of this customer's sales during the period.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I determine that all workers of Perri Sportswear, Inc., Poughkeepsie, 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 8th day of December 1978.

HARRY J. GILMAN,  
*Acting Director, Office of  
Foreign Economic Research.*  
[FR Doc. 78-35217 Filed 12-18-78; 8:45 am]

[4510-28-M]

[TA-W-40831]

**REIDBORD BROTHERS CO. INC., PHILIPPI, WEST VIRGINIA****Negative Determination Regarding Application for Reconsideration**

On November 8, 1978, the petitioner requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers of the Philippi plant of the Reidbord Brothers Company, Inc., Philippi, West Virginia. The determination was published in the FEDERAL REGISTER on October 24, 1978 (43 FR 49589).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

- (1) if it appears, on the basis of facts not previously considered, that the determination complained of was erroneous;
- (2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or
- (3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioner makes two claims; namely, (1) that production at the Philippi plant is lower in 1978 than in the years immediately following the passage of the Trade Act of 1974, and (2) that the Philippi plant is part of an integrated production process with the Elkins, West Virginia, plant of Reidbord Brothers whose workers are certified eligible to receive trade adjustment assistance (TA-W-2185).

The Department does not consider the petitioner's first claim as relevant to the possible coverage of workers at the Philippi plant. Under Section 223 of the Trade Act of 1974, a certification cannot cover layoffs occurring more than one year prior to the date of the petition. Therefore, when establishing whether or not the criteria of Section 222 of the Trade Act have been met, it is the Department's policy to consider data from the immediately preceding or current period in associating production or sales declines with worker separations. In other words, a production decline in one year would be associated with layoffs in that year not in layoffs two or three years later.

The Department reviewed the investigative files of the Philippi plant, TA-W-4083, and the Elkins plant, TA-W-2185. The petitioner's claim of integrated production was not germane to the possible coverage of the workers at the Philippi plant since there was an increase of production and sales at the Philippi plant. Consequently, at least

one of the Trade Act's criteria were not met.

**CONCLUSION**

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 11th day of December 1978.

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

[FR Doc. 78-35218 Filed 12-18-78; 8:45 am]

[4510-28-M]

[TA-W-4077]

**SEA-LAND SERVICE, INC., BROOKLYN, NEW YORK****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-4077: 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 17, 1978 in response to a worker petition received on August 14, 1978 which was filed on behalf of workers and former workers involved in truck operation delivery service for the Brooklyn, New York facility of Sea-Land Service, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on September 1, 1978 (43 FR 39194). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Sea-Land Service, Incorporated and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. The Department has determined that services are not "articles" within the meaning of Section 222 of the Act.

The Department's investigation revealed that Sea-Land Service, Incorporated is a common carrier of containerized ocean going cargo.

The Brooklyn, New York facility was a trucking terminal which provided transport services to and from Sea-Land's Brooklyn port facility. Workers at the facility were engaged in transport operations and did not produce

an article within the meaning of Section 222(3) of the Trade Act.

**CONCLUSION**

After careful review, I determine that all workers at the Brooklyn, New York facility of Sea-Land Service, Incorporated 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 8th day of December 1978.

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

[FR Doc. 78-35219 Filed 12-19-78; 8:45 am]

[4510-28-M]

[TA-W-3714]

**SELMA INDUSTRIES, INC., SELMA, ALABAMA****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-3714: 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 15, 1978 in response to a worker petition received on May 9, 1978 which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing ladies' sportswear at Diane Young Sportswear, Incorporated, Selma, Alabama. The investigation revealed that the petitioning workers are employed by Selma Industries, Incorporated, a subsidiary of Diane Young Sportswear, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on June 27, 1978 (43 FR 27923). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Selma Industries, Incorporated, Diane Young Sportswear, Incorporated, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivi-



sion have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The declines in production and employment at Selma Industries was the result of a management decision to transfer a proportion of the warehousing and shipping operations from Alabama to a company facility in South Carolina. Sewing operations which had been performed in Alabama were contracted to out other domestic contractors until the new sewing plant was opened in South Carolina.

#### CONCLUSION

After careful review, I determine that all workers of Selma Industries, Incorporated a subsidiary of Diane Young Sportswear, Incorporated, Selma, Alabama 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 8th day of December 1978.

JAMES F. TAYLOR,

*Director, Office of  
Management,*

*Administration, and Planning.*

[FR Doc. 78-35220 Filed 12-19-78; 8:45 am]

[4510-28-M]

[TA-W-4227]

**STOP-FIRE, INC., NEW BRUNSWICK, NEW JERSEY**

#### 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-4227: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 29, 1978 in response to a worker petition received on September 28, 1978 which was filed by the International Association of Machinists and Aerospace Workers, AFL-CIO, on behalf of workers and former workers producing fire extinguishers at Stop-Fire, Incorporated; New Brunswick, New Jersey.

The Notice of Investigation was published in the FEDERAL REGISTER on October 17, 1978 (43 FR 44795). No public hearing was requested and none was held.

The determination was based upon information obtained principally from

officials of Stop-Fire, Incorporated, The Franklin 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.

The ratio of U.S. imports to domestic production of chemical fire extinguishing equipment and parts was less than one-half of one percent in every year from 1973 through 1977 and in the first half of 1978.

The dollar value of U.S. exports was more than thirty times as great as the dollar value of U.S. imports of fire extinguishing equipment and parts, in each of those same time periods. A substantial barrier to imports of fire extinguishing equipment and parts, is created by the listing requirements of Underwriters Laboratories, Incorporated. The U.L. listing on fire extinguishers is required by many insurance companies and local fire ordinances throughout the United States.

Underwriters Laboratories establishes technical specifications concerning performance, pressure and other matters that all U.L. listed fire extinguishers must meet. These specifications differ greatly from the specifications for fire extinguishers that are in widespread use in Europe and Japan. These differences tend to make foreign-manufactured fire extinguishers unsuitable for the American Market.

#### CONCLUSION

After careful review, I determine that all workers of Stop-Fire, Incorporated; New Brunswick, 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 11th day of December 1978.

JAMES F. TAYLOR,  
*Director, Office of  
Management,*

*Administration, and Planning.*

[FR Doc. 78-35221 Filed 12-19-78; 8:45 am]

[4510-28-M]

[TA-W-4297]

**UNIROYAL, INCORPORATED, EAU CLAIRE, WISCONSIN**

#### 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-4297: 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 25, 1978 in response to a worker petition received on October 23, 1978 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers producing passenger car tires and truck tires at the Eau Claire, Wisconsin plant of Uniroyal, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on November 3, 1978 (43 FR 51475). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Uniroyal, Incorporated, the United Rubber, Cork, Linoleum, and Plastic Workers 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.

Since October 11, 1977, one year prior to the date of the petition, total



separations at the Eau Claire, Wisconsin plant were less than 5 percent of the plant's workforce, and less than 50 workers. In the last quarter of 1977 and the first three quarters of 1978, average employment levels changed by less than 4 percent when compared to the same quarters of the previous year. Total plant employment has been increasing since April 1978. Average weekly hours worked per employee did not change significantly during this period. There is no immediate threat of separation of workers at this plant.

#### CONCLUSION

After careful review, I determine that all workers at the Eau Claire, Wisconsin plant of Uniroyal, Incorporated 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 11th day of December 1978.

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

[FR Doc. 78-35222 Filed 12-18-78; 8:45 am]

#### [4510-28-M]

[TA-W-4119; TA-W-4120; TA-W-4121; TA-W-4121a]

WONDERALLS, WILLMAR, PAYNESVILLE, BUFFALO, AND MINNEAPOLIS, MINNESOTA

#### 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-4119, 4120, 4121, and 4121a: 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 28, 1978 in response to a worker petition received on August 23, 1978 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing children's playclothes and snowsuits at the Willmar, Minnesota; Paynesville, Minnesota, and Buffalo, Minnesota plants of Wonderalls. The investigation revealed that the firm also produces children's spring jackets and snowmobile suits. The investigation was expanded to include workers at an administrative office and distribution center in Minneapolis, Minnesota.

The Notice of Investigation was published in the FEDERAL REGISTER on September 8, 1978 (43 FR 40070-71). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wonderalls, 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 women's, misses' and children's blouses and shirts increased from 1976 to 1977 and in the first half of 1978 compared to the first half of 1977.

U.S. imports of women's, misses' and children's slacks and shorts increased from 1976 to 1977 and in the first half of 1978 compared to the first half of 1977. The ratio of imports to domestic production increased from 1976 to 1977.

U.S. imports of women's, misses' and children's coats and jackets increased absolutely and relative to domestic production from 1976 to 1977.

U.S. imports of men's, women's and children's ski and snowsuits and coat/legging sets increased from 1976 to 1977 and in the first 9 months of 1978 compared to the same period in 1977. The ratio of imports to domestic production increased from 1976 to 1977.

A Department survey, conducted with customers who purchased children's playclothes, snowsuits, snowmobile suits and spring jackets from Wonderalls, revealed that some customers increased purchases of children's playclothes, snowsuits and snowmobile suits from foreign sources, while decreasing purchases from Wonderalls, from 1976 to 1977 and during the first 8 months 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 directly competitive with children's playclothes, snowsuits, snowmo-

bile suits and spring jackets produced at the Willmar, Paynesville, and Buffalo, Minnesota plants of Wonderalls 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 the Willmar, Minnesota; Paynesville, Minnesota; and Buffalo, Minnesota plants and the Minneapolis, Minnesota administrative office and distribution center of Wonderalls who became totally or partially separated from employment on or after August 21, 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 8th day of December 1978.

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

[FR Doc. 78-35223 Filed 12-18-78; 8:45 am]

#### [4510-28-M]

[TA-W-4, 488 et al]

#### AMERICAN MOTORS CORP. 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

## NOTICES

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 January 1, 1979.

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 January 1, 1979.

The petitions filed in this case are

## APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
American Motors Corp., Milwaukee Manufacturing Plant (UAW).....	Milwaukee, Wis.....	Dec. 4, 1978	Nov. 30, 1978	TA-W-4,488	Stamping parts for other plants.
Cookeville Shirt Co. (workers).....	Cookeville, Tenn.....	Nov. 27, 1978	Nov. 20, 1978	TA-W-4,489	Men's and boys' sport shirts and dress shirts.
Florsheim Shoe Co. (workers).....	Chaffee, Mo.....	Dec. 5, 1978	Nov. 30, 1978	TA-W-4,490	Men's shoes.
Greensboro Manufacturing Co. (company).....	Greensboro, N.C.....	Dec. 6, 1978	Dec. 1, 1978	TA-W-4,491	Ladies' and childrens' sleepwear.
Lewner Fashions, Ltd. (ACTWU).....	New York, N.Y.....	Dec. 4, 1978	Nov. 28, 1978	TA-W-4,492	Suede and leather garments for ladies.
Medias, Incorporated (ACTWU).....	Bayamon, P.R.....	Dec. 4, 1978	Nov. 27, 1978	TA-W-4,493	Men's and boy's socks.
Minnesota, Minning & Manufacturing Co. (United Paperworkers International Union).....	Freeport, Ill.....	Dec. 7, 1978	Dec. 4, 1978	TA-W-4,494	Cellulose printing mats.
Niemor Contractor (workers).....	Newark, N.J.....	Dec. 4, 1978	Nov. 28, 1978	TA-W-4,495	Men's and boys' cloth coats (some ladies'), leather and suede coats for men and boys.
Sanyo Manufacturing Corp. (IUE).....	Forrest City, Ark.....	Dec. 7, 1978	Dec. 2, 1978	TA-W-4,496	Television cabinets and assembling of televisions.
Washington Steel Corp. (USWA).....	Houston, Pa.....	Dec. 6, 1978	Dec. 1, 1978	TA-W-4,497	Stainless steel slabs and converts slabs into coils.
Washington Steel Corp. (USWA).....	Washington, Pa.....	Dec. 7, 1978	Dec. 1, 1978	TA-W-4,498	Stainless steel sheets and strips are rolled from stainless steel slabs.

[FR Doc. 78-35224 Filed 12-18-78; 8:45 am]

## [4510-28-M]

ITA-W-4,508; et al.]

MAT CAL 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 re-

quest 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 January 1, 1979.

Signed at Washington, D.C. this 8th day of December 1978.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

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 January 1, 1979.

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 January 1, 1979.

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 12th day of December 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
Cappl Originals (ILGWU).....	Los Angeles, Calif.....	Dec. 8, 1978	Nov. 16, 1978	TA-W-4,499	Contractor of ladies' coats.
D & M Fashions (ILGWU).....	Escondido, Calif.....	Dec. 8, 1978	Nov. 16, 1978	TA-W-4,500	Do.
Dolan Steel Co., Inc. (workers).....	Bridgeport, Conn.....	Dec. 7, 1978	Dec. 5, 1978	TA-W-4,501	Cold roll and galvanized steel.
Downer Zier Knits, Inc. (workers).....	Long Island, N.Y.....	Dec. 7, 1978	Dec. 5, 1978	TA-W-4,502	Fabrics—double knits and headquarters.
Downer Zier Knits, Inc. (workers).....	Elmont, N.Y.....	Dec. 7, 1978	Dec. 5, 1978	TA-W-4,503	Fabrics—double knits.
El-Jo Styles (ILGWU).....	San Diego, Calif.....	Dec. 8, 1978	Nov. 16, 1978	TA-W-4,504	Contractor of ladies' coats.
H & M Sportswear (ILGWU).....	Glendale, Calif.....	Dec. 8, 1978	Nov. 16, 1978	TA-W-4,505	Contractor of ladies' coats and jackets.
International Shoe Co. (United Shoe Workers of America).....	Russellville, Ark.....	Dec. 11, 1978	Dec. 4, 1978	TA-W-4,506	Children's shoes.

## APPENDIX—Continued

Petitioner: Union/workers or or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Jalyn Fashions (ILGWU).....	San Gabriel, Calif.....	Dec. 8, 1978	Nov. 16, 1978	TA-W-4,507	Contractor of ladies' coats.
Mar Cal (ILGWU).....	Los Angeles, Calif.....	Dec. 8, 1978	Nov. 16, 1978	TA-W-4,508	Do.
Mayfair Coat and Suit Co. (ILGWU).....	Los Angeles, Calif.....	Dec. 8, 1978	Nov. 16, 1978	TA-W-4,509	Do.
Ontario Garment, Inc. (ILGWU).....	Upland, Calif.....	Dec. 8, 1978	Nov. 16, 1978	TA-W-4,510	Contractor of girl's coats.
Seward Luggage Co. (company).....	Petersburg, Va.....	Dec. 11, 1978	Dec. 6, 1978	TA-W-4,511	Luggages, totes, bags, and trunks.
10X Manufacturing Co. (ILGWU).....	Pleasantville, Iowa.....	Dec. 4, 1978	Nov. 6, 1978	TA-W-4,512	Ladies' and men's ski wear.
Vita Coats, Inc. (ILGWU).....	South El Monte, Calif.....	Dec. 8, 1978	Nov. 16, 1978	TA-W-4,513	Contractor of ladies' coats.

[FR Doc. 78-35225 Filed 12-18-78; 8:45 am]

[7510-01-M]

NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION

[78-67]

NASA ADVISORY COUNCIL (NAC)  
AERONAUTICS ADVISORY COMMITTEE

## Meeting

The Informal Ad Hoc Advisory Subcommittee on General Aviation Energy Efficiency and Utility of the NAC Aeronautics Advisory Committee will meet January 4-5, 1979, in Room 225, Building 1219, NASA Langley Research Center, Hampton, Virginia. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including Subcommittee members and participants).

The Subcommittee was established to assist the NASA in identifying specific needs and objectives for improving the energy efficiency and utility of general aviation aircraft which will depend on further research and technology in the several underlying technical disciplines, and to advise the NASA on the appropriateness and adequacy of its current and planned programs in this area. The Chairperson is Mr. John W. Olcott and there are eight members of the Subcommittee.

For further information contact Mr. Harry W. Johnson, Executive Secretary of the Informal Ad Hoc Subcommittee on General Aviation Energy Efficiency and Utility, code RJG, NASA Headquarters, Washington, DC 20546 (202/755-3003).

## AGENDA

January 4, 1979

8:30 a.m.—Introductory Remarks.

9:00 a.m.—Industry Views on Requirements and Goals for Increased Energy Efficiency and Utility Requiring Future Research and Technology.

11:00 a.m.—NASA Research Center Reviews of Pertinent Research and Technology Programs and Plans.

January 5, 1979

8:00 a.m.—Committee Discussion of NASA Program Appropriateness and Adequacy.

1:30 p.m.—Committee Formulation of Recommendations.

2:30 p.m.—Adjourn.

ARNOLD W. FRUTKIN,  
Associate Administrator  
For External Relations.

DECEMBER 7, 1978.

[FR Doc. 78-35127 Filed 12-18-78; 8:45 am]

[7520-01-M]

NATIONAL CAPITAL PLANNING  
COMMISSION

## IMPROVING GOVERNMENT REGULATIONS

Final Report Pursuant to Section 5 of Executive  
Order 12044

Executive Order 12044 of March 23, 1978, directs Federal agencies to adopt procedures to improve existing and future regulations. Section 5 of the Executive Order directs each agency to prepare a draft report outlining "(1) a brief description of its process for developing regulations and the changes that have been made to comply with this Order; (2) its proposed criteria for defining significant agency regulations; (3) its proposed criteria for identifying which regulations require regulatory analysis; and (4) its proposed criteria for selecting existing regulations to be reviewed and a list of regulations that the agency will consider for its initial review". Section 5 also directs Federal agencies to (1) publish the draft report in the FEDERAL REGISTER for comment; (2) transmit the draft report to the Office of Management and Budget; and (3) publish the report in final form in the FEDERAL REGISTER.

The draft report was published in the FEDERAL REGISTER on May 15, 1978 (43 FR 20945). No citizen comments on the draft were received. Comments received from OMB have been incorporated into the final report. Its comments related to expressing, in four instances, policies the Commission felt were implicit. The first comment was that Section 1.a. of the draft report should be revised to assign responsibility within the Commission staff for assuring that all regulations complied with Section 1. of the Executive Order. The second comment was that Section 1.c. of the draft report be revised to state that the semi-annual

agenda of "significant regulations" will be prepared and published in accordance with the requirements of Section 2(a) of the Executive Order. The third suggestion was that the Commission state that the public will be given at least 60 days to comment on proposed significant regulations. The fourth suggestion was that the Report make reference to the President's memorandum of March 23, 1978, which outlined a procedure for consulting with state and local governments on all proposed regulations with major intergovernmental significance and indicate that such consultations would be done in accordance with the Federal Advisory Committee Act. The final report, approved by the Commission on December 7, 1978, is as follows:

## "1. Process for developing regulations.

"a. Regulation report. The Office of the General Counsel will identify the need for preparing or revising regulations. If that office identifies the need for new or revised regulations, it will prepare a "regulation report". That report will discuss issues to be considered in developing the proposed regulations, alternative approaches to be explored, a tentative plan for obtaining public comment, and target dates for completion of steps in the development of the regulation. The Executive Director will review and approve the regulation report. If the proposed regulations appear to meet the criteria for "significant regulations", the Chairman will also review and approve the regulation report. The Office of the General Counsel will develop draft regulations in accordance with the approved regulation report. It will also assure that the development of proposed "significant regulations" is listed on the Commission's, semi-annual agenda of "significant regulations" published in the FEDERAL REGISTER in accordance with Section 2(a) of the Executive Order. In addition, it will be responsible for assuring that regulations comply with Section 1 of the Executive Order.

"b. Draft regulations. Draft regulations prepared by the Office of the General Counsel will be reviewed and approved by the Executive Director. Draft "significant regulations" will also be reviewed and approved by the

Chairman in accordance with Section 2(d) of the Executive Order. They will then be placed on a Commission meeting agenda and proceed through the Commission-approval process.

"c. *Commission-approval process.* Proposed regulations come before the Commission twice: Once for authorization to be published for comment in the FEDERAL REGISTER in draft form and, once more, as finally proposed for Commission approval.

"Agendas indicating that the Commission will consider the proposed regulations are sent to those on the Commission mailing list several weeks prior to a meeting. The agendas also inform the public when the text of proposed regulations may be obtained prior to the meeting. Citizen comments in writing before the meeting or orally at the meeting are encouraged. The Commission will give the public at least 60 days to comment on proposed significant regulations.

"The Commission will utilize the intergovernmental consultation process described in the President's memorandum of March 23, 1978, for all regulations deemed to be of major intergovernmental significance. The consultations will be done in accordance with the general restrictions of the Federal Advisory Committee Act.

"These are only the major steps in the Commission's process for developing regulations; the entire process will be described in a subsequent publication. The process described above complies with Section 2 of the Executive Order. The semi-annual agenda of "significant regulations" will be prepared and published in accordance with the requirements of Section 2(a). The Chairman will become involved as directed by Section 2(b). The Commission currently uses alternative forms of citizen participation as directed by Section 2(c). The Chairman will approve draft "significant regulations" in accordance with Section 2(d).

"2. *Criteria for determining "significant regulations"*.

In determining whether a regulation will be treated as a "significant regulation", the Commission will apply the following criteria: (1) The type and number of individuals, businesses, organizations, state and local governments affected; (2) the compliance and reporting requirements likely to be involved; (3) direct and indirect effects of the regulation, including the effect on competition; and (4) the relationship of the regulation to those of other programs and agencies.

"3. *Criteria for preparing regulatory analysis.*

A regulatory analysis will be performed for all "significant regulations" which will result in (a) an annual effect on the economy of \$100 million or more; or (b) a major in-

crease in costs or prices for individual industries, state and local governments, Federal agencies, or the National Capital Region.

"A regulatory analysis may, in the discretion of the Chairman, be completed on any proposed regulation.

"4. *Criteria for selecting existing regulations to be reviewed.*

In selecting existing regulations to be reviewed to determine whether they are achieving the policy goals of the Executive Order, the Commission will apply the following criteria: (a) The continued need for the regulation; (b) the type and number of complaints or suggestions received; (c) the burdens imposed on those directly or indirectly affected by the regulation; (d) the need to simplify or clarify language; (e) the need to eliminate overlapping and duplicative regulations; and (f) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the National Capital Region.

"5. *Regulations for initial Commission review.*

The following is a list of regulations the Commission will consider for its initial review to determine whether they are achieving the policy goals of the Executive Order:

"a. Urban Renewal Requirements for Proposals

"b. Site and Building Plans Requirements

"c. Freedom of Information Act Regulations

"d. Environmental Policies and procedures

"e. Project Review and Notification System Procedures

"f. Citizen Participation and Intergovernmental Liaison."

DANIEL H. SHEAR,  
Secretary.

[FR Doc. 78-35116 Filed 12-18-78; 8:45 am]

#### [7537-01-M]

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

#### FEDERAL-STATE PARTNERSHIP ADVISORY PANEL

##### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal-State Partnership Advisory Panel to the National Council on the Arts will be held on January 10, 1979, from 9 a.m. to 5 p.m., January 11, 1979, from 9 a.m. to 5 p.m., and January 12, 1979, from 9 a.m. to 5 p.m., in rooms 1422 and 1426, of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

This meeting will be open to the public on a space available basis. The topic for discussion will be Policy and Guidelines.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

JOHN H. CLARK,  
Director, Office of Council and  
Panel Operations, National  
Endowment for the Arts.

DECEMBER 13, 1978.

[FR Doc. 78-35157 Filed 12-18-78; 8:45 am]

#### [7590-01-M]

### NUCLEAR REGULATORY COMMISSION

#### ADVISORY COMMITTEE ON REACTOR SAFETY- GUARDS SUBCOMMITTEE ON REGULATORY ACTIVITIES

##### Meeting

The ACRS Subcommittee on Regulatory Activities will hold an open meeting on January 3, 1979 in Room 1046, 1717 H St., N.W., Washington, DC 20555. Notice of this meeting was published in the FEDERAL REGISTER on October 20 and November 20, 1978 (43 FR 49080 and 541147, respectively).

In accordance with the procedures outlined in the FEDERAL REGISTER on October 4, 1978 (43 FR 45926) oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: *Wednesday, January 3, 1979. 8:45 a.m.-12:00 noon.*

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following:

(1) Draft Regulatory Guide 1.XXX, "Lightning Protection for Nuclear Power Plants."

(2) Regulatory Guide 1.141, Revision 1, "Containment Isolation Provisions for Fluid Systems"

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding Regulatory

Guide 1.141, Revision 1, may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. However, to insure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readily reproducible copy of the comments as far in advance of the meeting as practicable to Mr. Gary R. Quittschreiber (ACRS), the Designated Federal Employee for the meeting, in care of ACRS, Nuclear Regulatory Commission Washington, D.C. 20555 or telecopy them to the Designated Federal Employee (202-634-3319) as far in advance of the meeting as practicable. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Gary R. Quittschreiber, (telephone 202/634-3267 between 8:15 a.m. and 5:00 p.m., EST).

Dated: December 14, 1978.

JOHN C. HOYLE,  
Advisory Committee,  
Management Officer.

[FR Doc. 78-35192 Filed 12-18-78; 8:45 am]

#### [7590-01-M]

#### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON SPENT FUEL STORAGE

##### Meeting

The ACRS Subcommittee on Spent Fuel Storage will hold an open meeting on January 3, 1979 in Room 1046, 1717 H St., N.W., Washington, DC 20555, to review the NRC proposed rule on Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation (ISFSI). Notice of this meeting was published November 20, 1978 (43 FR 54147).

In accordance with the procedures outlined in the FEDERAL REGISTER on October 4, 1978 (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: *Wednesday, January 3, 1979, 1:00 p.m. until the conclusion of business.*

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, and their consultants, pertinent to the agenda items. The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Elpidio G. Igne, (telephone 202/634-3314) between 8:15 a.m. and 5:00 p.m., EST.

Dated: December 14, 1978.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc. 78-35191 Filed 12-18-78; 8:45 am]

#### [3190-01-M]

#### OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

##### TRADE POLICY STAFF COMMITTEE

##### Acceptance of Petition for Review of Product Eligibility Under the Generalized System of Preferences

Notice is hereby given of acceptance for review of a petition for the modification of the list of articles receiving duty-free treatment under the Generalized System of Preferences (GSP) as provided for in Title V of the Trade Act of 1974 (88 Stat. 2066-2071, 19 U.S.C. 2461-2465). This petition indicates the existence of unusual circumstances warranting an immediate review by the Trade Policy Staff Committee (TPSC). The description of the petition is as follows:

1. Petition to remove a product from the list of eligible articles for the Generalized System of Preference.

Hangars and other buildings, bridges, bridge sections, lock-gates, towers, lattice masts, roofs, roofing frameworks, door and window frames, shutters, balustrades, columns, pillars, and posts, and other structures and parts of structures, all the foregoing of base metal: (Of iron or steel)

Case 78-160  
652.98 or  
652.98 pt.

Other or  
Offshore drilling and  
production platforms.

2. Petitioner—International Association of Bridge, Structural and Ornamental Iron Workers

3. Action requested—Withdrawal of GSP benefits.

4. Action taken—Petition accepted for review and public hearing scheduled.

All interested parties are invited to submit their views on the requested action to the Chairman of the TPSC, Room 728, 1800 G Street NW., Washington, D.C. 20506. Written comments should be received no later than the close of business January 17, 1979.

Notice of Public Hearing—The TPSC will hold public hearings at the Office of the Special Representative for Trade Negotiations, Room 730, 1800 G Street NW., Washington, D.C. beginning at 10:00 a.m. on Wednesday, January 24, 1979, and continuing until all witnesses wishing to appear have been heard.

Requests to present oral testimony—All requests to present oral testimony, and accompanying written briefs, must be received by the Secretary of the TPSC, Room 728, 1800 G Street NW., Washington, D.C. 20506 (202-395-7201) not later than the close of business Wednesday, January 17, 1979. Requests to present oral testimony should conform to the regulations codified at 15 CFR, Ch. XX, Pt. 2001-2003 and 2007, FR 45532, September 9, 1977, and should contain the name, address, telephone number, and official position of the party making the request and of the party who will present the oral testimony. It is preferable that oral testimony not duplicate written material, but emphasize the main points contained in the briefs or petition.

Written briefs—Briefs should conform to the above cited regulations (15 CFR, Ch. XX, Pt. 2001-2003 and 2007), should be submitted in 20 copies, and should contain the name and address of the party submitting the brief. Information submitted as business confidential information must contain a nonconfidential summary and must be easily separable from other information.

Public inspection of information—Subject to the regulation of the TPSC, and except for business confidential information, all written materials filed in connection with the hearings will be

open to public inspection by appointment at the Office of the Executive Director of the GSP Subcommittee of the TPSC. (202-395-6971).

Attendance at the hearings—The hearings will be open to the public.

THOMAS R. GRAHAM,  
*Acting General Counsel, Special  
Representative for Trade Nego-  
tiations.*

[FR Doc. 78-35145 Filed 12-18-78; 8:45 am]

#### [8010-01-M]

#### SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 20825; (70-6245)]

#### ALLEGHENY POWER SYSTEM, INC. ET AL.

Proposed Issuance and Sale of Common Stock  
by Subsidiaries and Acquisition Thereof by  
Parent Holding Company

DECEMBER 11, 1978.

NOTICE IS HEREBY GIVEN that Allegheny Power System, Inc. ("Allegheny"), a registered holding company, and three of its public utility subsidiary companies, Monongahela Power Company ("Monongahela"), The Potomac Edison Company ("Potomac Edison") and West Penn Power Company ("West Penn"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7, 9, 10 and 12 of the Act and Rule 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Monongahela, upon amendment of its charter to increase the number of authorized common shares from 8,125,000 to 9,625,000 shares, proposes to issue and sell from time to time through December 31, 1979, up to 500,000 shares of such stock to Allegheny for total cash consideration of \$25,000,000.

Potomac Edison, upon amendment of its charter to increase the number of authorized common shares from 8,125,000 to 9,625,000 shares, proposes to issue and sell from time to time through December 31, 1979, up to 1,500,000 of such shares to Allegheny for an aggregate cash consideration of \$30,000,000.

West Penn, upon amendment of its charter to increase the number of authorized common shares from 9,352,923 shares to 11,352,923 shares, proposes to issue and sell from time to time through December 31, 1979, up to 1,250,000 of such shares to Allegheny for an aggregate cash consideration of \$25,000,000.

The net proceeds of the issuance and sale of common stock by Monongahela, Potomac Edison and West Penn will be used by each of them for their respective construction programs and for other corporate purposes. For the year 1979, construction expenditures are estimated at \$70-\$75 million in the case of Monongahela, \$60-\$65 million in the case of Potomac Edison, and \$120-\$125 million in the case of West Penn.

Allegheny proposes to obtain the additional funds necessary to purchase the aforesaid common stock of Monongahela, Potomac Edison and West Penn from internal cash generation, authorized short-term borrowings (File No. 6042) and the issuance and sale of such other securities as may be authorized by this Commission and other regulatory authorities having jurisdiction. As of November 5, 1978, Allegheny had \$44.4 million of short-term debt outstanding.

The fees, commissions and expenses to be incurred in connection with the proposed transactions are estimated at \$5,500. Prior authorization of the West Virginia Public Service Commission and the Ohio Public Utilities Commission in the case of Monongahela, of the Maryland and the West Virginia Public Service Commissions and the State Corporation Commission of Virginia in the case of Potomac Edison, of the Pennsylvania Public Utility Commission in the case of West Penn, and of the Maryland Public Service Commission as to acquisition of the Potomac Edison common stock by Allegheny is required in connection with the proposed transactions. Appropriate applications will be filed with those commissions. It is stated that no other state or federal commission except for this Commission has jurisdiction over the proposed transactions.

NOTICE IS FURTHER GIVEN that any interested person may, not later than January 8, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule

23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division  
of Corporate Regulation, pursuant to  
delegated authority.

GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc. 78-35244 Filed 12-18-78; 8:45 am]

#### [8010-01-M]

[File No. 1-3846]

#### CHRISTIANA COMPANIES, INC.

Application To Withdraw From Listing and  
Registration

DECEMBER 11, 1978.

THE CHRISTIANA COMPANIES, INC. Common Stock, \$1.00 Par Value FILE NO. 1-3846 Securities Exchange Act of 1934 Section 12(d). The above named issuer has filed an application with the Securities and Exchange Commission, pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the AMERICAN STOCK EXCHANGE, INC. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of The Christiana Companies, Inc. (the "Company") has been listed for trading on the Amex since December 10, 1954. On December 13, 1978, the stock will also be listed for trading on the New York Stock Exchange, Inc. ("NYSE") and concurrently therewith, such stock will be suspended from trading on the Amex. The Company is of the opinion that a dual listing on both exchanges is unnecessary and an additional expense.

The application relates solely to the withdrawal from listing and registration on the Amex and shall have no effect upon the listing of such common stock on the NYSE. The Amex has posed no objection in this matter.

Any interested person may, on or before January 12, 1979, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of



the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 35254 Filed 12-18-78; 8:45 am]

#### [8010-01-M]

[Release No. 10516; (811-1921)]

#### DYNAVEST FUND, INC.

Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring Applicant Has Ceased To Be an Investment Company

DECEMBER 11, 1978.

NOTICE IS HEREBY GIVEN that Dynavest Fund, Inc. ("Applicant"), a Maryland corporation which registered under the Investment Company Act of 1940 ("Act") on August 11, 1969, as a diversified, open-end, management investment company, filed an application on October 26, 1978, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. 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.

Applicant states that, as a result of a complaint brought by the Commission against Applicant and certain affiliated individuals, Applicant was placed in receivership, and a qualified receiver was duly appointed, by order of the United States District Court for the District of New Jersey ("Court") on December 2, 1974. Applicant further states that, pursuant to order of the Court filed December 14, 1977, said order being an exhibit to the application, the Court-appointed receiver ("Receiver"): (1) paid all claims against Applicant which were allowed by the Court, (2) sent to each shareholder of Applicant, as of December 3, 1974, a check in the sum of \$.87 per share for each share owned, there being a total of 25,084.1595 shares outstanding, (3) liquidated the remaining assets of Applicant, and (4) paid the expenses of the receivership. The Receiver was also ordered to retain custody of Applicant's files and records until December 2, 1980.

The Applicant further states that, as of the date of the application, the Re-

ceiver held assets in the sum of \$6,812.26 checking account, said sum representing the pro rata interests of former shareholders of Applicant who have either failed to provide a forwarding address to the postal authorities, chosen not to cash the check for their pro rata distribution or have, for some other reason, not received the distribution due them. According to the application, the Receiver forwards the proper payment to any outstanding shareholders upon obtaining a correct address for those individuals. The Applicant asserts that it has no debts or other liabilities outstanding, that it is not a party to any litigation at the present time, and that it is not now engaged, and does not propose to engage, in any business activity other than the winding up of its affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

NOTICE IS FURTHER GIVEN that any interested person may, not later than January 5, 1979, 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, if 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 Applicant at the address stated above. Proof of such service (by affidavit or, in the 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. 35245 Filed 12-18-78; 8:45 am]

#### [8010-01-M]

[Release No. 10521; (812-4352)]

#### FIDELITY MONEY MARKET TRUST

Filing on an Application Pursuant to Section 6(c) of the Act for an Order of Exemption From the Provisions of Rules 2a-4 and 22c-1 Under the Act

DECEMBER 12, 1978.

NOTICE IS HEREBY GIVEN that Fidelity Money Market Trust ("Fidelity"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on August 21, 1978, and amendments thereto on October 31, 1978, and December 8, 1978, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Fidelity from the provisions of Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Fidelity to compute its net asset value per share, for the purposes of effecting sales, redemptions and repurchases of its shares to the nearest one cent on a share value of one dollar using a time other than the close of trading on each day on which the New York Stock Exchange is open for trading. In all other respects, portfolio securities held by Fidelity will be valued in accordance with the views set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("Release No. 9786"). 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.

Fidelity states that it registered under the Act on August 21, 1978, as a "money market" fund designed as an investment vehicle for institutional, corporate and substantial individual investors with temporary cash balances or cash reserves. Fidelity further represents that it is organized as a series fund comprised of three classes of shares, namely the U.S. Government Portfolio, the Domestic Money Market Portfolio ("Domestic Portfolio") and the International U.S. Dollar Denominated Money Market Portfolio ("International Portfolio"), which are distinguished by their permitted range of investments in money market instruments. In this regard, Fidelity represents that the U.S. Government Portfolio will consist of obligations issued or guaranteed as to principal and interest by the United States government, its agencies or instrumentalities. Fidelity further represents that investments by the Domestic Portfolio will be limited to U.S. Government obligations; obligations from among the 50 largest banks in the United States ranked by total deposit; and commercial paper, including variable amount



master demand notes, which at the time of investment are rated A-1 by Standard and Poor's Corporation or Prime-1 by Moody's Investor Services, Inc. ("Prime Commercial Paper"). With respect to the International Portfolio, Fidelity states that, in addition to U.S. government obligations and prime commercial paper, this portfolio will include U.S. dollar-denominated deposits in or bankers' acceptances of U.S. banks and their branches located outside of the U.S., and of U.S. branches of foreign banks, provided that the bank has, at the date of investment, capital, surplus, and undivided profits (as of the date of its most recently published annual financial statements) in excess of \$100,000,000 (or the equivalent in the case of foreign banks). According to the application, Fidelity's investment objective is to provide as high a level of current income as is consistent with the preservation of principal and liquidity and the investment standards prescribe for each of the three above described portfolios which comprise Fidelity. The application also states that Fidelity Management and Research Company will serve as the investment adviser to Fidelity.

According to the application, Fidelity proposes to (i) utilize the mark-to-market method of valuing its portfolio instruments having remaining maturities in excess of 60 days; (ii) utilize the amortized cost valuation technique for valuing its portfolio instruments having remaining maturities of 60 days or less; and (iii) effect sales, redemptions and repurchases of its shares at prices calculated to the nearest one cent on a share having a nominal value of \$1.00. Fidelity further proposes to determine its net asset value for purposes of effecting sales, redemptions and repurchases of its shares of its shares solely as of 12:00 Noon, Boston time, rather than the close of trading on the New York Stock Exchange ("Stock Exchange"). In addition, Fidelity proposes to utilize the opening and closing of the Boston office of the Federal Reserve System to govern the days on which Fidelity will be open for business rather than the opening and closing of the Stock Exchange for trading.

Rule 22c-1 adopted under the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem or repurchase any security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Subsection (b) of Rule 22c-1 defines the term "current net asset value" of a redeemable security as

that value computed on each day during which the New York Stock Exchange is open for trading, not less than once daily as of the time of the close of trading on such exchange. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be determined with reference to current market value for portfolio securities with respect to which market quotations are readily available and for other securities and assets fair value as determined in good faith by the board of directors of the registered company. In Release No. 9786 the Commission issued an interpretation of Rule 2a-4 expressing its view that (1) it is inconsistent with the provisions of Rule 2a-4 for money market funds to value their assets on an amortized cost basis except with respect to portfolio securities with remaining maturities of 60 days or less and provided that such valuation method is determined to be appropriate by each respective fund's board of directors, and (2) it is inconsistent with the provisions of Rule 2a-4 for money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of \$1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" such funds' portfolio valuation as required by Rule 2a-4. On the basis of the foregoing, Fidelity submits that without an exemption from the provisions of Rules 2a-4 and 22c-1 under the Act, Fidelity would be prohibited from determining its net asset value in the manner and at the time set forth above.

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 or provisions under the Act or of any rule or regulation 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.

In support of the relief requested Fidelity represents that it understands that potential investors in its shares, especially bank trust departments and trust companies, clearly have indicated that they are not concerned with the theoretical differences which might occur between the yield achieved through "market" pricing and the yield computed by using the

"penny rounding" valuation method described herein. Fidelity further represents that such potential investors are vitally concerned that the net asset value of their shares remain stable and that the daily net income declared on their investment not exhibit the volatility which can often occur when changes in market prices cause changes in yield on a daily or weekly basis, and have indicated that they would be forced to forego investing in a fund which did not meet these requirements.

Management of Fidelity further believes that computing the net asset value per share of Fidelity to the nearest one cent on a share value of one dollar as described above will allow each portfolio within the Fund to maintain a constant net asset value per share under usual or ordinary circumstances and thereby permit it to serve the interests and requirements of Fidelity's shareholders notwithstanding its use of the mark-to-market method, as opposed to the amortized cost method, of valuing its portfolio instruments having remaining maturities in excess of 60 days. The application further represents that, the Trustees of Fidelity have determined in good faith that this method of calculating the net asset value per share of Fidelity under such circumstances, is appropriate and in the best interest of Fidelity's shareholders.

With respect to Fidelity's proposal to determine its net asset value solely as of 12:00 Noon, Boston time, rather than the close of trading on the Stock Exchange, Fidelity represents that this policy, coupled with the requirement that notice of intent to purchase or redeem its shares must be given prior to 12:00 Noon, Boston time in order for such purchases or redemptions to be effected on the same day as requested will aid in the effective management of the respective portfolios of which Fidelity is comprised. In this regard Fidelity states that, in order to make investments which will immediately generate income, Fidelity must have federal funds available to it. Thus, Fidelity will accept orders for the purchase of its shares only when it has received federal funds on the purchase date. Fidelity further states that the earlier in the day that Fidelity is aware of cash available for investment through net purchases of its shares the more time Fidelity has to canvass the available investment alternatives and secure the most attractive terms. Moreover, with respect to redemption of Fidelity shares Fidelity asserts that in wiring federal funds to shareholders who redeem their shares transfer orders must be entered in Boston on the Federal Reserve Communication System prior to 3:30 P.M. Boston time in order to permit wiring of the pro-

ceeds of such redemptions to Fidelity's shareholders on the same day.

According to the application, Fidelity will also pay its daily dividend of net income to shareholders of record as of 12:00 Noon Boston time (including shares purchased but excluding shares redeemed on that day). In view of the above and the fact that the portfolio securities of Fidelity will not be listed on any stock exchange, the Management of Fidelity can perceive no benefit to shareholders in computing Fidelity's net asset value for a second time as of the close of trading on the Stock Exchange, aside from technical compliance with Rule 22c-1. According to the application, purchasers of Fidelity shares would not receive the dividend declared on that day if their shares were purchased at the net asset value determined as of the close of trading on the Stock Exchange, nor would Fidelity shareholders redeeming their shares, at that time receive the proceeds of the redemption on that day. Fidelity further asserts that opportunities for dilution of the value of the outstanding securities of Fidelity will not be present if the requested exemption permitting Fidelity to compute net asset value solely as of 12:00 Noon, Boston time, is granted.

With respect to Fidelity's proposal to utilize the opening and closing of the Boston office of the Federal Reserve System ("Boston office") to govern the days on which Fidelity will be open for business rather than the opening and closing of the Stock Exchange for trading, Fidelity asserts that this policy will more realistically reflect Fidelity's actual capability to transact business with its shareholders. According to the application, purchases of shares of Fidelity must be made via wire transfer of moneys, and the proceeds of redemptions will be transmitted to shareholders solely through the Federal Reserve System wire facilities. Fidelity further asserts that this standard will allow Fidelity to accept purchase and redemption requests on any day on which the Stock Exchange is closed for trading but the Boston office is open (on such day in 1978), thereby permitting purchasers of Fidelity shares to receive that day's dividend and enabling shareholders requiring moneys to secure wire transfer of redemption proceeds on that day. While Fidelity under this proposed policy would, of course, be closed on any day on which the Stock Exchange is open for trading but the Boston office is closed (two such days in 1978), Fidelity represents that wire transfer of moneys could not in any event be effected on such a day.

In addition, Fidelity states that, during 1978 both the Boston office and the Stock Exchange were open on

three days on which the New York office of the Federal Reserve System ("New York office") was closed and both were closed on two days on which the New York office was open. Assuming the same holiday schedules are in effect in the future, basing the opening and closing of Fidelity for purposes of effecting sales and redemptions on the opening and closing of the Boston office would, therefore, not result in Fidelity being closed, in comparison to the Stock Exchange, more frequently on days on which the New York office is open, nor would it result in Fidelity being open more frequently, in comparison to the Stock Exchange, on days on which the New York office is closed. Finally, on those days on which the Boston office (and with it the money centers of Boston banks) is open and the New York office (and with it the money centers of New York banks) is closed, Fidelity states that its portfolio will be valued for purposes of determining net asset value by its Boston custodian bank based on money market transactions occurring in non-New York money centers which are open on that day.

Fidelity further states that its request for exemption is made based upon its existing management policies and has agreed that the following conditions may be imposed in any order granting the exemptions it has requested:

1. That the Trustees of Fidelity, in supervising Fidelity's operations and delegating special responsibilities involving portfolio management to Fidelity's investment adviser, undertake—as a particular responsibility within their overall duty of care owed to Fidelity's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Fidelity's investment objective that the price per share of each portfolio within Fidelity as computed for purposes of distribution, redemption and repurchase, rounded to the nearest one cent, will not deviate from \$1.00. Fidelity understands that its Trustees can fully carry out this undertaking by (i) requiring Fidelity's investment adviser to adopt policies calculated to prevent such price, as so rounded, from deviating from \$1.00 except under unusual or extraordinary circumstances and (ii) periodically reviewing the investment adviser's management of Fidelity pursuant to such policies at regularly scheduled meetings of the Trustees.

2. That Fidelity will continue its fundamental investment policy that investments will be made only in instruments having a remaining maturity of one year or less, and that each portfolio will be managed so that the average maturity of all instruments in that

portfolio (on a dollar-weighted basis) will be 120 days or less.

3. That Fidelity's purchases of portfolio instruments, including securities underlying repurchase agreements, will be limited to such high-quality instruments as are described in this application and outlined above.

For the reasons stated in its application Fidelity submits that the exemptions from the provisions of Rules 2a-4 and 22c-1 under the Act which it has requested are 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.

NOTICE IS FURTHER GIVEN that any interested person may, not later than January 2, 1979, at 12:30 p.m. submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest the reasons 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 should 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 Fidelity 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 herein 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. 78-35246 Filed 12-18-78; 8:45 am)

[8010-01-M]

[Release No. 10515; (812-4385)]

FIRST MIDWEST CAPITAL CORP.

Filing of Application for Order Pursuant to Section 17(d) of the Act and Rule 17d-1 Thereunder

DECEMBER 11, 1978.

NOTICE IS HEREBY GIVEN that First Midwest Capital Corporation ("Applicant"), a non-diversified,

closed-end, management investment company registered under the Investment Company Act of 1940 ("Act") and a federal licensee under the Small Business Investment Act of 1958, filed an application on November 1, 1978, and an amendment thereto on December 1, 1978, pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder, for an order of the Commission permitting the participation of Applicant in a refinancing of Rauenhorst, Bellows and Associates, Inc. ("RBA"). Applicant is a wholly-owned subsidiary of First Midwest Corporation, also a non-diversified, closed-end, management investment company registered under the Act. 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.

Applicant states that it is engaged in the business of providing long-term equity funding to eligible small businesses to assist them in their growth and development. According to the application, on October 31, 1977, the Applicant and a syndicate of Small Business Investment Companies ("SBIC's"), corporations and individuals provided equity financing in the sum of \$1,350,000 to RBA, a processor and marketer of hybrid corn and sunflower seeds. The Applicant's participation therein consisted of purchasing \$100,000 of ten-year convertible debentures and \$100,000 of seven year notes, all bearing interest at the rate of 10½% per annum, and "springing" stock purchase warrants (exercisable in the event of call of the debentures). The debentures have the same voting power as the common shares into which they could be converted. The debentures purchased by Applicant represented the power to vote 5.19% of the voting shares of RBA. As a result of such ownership, Applicant became an affiliated person, as defined by Section 2(a)(3) of the Act, of RBA and RBA became an affiliated person of Applicant.

It is stated in the application that, subsequent to the above-described transaction, six of RBA's top management personnel were killed in a light airplane crash, and that RBA has had to restructure its management and operations. RBA has, according to the application, determined that it needs additional equity financing for working capital in the sum of \$1,000,000 in order to support a new line of bank credit. The application states that RBA intends to sell \$1,000,000 of nine year 10½% subordinated convertible debentures and warrants pursuant to an agreement executed October 20, 1978. According to the application, the urgency to the proposed refinancing of RBA necessitated the sale of \$900,000 of the \$1,000,000 of convert-

ible debentures on November 7, 1978, to a second investment syndicate consisting of holders of the previously outstanding debentures and a small number of sophisticated and informed investors. Applicant states that it will purchase the remaining \$100,000 of debentures if the Commission permits the transaction pursuant to this application; or, if permission is denied, the investment group will attempt to raise the \$100,000 of additional equity capital. Among the joint participants in the October 20, 1978, agreement are: (1) Charles River Resources, Inc., and United Capital Corporation of Illinois, both of whom are affiliated persons of RBA by reason of their ownership of more than 5% of the outstanding voting rights of RBA; and (2) Robert F. White and George D. McClintock, who are a director and an officer, respectively, of RBA and, therefore, are also affiliated persons of RBA.

Applicant's proposed additional investment would bring its total investment in RBA to \$300,000, or \$95,000 greater than 20% of its paid-in capital and surplus.

It is stated in the application that the proposed transaction involves the sale of securities by an affiliate of a registered investment company to that investment company, a transaction prohibited by Section 17(a) of the Act. The Applicant asserts, however, that the proposed transaction is exempt from that prohibition, pursuant to the provisions of Rule 17a-6 promulgated under the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together provide, in pertinent part, that it is unlawful for an affiliated person of a registered investment company, or any affiliated person of such person, action as principal, to effect any transaction in which such registered company is a joint or a joint and several participant with such person unless an application regarding such joint enterprise has been filed with the Commission and permission to effect such transaction has been granted. Rule 17d-1 also provides that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies, and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants.

The Applicant describes the proposed transaction as a joint enterprise involving a registered investment company (Applicant), an affiliate of that investment company (RBA) and several persons affiliated with that affiliate (the other participants in the refinancing of RBA who are affiliated

persons of RBA). The application further states that Rule 17d-1(d)(5) would exempt the proposed transaction from the aforementioned application requirements of Rule 17d-1 except for the fact that Applicant proposes to commit in excess of 20% of its paid-in capital and surplus to investments in RBA.

According to the application, the proposed transaction consists of the sale of \$1,000,000 or nine-year subordinated convertible debentures bearing interest at the rate of 10½% per annum. The debentures (or warrants, in the event that the debentures are called prior to conversion) are convertible at \$.51 per share for a total of 1,883,239 shares, or approximately 45%, of the total common stock of RBA that would be outstanding if all convertible debentures outstanding are converted. Interest payments on the debentures will not be payable during the fiscal year ending June 30, 1980, unless certain earnings tests are met; and the deferred interest, if any, will be payable in three equal annual installments commencing in the third year of the debentures, life. The debentures have voting rights equivalent to the number of shares into which such debentures can be converted.

According to the application, Applicant proposes to purchase \$100,000 of the debentures, so that it will then own the power to vote 8.20% of the outstanding shares of RBA. The application further states that Charles River Resources, Inc. proposes to purchase \$175,000 of the debentures and will then own the power to vote 12.51% of the outstanding shares of RBA; that Robert F. White proposes to purchase \$125,000 of the debentures and will then own the power to vote 5.62% of the outstanding shares of RBA; and that George D. McClintock proposes to purchase \$50,000 of the debentures and will then own the power to vote 2.25% of the outstanding shares of RBA. The remaining \$550,000 of the debentures will be purchased by eight other participants in the refinancing.

The Applicant states that it will be participating in the proposed transaction on a basis which is exactly the same (other than in dollar amount) and no less advantageous than that of any other participant. The Applicant further asserts that the proposed transaction is fair to all parties and that Applicant believes that the investment has a potential for substantial return. The Applicant also contends that the proposed transaction is consistent with the general purposes and policies of the Act and, therefore, requests, pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder, an order of the Commission permitting the proposed transaction.

NOTICE IS FURTHER GIVEN that any interested person may, not later than January 5, 1979, 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 Applicant at the address stated above. Proof of such service (by affidavit or, in the 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 or 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. 78-35247 Filed 12-18-78; 8:45 am]

[8010-01-M]

[Release No. 6005; (18-27)]

#### ISHAM, LINCOLN & BEALE PROFIT-SHARING PLAN AND TRUST

Filing of Application Pursuant to Section 3(a)(2) of the Securities Act of 1933 for an Order Exempting From the Provisions of Section 5 of the Act Interests or Participations in the Isham, Lincoln & Beale Profit-Sharing Plan and Trust

DECEMBER 12, 1978.

NOTICE IS HEREBY GIVEN that Isham, Lincoln & Beale, a law firm organized as a partnership under the laws of the state of Illinois ("Applicant"), filed an application on November 13, 1978, for an exemption from the registration requirements of the Securities Act of 1933 (the "Act") for participations or interests issued in connection with the Isham, Lincoln & Beale Profit-Sharing Plan and Trust (the "Plan"). All interested persons are referred to that application which is on file with the Commission, for the facts and representations contained therein, which are summarized below.

### I. INTRODUCTION

Applicant's Plan provides that partners and employees, other than associates of the Applicant, are eligible to participate therein if they have completed three years of service with the Applicant. The Plan provides for Applicant to make annual contributions to the Plan out of Applicant's net profits (as defined in the Plan) based on the percentage of participants' compensation for the fiscal year as determined by a committee of three participants who administer the Plan. Participation in the Plan by eligible partners and employees of Applicant is mandatory, and each eligible employee is automatically admitted to participation on the first of January or July next following the date on which he or she completes three years of service. The Plan is a trustee profit-sharing plan which covers persons (in this case Applicant's partners) who are employees within the meaning of Section 401(c)(1) of the Internal Revenue Code of 1954, as amended, (the "Code") and, therefore, is excepted from the exemption provided by Section 3(a)(2) of the Act for interests or participations in certain employee benefit plans of corporate employers.

Section 3(a)(2) of the Act provides, however, that the Commission may exempt from the provisions of Section 5 of the Act any interest or participation issued in connection with a pension or profit-sharing plan which covers employees some or all of whom are employees within the meaning of Section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be 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.

### II. DESCRIPTION AND ADMINISTRATION OF THE PLAN

Applicant represents that the Plan was established effective January 1, 1967, and was amended and restated in its entirety effective January 1, 1976, primarily in order to comply with the Employee Retirement Income Securities Act of 1974 ("ERISA"). Applicant applied for and received confirmation from the Internal Revenue Service that the Plan qualifies under Section 401(a) of the Code.

Applicant states that, under the Plan, contributions to the Plan are determined on an annual basis based on the percentage of participants' compensation for the fiscal year as determined by the committee administering the Plan. The percentage must be uniformly applied to all participants, except that no contribution by the Applicant for the benefit of a partner-participant shall exceed the greater of (i) the maximum amount deductible

by such partner for Federal income tax purposes under the provisions of the Code applicable to qualified profit-sharing plans for self-employed individuals, or (ii) \$7,500 or 15% of his compensation, as defined in the Plan, for the fiscal year, whichever is less. Each participant under the Plan is permitted, at his or her option, to make voluntary contributions aggregating up to 10% of his or her cumulative compensation for all years since becoming a participant.

Applicant represents that the Plan is administered by a committee (the "Committee") appointed by Applicant and consisting of not less than three participants of the Plan who serve without compensation at the pleasure of the Applicant. The Committee has overall authority and responsibility for administration of the Plan, including interpretation of the Plan and determination of the manner and timing of payments of benefits.

Applicant states that the assets of the Plan will be held in a trust for the exclusive benefit of Plan participants and their beneficiaries. Chicago Title and Trust Company, Chicago, Illinois acts as Trustee for the Plan, however it currently has no discretionary responsibility for the investment and management of the Plan assets. The assets of the Plan are divided between two investment funds: a Fixed Income Fund and a Balance Fund. The Fixed Income Fund is funded by a contract between the Trustees of the American Bar Retirement Association Master Trust for Self-Employed Plans (the "ABRA Master Trust") and the Equitable Life Assurance Society of the United States (the "Equitable Contract"). According to Applicant, under the Equitable Contract, the Trustees of the ABRA Master Trust receive contributions made under the Plan and transfer them to Equitable, which, in turn, invests them in a fixed income account. Applicant states that it has been informed that interests in the Equitable Contract offered pursuant to the ABRA Master Trust have been registered under the Act. The Applicant has delivered a current prospectus to each participant. The other fund is a Balanced Fund consisting of stocks and other securities selected by a registered investment adviser which serves as the investment manager for the Balanced Fund. Each participant is required to elect how his contribution and account is invested and may change such election on any January 1 or July 1 of any year or at such other times as the Committee permits.

### III. DISCUSSION

Applicant states that the exemption from registration provided by Section 3(a)(2) of the Act is not available because of the participation in the Plan

of Applicant's partners, who are "employees" within the meaning of Section 401(c)(1) of the Code. If Applicant's business were organized in corporate form, interests and participations in the Plan would be exempt from registration pursuant to Section 3(a)(2) of the Act. Applicant submits that the intent of Congress in drafting Section 3(a)(2) of the Act was to prevent the sale, without registration, of interests in mass-marketed plans offered by financial institutions to self-employed persons who might be unable to protect adequately their interests and those of their participating employees.

Applicant's plan is not a mass marketed master or prototype retirement plan, but is, according to Applicant, an individualized plan covering eligible employees of Applicant only. The Plan is subject to reporting requirements of ERISA and a summary of the Plan has been delivered to each participant and each person currently receiving benefits from the Plan. Applicant states that all forms and reports required by the Internal Revenue Service and the Department of Labor have been filed on a timely basis and will continue to be filed in the future.

Applicant concludes that under the circumstances, granting the requested exemptive order would be appropriate in the public interest, consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

NOTICE IS FURTHER GIVEN that any interested person may, not later than 5:30 p.m. on January 8, 1979, 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 Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following January 8, 1979, 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 notice of further developments 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. 35248 Filed 12-18-78; 8:45am]

#### [8010-01-M]

[Release No. 10519; (812-4320)]

#### METROHIO CORP.

Filing of Application Pursuant to Section 6(c) of the Act for Exemption From All Provisions of the Act.

DECEMBER 12, 1978.

NOTICE IS HEREBY GIVEN that Metrohio Corporation ("Applicant"), a Delaware corporation registered as a closed-end, non-diversified, management investment company under the Investment Company Act of 1940 ("Act"), filed an application on May 24, 1978, and amendments thereto on October 30, and November 8, 1978, pursuant to Section 6(c) of the Act, for an order of the Commission exempting the Applicant from all provisions of the Act. 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 application states that The Metropolitan Trust Company ("Metropolitan") is a trust company organized under the laws of Ontario, Canada, and is under the regulatory authority of the Registrar of Loan and Trust Corporations of Ontario. Of its approximately 1,044 shareholders, Metropolitan believes that no more than 20, with combined holdings of 10.4% of the outstanding Metropolitan common stock, are residents of the United States. Metropolitan owns approximately 99% of the outstanding common stock of Canadian First Mortgage Corporation ("CFM"), a loan corporation organized under the laws of Ontario, and which is in the business of issuing debentures to the public. All of these debentures have terms of at least one year and are insured to the extent of \$20,000 (Canadian)<sup>1</sup> per holder by the Canada Deposit Insurance Corporation, an agency of the Canadian government. Applicant states that, of the CFM debenture holders, approximately 56 are United States residents. CFM makes loans secured by real estate, and also acquires interests in mortgages originated by other lenders.

In July 1977, Metropolitan entered into an agreement with Fidelity Corporation, a financial holding company organized under the laws of the state of Virginia, whereby Metropolitan or

<sup>1</sup>Unless specified otherwise, all further dollar amounts are in United States dollars.

one of its subsidiaries would purchase 780,000 shares of the common stock of Transohio Financial Corporation ("Transohio"), a savings and loan company based in Cleveland, Ohio, such shares representing approximately 23.7% of Transohio's outstanding common stock. Based on Ontario laws and regulations which limit the amount a trust company may invest in any one type of security to an amount equal to 15% of the trust company's capital and surplus, the Registrar of Loan and Trust Corporations of Ontario informed Metropolitan that it would approve that acquisition only if 68.3% of the total Transohio shares to be acquired were to be purchased by a United States subsidiary of CFM. For this purpose, CFM formed the Applicant, purchased all of its outstanding common stock, and made an additional contribution of \$7,326,175 to the capital of the Applicant. To finance that investment, in part, Metropolitan purchased additional common stock of CFM from CFM for an aggregate amount of \$3,330,842; and, to help finance its investment in CFM, Metropolitan issued additional shares of its own common stock to its present shareholders through a rights offering, raising approximately \$8,000,000 in additional equity.

The purchase of Transohio shares by the Applicant and Metropolitan was closed on September 16, 1977; on that same date, Applicant filed with the Commission a notification of registration on Form N-8A and, on December 16, 1977, it filed a registration statement under the Act on Form N-8B-1. The Applicant states that it has not made, and will not make, any public offering of its securities, and that it has always been the intention of Metropolitan and its affiliates to bring about periodic transfers of the Transohio shares held by the Applicant to Metropolitan when and as permitted by Ontario law with no intent that the Applicant be, or in any way operate as, an investment company. To that end, the Applicant proposes to enter into a series of transfers of Transohio shares to Metropolitan as the latter's capital and surplus grow sufficiently to allow it to acquire additional Transohio shares without exceeding the 15% limit imposed by Canadian law. Such purchases would all be consummated at a price not less than the price per share paid by Metrohio plus per share capitalized acquisition costs, both as adjusted for any stock dividends declared by Transohio, but at a price that will not exceed market price at the date of transfer with the transfer price determined by the managements of the Applicant and Metropolitan based upon tax and other considerations. The Applicant also asserts that it was not intended



that CFM or its security holders be at risk in these transactions, and that the Applicant will have no business function other than to hold shares of Transohio stock and transfer them to Metropolitan on a periodic basis. According to the application, because of the increase in Metropolitan's capital and surplus which resulted from the aforementioned rights offering, Metropolitan would now be permitted by Ontario law to acquire up to approximately 82,500 additional shares of Transohio stock from the Applicant.

Section 6(c) of the Act provides, in part, that the Commission may exempt any person, security or transaction from any provisions of the Act and rules 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.

The Applicant has requested an order of the Commission pursuant to Section 6(c) of the Act for exemption from all provisions of the Act, and states that the exemption would be consistent with the protection of investors and the purposes and policies of the Act. It asserts that the only domestic investors having any beneficial interest in the Applicant are those approximately 20 shareholders of Metropolitan who are United States residents holding CFM debentures. Furthermore, the Applicant asserts that the remote interest of those domestic beneficial owners of its securities is not sufficient to justify the imposition of the Act's provisions on the Applicant.

The Applicant has agreed that the order requested herein may be issued subject to the following conditions:

- (1) That it will refrain from the issuance of any additional securities;
- (2) That it will engage in no business activities other than those required in order to effect the transactions set forth above;
- (3) That it will notify the Commission of any offering of securities in the United States by CFM or Metropolitan; and
- (4) That the transfer of all shares of Transohio stock to Metropolitan will be at a price not less than the price per share originally paid by the Applicant (\$13.75) plus per share capitalized acquisition costs, both as adjusted for any Transohio stock dividends.

NOTICE IS FURTHER GIVEN that any interested person may, not later than January 8, 1979, 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 noti-

fied 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 Applicant at the address stated above. Proof of such service (by affidavit or, in the 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. 78-35249 Filed 12-18-78; 8:45 am)

[8010-01-M]

[Release No. 15393; (SR-NASD-77-21)]

NATIONAL ASSOCIATION OF SECURITIES  
DEALERS, INC.

Order Approving Proposed Rule Change

DECEMBER 12, 1978.

On December 29, 1977, the National Association of Securities Dealers, Inc. ("NASD") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), and Rule 19b-4 thereunder, copies of a proposed rule change to amend Sections 6 and 19 of its Code of Procedure for Handling Trade Practice Complaints to provide that if an associated person of a NASD member is named in a complaint before an NASD District Business Conduct Committee (the "DBCC"), the DBCC is required to forward a copy of the complaint to the NASD member with whom the respondent is associated. The proposed rule change further provides that the member is to be sent a copy of any final decision, including a dismissal of the charges resulting from the complaint, and is to be notified of any application by the respondent for review by the Commission.

As a reason for the proposed rule change, the NASD has stated that employers who are made aware of complaints against their associated persons will be in a better position to supervise those persons properly and

that an employer may wish to supervise an associated person who is subject to an NASD disciplinary action more intensively than it would supervise other employees.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-14438 (February 3, 1978)) and by publication in the FEDERAL REGISTER (43 FR 6186 (February 13, 1978)). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association and in particular, the requirements of Section 15A, and the rules and regulations thereunder.

IT IS THEREFORE ORDERED, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
*Secretary.*

(FR Doc. 78-35250 Filed 12-18-78; 8:45 am)

[8010-01-M]

[Release No. 20823; (70-6231)]

NATIONAL FUEL GAS COMPANY, ET AL

Proposal Relating to System Short-Term Debt  
Financing

DECEMBER 8, 1978.

NOTICE IS HEREBY GIVEN that National Fuel Gas Company ("NFG" or "Company"), a registered holding company, and two of its subsidiaries, National Fuel Gas Distribution Corporation ("Distribution Corporation") and National Fuel Gas Supply Corporation ("Supply Corporation"), have filed an application and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Act and Rules 23, 42, 43, 45 and 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons

are referred to the application and amendments, which was summarized below, for a complete statement of the proposed transactions.

It is anticipated that Distribution Corporation will need approximately \$50,000,000 for working capital in 1979 from external sources. In connection therewith, the Company proposes to issue and sell from time to time during the period from January 1, 1979, through December 31, 1979, up to \$30,000,000 aggregate principal amount at any one time outstanding of its short-term unsecured notes to The Chase Manhattan Bank, N.A., New York City ("Chase"), and to loan the proceeds therefrom to Distribution Corporation.

Also in connection with Distribution Corporation's need for \$50,000,000 for working capital, the Company proposes to issue and sell from time to time during the period from January 1, 1979, through December 31, 1979, up to \$20,000,000 aggregate principal amount at any one time outstanding of its commercial paper to A. G. Becker & Co., Incorporated ("Dealer") and/or short-term unsecured notes to Chase and to loan the proceeds to Distribution Corporation.

The commercial paper will be sold by the Company to the Dealer in minimum sales amounts of not less than \$50,000 and note denominations of not less than \$25,000, with varying maturities not to exceed nine months, and will not be prepayable prior to maturity. No commission will be payable in connection with the issuance and sale of the commercial paper; however, the Dealer will reoffer and sell the commercial paper at a discount rate of  $\frac{1}{8}$  of 1% per annum less than the prevailing discount rate from the Dealer to the Company. The Dealer, in reoffering the commercial paper, will limit the reoffer and sale to a nonpublic list of not more than 200 buyers of commercial paper, which list will be furnished to the Commission either directly by the Company or by the Dealer. Such list will be prepared in advance by the Dealer and will include commercial banks, insurance companies, corporate pension funds, investment trusts, foundations, college and university funds, municipal and state funds, or other financial institutions which normally invest funds in commercial paper. No sale will be made to any buyer unless and until such buyer has received a current report of the financial condition of the Company. No additions will be made to such list of customers without approval of the Commission. It is anticipated that the commercial paper of the Company will be held by the buyer to maturity; however, the Dealer may, if desired, repurchase the commercial paper and

reoffer it to others on the approved list of buyers.

The short-term unsecured notes issued to Chase will be dated as of the date of issue, will mature not later than twelve months from the date thereof, will be prepayable at any time without premium and will bear interest based on the Chase prime rate as it fluctuates from time to time. In addition, the Company has informally agreed with Chase to maintain average balances of 20% of the average loans outstanding. However, the average balances maintained for normal operating needs are sufficient to cover these amounts. There will be no commitment fee or any closing or related costs in connection with the above borrowings from Chase. Assuming an average balance of 20% was required, the effective cost of money, based on the current 11.5% prime rate, would be 14.375%. The Company proposes to use the proceeds from the sale of its short-term notes and/or commercial paper to acquire for cash from time to time up to \$50,000,000 aggregate principal amount at any one time outstanding of short-term unsecured notes from Distribution Corporation. Each such note will be dated the same date and bear the same effective interest rate as the related commercial paper and/or short-term note of the Company. Each note related to the commercial paper of the Company will mature within nine months from its date of issue, with interest payable quarterly until the principal amount is paid in full. Each note related to a short-term note of the Company will be dated the same date and bear the same interest rate as the related short-term note of the Company (11.5%, based on the current Chase prime rate) and will mature within twelve months from its date of issue, with interest payable quarterly until the principal amount is paid in full. Distribution Corporation will have the option, after payment of all notes of prior maturity, to prepay any note issued pursuant to this transaction at any time or from time to time, in whole or in part, without premium, upon payment of all interest accrued on the principal amount so prepaid to the date of such prepayment.

Distribution Corporation proposes to use the proceeds from the sale of its notes pursuant to this transaction for working capital, including working capital in connection with deferred gas costs. The Company tentatively proposes to repay the \$50,000,000 through moneys received from Distribution Corporation or from bank loans or the sale of commercial paper.

It is anticipated that Supply Corporation will need approximately \$30,000,000 for working capital and to purchase gas placed in storage during

the summer months in 1979. In connection therewith, the Company proposes to establish lines of credit with several banks aggregating \$30,000,000 and to issue and sell from time to time during the period from January 1, 1979, through December 31, 1979, short-term unsecured notes pursuant thereto up to an aggregate principal amount at any one time outstanding of \$30,000,000 and loan the proceeds therefrom to Supply Corporation. The names of the banks and the maximum amount to be borrowed and outstanding at any one time from each such bank are as follows:

BUFFALO GROUP	
Marine Midland Bank-Western, Buffalo, New York.....	\$12,000,000
Manufacturers and Traders Trust Company, Buffalo, New York.....	7,000,000
Liberty National Bank & Trust Company, Buffalo, New York.....	2,000,000
ERIE GROUP	
First National Bank of Pennsylvania (Agent Bank), Erie, Pennsylvania.....	1,500,000
Marine Bank, Erie, Pennsylvania.....	1,000,000
Warren National Bank, Warren, Pennsylvania.....	1,000,000
OIL CITY	
First Seneca Bank & Trust Co. (Agent Bank), Oil City, Pennsylvania.....	2,000,000
Pennsylvania Bank & Trust Co., Titusville, Pennsylvania.....	1,500,000
Northwest Pennsylvania Bank & Trust Co., Oil City, Pennsylvania.....	1,000,000
McDowell National Bank, Sharon, Pennsylvania.....	1,000,000
	<u>\$30,000,000</u>

The notes will be dated as of the date of issue, will mature not later than twelve months from the date thereof and will be prepayable at any time, in whole or in part, without penalty or premium. The notes issued and sold to the Erie and Oil City banks will bear interest at the prime rate of interest in effect from time to time of The Chase Manhattan Bank, N.A., New York City. The notes issued and sold to the Buffalo banks will bear interest at the prime rate of interest in effect from time to time of each individual bank. The effective cost of the lines of credit from the Erie Group and Oil City Group is the prime rate of interest charged by Chase; the effective cost of the lines of credit from the Buffalo group is the prime rate of interest in effect from time to time of each such bank. The Company proposes to use the proceeds from the sale of short-term notes described in this transaction to acquire for cash from time to time up to \$30,000,000 aggregate principal amount at any one time outstanding of short-term unsecured notes issued by Supply Corporation. Each such note will be dated the date and bear the same interest rate as the related short-term note of the Company. Each note will mature within twelve months from its date of



issue, with interest payable monthly until the principal amount is paid in full. Supply Corporation will have the option to prepay any note issued pursuant to this transaction at any time or from time to time, in whole or in part, without penalty or premium, upon payment of all interest accrued on the principal amount so prepaid to the date of such prepayment.

Supply Corporation proposes to use the proceeds from the sale of its notes pursuant to this transaction for working capital and to purchase gas placed in storage during the summer months. Repayment of these notes by Supply Corporation will be made as gas is withdrawn from storage and sold and from funds generated internally.

By order dated March 9, 1978 (HCAR No. 20440), the Commission authorized Supply Corporation to make certain short-term loans of up to \$28,000,000 aggregate principal amount to Distribution Corporation. Supply Corporation and Distribution Corporation wish to increase the principal amount and extend the availability of such intrasystem loans and, in connection therewith, are seeking in a post-effective amendment to File No. 70-5915 being filed contemporaneously herewith authorization for the loaning and reloaning during 1979 by Supply Corporation of up to \$58,000,000 aggregate principal amount at any one time outstanding of certain excess funds to Distribution Corporation. As noted in HCAR No. 20440, the availability of the above-mentioned Supply Corporation loans are dependent, in part, upon the need for the funds by National Gas Storage Corporation ("Storage Corporation"), a proposed subsidiary of the Company (see File No. 70-5961), and by Supply Corporation. To the extent that the needs of Storage Corporation or Supply Corporation require a repayment of a portion or all of such \$58,000,000 in 1979, Distribution Corporation will need to have available an alternative external source of funds. Therefore, during 1979, Distribution Corporation proposes to borrow from the Company, pursuant to the authority sought in connection with the transactions between the Company and Chase and the Company and the Dealer, when and to the extent that funds are unavailable from or must be repaid to, Supply Corporation in accordance with the above-mentioned extension of the Commission authorization in HCAR No. 20440. The total borrowings by the Company for Distribution Corporation pursuant to the authorization sought in connection with the transactions between the Company and Chase and the Company and the Dealer, together with loans by Supply Corporation to Distribution Corpora-

tion will not at any one time exceed \$50,000,000.

The fees, commissions, and expenses incurred or to be incurred in connection with the proposed transactions total \$8,200, including estimated fees for legal counsel of \$6,000 and miscellaneous estimated expenses of \$200. It is stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NOTICE IS FURTHER GIVEN that any interested person may, not later than January 3, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant of delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-35251 Filed 12-18-78; 8:45 am]

[8010-01-M]

[Release No. 10520; (812-4397)]

PRESIDENTIAL LIFE INSURANCE CO.

Application Pursuant to Section 11 for an Order Approving Offers of Exchange and Pursuant to Section 6(c) of the Act for Exemptions From Sections 26(a) and 27(c)(2) of the Act

DECEMBER 12, 1978.

NOTICE IS HEREBY GIVEN that the Presidential Life Insurance Company ("Company"), a New York stock life insurer, Presidential Variable Annuity Funds A, B and C ("Separate Ac-

counts"), separate accounts of Presidential Life, which are registered as unit investment trusts under the Investment Company Act of 1940 ("Act") and High Yield Securities, Inc., Convertible Yield Securities, Inc., and Short-Term Yield Securities, Inc., which are registered as an open-end investment company under the Act (hereinafter collectively referred to as "Applicants"), filed an application on November 29, 1978, and an amendment thereto on December 5, 1978, pursuant to Section 11 of the Act for an order approving an offer of exchange and pursuant to Section 6(c) of the Act for an order of exemption from the provisions of Sections 26(a) and 27(c)(2) of the Act, to the extent noted below. 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 Company is a stock life insurance company licensed to transact business in eighteen states and the District of Columbia.

The separate accounts are being established pursuant to New York law in connection with the proposed offering of variable annuity contracts ("Contracts") to individuals for the purpose of providing retirement benefits by accumulating purchase payments on a variable basis, and by applying such accumulations to provide fixed annuity payments.

The assets of each Separate Account will be invested in shares of a different investment company, each of which is an open-end diversified management investment company registered under the Act. The assets of Separate Account A are to be invested at net asset value in shares of High Yield Securities, Inc., whose principal investment objective is to obtain the highest level of current income achievable through investments in fixed income securities not believed to involve undue risk. The assets of Separate Account B are to be invested at net asset value in shares of Convertible Yield Securities, Inc., whose investment objective is to provide high current return and appreciation of invested capital by investing primarily in convertible fixed income securities. The assets of Separate Account C are to be invested at net asset value in shares of Short-Term Yield Securities, Inc., whose investment objective is to seek the preservation of capital, to maintain liquidity and to obtain the highest level of current income consistent with these objectives through investment in high grade money market instruments having one year or less to maturity.

#### Section 11

Section 11(a) of the Act makes it unlawful for any registered open-end in-

vestment company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any offer of exchange of any security of a registered open-end company for a security of a registered unit investment trust and any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants will offer certain exchange and transfer privileges as follows:

**Exchange Right:** The Company and each of the Separate Accounts will offer participations in the Separate Accounts through the Contract to all shareholders of High Yield Securities, Inc., Convertible Yield Securities, Inc. and Short-Term Yield Securities, Inc. (collectively referred to as the "Investment Companies") in exchange for shares of the Investment Companies. Such exchange would take place on the following basis.

The exchange would be initiated by a written request of a shareholder and delivery of any issued share certificates to the Transfer Agent and Custodian, State Street Bank and Trust Company, P.O. Box 1912, Boston, Massachusetts 02105. The exchange would be accomplished by the redemption of the Investment Company shares at net asset value next determined after receipt of the request for exchange and the reinvestment of the proceeds without a sales charge in accumulation units of the appropriate Separate Account at a value next determined after receipt of the assets for purchase of a Contract. The Company deducts a daily charge equal to an annual rate of .70% of the daily net asset value of each Separate Account as a charge for mortality and expense risks assumed by the Company. This deduction consists of approximately .50% for mortality risks and .20% for expense risks. A charge of .25% of the net asset value being exchanged will be deducted from all exchanges to cover the cost of a Minimum Death Benefit. An administrative charge of \$7.50 will be deducted annually from the accumulated value of Contracts which have been converted to paid-up Contracts and which have an accumulated value of less than \$1,500 due to partial surrenders. This charge is to cover the Com-

pany's expense in administering small dormant accounts.

Applicants contend that the purpose of the Exchange Right is to permit a shareholder who desires to carry on his investment in an investment medium managed by the Investment Companies pursuant to a variable annuity contract rather than directly to do so without paying a sales charge.

Applicants contend that no sales charge is to be imposed on exchange of securities issued by the Investment Companies for Contracts issued by the Separate Accounts. In addition, shareholders of the Investment Companies already are familiar with the managers of their own Investment Companies which serve as the underlying investment media of the Separate Accounts. As a result, any selling effort in connection with the exchange will be reduced.

**Transfer Right:** Applicants propose to permit, without the imposition of a sales load, transfers of Contracts sold by the Company on the basis of the accumulated values thereof for other Contracts sold by the Company of the same type and class. A fee may be charged for such transfer, which fee is currently \$5.00.

A Contract owner holding a Contract under Separate Account A would have the option of transferring his Contract, without additional load, for a Contract issued by Separate Accounts B or C on the basis of the net asset values of each Separate Account.

With respect to the Transfer Right, Applicants contend that such right is consistent with the protection of Contract owners and the purposes clearly intended by the policy and provisions of the Act. The only purpose of this transfer provision is to provide such Contract owners the right to obtain a Contract which invests in shares of an investment company which operates under investment objectives more closely aligned with such Contract owner's financial needs. This provides such Contract owner with greater flexibility in planning for his financial future.

Applicants consider that the contemplated exchanges and transfers would not appear to involve any exchange of a security of a registered unit investment trust for the security of any other investment company; however, Applicants are requesting an order pursuant to Section 11 approving the proposed rights of exchange and transfer to avoid any question that might be raised.

Applicants assert that except for the transfer fee, presently \$5.00, an exchange or transfer will be effected at the applicable respective net asset values of units accumulated under the Separate Accounts from which and to which an exchange or transfer is being

made, and is thus consistent with the policy underlying Section 11.

#### *Sections 26(a) and 27(c)(2)*

Section 26(a) and 27(c)(2) of the 1940 Act provide, in substance, that a registered unit investment trust or issuer of a periodic payment plan certificate and any depositor and underwriter for such investment company are prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a qualified bank as trustee and are held under an indenture or agreement containing specified provisions. Such agreement must provide, inter alia, that the bank (i) shall have possession of all property of the unit investment trust and segregate and hold the same in trust, (ii) shall not resign until the trust has been liquidated or a successor has been appointed, (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services performed and and reimbursement of expenses incurred as are provided for in the agreement, and (iv) shall not be allowed as an expense any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services of a character normally performed by the custodian.

Under the provisions of the New York insurance laws, the Company is not permitted to hold itself out as a trustee of the property of the account (and cannot place such property in trust in the hands of another). The portion of the purchase payments under the Contracts allocated to the separate accounts will be invested in shares of one of three funds available as underlying investment media for the separate accounts.

Applicants consent that the order granting the requested exemption may be subject to the following conditions: (1) that any charges under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and the Commission shall reserve jurisdiction for such purpose, and (2) that the payment of sums and charges out of the assets of the Separate Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that consent to these conditions shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than charges for administrative services, and the Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court, to

assert that the Commission has no authority to regulate the payment of such other sums and charges.

#### Section 6(c)

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent 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.

NOTICE IS FURTHER GIVEN that any interested person may, not later than January 8, 1979, 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 O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following January 8, 1979, 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 notice of further developments 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. 78-35252 Filed 12-18-78; 8:45 am]

#### [8010-01-M]

[File No. 500-11]

REINELL INDUSTRIES, INC.

Suspension of Trading

DECEMBER 13, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the se-

curities of Reinell Industries, 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 9:30 a.m. on December 13, 1978 through December 22, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc. 78-35253 Filed 12-18-78; 8:45 am]

#### [8010-01-M]

[File No. 1-6019]

VEECO INSTRUMENTS, INC.

Application to Withdraw From Listing and  
Registration

DECEMBER 7, 1978.

IN THE MATTER OF VEECO INSTRUMENTS, INC. Common Stock, Par Value \$1.00 FILE NO. 1-6019 Securities Exchange Act of 1934 Section 12(d).

The above named issuer has filed an application with the Securities and Exchange Commission, pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the AMERICAN STOCK EXCHANGE, INC. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of Veeco Instruments, Inc. (the "Company") has been listed for trading on the Amex since August 13, 1969. On December 1, 1978, the stock was also listed for trading on the New York Stock Exchange, Inc. ("NYSE") and concurrently therewith, such stock was suspended from trading on the Amex. In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant on maintaining a dual listing on both exchanges. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for such stock.

The application relates solely to the withdrawal from listing and registration on the Amex and shall have no effect on the continued listing of such common stock on the NYSE. The Amex has posed no objection in this matter.

Any interested person may on or before January 5, 1979, submit by

letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc. 78-35255 Filed 12-18-78; 8:45]

#### [8025-01-M]

#### SMALL BUSINESS ADMINISTRATION

THE CINEMA FUND, INC.

Surrender of License

Notice is hereby given that, pursuant to § 107.105 of the Small Business Administration's (SBA) Rules and Regulations governing Small Business Investment Companies (38 FR 30836), The Cinema Fund, Inc., 950 Third Avenue, New York, New York, incorporated under the laws of the State of Delaware has surrendered its license No. 02/02-0322 issued by the SBA on December 19, 1977.

The Cinema Fund, Inc., has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the above cited regulation, the license of The Cinema Fund, Inc., is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: December 13, 1978.

PETER F. McNEISH,  
*Deputy Associate*

*Administrator for Investment.*

[FR Doc. 78-35227 Filed 12-18-78; 8:45 am]

#### [8025-01-M]

[License No. 04/04-5151]

Venture Opportunities Corp.

Issuance of a License To Operate as a Small  
Business Investment Company

On September 12, 1978, a notice was published in the FEDERAL REGISTER (43 FR 40583) stating that Venture Opportunities Corporation, located at 1438 Brickell Avenue, Miami, Florida 33131, has filed an application with

the Small Business Administration pursuant to 13 CFR 107.102 (1978) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business September 27, 1978, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued license No. 04/04-5151 to Venture Opportunities Corporation on December 1, 1978.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: December 13, 1978.

PETER F. McNEISH,  
Deputy Associate  
Administrator for Investment.

[FR Doc. 78-35228 Filed 12-18-78; 8:45 am]

#### [4810-22-M]

#### DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 78-484]

WHITE OR IRISH POTATOES, OTHER THAN  
CERTIFIED SEED

Tariff-Rate Quota

DECEMBER 1, 1978.

AGENCY: U.S. Customs Service, Department of the Treasury.

**ACTION:** Announcement of the quota quantity for white or Irish potatoes, other than certified seed, for the 12-month period beginning September 15, 1978.

**SUMMARY:** The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to item 137.25, Tariff Schedules of the United States, for the 12-month period beginning September 15, 1978, is 45 million pounds.

**EFFECTIVE DATES:** The 1978 tariff-rate quota is applicable to white or Irish potatoes described in item 137.25, TSUS, entered, or withdrawn from warehouse, for consumption during the 12-month period beginning September 15, 1978.

#### FOR FURTHER INFORMATION CONTACT:

Helen C. Rohrbaugh, Head, Quota Section, Duty Assessment Division, Office of operations, U.S. Customs Service, Washington, D.C. 20229 (202-566-8592).

**SUPPLEMENTARY INFORMATION:** Each year the tariff-rate quota for potatoes described in item 137.25, Tariff

Schedules of the United States (TSUS), is based on the estimate by the Department of Agriculture of potatoes produced during the calendar year.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1978, made by the United States for the calendar year 1978, made by the United States Department of Agriculture as of September 1, 1978, was in excess of 21 billion pounds.

In accordance with headnote 2, part 8A, of schedule 1, Tariff Schedules of the United States, the quota quantity is not increased because the estimated production is greater than 21 billion pounds.

G. R. DICKERSON,  
Acting Commissioner  
of Customs.

[FR Doc. 78-35144 Filed 12-18-78; 8:45 am]

#### [4810-22-M]

Office of the Secretary

#### METHYL ALCOHOL FROM CANADA

Antidumping; Withholding of Appraisal  
Notice

AGENCY: United States Treasury Department.

**ACTION:** Withholding of Appraisal.

**SUMMARY:** This notice is to advise the public that there are reasonable grounds to believe or suspect that there are sales of methyl alcohol (methanol) from Canada to the United States at less than fair value within the meaning of the Antidumping Act, 1921. Sales at less than fair value generally occur when the price of merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries. Appraisal for the purpose of determining the proper duties applicable to entries of this merchandise will be suspended for six months. Interested persons are invited to comment on this action not later than January 18, 1979.

**EFFECTIVE DATE:** December 19, 1978.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Edward F. Haley, Operations Officer, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue, NW, Washington, D.C. 20229, telephone (202) 566-5492.

**SUPPLEMENTARY INFORMATION:** On May 2, 1978, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regula-

tions (19 CFR 153.26 and 153.27), from counsel acting on behalf of E. I. du Pont de Nemours & Company alleging that methyl alcohol from Canada is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act").

On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of June 14, 1978 (43 FR 25758).

Methyl alcohol, commonly called methanol, is classifiable under item numbers 427.9600 and 427.9700 of the Tariff Schedules of the United States Annotated.

#### TENTATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of information developed in the Customs investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of methyl alcohol from Canada is less, or likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise.

#### STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above tentative determination are as follows:

a. *Scope of the Investigation.* It appears that virtually all imports of methanol from Canada were manufactured by Alberta Gas Chemicals, Limited (hereinafter referred to as AGCL). Therefore, the investigation has been limited to this manufacturer.

b. *Basis of Comparison.* For the purpose of this tentative determination, the proper basis of comparison appears to be between purchase price and the adjusted home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since U.S. sales compared were made to unrelated customers. Home market price, as defined in § 153.2 of the Customs Regulations, was used for fair value comparison purposes since such or similar merchandise was sold in the home market in sufficient quantities to provide an appropriate basis of comparison.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning sales to the United States and in the home market during the 6-month period January 1, 1978 through June 30, 1978.

c. *Purchase Price.* For the purposes of this tentative determination, the purchase price has been calculated

based on prices to unrelated U.S. customers with deductions for freight, U.S. duty, and sales commission, where appropriate. For the purpose of making fair value comparisons customers were classified in two groups: Producers of formaldehyde and producers of other than formaldehyde, since sales to producers of formaldehyde are generally made at a different price level than sales to other classes of customers.

In calculating purchase price, so called "swap" transactions, which appear to be common in the methanol industry to reduce freight expenses, have not been considered. A swap transaction involves the delivery of the product by one methanol producer to the customer of a second, while the second producer agrees at an undetermined future time to deliver a comparable amount to a customer of the first. No payment is exchanged. Swap shipments between AGCL and United States producers during the period of investigation involved about 8 million gallons, or approximately 28 percent of total U.S. sales. Because the swaps are not valued as such to permit simple price comparisons, these sales were not used in making fair value comparisons.

In addition, AGCL made sales to a United States producer of methanol. These sales, which are referred to as "co-producer" sales, were not included within the price comparisons because there were not sales to the same level of trade in the home market. They affected less than 6 percent of all sales to the United States.

d. *Home Market Price.* For purposes of this tentative determination, two separate home market prices have been calculated for fair value comparisons because AGCL sold methanol in Canada to two distinct classes of purchaser—producers of formaldehyde and producers of other than formaldehyde. Deductions were made for freight costs in both instances, where applicable.

e. *Results of Fair Value Comparisons.* Using the above criteria, preliminary analysis suggests that the purchase price appears to be lower than the home market price of such or similar merchandise. Comparisons were made on approximately 67 percent of the methanol sold in the United States by AGCL during the period of investigation. Margins were tentatively found, ranging from 9.9 percent to 108.6 percent, on 100 percent of sales compared. The weighted-average margin computed over all sales compared was 56.3 percent.

Customs officers are being directed to withhold appraisement of methyl alcohol from Canada in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with § 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than December 29, 1978. Such requests must be accompanied by a statement outlining the issues to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than January 18, 1979. All persons submitting written views or arguments should avoid repetitious and merely cumulative material. Counsel for the petitioner and respondent are requested to serve all written submissions on all other counsel and to file their submissions with the Commissioner of Customs in 10 copies.

This notice, which is published pursuant to § 153.35(b), Customs Regulations (19 CFR 153.35(b)), shall become effective December 19, 1978. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

ROBERT H. MUNDHEIM,  
*General Counsel of the Treasury.*

DECEMBER 3, 1978.

(FR Doc. 78-35185 Filed 12-18-78; 8:45 am)

#### [8320-01-M]

##### VETERANS ADMINISTRATION

##### INDIANTOWN GAP NATIONAL CEMETERY AT ANNVILLE, PA.

##### Availability of Draft Environmental Impact Statement

Notice is hereby given that a document entitled "Draft Environmental Impact Statement, Proposed National Cemetery, Indiantown Gap, Pennsylvania," dated December 1978 has been prepared as required by the National Environmental Policy Act of 1969.

The proposed National Cemetery is to be located on 675 acres on the south perimeter of the Fort Indiantown Gap Military Reservation in Lebanon County near Annaville, Pennsylvania. The proposed development will provide approximately 313,000 gravesites and will have an administration building, maintenance complex, memorial center and other facilities associated with cemetery functions.

The Draft Statement discusses the significant environmental impact of the proposed Indiantown Gap Nation-

al Cemetery. The document is being placed for public examination in the Veterans Administration Office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sittler, Director, Environmental Affairs Office (66) room 950, Veterans Administration, 1425 K Street, NW., Washington, D.C. (202-389-2526).

Single copies of the Draft Statement may be obtained on request to: Director, Environmental Affairs Office (66), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: December 13, 1978.

By direction of the Administrator.

MAURY S. CRALLE, JR.,  
*Assistant Deputy Administrator  
for Financial Management  
and Construction.*

(FR Doc. 78-35184 Filed 12-18-78; 8:45 am)

#### [1505-01-M-]

##### INTERSTATE COMMERCE COMMISSION

(Decisions Vol. No. 211)

##### DECISION-NOTICE

##### Correction

In FR Doc. 78-23368 appearing on page 37311 in the issue of Tuesday, August 22, 1978, on page 37321 in the 1st column, the 1st full paragraph, the application number in the 1st line should read, "MC 145049F, filed July 11, 1978. . . ."

#### [7035-01-M]

(Decisions Volume No. 541)

##### PERMANENT AUTHORITY APPLICATIONS

##### Decision-Notice

Decided: November 20 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, pre-

liminarily 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 expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of section 10930 (formerly section 210) of the Interstate Commerce Act.

*It is ordered:* In the absence of legally sufficient protests, filed on or before January 18, 1979 (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 decision-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 in the grant or grants of authority 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 200 (Sub-315F), filed October 27, 1978. Applicant: RISS INTERNATIONAL corporation, a Delaware Corporation, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). 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), serving the facilities of Arvin Automotive, at Columbus, IN, as an intermediate point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Kansas City, MO, or Indianapolis, IN.)

MC 14252 (Sub-36F), filed September 18, 1978. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: Walter F. Jones Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. To operate as a common carrier, by motor vehicle, over regular routes, transporting 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), (1) Between Indianapolis, IN, and Terre Haute, IN: From Indianapolis, IN over U.S. Hwy 40 to Terre Haute, IN, and return over the same route, serving all intermediate points and the off-route point of Greencastle, IN, and (2) Between Indianapolis, IN, and Rockville, IN: From Indianapolis, IN over U.S. Hwy 36 to Rockville, IN, and return over the same route, serving all intermediate points and the off-route points of Bloomington and Marshall, IN. (Hearing site: Indianapolis, IN, or St. Louis, MO.)

MC 20992 (Sub-50F), filed September 26, 1978. Applicant: DOTSETH TRUCK LINE, INC., Knapp, WI 54749. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a common carrier, by motor vehicle, over irregular routes, transporting (1) *barn and feedlot machinery and equipment*, from Boyceville, WI, to points in the United States (except AK, HI, ND, SD, MN, IA, and IL); and (2) *materials, equipment, and supplies* used in the manufacture, production, and distribution of barn and feedlot machinery and equipment, from points in the United States (except AK, HI, ND, SD, MN, IA, and IL), to Boyceville, WI, (except commodities in bulk, in tank vehicles), restricted to the transportation of traffic originating at or destined to Boyceville, WI. (Hearing site: Minneapolis, MN.)

MC 30844 (Sub-625F), filed September 27, 1978. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting *meats, meat products and meat by-products, 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), from Olewein, IA, to points in CT, DE, ME, MD, MA, MI, NH, NJ, NY, PA, RI, VT, VA, and DC. (Hearing site: St. Paul, MN.)

MC 34485 (Sub-3F), filed October 25, 1978. Applicant: CLARK & REID COMPANY, INC., Meadow Road, P.O. Box 426, Burlington, MA 01803. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. To operate as a common carrier, by motor vehicle, over irregular routes, transporting *household goods*, between points in the United States (except AK and HI), restricted to the transportation of shipments having a prior or subsequent

movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments. (Hearing site: Boston, MA.)

MC 35320 (Sub-162F), filed October 25, 1978. Applicant: T.I.M.E.-DC, INC., a Delaware Corporation, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). 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), serving the facilities of ESCO Corporation, at or near Newton, MS, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Portland, OR, or Memphis, TN.)

MC 35320 (Sub-163F), filed October 26, 1978. Applicant: T.I.M.E.-DC, INC., a Delaware Corporation, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). 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), serving the facilities of ESCO Corporation, at or near Danville, IL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Portland, OR, or St. Louis, MO.)

MC 35320 (Sub-164F), filed October 26, 1978. Applicant: T.I.M.E.-DC, INC., a Delaware Corporation, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). 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), serving the facilities of Huntington Alloys, Inc., at or near Huntington, WV, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Cincinnati or Columbus, OH.)

MC 35890 (Sub-52F), filed October 30, 1978. Applicant: BLODGETT FURNITURE SERVICE, INC., 5650 Foremost Dr., SE, Grand Rapids, MI 49508. Representative: Ronald C. Nesmith, P.O. Box 4403, Chicago, IL 60680. To operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting *carpet, carpet padding, and materials, equipment, and supplies used in the manufacture or distribution of carpet and carpet padding*, from Eddystone, Fairless Hills, and Philadelphia, PA, Camden and Trenton, NJ, Ft. Wayne, IN, Shelbyville, TN, Dallas, TX, Columbus and Tupelo, MS, and Los Angeles, CA, to points in the United States (except AK and HI). (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 41406 (Sub-91F), filed September 25, 1978. Applicant: ARTIM TRANSPORTATION SYSTEMS, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon, 7105 Kennedy Avenue, Hammond, IN 46323. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *iron and steel articles*, from the facilities of Bethlehem Steel Corporation, at Johnstown, PA, to points in GA, NC, SC, AND TN, and (2) *empty wire carriers*, in the reverse direction. (Hearing site: Chicago, IL.)

MC 42011 (Sub-45F), filed September 25, 1978. Applicant: D. Q. WISE & CO., INC., P.O. Box 15125, Tulsa, OK 74115. Representative: J. Michael Alexander, 136 Wynnewood Professional Bldg., Dallas, TX 75224. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *pipe, and materials, equipment, and supplies used in the manufacture of pipe*, between the facilities of Maverick Tube Corporation, at or near Union, MO, 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 Maverick Tube Corporation, at Union, MO. (Hearing site: St. Louis, MO, or Dallas, TX.)

MC 42487 (Sub-882F), filed August 31, 1978. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, a Delaware Corporation, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier*, by motor vehicle, over regular routes, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between San Antonio and Laredo, TX, over U.S. Hwy 81, serving no intermediate points, and serving the junction of U.S. Hwys 81 and 57 for purposes of joinder only, (2) between San Antonio and Corpus Christi, TX, from San Antonio over U.S. Hwy 281 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction Interstate Hwy 37, then over Interstate Hwy 37 to Corpus Christi,

and return over the same route, serving no intermediate points, and serving the junction of U.S. Hwy 77 and Interstate Hwy 37 and the junction U.S. Hwys 281 and 59 for purposes of joinder only, (3) between the junction U.S. Hwys 281 and 59 and McAllen, TX, from the junction U.S. Hwys 281 and 59 over U.S. Hwy 281 to junction U.S. Hwy 83, then over U.S. Hwy 83 to McAllen, and return over the same route, serving no intermediate points, (4) between the junction U.S. Hwy 77 and Interstate Hwy 37 and Brownsville, TX, over U.S. Hwy 77, serving the intermediate points of Kingsville and Harlingen, TX, (5) between McAllen and Harlingen, TX, over U.S. Hwy 83, serving the intermediate point of Weslaco, TX, (6) between the junction U.S. Hwys 81 and 57 and Eagle Pass, TX, from the junction U.S. Hwys 81 and 57 over U.S. Hwy 57 to junction U.S. Hwy 277, then over U.S. Hwy 277 to Eagle Pass, and return over the same route, serving no intermediate points, (7) between San Antonio, TX and the junction U.S. Hwy 77 and Interstate Hwy 37, from San Antonio over U.S. Hwy 87 to Victoria, TX, then over U.S. Hwy 77 to junction Interstate Hwy 37, and return over the same route, serving the intermediate point of Victoria, TX, (8) between Eagle Pass and McAllen, TX, from Eagle Pass over U.S. Hwy 277 to Carrizo Springs, TX, then over U.S. Hwy 83 to McAllen, and return over the same route, serving the intermediate points of Carrizo Springs and Laredo, TX, (9) between Schulenberg and Victoria, TX, over U.S. Hwy 77, serving no intermediate points, (10) between Houston and Victoria, TX, over U.S. Hwy 59, serving the intermediate point of Wharton, TX, (11) between Houston and Lufkin, TX, over U.S. Hwy 59, serving no intermediate points, (12) between Victoria and Laredo, TX, over U.S. Hwy 59, serving no intermediate points, (13) serving Bay City, Bishop, Bloomington, Diboll, Elsa, Freeport, Point Comfort, Port Isabel, San Carlos, and Yoakum, TX, as off-route points in connection with the routes in (1) through (12) above, (14) between Dallas and Texarkana, TX, from Dallas over Interstate Hwy 30 to junction U.S. Hwy 71, then over U.S. Hwy 71 to Texarkana, and return over the same route, serving no intermediate points, (15) between Mineola, and Marshall, TX, over U.S. Hwy 80, serving the intermediate points in Hawkins, Big Sandy, Gladewater, and Longview, TX, (16) between Texarkana and Marshall, TX, over U.S. Hwy 59, serving no intermediate points, (17) between Marshall and Lufkin, TX, over U.S. Hwy 59, serving no intermediate points, (18) between Mineola and Lufkin, TX, over U.S. Hwy 69, serving the intermediate points of Lindale,



Tyler, and Jacksonville, TX, (19) between Tyler and Gladewater, TX, over U.S. Hwy 271, serving no intermediate points, (20) between Texarkana, TX and Memphis, TN, from Texarkana over U.S. Hwy 71 to junction Interstate Hwy 30, then over Interstate Hwy 30 to North Little Rock, AR, then over Interstate Hwy 40 to Memphis, and return over the same route, serving no intermediate points, and (21) serving Greenville, Kilgore, Nacogdoches, Overton, Palestine, Sulphur Springs, and Troup, TX, as off-route points in connection with routes (14) through (20) above. **CONDITION:** Insofar as the certificate authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from the date of issuance. (Hearing site: Houston or San Antonio, TX.)

MC 67450 (Sub-72F), filed October 18, 1978. Applicant: PETERLIN CARTAGE CO., a Corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *snack foods*, from Hanover, PA, to points in FL, GA, IL, IN, KY, MI, MO, OH, and TN. (Hearing site: Chicago, IL, or Washington, DC.)

MC 69833 (Sub-137F), filed October 18, 1978. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, NW., 6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad (same address as applicant). 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 commodities requiring special equipment), between Greenup, IL, and Terre Haute, IN, over U.S. Hwy 40 (also Interstate Hwy 70), serving no intermediate points, in connection with carrier's authorized regular route operations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 71704 (Sub-9F), filed July 7, 1978. Applicant: WAREHOUSE TRANSPORT, INC., 211 Plainfield Street, Springfield, MA 01107. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. 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 *materials, equipment, and supplies* used in the conduct of such business, (except commodities in bulk), (1) between points in CT, ME, MA, NH, RI, VT, Albany, Broome, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Fulton,

Greene, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Onondaga, Oneida, Orange, Oswego, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Schuyler, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, and Washington Counties, NY, and Bradford, Carbon, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne, and Wyoming Counties, PA, and (2) between the points indicated in part (1), on the one hand, and, on the other, the facilities of The Great Atlantic & Pacific Tea Company, Inc., at or near Baltimore and Landover, MD, Edison and Florence, NJ, and Fort Washington and Yeadon, PA, under a continuing contract(s) with The Great Atlantic & Pacific Tea Company, Inc., of Montvale, NJ. (Hearing site: New York or Albany, NY.)

MC 73165 (Sub-457F), filed October 17, 1978. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, AL 35202. Representative: R. Cameron Rollins (same address as applicant). To operate as a *common carrier*, by motor vehicle, over regular routes, transporting (1) *iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except iron and steel buildings, completed, knocked down, or in sections, and except commodities which because of size and weight require the use of special equipment), (1) between points in LA on, west, and south of a line beginning at a point on the MS-LA state line and extending along U.S. Hwy 61 to New Orleans, then along U.S. Hwy 90 to the LA-AL State line, (except West Feliciana Parish), on the one hand, and, on the other, points in MS, TN, AL, GA, FL, MD, PA, NY, NC, SC, and those in AR on and east of U.S. Hwy 61, (2) between points in West Feliciana, Ascension, St. John the Baptist, and East Baton Rouge Parishes, LA, and points in Livingston, Tangipahoa, and St. Tammany Parishes, on and south of a line beginning at a point on the Livingston Parish Line near Denham Springs, LA, and extending along U.S. Hwy 190 to Covington, then along LA Hwy 36 to junction LA Hwy 41, then along LA Hwy 41 to junction U.S. Hwy 11, then along U.S. Hwy 11 to the LA-MS State line, on the one hand, and, on the other, points in GA, TN, MD, PA, NY, NC, SC, AL, AR, FL, and those in MS on and north of U.S. Hwy 82, (3) between points in Livingston, Tangipahoa, and St. Tammany Parishes, LA, north of a line beginning at a point on the Livingston Parish Line near Denham Springs, extending along U.S. Hwy 190 to Covington, and the LA Hwy 36 to junction LA Hwy 41,

then along U.S. Hwy 41 to junction U.S. Hwy 11, then along U.S. Hwy 11 to the LA-MS State line, and points in East Feliciana, St. Helena, and Washington Parishes, on the one hand, and, on the other, points, in GA, TN, MD, PA, NY, NC, SC, AR, those in FL east of the Apalachicola River, and those in that part of AL on or east of a line beginning at the AL-GA State line then extending along U.S. Hwy 84 to Dothan, AL, then along U.S. Hwy 431 to Abbeville, then along LA Hwy 10 to Clio, then along AL Hwy 51 to Midway then along U.S. Hwy 82 to Union Springs, then along U.S. Hwy 29 to Tuskegee, then along AL Hwy 81 to Loachapoka, then along AL Hwy 14 to Wetumpka, then along U.S. Hwy 231 to Sylacauga, then along U.S. Hwy 280, to Birmingham, then along U.S. Hwy 31 to the TN-AL State line, (4) from points in LA, to points in VA, WV, ME, NH, VT, MA, RI, CT, NJ, DE, the Lower Peninsula of MI, that part of OH south of a line beginning at the OH-PA State line and extending along U.S. Hwy 62 to Columbus, OH, then along U.S. Hwy 23 to Circleville, and then U.S. Hwy 22 to Cincinnati, the Upper Peninsula of MI on, or east of U.S. Hwy 45, that part of KY on or east of a line beginning at Hawesville, KY, then along KY Hwy 69 to Fordsville, then along KY Hwy 54 to Short Creek, then along KY Hwy 79 to Caneyville, then along KY Hwy 185 to Bowling Green, then along U.S. Hwy 31W to the KY-TN State line (except Louisville), and that part of WI on or east of a line beginning at Land O'Lake, WI, extending along U.S. Hwy 45 to Monico, then along WI Hwy 32 to Gillett, then along WI Hwy 22 to Oconto, then along U.S. Hwy 41 to Pensaukee, (5) from points in LA on or east of a line beginning at the LA-TX State line southeast of Many, and extending along LA Hwy 6 to Clarence, then along U.S. Hwy 84 to Joyce, then along LA Hwy 34 to Monroe, and then along U.S. Hwy 165 to the LA-AR State line, to points in KY, on or east of U.S. Hwy 431 (except Louisville), and that part of WI, on or east of a line beginning at Port Wing, WI, and extending along Bayfield County Hwy A, to Iron River, then along U.S. Hwy 2 to junction of U.S. Hwy 63, then along U.S. Hwy 63 to Grandview, then along Bayfield County Hwy D to junction Bayfield County Hwy M, then along Bayfield County Hwy M to Clam Lake, then along WI Hwy 77 to junction WI Hwy 13, then along WI Hwy 13 to Igema, then along WI Hwy 86 to Tomahawk, then along U.S. Hwy 51 to Wausau, then along WI Hwy 29 to junction WI Hwy 49, then along WI Hwy 49 to junction WI Hwy 175, near Lomira, then along WI Hwy 175 to Menomonee Falls, then along WI Hwy 100 to Bay-

side, and the Upper Peninsula of MI, (6) from points in LA on or east of a line beginning at the LA-TX State line near Burr Ferry, and extending along LA Hwy 8 to Sicily Island, then along LA Hwy 15 to Clayton, then along U.S. Hwy 65 to Tallulah, then along U.S. Hwy 80 to Delta, to points in KY on or east of U.S. Hwy 41 (except Louisville), that part of WI on or east of a line beginning at Superior, WI, and extending along U.S. Hwy 53 to Spooner, the along U.S. Hwy 63 to Turtle Lake, then along WI Hwy 79 to junction U.S. Hwy 12, then along U.S. Hwy 12 to junction Interstate Hwy 94 near Mamomonie, then along Interstate Hwy 94 to Osseo then along WI Hwy 27 to Westby, then along U.S. Hwy 14 to junction WI Hwy 23 near Helena, then along WI Hwy 23 to Darlington, then along WI Hwy 81 to Monroe, then along WI Hwy 69 to the WI-IL State line, and that part of IL on or within an area bounded by a line beginning at the IL-WI State line near Oneco, IL, then along IL Hwy 26 to Dixon, then along U.S. Hwy 52 to Mendota, then along U.S. Hwy 51 to junction U.S. Hwy 6 near La Salle, then along U.S. Hwy 6 to Joliet, then along Alternate U.S. Hwy 66 to junction U.S. Hwy 66, then along U.S. Hwy 66 to Chicago (except points on U.S. Hwy 6, Alternate U.S. Hwy 66, or U.S. Hwy 66), (7) from points in LA in, south, or east of West Feliciana, Pointe Coupee, St. Landry, Acadia, Jefferson Davis, and Calcasieu Parishes, to points in KY on or east of a line beginning at the KY-IL State line and extending south along KY Hwy 109 to Clay, then along KY Hwy 132 to Shady Grove, then along KY Hwy 139 to KY-TN State line (except Louisville), that part of WI on or east of a line beginning at Danbury, and extending along WI Hwy 35 to junction WI Hwy 46 near Milltown, then along WI Hwy 46 to junction U.S. Hwy 63, then along U.S. Hwy 63 to the WI-MN State line, that part of IA on or east of a line beginning at the IA-MN State line near Burroak, and extending along U.S. Hwy 52 to Luxemburg, then along IA Hwy 3 to Dubuque, and that part of IL on and east of a line beginning at East Dubuque, and extending along U.S. Hwy 20 to stockton, then along IL Hwy 78 to Mt. Carroll, then along IL Hwy 88 to Peoria, then along Interstate Hwy 74 to junction IL Hwy 121 southeast of Peoria, then along IL Hwy 121 to Greenup, then along IL Hwy 130 to Olney, then along U.S. Hwy 50 to the IL-IN State line (except points on and within that part of IL bounded by a line beginning at the IL-IN State line and extending west along U.S. Hwy 36 to Decatur, then north along U.S. Hwy 51 to La Salle, then east along U.S. Hwy 6 to Joliet, then north along Alternate U.S. Hwy 66 to

junction U.S. Hwy 66, then along U.S. Hwy 66 to Chicago, and then south along the IL-IN State line to point of beginning), (8) from points in LA in or east of Iberia, Lafayette, St. Martin, Iberville, West Baton Rouge, East Baton Rouge, and East Feliciana Parishes, to points in WI, that part of KY in or east of Crittenden, Caldwell, and Trigg Counties (except Louisville) in that part of IA on or east of U.S. Hwy 218, and that part of IL on, north or east of a line beginning at Quincy, and extending along IL Hwy 104 to junction IL Hwy 29 near Taylorville, then along IL Hwy 29 to Pana, then along U.S. Hwy 51 to Centralia, then along IL Hwy 161 to junction IL Hwy 37, then along IL Hwy 37 to Mt. Vernon, then along IL Hwy 15 to the IL-IN State line (except points on and within that part of IL bounded by a line beginning at the IL-IN State line and extending west along U.S. Hwy 36 to Decatur, then north along U.S. Hwy 51 to La Salle, then east along U.S. Hwy 6 to Joliet, then north along Alternate U.S. Hwy 66 to junction U.S. Hwy 66, then along U.S. Hwy 66 to Chicago, and then south along the IL-IN State line to point of origin), (9) from points in Terrebonne, LaFourche, St. Charles, Jefferson, Plaquemines, St. Bernard, Orleans, St. John the Baptist, and St. Tammany Parishes, LA, to points in KY (except Louisville), IA, IL (except points on and within that part of IL bounded by a line by a line beginning at the IL-IN State line and extending west along U.S. Hwy 36 to Decatur, then north along U.S. Hwy 51 to La Salle, then east along U.S. Hwy 6 to Joliet, then north along Alternate U.S. Hwy 66 to Junction U.S. Hwy 66, then along U.S. Hwy 66 to Chicago, and then south along the IL-IN State line to point of origin), and that part of MO on and north of a line beginning at a point on the IA-MO State line near Irema, MO, then along U.S. Hwy 169 to Carmack, then along U.S. Hwy 136 to Bethany, then along MO Hwy 13 to Hamilton, then along U.S. Hwy 36 to Chillicothe, then along U.S. Hwy 65 to Marshall, then along MO Hwy 41 to junction U.S. Hwy 40 near Booneville, then along U.S. Hwy 40 to Columbia, then along U.S. Hwy 63 to Jefferson City, then along U.S. Hwy 50 to Beaufort, then along MO Hwy 155 to Junction MO Hwy 8 near Potosi, then along MO Hwy 8 to Leadington, then along U.S. Hwy 67 to junction MO Hwy 72 near Fredericktown, then along MO Hwy 72 to junction with MO Hwy 34 near Jackson, then along MO Hwy 34 to Cape Girardeau, (10) between points in Terrebonne, LaFouche, St. James, Ascension, St. John the Baptist, St. Charles, Jefferson, Plaquemines, St. Bernard, Orleans, St. Mary, Part of St. Martin, Assumption, Iberville, Pointe Coupee, Concordia,

Tensas, East Carroll Parishes, LA, and points in Madison Parish, on or east of U.S. Hwy 65, on the one hand, and, on the other, points in AR, (11) between points in Iberia, Vermillion, Lafayette, St. Martin, Acadia, St. Landry, Madison, and Avoyelles Parishes, LA, on the one hand, and, on the other, points in AR (except Polk, Sevier, Howard, Little River, Hempstead, Miller, Lafayette, and Columbia Counties), (12) between points in Cameron, Jefferson Davis, Calcasieu, Allen, Evangeline, Rapides, LaSalle, Catahoula, Franklin, and West Carroll Parishes, LA, on the one hand, and, on the other points in AR on or north of a line beginning at the LA-AR State line and extending along U.S. Hwy 65 to Pine Bluff, then along U.S. Hwy 270 to Y City, then along U.S. Hwy 71 to Ft. Smith, (13) between points in Beauregard, Vernon, Sabine, Natchitoches, Grant, Caldwell, Winn, Ouachita, Richland, and Morehouse Parishes, LA, on the one hand, and, on the other, points in AR in and north of Phillips, Desha, Chicot, Monroe, Woodruff, Jackson, Independence, Cleburne, Stone, Searcy, and Boone Counties, (14) between points in Jackson, Ouachita, and Morehouse Parishes, LA, on the one hand, and, on the other, points in Benton, Carroll, Washington, Madison, and Newton Counties, AR, (15) between points in TX, on the one hand, and, on the other, points in GA, FL, NC, SC, AL, those in NY on or east of a line beginning at the NY-PA State line near Corbettsville, and extending along NY Hwy 7 to Schenectady, then along NY Hwy 50 to Saratoga Springs, then along U.S. Hwy 9 to the Canada-U.S. Boundary line, those in PA on and east of Interstate Hwy 81, those in MD on or east of U.S. Hwy 522, those in TN on or east of a line beginning at the TN-KY State line near Static, and extending along TN Hwy 42 to Sparta, then along U.S. Hwy 70S to McMinnville, then along TN Hwy 55 to junction TN Hwy 50 near Lynchburg, then along TN Hwy 50 to junction U.S. Hwy 64, then along U.S. Hwy 64 to Fayetteville, then along U.S. Hwy 231 to the TN-AL State line, and MS on or east of a line beginning at the MS-TN State line and extending along U.S. Hwy 45 to Tupelo, then along MS Hwy 6 to Pentotee, then along MS Hwy 9 to Calhoun City, then along MS Hwy 8 to Grenada, then along MS Hwy 7 to Greenwood, then along U.S. Hwy 82 to Greenville, (16) between points in TX on or south of a line beginning at Glenrio, and extending along U.S. Hwy 66 to Amarillo, then along U.S. Hwy 287 to Decatur, then along TX Hwy 24 to Greenville, then along U.S. Hwy 69 to Mineola, then along U.S. Hwy 80 to the TX-LA State line, on the one hand, and, on the other,

points in MS, TN, MD, and those in NY on or east of a line beginning at Alexandria Bay, and extending along NY Hwy 12 to Watertown, then along Interstate Hwy 81 to Cortland, then along NY Hwy 13 to Horseheads, then along NY Hwy 14 to the NY-PA State line, those in PA on or east of a line beginning at Lawrenceville, and extending along U.S. Hwy 15 to Williamsport, then along U.S. Hwy 220 to the PA-MD State line, (17) between points in TX on or south of a line beginning at Farwell, and extending along U.S. Hwy 70 to the TX-OK State line east of Vernon, on the one hand, and, on the other, points in NY and PA, (18) between points in TX on and south of a line running from the NM-TX State line along U.S. Hwy 180 to Weatherford, and then along U.S. Hwy 80 to the TX-LA State line, on the one hand, and, on the other, points in AR on or east of Interstate Hwy 55, (19) between El Paso, TX, and points in TX on or south of a line beginning at Orange, and extending along Interstate Hwy 10 to Houston, then along U.S. Hwy 59 to Laredo, on the one hand, and, on the other, points in AR on or east of a line beginning at the AR-LA State line and extending along U.S. Hwy 65 to Little Rock, and then along U.S. Hwy 67 to the AR-MO State line, (20) from points in TX, to points in DE, NJ, CT, VT, ME, MA, RI, NH, VA, points in WV on or east of a line beginning at Williamson, and extending along U.S. Hwy 119 to Logan, then over WV Hwy 10 to Pineville, then along WV Hwy 16 to Beckley, then along U.S. Hwy 19 to junction U.S. Hwy 60, then along U.S. Hwy 60 to Lewisburg, then along U.S. Hwy 219 to the WV-MD State line, those in KY on or east of a line beginning at the KY-TN State line, near Albany and extending along U.S. Hwy 127 to Albany, then along KY Hwy 90 to Burnside, then along U.S. Hwy 27 to Somerset, then along U.S. Hwy 80 to Manchester, then along U.S. Hwy 421 to Tyner, then along KY Hwy 30 to Salyersville, KY, then along U.S. Hwy 460 to Paintsville, and then along KY Hwy 40 to the KY-WV State line, (21) from points in TX on or south of a line beginning at Glenrio, and extending along U.S. Hwy 66 to Amarillo, then along U.S. Hwy 287 to Decatur, then along TX Hwy 24 to Greenville, then along U.S. Hwy 69 to Mineola, then along U.S. Hwy 80 to the TX-LA State line, to points in WV on, south, and east of a line beginning at Huntington, and extending along U.S. Hwy 60 to Charleston, then along U.S. Hwy 119 to Weston, and then along U.S. Hwy 19 to the WV-PA State line, those in KY beginning at the KY-TN State line, and extending along U.S. Hwy 31E to Glasgow, then along U.S. Hwy 68 to Lexington, then along U.S.

Hwy 60 to Ashland, (22) from points in TX on or south of a line beginning at Farwell, and extending along U.S. Hwy 70 to the TX-OK State line east of Vernone, to points in WV, those in OH south of a line beginning at the OH-PA State line and extending along U.S. Hwy 62 to Columbus, then along U.S. Hwy 23 to Circleville, and then along U.S. Hwy 22 to Cincinnati, and those in KY (except Louisville), on or east of U.S. Hwy 431, (23) from points in TX on or south of a line beginning at El Paso, and extending along U.S. Hwy 80 to Pecos, then along U.S. Hwy 285 to Ft. Stockton, then along U.S. Hwy 67 to San Angelo, then along U.S. Hwy 87 to Brady, then along U.S. Hwy 190 to Temple, TX, then along U.S. Hwy 81 to Waco, and then along U.S. Hwy 84 to the TX-LA State line, to points in the Lower Peninsula of MI, and those in KY east of the TN River (except Louisville), (24) from points in TX on or south of a line beginning at the TX-NM State line and extending along TX Hwy 176 to Big Springs, then along U.S. Hwy 80 to the TX-LA State line, to points in MI on or east of a line beginning at the Canada-U.S. Boundary line, and extending along Interstate Hwy 75 to Topinabee, then along U.S. Hwy 27 to the MI-IN State line, (25) from points in Orange and Jefferson Counties, TX, to points in KY (except Louisville), those in WI on or east of a line extending from Superior, along U.S. Hwy 53 to LaCrosse, and then along U.S. Hwy 61 to the WI-IL State line, those in IL on or east of a line extending from E. DuBuque, along U.S. Hwy 20 to Freeport, then along IL Hwy 26 to Dixon, then along U.S. Hwy 52 to Mendota, then along U.S. Hwy 51 to Sandoval, then along U.S. Hwy 50 to the IL-IN State line (except points on and within that part of IL bounded by a line beginning at the IL-IN State line and extending west along U.S. Hwy 36 to Decatur, then north along U.S. Hwy 51 to La Salle, then east along U.S. Hwy 6 to Joliet, then north along Alternate U.S. Hwy 66 to junction U.S. Hwy 66, then south along the IL-IN State line to point of beginning), (26) from points in Hidalgo, Cameron, Kenedy, Kleberg, Nueces, and San Patricio Counties, TX, to points in KY (except Louisville), those in WI on or east of U.S. Hwy 51, and those in IL on or east of U.S. Hwy 51 (except points on and within that part of IL bounded by a line beginning at the IL-IN State line and extending west along U.S. Hwy 36 to Decatur, then north along U.S. Hwy 51 to La Salle, then east along U.S. Hwy 6 to Joliet, then north along Alternate U.S. Hwy 66 to junction U.S. Hwy 66, then along U.S. Hwy 66 to Chicago, and then south along the IL-IN State line to point of origin), and (II) *iron and steel articles*. (1) between

points in LA and TX, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, KY, MD, MS, NY, NC, PA, SC, and TN, (2) from points in LA, to points in CT, DL, MA, ME, MI, NH, NJ, OH, RI, VA, VT, WV, WI, and DC, and (3) from points in LA, to points in IA and MO. (Hearing site: Birmingham, AL or Washington, DC)

Note: (a) Applicant states that Part I of the above authority is identical to gateway-elimination authority presently held in MC-73165 (Sub-No. E-4), published in the FEDERAL REGISTER of June 21, 1974, at pages 22320-23. The purpose of this application is to continue such operations after the effective date of an order served July 19, 1978, revoking the Sub-No. E-4 authority on grounds that no public notice of tacking possibilities had been given in connection with a predecessor authority, MC-73165 (Sub-No. 272), published in the FEDERAL REGISTER of October 9, 1969. (b) Applicant further states that the purpose of Part II of the above proposed authority is to round out and simplify Part I by eliminating the series of complicated boundary descriptions of portions of States, which was necessary in Sub-No. E-4 to comply with circuitry limitations in the gateway-elimination rules.

MC 75320 (Sub-199F), filed October 30, 1978. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawford, 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. 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), serving the facilities of Electric Hose and Rubber Co., at or near Olney, TX, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Dallas, TX)

MC 75320 (Sub-200F), filed October 24, 1978. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawford, 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. 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), serving the facilities of Cor Tec, Inc., at or near Washington Court House, OH, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Cincinnati, OH)

MC 75320 (Sub-201F), filed October 30, 1978. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawford, 1700

Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. 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), serving the facilities of Walker Manufacturing Company, at or near Aberdeen, MS, as an intermediate or off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Tupelo, MS)

MC 82063 (Sub-92F), filed October 18, 1978. Applicant: KLIPSCH HAULING CO., a corporation, 10795 Watson Road, Sunset Hills, MO 63127. 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 *liquid chemicals*, in bulk, in tank vehicles, from St. Joseph, MO, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO)

MC 82841 (Sub-237F), filed September 27, 1978. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, 610 Xerox Bldg., 7171 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *asbestos cement pipe*, and *pipe fittings and accessories* used in the installation of asbestos cement pipe, (except commodities in bulk), from the facilities of CertainTeed Corporation, at Hillsboro, TX, to points in the United States (except AK and HI). (Hearing site: Philadelphia, PA, or Dallas, TX.)

MC 95304 (Sub-27F), filed September 27, 1978. Applicant: NORTHERN NECK TRANSFER, INC., P.O. Box 168, King George, VA 22485. Representative: L. C. Major, Jr., Suite 400 Overlook Building, 6121, Lincolnia Road, Alexandria, VA 22312. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *building materials*, between points in MD, DE, PA, NJ, NY, WV, and DC, on the one hand, and, on the other, those points in that part of VA on, north, and east of a line beginning at the NC-VA State boundary line, and extending over U.S. Hwy 15 to junction U.S. Hwy 60, then over U.S. Hwy 60 to the VA-WV State boundary line. (Hearing site: Washington, DC.)

MC 95540 (Sub-1053F), filed October 27, 1978. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, 1144 W. Griffin Rd., Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by

motor vehicle, over irregular routes, transporting (1) *frozen foods*, and (2) *materials and supplies used in the manufacture or distribution of frozen foods*, (except commodities in bulk), between the facilities of The Pillsbury Company, at or near Murfreesboro and Nashville, TN, 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 The Pillsbury Company, at or near Murfreesboro or Nashville, TN. (Hearing site: Minneapolis, MN, or Washington, DC.)

MC 95540 (Sub-1053F), filed October 27, 1978. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, 1144 W. Griffin Rd., Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). 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 Standard Brands, Inc., at or near Birmingham, AL, to points in AR, FL, GA, KY, LA, MS, NC, SC, TN, and VA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: New York, NY, or Washington DC.)

MC 104421 (Sub-27F), filed September 25, 1978. Applicant: ECONOLINES, INC., A Kansas Corporation, P.O. Box 623, D.T.S., Omaha, NE 68101. Representative: Roger W. Norris (same address as applicant). 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 beverages (except commodities in bulk), between points in Pottawatomie County, IA, on the one hand, and, on the other, those points in the United States in and west of ND, SD, IA, NE, KS, OK, and NM (except AK, CA, HI, OR, WA, and Omaha, NE). (Hearing site: Washington, DC.)

NOTE.—The person or persons who 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 indicating why such approval is unnecessary.

MC 105045 (Sub-87F), filed October 25, 1978. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *knocked down iron and steel tanks*, and (2) *parts and accessories* for the commodities in (1) above, from the facilities of A. O. Smith Corp., at DeKalb, IL, to points

in the United States in and east of WI, IA, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 105733 (Sub-69F), filed October 18, 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. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *chemicals and petroleum products*, in bulk, in tank vehicles, from Providence and East Providence, RI, to points in NJ and NY. (Hearing site: Philadelphia, PA.)

MC 105733 (Sub-70F), filed October 18, 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. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *butadiene*, in bulk, from Paulsboro, NJ, to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada. (Hearing site: Philadelphia, PA)

MC 106195 (Sub-21F), filed October 26, 1978. Applicant: CLARK BROS. TRANSFER, INC., 900 North First, Norfolk, NE 68701. 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 *electrical components, and equipment and supplies* used in the manufacture and distribution of electrical components, and *iron and steel articles*, from Chicago and Bloomington, IL, to Columbus, NE. (Hearing site: Omaha, NE)

MC 106398 (Sub-849F), filed November 7, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (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 Sonoco Buildings, at or near Chetopa, KS, to points in the United States (except AK and HI). (Hearing site: Topeka, KS.)

NOTE.—In view of the findings in No. 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 regulations.

MC 106603 (Sub-187F), filed October 18, 1978. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW, Grand Rapids, MI 49508. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *plastic pipe and materials and supplies* used in the installation of plastic pipe, (except commodities in bulk), from the facilities of Johns-Manville Sales Corporation, at or near Wilton, IA, to points in KY, NJ, NY, OH, PA, and the Lower Peninsula of MI. (Hearing site: Washington, DC, or Chicago, IL.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 106603 (Sub-189F), filed October 18, 1978. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW, Grand Rapids, MI 49508. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *building and roofing materials*, and (2) *materials and supplies* used in the installation of the commodities named in (1) above, (except commodities in bulk), from the facilities of Bird & Son, Inc., at Chicago, IL, to points in AR, KS, LA, MN, MO, NE, ND, OK, SD, TN, and WI. (Hearing site: Washington, DC, or Chicago, IL.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 106674 (Sub-339F), filed September 25, 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 (1) *wardrobes, chests, and accessories* for wardrobes and chests, from the facilities of Woodlawn Products Corporation, at or near Elkhart, IN, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies* (except commodities in bulk) used in the manufacture or distribution of the commodities in part (1), from points in the United States (except AK and HI), to Elkhart, IN, restricted to the transportation of traffic originating at or destined to the

facilities of Woodlawn Products Corporation, at or near Elkhart, IN. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-340F), filed September 28, 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 board, wall board, and insulated board*, from Florence, KY, to points in WI. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107064 (Sub-128F), filed October 2, 1978. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, TX 75221. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *chemicals*, in bulk, in tank vehicles, from the facilities of Union Carbide Corporation, at or near Texas City, TX, to points in AL, AR, CA, CO, CT, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, UT, VA, WV, WI, and WY, restricted to the transportation of traffic originating at the facilities of Union Carbide Corporation. (Hearing site: Houston, TX.)

MC 107323 (Sub-50F), filed October 12, 1978. Applicant: GILLILAND TRANSFER CO., a corporation, 7180 West 48th Street, Fremont, MI 49412. Representative: Donald B. Levine, 39 South La Salle Street, Chicago, IL 60603. 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 baby foods, baby food products, baby supplies, and food ingredients, from points in IL, IN, IA, and WI to the facilities of Gerber Products Company at Fremont, MI. (Hearing site: Chicago, IL.)

MC 107323 (Sub-51F), filed October 12, 1978. Applicant: GILLILAND TRANSFER CO., a corporation, 7180 West 48th Street, Fremont, MI 49412. Representative: Donald B. Levine, 39 South La Salle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers of baby foods, (except foodstuffs), from the facilities of Gerber Products Company, at or near Reedsburg, WI, to the facilities of Gerber Products Company, at or near Indianapolis, IN, restricted to the transportation of traffic originating at or destined to the named points. (Hearing site: Chicago, IL.)

MC 107403 (Sub-1122F), filed October 16, 1978. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *rock salt*, in bags, from The Village of Brodhead, Northampton County, PA, to points in NJ, NY, MD, and DE. CONDITION: Pursuant to the Decision in MC 107403 (Sub-No. 1101F), served October 19, 1978, this proceeding is being held open until such time as a determination of applicant's fitness has been made in MC 107403 (Sub-No. 1101F). (Hearing site: Washington, DC)

MC 108341 (Sub-114F), filed September 22, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon Street, P.O. Box 8409, Charlotte, NC 28208. Representative: Morton E. Kiel, Suit 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *aluminum and aluminum products*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between the facilities of Alumax, Inc., in Berkeley County, SC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 108380 (Sub-98F), filed October 31, 1978. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, WY 82701. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *coal*, from points in Sheridan County, WY, to points in Yellowstone County, MT. (Hearing site: Denver, CO.)

MC 108937 (Sub-51F), filed September 27, 1978. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, MN 55113. Representative: Jerry E. Hess (same address as applicant). 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 Albert Lea, MN, and Rockford, IL; from Albert Lea over Interstate Hwy 90 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Rockford and return over the same route, and (2) between St. Paul, MN, and junction Interstate Hwys 90 and 94 near Tomah, WI, over Interstate Hwy 94, serving the termini



for purposes of joinder only, in (1) and (2) above as alternate routes for operating convenience only, serving no intermediate points. (Hearing site: St. Paul, MN, or Washington, DC)

MC 109692 (Sub-73F), filed September 11, 1978. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a Corporation, Route 13, Kansas City, MO 64161. Representative: Warren H. Sapp, P.O. Box 16047, Kansas City, MO 64112. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *agricultural machinery and agricultural implements, and parts and accessories for agricultural machinery and agricultural implements*; and (2) *industrial machinery, construction machinery, and equipment, parts, and accessories for industrial machinery and construction machinery*, from the facilities of Allis-Chalmers Company, at points in Jackson County, MO, and Shawnee County, KS, to points in AL, FL, GA, IN, KY, MI, MN, NC, OH, SC, TX, VA, WV, and WI, restricted to the transportation of traffic originating at the named points. (Hearing Site: Kansas City, MO, or Milwaukee, WI)

MC 110420 (Sub-789F), filed October 25, 1978. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI. 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *fabric softener*, in bulk, in tank vehicles, from the facilities of Procter & Gamble Co., at Green Bay, WI, to Kalamazoo, MI. (Hearing site: Chicago, IL, or Cincinnati, OH)

MC 111941 (Sub-29F), filed September 27, 1978. Applicant: PIERCETON TRUCKING COMPANY, INC., P.O. Box 233, Laketon, IN 46943. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *calcium chloride* (except in bulk), from the facilities of Dow Chemical USA, at Midland and Ludington, MI, to points in IN. (Hearing site: Indianapolis, IN, or Chicago, IL)

MC 112304 (Sub-152F), filed September 21, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *aluminum, aluminum products, and materials, equipment, and supplies used in the manufacture of aluminum and aluminum products* (except in bulk, in tank vehicles), between the facilities of Alumax,

Inc., at points in Berkeley County, SC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 112520 (Sub-356F), filed October 31, 1978. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200 Tallahassee, FL 32302. Representative: Thomas F. Panebianco (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *defoamer*, in bulk, in tank vehicles, from Spartanburg, SC, to points in AL, FL, GA, and MS. (Hearing site: Spartanburg, SC, or Atlanta, GA.)

NOTE.—The person or persons who appear to be engaged in common control 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 113276 (Sub-8F), filed September 26, 1978. Applicant: ROMANO BROS. TRUCKING, INC., 11 Meadow St., Rutland, VT 05701. Representative: John F. O'Donnell, 60 Adams St. Milton, MA 02187. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *ground limestone* (except limestone slurry), in tank and hopper-type vehicles, from Florence and New Haven Junction, VT, to Ashtabula, OH. (Hearing site: Montpelier, VT.)

NOTE.—Operational feasibility may be in issue.

MC 113751 (Sub-25F), filed September 18, 1978. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *frozen foodstuffs* (except commodities in bulk, in tank vehicles), and (2) *frozen meat and meat byproducts*, unfit for human consumption (except commodities in bulk in tank vehicles), from the facilities of Wiscold, Inc., at or near Beaver Dam and Milwaukee, WI, to points in AL, FL, IL, IN, IA, MI, MN, MO, NB, NJ, NY, ND, OH, PA, and SD. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 114211 (Sub-377F), filed September 25, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 210 Beck St., Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *self-propelled vehicles, backhoes, cranes, and lift trucks*, (2) *attachments and accessories for the commodities named in (1) above*, and (3) *parts for the commodities named in (1) and (2)*

above, from Belleville, MI, to (a) points in the United States (except AK and HI), and (b) all ports of entry on the International Boundary line between the United States and Canada, restricted in (b) above to the transportation of traffic destined to points in Canada. CONDITION: Prior receipt from applicant of an affidavit setting forth its complementary Canadian authority or explaining why no such Canadian authority is necessary. (Hearing site: Detroit, MI, or Washington, DC.)

NOTE.—The restriction and condition 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 further force or effect.

MC 211 (Sub-378F), filed September 25, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *aluminum, and aluminum products*, and (2) *supplies, materials, and equipment used in the manufacture of aluminum and aluminum products* (except in bulk, in tank vehicles), between the facilities of Alumax, Inc., in Berkeley County, SC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: San Francisco, CA, or Chicago, IL.)

MC 114273 (Sub-475F), filed October 13, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *automotive parts, and materials and supplies used in the manufacture of automotive parts* (except in bulk, in tank vehicles), between the facilities of Ford Motor Company, at points in MI, on the one hand, and, on the other, St. Louis and Kansas City, MO, St. Paul, MN, and Norfolk, VA. CONDITION: The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration, applicant files

a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 115162 (Sub-432F), filed September 22, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *precut timber frames*, and *accessory building materials* (except commodities in bulk, in tank vehicles), from Claremont, NH, to points in VA, NC, SC, GA, FL, KY, TN, AL, LA, MS, and TX. (Hearing site: Boston, MA, or Washington, DC.)

MC 115311 (Sub-309F), filed September 21, 1978. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *fabricated metal products*, from the facilities of United States Gypsum Company, at Franklin Park, IL, to points in AL, AR, FL, GA, IN, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, VA, and WV. (Hearing site: Chicago, IL.)

MC 115904 (Sub-129F), filed September 26, 1978. Applicant: Grover Trucking Co., a corporation, 1710 Broadway, Idaho Falls, ID. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *asbestos cement pipe*, *pipe fittings*, *pipe connections*, and (2) *materials, supplies, and accessories* used in the manufacture or installation of the commodities in part (1), (except commodities in bulk), between Hillsboro, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 115931 (Sub-68F), filed September 26, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *lumber and lumber products*, from points in Butte, Custer, Lawrence, Meade, and Pennington Counties, SD, to points in CO, IL, IN, IA, MI, MN, MT, NE, ND, WI, and WY. (Hearing site: Billings, MT.)

MC 116280 (Sub-21F), filed October 24, 1978. Applicant: W. C. McQUAIDE, INC., a Delaware Corporation, Johnstown, PA 15904. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting

*such commodities as are dealt in by grocery and food business houses* (except frozen foods and commodities in bulk), from the facilities of Dauphin Distribution Services Company, (a) at Camp Hill, PA, and (b) in Hampden Township, PA, to those points in PA on and west of U.S. Hwy 15. (Hearing site: Harrisburg, PA or Washington, DC.)

MC 116544 (Sub-163F), filed September 27, 1978. Applicant: ALTRUK FREIGHT SYSTEMS, INC., a Missouri corporation, P.O. Box 10061, 1703 Embarcadero Road, Palo Alto, CA 94303. Representative: James A. Matras (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *compressed yeast* (except dry yeast), from Bakersfield, CA, to points in TX, NM, and AZ. (Hearing site: St. Louis or Kansas City, MO.)

MC 116763 (Sub-448F), filed October 17, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *foodstuffs* (except in bulk, in tank vehicles, and frozen foods), from points in Frederick, Shenandoah, and Rockingham Counties, VA, and Berkeley County, WV, to points in AL, AR, GA, LA, MS, SC, TN, and TX. (Hearing site: Washington, DC.)

MC 116915 (Sub-72F), filed October 26, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., a KY corporation, 1830 S. Plate Street, Kokomo, IN 46901. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *sawmill machinery and materials, equipment, and supplies* used in the manufacture of sawmill machinery, (except commodities in bulk), between the facilities of Corley Manufacturing Co., at or near Chattanooga, TN, on the one hand, and, on the other, points in the United States in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: Chattanooga or Knoxville, TN.)

MC 116915 (Sub-74F), filed October 26, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., a KY corporation, 1830 S. Plate Street, Kokomo, IN 46901. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *aluminum and aluminum articles, copper and copper articles, zinc, zinc articles, and zinc dust, and waste and scrap materials*, (except commodities in bulk), between the facilities of Gulf

Metals Industries, Gulf Reduction Division, at or near Houston, TX, and the facilities of Gulf Metal Industries and Southern Zinc, at or near East Point, GA, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Houston or Austin, TX.)

MC 117815 (Sub-299F), filed October 23, 1978. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, IA 50317. Representative: Dewey Marselle (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *frozen foods*, and *materials and supplies* used in the manufacture and distribution of frozen foods, (except commodities in bulk), between the facilities of The Pillsbury Company, at or near Murfreesboro and Nashville, TN, on the one hand, and, on the other, points in KY, IL, IN, OH, MI, WI, IA, MO, and MN, restricted to the transportation of traffic originating at or destined to the facilities of The Pillsbury Company, at or near Murfreesboro and Nashville, TN. (Hearing site: Chicago, IL or Detroit, MI.)

MC 117940 (Sub-296F), filed October 23, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *paper, paper articles, and woodpulp*, from Wallula, WA, to points in CA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. **CONDITION:** In view of the findings in MC 117940 Sub-86, the certificate issued here will be limited in point of time to a period expiring 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable rules and regulations. (Hearing site: Portland, OR.)

MC 117940 (Sub-297F), filed October 26, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities as are dealt in or used by fabric and home sewing stores*, (1) from the facilities of Cloth World, Inc., at Jersey City, NJ, to Charlotte, NC, and (2) between the facilities of Cloth World, Inc., at Charlotte, NC, on the one hand, and, on the other, Amarillo, TX. **CONDITION:** In view



of the findings in MC 117940 Sub 86, the certificate issued here will be limited in point of time to a period expiring 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable rules and regulations. (Hearing site: Amarillo, TX.)

MC 117940 (Sub-298F), filed October 30, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities as are dealt in or used by retail department stores* (except commodities in bulk, household goods as defined by the Commission, and foodstuffs), from Chicago, IL, and points in CT, MD, MA, NJ, NY, OH, and PA, to the facilities of (1) Jafco, Inc., at points in OR and WA, (2) Great Western Distributing Company, Inc., at points in ID, and (3) LaBelle's Distributing, at points in MT, restricted to the transportation of traffic originating at the indicated origins and destined to the named destinations. **CONDITION:** In view of the findings in MC 117940 Sub-86, the certificate issued here will be limited in point of time to a period expiring 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable rules and regulations. (Hearing site: Minneapolis or St. Paul, MN.)

MC 117940 (Sub-299F), filed October 31, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman (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, those requiring special equipment, and foodstuffs), from the facilities of the Bay Area Shippers Cooperative Association, Inc., at points in GA, IL, MA, MO, NJ, NC, PA, and TN, to points in CA, NV, and UT, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. **CONDITION:** In view of the findings in MC 117940 Sub-86, the certificate issued here will be limited in point of time to a period expiring 3 years from its date of issue, unless, prior to its expiration (but not

less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable rules and regulations. (Hearing site: Oakland or San Francisco, CA.)

MC 119793 (Sub-12F), filed October 16, 1978. Applicant: DEWEY L. WILFONG, d.b.a. D & W TRUCK LINES, 209 First Street, Parsons, WV 26287. Representative: Elizabeth A. Purcell, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *fireplace logs*, from Fairless Hills, PA, and Trenton, NJ, to those points in the United States in and east of MN, IA, MO, AR, and LA, and (2) *materials and supplies* used in the production of fireplace logs, in the reverse direction, under a continuing contract with Duraflame, Inc., of Stockton, CA. (Hearing site: Charleston, WV or Washington, DC.)

**NOTE.**—Dual operations are at issue in this proceeding.

MC 121470 (Sub-16F), filed October 23, 1978. Applicant: TANKSLEY TRANSFER COMPANY, a Corporation, 801 Cowan St., Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *central heating and air conditioning units*, and (2) *such commodities as are used in the installation of the commodities named in (1) above*, from Nashville, TN, to points in the United States (except AK and HI). (Hearing site: Nashville, TN.)

MC 123058 (Sub-419F), filed November 3, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, WI-53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *experimental and show display tractors, agricultural, industrial, construction, and forestry equipment*, (2) *parts, attachments, and accessories* for the commodities in (1) above, (3) *paraphernalia*, which at the time of movement is being transported for purposes of display or experiment, and not for sale, moving between the sites of plants, sales branches, warehouses, experimental stations, farms, shows, exhibits, or field demonstrations owned, operated or used by National Hydro-Ax, Inc., between points in the United States (except AK and HI) and (4) *commodities* named in (1) and (2) above, from the sites named above, to points in the United States (except AK and HI).

(Hearing site: Minneapolis, MN or Chicago, IL.)

MC 123255 (Sub-179F), filed October 23, 1978. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers, converters, and printers of paper products, (except commodities in bulk), between the facilities of Kimberly-Clark Corporation, in Emmett Township, Calhoun County, MI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbus, OH.)

MC 123314 (Sub-23F), filed September 20, 1978. Applicant: JOHN F. WALTER, INC., a Delaware corporation, P.O. Box 175, Newville, PA 17241. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *canned and preserved foodstuffs, and materials, equipment, and supplies* used in the manufacture of canned and preserved foodstuffs, between the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at Fremont, OH, on the one hand, and, on the other, the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at Toledo, OH. (Hearing site: Washington, DC or Harrisburg, PA.)

MC 123744 (Sub-45F), filed September 27, 1978. Applicant: Butler Trucking Company, a corporation, P.O. Box 88, Woodland, PA 16881. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *materials* used in the manufacture of refractories, (except commodities in bulk, in tank vehicles), from Gary, IN, to Curwensville, Mt. Union, Winburne, and Womelsdorf, PA, and Farber, MO, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Washington, DC.)

**NOTE.**—Dual operations may be involved in this proceeding.

MC 123872 (Sub-92F), filed September 27, 1978. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Allen E. Bowman (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *foodstuffs, and meats, meat products and meat by-products, and articles* distributed by meat-packing houses, as described in sections A and C of Appendix I to the

report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from the facilities of Shenson Meat Company, Coast Packing Company, Inc., and George A. Hormel & Co., at Omaha, NE, to points in GA, NC, SC, and TN, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Omaha, NE or Austin, MN.)

MC 124211 (Sub-340F), filed September 18, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *sporting goods, recreational equipment, hunting equipment, and clothing*, (2) *accessories* for the commodities named in (1) above, and (3) commodities used in the manufacture, distribution, and installation of the commodities named in (1) and (2) above, between those points in NE on and east of U.S. Hwy 81, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Omaha, NE.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 124211 (Sub-342F), filed September 22, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *plastic and rubber housewares, lawn and garden accessories, and display racks*, from the facilities of Rubbermaid, Inc., at Wooster, OH, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY. (Hearing site: Cleveland, OH or Washington, DC.)

NOTE.—Dual operations are at issue in this proceeding.

MC 124511 (Sub-52F), filed September 21, 1978. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, East Hwy 54, Mexico, MO 65265. Representative: Leonard R. Lofkin, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *iron and steel articles*, from the facilities of Maverick Tube Corp., at Union, MO, to points in IL, IA, KS, KY, and NE. (Hearing site: Chicago, IL.)

MC 124711 (Sub-67F), filed September 25, 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 *compounding asphalt*, in bulk, in tank vehicles equipped with mechanical heating, from the facilities of Mobil Oil Corporation, near Augusta, KS, to points in IL, OH, and MN. (Hearing site: Wichita, KS, or Dallas, TX)

MC 125433 (Sub-168F), filed October 18, 1978. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: David J. Lister (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *ground bentonite, in bags*, from the facilities of Dresser Minerals, at or near Greybull, WY, to points in KS, OK, LA, and TX, and (2) *dried lignin pitch, in bags*, from the facilities of Dresser Minerals, at or near Appleton, WI, to points in LA, OK, TX, and KS. (Hearing site: Salt Lake City, UT, or Houston, TX)

MC 125533 (Sub-28F), filed October 18, 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) *bricks, clay, and refractory products*, and (2) *accessories* used in the installation of the commodities named in (1) above, (except commodities in bulk), from the facilities of Clow Corporation, at Parral, OH, to points in AL, AR, FL, GA, LA, MS, MO, and TX. (Hearing site: Columbus, OH)

MC 127042 (Sub-228F), filed September 25, 1978. Applicant: HAGEN, INC., P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *rubber cove baseboard, rubber mud flaps, rubber floor mats, rubber stair treads, tile, carpet, and tile and carpet accessories*, from Fostoria, OH, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY. (Hearing Site: Toledo, OH)

MC 128021 (Sub-35F), filed September 27, 1978. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Avenue, Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *tobacco and tobacco products*, from Durham, NC, to points in the United States (except AK, AZ, CA, CO, HI, ID, IA, KS, MN, MT, NE, NV, NM, ND, OR, SD, UT, WA, WI, and WY), and (2) *materials and supplies* used in the manufacture and distribution of tobacco and tobacco products (except commodities in bulk, in tank

vehicles), in the reverse direction, under continuing contracts with Liggett & Myers Tobacco Company, Inc., of Durham, NC. (Hearing site: Charlotte, NC, or Washington, DC).

NOTE.—Dual operations are involved in this proceeding.

MC 128195 (Sub-4F), filed October 24, 1978. Applicant: CHIEFTAIN EXPRESS, INC., 2440 Old Logan Road, Lancaster, OH 43130. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1)(a) *wood cabinets and countertops*, and (b) *materials* used in the installation of the commodities in (1)(a) above, (except commodities in bulk), from Lancaster, OH, to points in IL, IN, KY, MI, WV, and those in NY and PA on and west of Interstate Hwy 81, and *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Columbus, OH, or Washington, DC)

MC 128270 (Sub-32F), filed October 24, 1978. Applicant: REDIEHS INTERSTATE, INC., a Delaware Corporation, 1477 Ripley St., Lake Station, IN 46405. Representative: Richard A. Kerwin, 180 N. La Salle St., Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *iron and steel articles*, and (2) *such commodities* as are used in the manufacture, distribution or installation of the commodities named in (1) above, between the facilities of (a) Bull Moose Tube Company, at or near Gerald, MO, and (b) Maverick Tube Corp., at or near Union, MO, 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). (Hearing site: Chicago, IL.)

MC 128273 (Sub-322F), filed October 13, 1978. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *charcoal briquets* (except commodities in bulk in tank vehicles), from Pachuta, MS, to points in AL, FL, GA, SC, NC, TN, and LA. (Hearing site: Atlanta, GA, or Washington, DC).

MC 133333 (Sub-8F), filed October 15, 1978. Applicant: P L TRUCK SERVICE, INC., 6909 N.E. 47th Avenue, Portland, OR 97218. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *used automobile*

and truck parts, between points in MT, on the one hand, and, on the other, points in ID, WA, and OR. (Hearing site: Missoula, MT)

MC 133570 (Sub-6F), filed October 23, 1978. Applicant: A OF I, INC., P.O. Box 27, 110 Bellfountain, Hamilton, IN 46742. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *corrugated sheets*, from the facilities of Tri-Wall Containers, Inc., at Butler, IN, to points in the United States (except AK and HI); and (2) *materials and supplies used in the manufacture of corrugated sheets*, in the reverse direction, under a continuing contract with Tri-Wall Containers, Inc., of Butler, IN. (Hearing site: Washington, DC, or Chicago, IL)

MC 134064 (Sub-12F), filed September 26, 1978. Applicant: INTERSTATE TRANSPORT, INC., 1820 Atlanta Highway, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Petroleum products*, in containers, *oil filters*, *vehicle body sealers* and *sound deadener compounds* (except in bulk), from the facilities of Quaker State Oil Refining Corp., at or near Congo and St. Marys, WV, to points in TN and NC; and (2) from the facilities of Quaker State Oil Refining Corp., at or near (1) Buffalo, NY, and (2) Emlenton, Farmers Valley, and North Warren, PA, to points in TN, AL, GA, FL, SC, and NC, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Pittsburgh, PA, or Atlanta, GA)

MC 134604 (Sub-4F), filed October 2, 1978. Applicant: HOWARD DULLUM, Gardner, ND 58036. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *anhydrous ammonia*, in bulk, in tank vehicles, from Barnesville, MN, to points in ND and SD. (Hearing site: Fargo, ND)

MC 135070 (Sub-17E), filed October 24, 1978. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *foodstuffs* (except in bulk, in tank vehicles), from the facilities of Sanna Division of Beatrice Foods Co., at or near Menomonie, Cameron, Vesper, Wisconsin Rapids, and Eau Claire, WI, to points in AR, KS, LA, MO, OK, and TX, restricted to the transportation of traffic originating at

the named origins and destined to the indicated destinations. (Hearing site: Madison, WI, or Amarillo, TX)

MC 135070 (Sub-18F), filed October 24, 1978. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *meats*, *meat products* and *meat byproducts*, and *articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk) from the facilities of Royal Packing Company, at or near (a) National Stockyards, IL, and (b) St. Louis, MO, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, WV, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: St. Louis, IL, or Amarillo, TX)

MC 135221 (Sub-10F), filed September 26, 1978. Applicant: DICK SIMON TRUCKING, INC., 3700 South 4355 West, Salt Lake City, UT 84120. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *bakery products*, from the facilities of Little Dutch Boy Bakeries, at or near Draper, UT, to New York, NY, and Chicago, IL. (Hearing site: Salt Lake City, UT)

NOTE.—Dual operations may be at issue in this proceeding.

MC 135810 (Sub-5F), filed October 23, 1978. Applicant: BRUCE CARTAGE CO., INC., 8399 Zionsville Rd., Indianapolis, IN 46077. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *electrical goods and household appliances* and (2) *parts of the commodities in (1)*, from the facilities of ADI, at Indianapolis, IN, to points in KY, under a continuing contract with ADI, of Indianapolis, IN. (Hearing site: Indianapolis, IN, or Chicago, IL)

MC 136553 (Sub-65F), filed October 16, 1978. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *commodities* in dump vehicles, between points in IA, IL, MN, and WI. (Hearing site: Chicago, IL, or Minneapolis, MN)

MC 138018 (Sub-45F), filed November 6, 1978. Applicant: REFRIGERAT-

ED FOODS, INC., A Nebraska Corporation, P.O. Box 1018, Denver, CO 80201. Representative: Joseph W. Harvey, P.O. Box 1018, Denver, CO 80201. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *meats*, *meat products* and *meat byproducts*, and *articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in AZ, CA, CO, ID, IL, IA, 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. (Hearing site: Kansas City, MO)

MC 138082 (Sub-2F), filed September 25, 1978. Applicant: WARREN WILSON, doing business as, WARREN WILSON TRUCK LINE, RR #2, Stover, MO 65078. Representative: Warren Wilson (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *cast iron pipe fittings*, between the facilities of Gravois Manufacturing Co., Inc., at Laurie, MO, and the facilities of Aeroquip Corporation, at Lawrence, KS. (Hearing site: Kansas City or St. Louis, MO)

MC 138157 (Sub-92F), filed September 27, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., dba 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 *tires*, *tire tubes*, and *rubber* (except commodities in bulk), from the facilities of Dayton Tire & Rubber Company, at or near Oklahoma City, OK, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, restricted to transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Oklahoma City, OK)

NOTE.—Dual operations are at issue in this proceeding.

MC 138875 (Sub-115F), filed October 23, 1978. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *pulpboard*, *fibreboard*, and *boxes* (except commodities in bulk), from the facilities of Container Corporation

of America, at points in OR and WA, to points in Umatilla and Malheur Counties, OR, and points in ID and UT, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: San Francisco, CA, or Portland, OR.)

MC 139023 (Sub-6F), filed October 6, 1978. Applicant: 2-G TRANSPORTATION, INC., 12589 Rhode Island Avenue South, Savage, MN 55378. Representative: Wayne W. Wilson, 150 E. Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *iron and steel articles* (except in bulk, in dump vehicles), from the facilities of Northwestern Steel and Wire Company, at Sterling and Rock Falls, IL, to points in CO, ID, IA, KS, MN, MO, MT, NE, ND, OR, SD, WA, WI, and WY. (Hearing site: Chicago, IL, or St. Paul, MN.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 139340 (Sub-4F), filed October 20, 1978. Applicant: YELVINGTON TRANSPORT, INC., 800 Big Tree Rd., Daytona Beach, FL 32015. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *clay products* (except commodities in bulk), from Milledgeville, GA, to points in FL, under a continuing contract with Griffin Pipe Products Co., Division of Amsted Industries, Inc., of Chicago, IL. (Hearing site: Atlanta, GA, or Jacksonville, FL.)

MC 139495 (Sub-396F), filed October 25, 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 *cleaning products, drugs, and toilet preparations* (except commodities in bulk), (1) from the facilities of Lehn & Fink Products, at or near Lincoln, IL, to points in CO, MN, and UT, and (2) between the facilities of Lehn & Fink Products, at or near Lincoln, IL, and the facilities of Lehn & Fink Products, in Hillsborough Township, NJ. (Hearing site: Washington, DC.)

MC 140024 (Sub-129F), filed October 2, 1978. Applicant: J.B. MONTGOMERY, a Delaware corporation, 5565 East 521st Avenue, Commerce City, CO 80022. Representative: Jeffrey A. Knoll (Same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *food products, foodstuffs, and materials and supplies* used in the production of food products, (except

commodities in bulk), from the facilities of Campbell Soup Company, at Napoleon, OH, to points in IL, IN, MI, MN, and WI. (Hearing site: Washington, DC, or Columbus, OH.)

MC 140101 (Sub-7F), filed September 18, 1978. Applicant: I.T.A. TRUCKING, INC., P.O. Box 219, Amherst, WI 54406. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *frozen foodstuffs* (except commodities in bulk, in tank vehicles), and (2) *frozen meats and Meat by-products*, unfit for human consumption (except commodities in bulk, in tank vehicles), from the facilities of Wiscold, Inc., at or near Beaver Dam and Milwaukee, WI, to points in the United States (except AK and HI). (Hearing site: Milwaukee, WI, or Chicago, IL)

MC 141220 (Sub-3F), filed October 26, 1978. Applicant: MOYER TRUCK LINE, INC., P.O. Box 286, Kirksville, MO 63501. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *dry animal and dry poultry feed, and dry animal and poultry feed ingredients*, from the facilities of Farmland Industries, Inc., at Kansas City, KS, to the facilities of Farmland Industries, Inc., in Boone County, MO. (Hearing site: Kansas City, MO)

MC 141274 (Sub-6F), filed September 27, 1978. Applicant: C. C. ANKENY, INC., P.O. Box 1034 Whittier, CA 90609. Representative: Michael F. Morrone, Esquire, 1150 17th Street, N.W., Suite 1000, Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *paper products and plastic products*, from Albany, GA, Boston, MA, Holmdel, NJ, Kalamazoo, MI, Fort Wayne and INDIANAPOLIS, IN, Chicago, IL, Sikeston, MO and Louisville, KY, to Los Angeles, Fresno, and Modesto, CA under a continuing contracts with Knudsen Corporation, of Los Angeles, CA. (Hearing site: Washington, DC, or Walnut, CA.)

MC 141911 (Sub-3F), filed September 20, 1978. Applicant: ARTHUR DENNIS DeMONTIGNY, d/b/a DeMONTIGNY TRUCKING, Rt. 2 Box 279C, Moscow, ID 83843. Representative: (same as above). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *steel building material, fencing material, and lumber products*, between points in ID, WA, OR, MT, WY, CO, AZ, ND, SD, NE, KS, OK, and TX. (Hearing site: Moscow, or Lewiston, ID)

MC 141913 (Sub-2F), filed October 12, 1978. Applicant: V. N. TRANSPORTATION CO., INC., 37 Doctors' Park, Cape Girardeau, MO 63701. Representative: Richard D. Kinder, P.O. Box 643, Cape Girardeau, MO 63701. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are used in the operation and maintenance of a hospital, (1) from St. Louis, MO, to those points in IL on and south of a line beginning at Interstate Hwy 80 and the Mississippi River, continue with Interstate Hwy 80 to junction Interstate Hwy 55, then south on Interstate Hwy 55 to junction Illinois State Hwy 17, along Hwy 17 to the IL-IN State line, (2) from St. Louis, MO, to those points in KY on and west of a line beginning at Smithland and continuing along Kentucky Hwy 453 to The Trace (formerly Hwy 453), and south on The Trace to the KY-TN State line, and (3) from St. Louis, MO, to those points in Obion County, TN, and Cherokee County, KS. (Hearing site: St. Louis, MO, or Chicago, IL)

NOTE.—Dual operations may be at issue in this proceeding.

MC 141921 (Sub-22F), filed September 25, 1978. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03108. Representative: John A. Sykas, 143 Frontage Road, Manchester, NH 03108. To operate as a *common carrier*, by motor vehicle over irregular routes, transporting *foodstuffs* (except commodities in bulk, in tank vehicles), (1) from points in the United States (except AK and HI), to Claremont, NH, and (2) from Claremont, NH, to points in AL, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, MS, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC. (Hearing site: Concord, NH, or Boston, MA)

NOTE.—Dual operations may be at issue in this proceeding.

MC 142231 (Sub-4F), filed September 25, 1978. Applicant: TRI-L CONTRACT CARRIER, INC., 2400 Tower Place, 3340 Peachtree Road, NE, Atlanta, GA 30326. Representative: Richard M. Tettlebaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Road, NE, Atlanta, GA 30326. To operate as a *contract carrier*, by motor vehicle over irregular routes, transporting (1) *iron and steel articles*, and (2) *such commodities* as are used in the manufacture, distribution, or sale of iron or steel articles, (except commodities in bulk and commodities which because of size or weight require the use of special equipment), between the facilities of Oxy-lance Corporation and its wholly owned subsidiary, U.S. Tube, Inc., in Jefferson County, AL, on the one hand, and, on the other, points in

the United States (except AK and HI), under continuing contracts with Oxy-lance Corporation and its wholly owned subsidiary, U.S. Tube, Inc., of Atlanta, GA. (Hearing site: Atlanta, GA, or Washington, DC).

Note.—In view of the *Geraci* and *Toto* policies (See, e.g., 43 Fed. Reg. 33945) (8-2-78), applicant must satisfy the Commission that its operations will not result in objectionable private and for-hire operations.

MC 142310 (Sub-8F), filed October 18, 1978. Applicant: H. O. WOLDING, INC., P.O. Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *foodstuffs*, and (2) *materials, equipment, and supplies used in the manufacture or distribution of foodstuffs*, (except commodities in bulk), between the facilities of Great American Basic Commodities, Inc., at or near Plover, WI, 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 Great American Basic Commodities, Inc., at or near Plover, WI. (Hearing site: Stevens Point or Madison, WI)

MC 142672 (Sub-30F), filed September 26, 1978. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. To operate as a *common carrier*, by motor vehicle, over regular routes, transporting *confectionery, chewing gum, and cough drops*, from Duryea, Reading, and West Reading, PA, to points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, IL, IN, KS, KY, LA, MI, MN, MO, MT, NC, ND, NE, NM, NV, OH, OK, OR, SC, SD, TX, UT, WA, WI, and WY. (Hearing site: Philadelphia, PA)

Note.—Dual operations are at issue in this proceeding.

MC 144145 (Sub-6F), filed October 24, 1978. Applicant: GILBERT TRUCK LINES, INC., St. Alger Road, Route #2, Ithaca, MI 48847. Representative: James R. Davis, 1018 Michigan National Tower, Lansing, MI 48933. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *soybean meal and soybean hulls*, in bulk, from the facilities of Cargill, Inc., at Chicago, IL, to points in IN, WI, and MI (except those south of MI Hwy 55). (Hearing site: Lansing or Detroit, MI)

MC 144202 (Sub-1F), filed October 26, 1978. Applicant: COOK AND SONS, INC., P.O. Box 148, Newsoms, VA 23874. Representative: Blair P. Wakefield, Suite 1001 First and Mer-

chants Bank Bldg., Norfolk, VA 23510. To operate as a *common carrier*, by motor vehicle, over regular routes, transporting (1) *liquid fertilizer*, in bulk, in tank vehicles, (a) from Wilmington and Mount Olive, NC, to those points in VA on and east of U.S. Hwy 29, and (b) from Norfolk, VA, to Snow Hill and Salisbury, MD; and (2) *liquid fertilizer*, in bulk, in tank vehicles, and *dry fertilizer*, between those points in VA on and east of U.S. Hwy 29, and those points in NC in a territory bounded by a line beginning at junctions U.S. Hwy 29 and the VA-NC State line, then south along U.S. Hwy 29 to junction U.S. Hwy 70, and then east along U.S. Hwy 70 to the Atlantic Ocean, including points on the line. (Hearing site: Norfolk or Richmond, VA)

MC 144300 (Sub-5F), filed October 30, 1978. Applicant: J & D TRUCKING, INC., 2985 Meadow Ave., P.O. Box 1610, Fort Myers, FL 33902. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *contract carrier*, by motor vehicle, over regular routes, transporting *carpet*, from the facilities of Lewis Carpet Mills, at or near Cartersville, GA, to points in AZ, CA, ID, OR, and WA, under a continuing contract with Lewis Carpet Mills, of Cartersville, GA. (Hearing site: Atlanta, GA)

MC 144481 (Sub-2F), filed September 25, 1978. Applicant: MINNESOTA AIR EXPRESS, INC., 1208 West Center St., Rochester, MN 55901. Representative: James F. Finley, 301 Midwest Federal Bldg., St. Paul, MN 55101. 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 Austin, Albert Lea, and Blue Earth, and the Minneapolis-St. Paul International Airport, at or near Minneapolis, MN, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Minneapolis, MN)

MC 144554 (Sub-2F), filed October 2, 1978. Applicant: Bill Ihm Trucking, Inc., 200 Southern Avenue, Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *wood chips*, (1) from points in IL, MN, and WI, to the facilities of The Celotex Corporation, at or near Dubuque, IA, and (2) from points in IA, MN, and WI, to the facilities of The Celotex Corporation, at or near Peoria, IL.

(Hearing site: Tampa, FL, or Chicago, IL)

MC 145242 (Sub-3F), filed September 15, 1978. Applicant: CASE HEAVY HAULING, INC., P.O. Box 267, Warren, OH 44482. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *cementitious wood fiber roof deck panels*, from the facilities of Martin Fireproofing Georgia, Inc., at Elberton, GA, to points in NY, NJ, PA, MD, VA, WV, OH, IN, IL, MI, MO, and KY. (Hearing site: Columbus, OH)

MC 145312 (Sub-2F), filed August 28, 1978. Applicant: SUNBELT SYSTEMS TRANSPORT, INC., 1256 La Quinta Drive, Orlando, FL 32809. Representative: M. Craig Massey, 202 East Walnut Street, P.O. Drawer J, Lakeland, FL 33802. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *such commodities*, as are dealt in or used by manufacturers of data processing equipment (except commodities in bulk, in tank vehicles), between San Antonio, Waco, and Dallas, TX, on the one hand, and, on the other, points in the United States (except AK and HI); (2) *materials, equipment, and supplies* used or useful in the manufacture and distribution of data processing equipment and electronic equipment, (except commodities in bulk, in tank vehicles), from points in the United States (except AK and HI), to San Antonio, Waco, and Dallas, TX, under a continuing contract with Datapoint Corporation, of San Antonio, TX. (Hearing site: San Antonio, TX)

MC 145336 (Sub-2F), filed September 25, 1978. Applicant: R. G. H. TRANSPORTATION, INC., P.O. Box 7072, Longview, TX 75602. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *paneling molding, doors, plywood, and particle board*, between Newton, KS, on the one hand, and, on the other, points in TX, under a continuing contract with D. G. Shelter Products, Inc., of Newton, KS. (Hearing site: Dallas, TX, or Washington, DC)

MC 145421F, filed September 25, 1978. Applicant: ED BURNS d.b.a. ED BURNS AND SONS TRUCKING, Route No. 1, Denver, IN 46926. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *soybean meal*, from the facilities of Bunge Corporation, at or near Logansport, IN, to points in MI, under a continuing contract with Bunge Corporation, of Lo-



gansport, IN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 145609 (Sub-2F), filed November 6, 1978. Applicant: LIMA TRUCK PLAZA, INC., P.O. Box 1295, Lima, OH 45802. Representative: John L. Alden, P.O. Box 12241, Columbus, OH, 43212. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *wrecked and disabled vehicles*, (2) *parts and equipment* for wrecked and disabled vehicles, and (3) *replacement vehicles* for wrecked and disabled vehicles, between points in Allen and Auglaize Counties, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, MO, NY, PA, TN, and WV. (Hearing site: Columbus, OH, or Washington, DC.)

MC 145635F, filed October 26, 1978. Applicant: THOMAS R. REED, d.b.a. RANDLE REED TRUCKING, Route 4, Box 50, Louisville, MS 39339. Representative: Harold D. Miller, Jr., 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. To operate as a *contract carrier* by motor vehicle, over irregular routes, transporting *brick and structural tile*, (1) between the facilities of Delta Brick & Tile Company, Inc., at or near Indianola, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MO, OK, TN, and TX, and (2) from points in IN, to the facilities of Delta Brick & Tile Company, Inc., at or near Indianola, MS, under a continuing contract with Delta Brick & Tile Company, Inc., of Indianola, MS. (Hearing site: Jackson, MS.)

MC 145668F, filed November 6, 1978. Applicant: DACA, INC., 19450 North Hwy. 99, Acampo, CA 95220. Representative: Fred H. Mackensen, 9454 Wilshire Blvd., Suite 400, Beverly Hills, CA 90212. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *meats, meat products and meat byproducts* and such *commodities* as are used by *meat packers* in the conduct of their business when destined to and for use by *meat packers*, as described in sections A and D 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), between Lodi, CA, on the one hand, and, on the other, those points in the United States in and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the boundary line between MN and WI, then along the western boundary of MN to the International Boundary line between the United States and Canada (except AK and HI), under continuing contract(s) with Goehring Meat Inc., of Lodi, CA. (Hearing site: Los Angeles, CA.)

MC 145679 (Sub-1F), filed November 6, 1978. Applicant: A & A TRANSPORT SERVICES, INC., P.O. Box 12, Palmer, MA 01069. 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 *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), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, and DC, restricted to the transportation of traffic originating at the named origin. (Hearing site: Boston, MA, or Kansas City, MO.)

#### PASSENGER AUTHORITY

MC 143130 (Sub-1F), filed October 18, 1978. Applicant: RITCHIE BUS LINES, INC., 4 Meadow Road, Northboro, MA 01532. Representative: Francis W. McInerney, 1000 16th St., NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers and their baggage, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at Ashland, Auburn, Clinton, Framingham, Crafton, Holden, Hopkinton, Lancaster, Leicester, Millburg, Paxton, Rutland, Spencer, West Boylston, and Worcester, MA, and extending to points in AL, CT, DC, DE, FL, GA, IL, IN, KY, LA, MD, ME, MI, MS, NC, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV, and WI. (Hearing site: Worcester, MA.)

MC 145424F, filed September 21, 1978. Applicant: COLORADO CHARTER LINES, INC., 620 N. Juanita, Colorado Springs, CO 80909. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, GA 30326. To operate as a *common carrier* by motor vehicle, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, from points in El Paso, Douglas, Jefferson, Arapahoe, Denver, Adams, Boulder, Larimer, and Weld Counties, CO, to points in the United States (except HI), and return. (Hearing site: Denver, CO.)

[FR Doc. 78-35086 Filed 12-18-78; 8:45 am]

[7035-01-M]

[Decisions Volume No. 56]

#### PERMANENT AUTHORITY APPLICATIONS

##### Decision-Notice

Decided: November 30, 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 expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of section 10930 (formerly section 210) of the Interstate Commerce Act.

*It is ordered:*

In the absence of legally sufficient protests, filed on or before January 18, 1979 (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 decision-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 in the grant or grants of authority 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 2, Members Boyle, Eaton, and Liberman.

H. G. HOMME, Jr.,  
Secretary.

MC 22182 (Sub-33F), filed October 6, 1978. Applicant: NU-CAR CARRIERS, INC., 950 Haverford Road, Bryn Mawr, PA 19380. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *automobiles and trucks*, in truckaway service, in initial movements, from Metuchen and Mahwah, NJ, to points in AZ, AR, CA, CO, ID, IA, KS, LA, MN, MS, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY. (Hearing site: Philadelphia, PA)

MC 25798 (Sub-342F), filed November 3, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., A North Carolina Corporation, P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *frozen foods, and materials and supplies* used in the manufacture and distribution of frozen foods, (except commodities in bulk), between the facilities of The Pillsbury Company, at Murfreesboro and Nashville, TN, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, SC, and VA. (Hearing site: Minneapolis, MN)

MC 26396 (Sub-203F), filed October 2, 1978. Applicant: POPELKA TRUCKING CO., INC., doing business as 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 pipe, pipe fittings, valves, and hydrants, (1) from the facilities of Clow Corporation, at or near Columbia, MO, to points in the United States in and east of WI, IL, KY, TN, AR, and LA, and (2) from the facilities of Clow Corporation, in Talladega County, AL, and at or near Birmingham, AL and Buckhannon, WV, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Billings, MT, or Chicago, IL)

MC 26396 (Sub-204F), filed October 2, 1978. Applicant: POPELKA TRUCKING CO., INC., doing business as 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 *asbestos cement pipe*, from the facilities of CertainTeed Corporation, at Hillsboro, TX, to points in the United

States (except AK and HI). (Hearing site: Billings, MT)

MC 29642 (Sub-11F), filed October 2, 1978. Applicant: FIVE TRANSPORTATION COMPANY, a Corporation, Post Office Box 1635, Brunswick, GA 31520. Representative: K. Edward Wolcott, Post Office Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *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 points in Nassau County, FL, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Savannah, GA)

MC 29886 (Sub-357F), filed October 6, 1978. Applicant: DALLAS & MAVIS FORWARDING CO., INC., An Indiana Corporation, 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *fruit harvesting equipment, fruit handling equipment, agricultural implements, and self-propelled articles* weighing less than 15,000 pounds (except automobiles, trucks, and buses), from Hartford, MI, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC)

MC 35628 (Sub-405F), filed November 13, 1978. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, SW, Grand Rapids, MI 49503. Representative: Michael P. Zell (same address as applicant). To operate as a *common carrier* by motor vehicle, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in AL, AR, CA, CT, DE, GA, IL, IA, IN, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, OH, OK, PA, RI, SD, TN, VT, VA, WI, and DC, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Wichita or Kansas City, KS)

MC 35807 (Sub-87F), filed October 2, 1978. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, a Delaware Corporation, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). To operate as a *contract carrier*, by motor vehicle, over irregu-



lar routes, transporting coin, currency, and securities, between New Orleans, LA, on the one hand, and, on the other, those points in FL west of the Apalachicola River, under contract with the New Orleans, LA, branch of the Federal Reserve Board of Atlanta, GA. (Hearing site: New Orleans, LA, or Atlanta, GA.)

MC 35807 (Sub-88F), filed October 2, 1978. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, a Delaware Corporation, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *precious metal articles and chemical solutions*, (1) between Carteret, NY, on the one hand, and, on the other, Newark Airport, Newark, NJ, and LaGuardia Airport and the John F. Kennedy International Airport, New York, NY, (2) between New Orleans, Baton Rouge, Lake Charles, Monroe, and Shreveport, LA, on the one hand, and, on the other, points in LA, (3) between New Orleans, LA, Memphis, TN, and Jackson, MS, on the one hand, and, on the other, points in MS, (4) between Birmingham, AL, on the one hand, and, on the other, points in AL, (5) between Chicago, IL, on the one hand, and, on the other, points in IN, IL, and IA, (6) between Houston, TX, and Lake Charles, LA, on the one hand, and, on the other, points in TX, (7) between Tallahassee, FL, on the one hand, and, on the other, points in GA, (8) between Little Rock, AR, on the one hand, and, on the other, points in AR, (9) between Denver, CO, and Kansas City and Joplin, MO, on the one hand, and, on the other, points in KS, (10) between Joplin, MO, on the one hand, and, on the other, points in OK, (11) between Roanoke, VA, on the one hand, and, on the other, points in VA, (12) between Charlotte, Raleigh, and Durham, NC, on the one hand, and, on the other, points in NC, (13) between Memphis, Nashville, Chattanooga, and Knoxville, TN, on the one hand, and, on the other, points in TN, (14) between Omaha and Lincoln, NE, on the one hand, and, on the other, points in NE, (15) between El Paso, TX, and Albuquerque, NM, on the one hand, and, on the other, points in NM, (16) between Phoenix and Tucson, AZ, on the one hand, and, on the other, points in AZ, (17) between Albany, NY, on the one hand, and, on the other, points in NY, (18) between Cleveland, Cincinnati, and Toledo, OH, on the one hand, and, on the other, points in OH, and (19) between Salt Lake City, UT, on the one hand, and, on the other, points in UT, restricted in (1) through (19) above to the transportation of traffic having a prior or subsequent movement by air, under contract with

Engelhard Minerals & Chemicals Corp., Engelhard Industries Division, of Iselin, NJ. (Hearing site: Newark, NJ, or Washington, DC)

MC 37327 (Sub-10F), filed October 2, 1978. Applicant: PENN EMPIRE TRANSPORT, INC., P.O. Box 517, Livingston Avenue, Jamestown, NY 14701. Representative: Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *voting machines, uncrated, and accessories* for voting machines, between Jamestown, NY, on the one hand, and, on the other, points in CT, DE, MA, MD, NJ, NY, PA, RI, VA, WV, and DC. (Hearing site: Buffalo, NY)

MC 43587 (Sub-7F), filed October 2, 1978. Applicant: UNITED HAULAGE CO., INC., 11-22 Welling Court, Long Island City, NY 11102. Representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in or used by distributors of automotive parts, (except commodities in bulk), between the facilities of General Motors Parts Division, General Motors Corporation, at or near Cornwells Heights, PA, on the one hand, and, on the other, New York, NY, and points in Nassau, Suffolk, and Westchester Counties, NY. (Hearing site: New York, NY, or Washington, DC)

MC 55896 (Sub-95F), filed October 2, 1978. Applicant: R-W SERVICE, SYSTEM, INC., 20225 Goddard Rd., Taylor, MI 48180. Representative: George E. Batty (same address as applicant). 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 Rock Falls and Sterling, IL, to points in IN, IA, KS, KY, MI, MN, MO, NE, OH, PA, and WI. (Hearing site: Chicago, IL)

NOTE.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under Section 11343(a) [formerly Section 5(2)] of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 64600 (Sub-49F), filed September 15, 1978. Applicant: WILSON TRUCKING CORPORATION, P.O. Drawer 2, Fishersville, VA 22939. Representative: William J. Jones. (Same address as applicant). To operate as a *common carrier*, by motor vehicle, over regular routes, transporting *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 equip-

ment), (A)(1) between Roanoke, VA, and Greensboro, NC: over U.S. Hwy 220, serving all intermediate points, and the off-route points of Henry and Bassett, VA, and Winston-Salem, NC, (2) between Asheville and Statesville, NC: over U.S. Hwy 70, (3) between Salisbury and Smithfield, NC: over U.S. Hwy 70 (also Alternate U.S. Hwy 70), (4) between Statesville and Winston-Salem, NC: from Statesville over U.S. Hwy 64 to Mocksville, NC, then over U.S. Hwy 158 to Winston-Salem, and return over the same route, (5) between Raleigh and Rocky Mount, NC: over U.S. Hwy 64, (6) between Charlotte, NC, and junction NC Hwy 55 and U.S. Hwy 70: from Charlotte over NC Hwy 27 to Benson, NC, then over NC Hwy 50 to Newton Grove, NC, then over NC Hwy 55 to junction U.S. Hwy 70, and return over the same route, (7) between Reidsville and Sanford, NC: over NC Hwy 87, (8) between Sanford and Clinton, NC: over U.S. Hwy 421, (9) between Wilson and Washington, NC: over U.S. Hwy 264, (10) between Rocky Mount and Williamston, NC: from Rocky Mount over NC Hwy 97 to junction NC Hwy 125, then over NC Hwy 125 to Williamston, and return over the same route, (11) between junction U.S. Hwy 70 and unnumbered hwy (approximately 11 miles northwest of Raleigh, NC) and Nelson, NC: over the unnumbered hwy, (12) between Henderson and Newton Grove, NC: from Henderson over U.S. Hwy 158 (also Alternate U.S. Hwy 158) to Oxford, NC, then over U.S. Hwy 15 to Durham, NC, then over NC Hwy 55 to Newton Grove, and return over the same route, (13) between Weldon and Wilmington, NC: from Weldon over U.S. Hwy 301 to junction U.S. Hwy 117, then over U.S. Hwy 117 to Wilmington, and return over the same route, (14) between Wilson and Morehead City, NC: from Wilson over NC Hwy 58 to Kinston, NC, then over U.S. Hwy 258 to Jacksonville, NC, then over NC Hwy 24 to Morehead City, and return over the same route, (15) between Greensboro and Stoneville, NC: over U.S. Hwy 220, (16) between Reidsville and Stoneville, NC: from Reidsville over NC Hwy 14 to Eden, NC, then over NC Hwy 770 to Stoneville, and return over the same route, (18) between Winston-Salem and Lexington, NC: over U.S. Hwy 52, (19) between Reidsville and Charlotte, NC: over U.S. Hwy 29, (20) between junction U.S. Hwys 70 and 321, and Lincolnton, NC: over U.S. Hwy 321, (21) between Weldon and Raleigh, NC: from Weldon over U.S. Hwy 158 (also Alternate U.S. Hwy 158) to Norlina, NC, then over U.S. Hwy 1 (also Alternate U.S. Hwy 1) to Raleigh, and return over the same route, (22) between Raleigh and Fayetteville, NC: over U.S. Hwy 401, (23) between junc-

tion U.S. Hwys 301 and 117 and Smithfield, NC: over U.S. Hwy 301, (24) between Fayetteville and Lumberton, NC: over U.S. Hwy 301, (25) between Clinton and Elizabethtown, NC: over U.S. Hwy 701, (26) between Norlina, NC, and junction U.S. Hwy 158 and NC Hwy 39: over U.S. Hwy 158, (27) between Edenton and New Bern, NC: over U.S. Hwy 17, (28) between Pittsboro and Sanford, NC: over U.S. Hwy 501, and (29) between Sanford and Laurinburg, NC: over U.S. Hwy 501, serving in A(2) through (29), inclusive, all points in NC as intermediate or off-route points, and restricted, in A(1) through (29), inclusive, to the transportation of traffic moving to or from a point in VA; and (B) (1) between Covington and Roanoke, VA: over U.S. Hwy 220, (2) between Martinsville and Danville, VA: over U.S. Hwy 58, (3) between Eden, NC, and Martinsville, VA: from Eden over NC Hwy 87 to the NC-VA State line, then over VA Hwy 87 to junction U.S. Hwy 220, then over U.S. Hwy 220 to Martinsville, and return over the same route, (4) between Eden, NC, and Danville, VA: from Eden over NC Hwy 770 to the NC-VA State line, then over VA Hwy 863 to junction U.S. Hwy 58, then over U.S. Hwy 58 to Danville, and return over the same route, (5) between Eden, NC, and Danville, VA: from Eden over NC Hwy 700 to junction U.S. Hwy 29, the over U.S. Hwy 29 to Danville, and return over the same route, (6) between Martinsville and Chatham, VA: over VA Hwy 57, and (7) between Norfolk and Danville, VA: over U.S. Hwy 58, serving in B(1) through (7), inclusive, no intermediate points, as alternate routes for operating convenience only in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Roanoke or Richmond, VA.)

MC 65665 (Sub-18F), filed November 1, 1978. Applicant: IMPERIAL VAN LINES, INC., 2805 Columbia street, Torrance, CA 90503. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *household goods*, in containers, between points in TX, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Los Angeles, CA)

MC 66886 (Sub-70F), filed September 5, 1978. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *cooling components*, *cooling equipment*, and *accessories* for cooling components and cooling equipment, and

(2) *materials and equipment* used in the installation, manufacture, and distribution of the commodities named in (1) above, (except commodities in bulk), between Tulsa, OK, and the facilities of Marley Cooling Tower Co., in Mayes County, OK, 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 named points and facilities. (Hearing site: Kansas City, MO, or Oklahoma City, OK)

MC 71652 (Sub-22F), filed October 2, 1978. Applicant: BYRNE TRUCKING, INC., 4669 Crater Lake Hwy, Medford, OR 97501. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *roofing and roofing materials*, from the facilities of Johns-Manville Company, at or near Pittsburg and Los Angeles, CA, to points in OR and WA. (Hearing Site: San Francisco, CA, or Portland, OR)

MC 83835 (Sub-153F), filed November 1, 1978. Applicant: WALES TRANSPORTATION, INC., P.O. Box 226186, Dallas, TX 75222. Representative: J. Michael Alexander, 136 Wynnewood Professional Bldg, Dallas, TX 75224. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *lumber*, *lumber products*, *wood products*, and *millwork*, from points in ID, MT, OR, WA, and WY, to points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, OH, OK, PA, TN, and TX. (Hearing site: Seattle WA, or Denver, CO)

MC 93186 (Sub-2F), filed October 2, 1978. Applicant: EUDELL WATTS III, doing business as, WATTS TRANSFER & DELIVERY SERVICE, 825 First Ave., Rock Island, IL 61201. Representative: Daniel C. Sullivan, Suite 1600, 10 S. La Salle St., Chicago, IL 60603. 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 those requiring special equipment), between Rock Island, IL, on the one hand, and, on the other, points in Bureau, Carroll, Hancock, Henderson, Henry, Jo Davless, Knox, La Salle, Marshal, Mercer, Peoria, Rock Island, Stark Stephenson, Warren and Whiteside Counties, IL, Benton, Cedar, Clinton, Delaware, Des Moines, Dubuque, Iowa, Jackson, Jefferson, Johnson, Jones, Lee, Louisa, Muscatine, Scott, Washington, and Van Buren Counties, IA, Crawford, Grant, Iowa, and Lafayette Counties, WI, and Clark, Lewis, and Scotland Counties, MO, restricted to the transportation of traf-

fic having a prior or subsequent movement by rail. (Hearing site: Chicago, IL)

MC 94201 (Sub-165F), filed September 22, 1978. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, AL 35203. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *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), between the facilities of Goodyear Tire and Rubber Company, at or near Union City, TN, on the one hand, and, on the other, Louisville, KY, St. Louis, Kansas City, Carthage and Springfield, MO, Topeka, KS, Norfolk and Richmond, VA, points in IL, IN, and NC, and those points in OH on, west, and north of a line beginning at the intersection of the OH-PA State line and U.S. Hwy 62 near Sharon, PA, then along U.S. Hwy 62 to Columbus, OH, then along U.S. Hwy 23 to Circleville, OH, and then along U.S. Hwy 22 to Cincinnati, OH. (Hearing site: Akron, OH, or Atlanta, GA.)

MC 95876 (Sub-253F), filed October 2, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *pipe*, *pipe fittings*, *valves*, and *hydrants*, from Birmingham, AL, to points in IA, IL, MN, ND, SD, and WI. (Hearing site: Birmingham, AL.)

MC 103051 (Sub-454F), filed October 4, 1978. Applicant: FLEET TRANSPORT COMPANY, INC., A Georgia Corporation, 934-44th Avenue, N., Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *sulphuric acid*, in bulk, in tank vehicles, from Savannah, GA, to points in FL and SC. (Hearing site: Nashville, TN, or Atlanta, GA.)

MC 103926 (Sub-79F), filed September 15, 1978. Applicant: W. T. MAYFIELD SONS TRUCKING CO., A corporation, P.O. Box 947, Mableton, GA 30059. 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) *aluminum poles and steel poles*, and (2) *parts and accessories* for the commodities named in (1) above, (except commodities in bulk), from the facilities of (a) Power

Enterprises, Inc., Power Structures Division, and (b) Power Enterprises, Inc., Hobson Galvanizing Division, at or near Plaquemines Parish, LA, to points in AL, AR, DE, FL, GA, IL, IN, KY, MO, MS, NC, NJ, OH, OK, PA, SC, TN, TX, VA, WV, and DC. (Hearing site: New Orleans, LA.)

MC 103926 (Sub-81F), filed September 18, 1978. Applicant: W. T. MAYFIELD SONS TRUCKING CO., A corporation, P.O. Box 947, Mableton, GA 30059. 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) *aluminum poles and steel poles*, and (2) *parts and accessories* for the commodities named in (1) above, (except commodities in bulk), from the facilities of American Pole Structures Corp., in Harris County, TX, to points in AL, AR, DE, FL, GA, IA, IL, IN, KY, MO, MS, NC, NJ, OH, OK, PA, SC, TN, VA, WV, and DC. (Hearing site: Houston, TX.)

MC 103926 (Sub-82F), filed October 2, 1978. Applicant: W. T. MAYFIELD SONS TRUCKING CO., A corporation, P.O. Box 947, Mableton, GA 30059. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *construction equipment*, between points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA, WV, and DC. (Hearing site: Montgomery, AL, or Atlanta, GA.)

MC 105461 (Sub-103F), filed October 6, 1978. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, PA 17566. Representative: Robert R. Herr (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *paperboard products, waste paper, pulpboard, and fibreboard*, between the facilities of Inland Container Corporation, at Hazelton, PA, and the facilities of Sonoco Products Company, at Downingtown, PA, on the one hand, and, on the other, Wharton, NJ, and Elmira, NY. (Hearing site: Washington, DC, or Elmira, NY.)

MC 105656 (Sub-9F), filed October 5, 1978. Applicant: TOM PASQUALE, d/b/a PASQUALE TRUCKING COMPANY, P.O. Box 295, Logansport, IN 46947. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *foodstuffs* except in bulk, from the facilities of Logansport Refrigerated Services, Division of Southern Michigan Cold Storage Co., at Logansport, IN to points in AL, AR, CO, CT, DE, FL, GA, IL, IA, KS, KY, LA,

ME, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 106674 (Sub-342F), filed October 4, 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 *flour and flour preparations*, in bags, from Springfield, IL, to points in AL, GA, FL, SC, and TN. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-345F), filed October 10, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes transporting *building and construction materials, equipment, and supplies* (except commodities in bulk), between Chicago and Wilmington, IL, Dubuque, IA, Elizabethtown, KY, Perth Amboy and Linden, NJ, Lockland, OH, Sunbury and Pittston, PA, Marion, SC, and Memphis and Paris, TN, on the one hand, and on the other, those points in the United States in and east of MT, WY, CO, and NM, restricted to the transportation of traffic originating at or destined to the named points. (Hearing site: Chicago, IL.)

MC 107002 (Sub-534F), filed October 6, 1978. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, MS 39204. To operate as a *common carrier*, by motor vehicle, over irregular routes transporting *asphalt*, in bulk, in tank vehicles, from Vicksburg, MS, to points in AR. (Hearing site: Jackson, MS.)

MC 107002 (Sub-535F), filed October 9, 1978. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, MS 39204. To operate as a *common carrier*, by motor vehicle, over irregular routes transporting *titanium dioxide*, in bulk, in tank vehicles, from Hamilton, MS, to points in KY and MI. (Hearing site: Memphis, TN.)

MC 107496 (Sub-1165F), filed October 2, 1978. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. To operate as a

*common carrier*, by motor vehicle, over irregular routes transporting (1) *urea and urea blends*, in bulk, from Port Neal, IA, to points in NM and TX, (2) *liquid fertilizer solutions*, in bulk, from Blair, NE, to points in IL, IA, MN, ND, SD, TX, and WI, (3) *fertilizer*, in bulk, from Brunswick, MO, to points in AR, IL, IA, KS, NE, and OK, and (4) *liquid fertilizer*, in bulk, in tank vehicles, from Prescott, WI, to points in MN. (Hearing site: Des Moines, IA, or Kansas City, MO.)

MC 107496 (Sub-1166F), filed October 2, 1978. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. To operate as a *common carrier*, by motor vehicle, over regular routes, transporting *liquid chemicals*, in bulk, in tank vehicles, between the plant site of E. I. du Pont de Nemours & Co., Inc., at Ft. Madison, IA, on the one hand, and, on the other, points in the United States (except AK, HI, and IA). (Hearing site: Des Moines, IA or Chicago, IL.)

MC 107515 (Sub-1187F), filed October 30, 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 regular routes, transporting *frozen foods, and materials and supplies* used in the manufacture and distribution of frozen foods, (except commodities in bulk), between the facilities of The Pillsbury Company, at or near Murfreesboro and Nashville, TN, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR, and LA (except TN), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Minneapolis, MN.)

NOTE.—Dual operations are involved in this proceeding.

MC 108341 (Sub-115F), filed September 29, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 8409, Charlotte, NC 28208. Representative: Jack F. Counts (same address as applicant). To operate as a *common carrier*, by motor vehicle, over regular routes, transporting (1) *construction equipment, earth moving equipment, and material handling equipment*, and (2) *attachments accessories, and parts* for the commodities named in (1) above, when moving in mixed loads with the commodities named in (1) above, from White Marsh, MD, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Baltimore, MD or Washington, DC.)

MC 109692 (Sub-74F), filed October 16, 1978. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a Corporation, Route 13, Kansas City, MO 64161. Representative: Warren H. Sapp, P.O. Box 16047, Kansas City, MO 64112. To operate as a *common carrier*, by motor vehicle over irregular routes, transporting *fabricated metal products*, from the facilities of the United States Gypsum Company, at Franklin Park, IL, to points in AR, CO, IA, KS, LA, MO, NE, OK, TX, and WY. (Hearing site: Chicago, IL or Washington, DC.)

MC 111545 (Sub-261F), filed October 31, 1978. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). To operate as a *common carrier*, by motor vehicle over irregular routes, transporting *steel tubing*, between Union, MO, on the one hand, and, on the other, points in CA, and those in the United States in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: Kansas City, MO or Washington, DC.)

MC 111812 (Sub-592F), filed October 9, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). To operate as a *common carrier*, by motor vehicle over irregular routes, transporting *Meats, meat products and meat byproducts, dairy products, and articles* distributed by meatpacking houses, as described in sections A, B, 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), (1) from the facilities of John Morrell & Co., at or near Sioux Falls, SD, Worthington and St. Paul, MN, and Humboldt, Sioux City, and Esterville, IA, to points in AZ, CO, NM, and WY, (2) from the facilities of John Morrell & Co., at or near Sioux Falls, SD, to El Paso, TX, and points in UT, and (3) from the facilities of John Morrell & Co., at or near El Paso, TX, to points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, restricted in (1), (2), and (3) to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Chicago, IL.)

MC 112304 (Sub-154F), filed October 10, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). 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 Company, at or near Rock

Falls and Sterling, IL, to points in IN, KY, MD, MI, OH, VA, PA, WV, and DC. (Hearing site: Chicago, IL or Washington, DC.)

MC 113651 (Sub-291F), filed October 10, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggins Road, Muncie, IN 47305. Representative: Glen L. Gissing (same address as applicant). To operate as a *common carrier*, by motor vehicle over irregular routes, transporting *foodstuffs*, from Cleveland, TN, to points in AL, FL, IL, IN, IA, KS, LA, MS, MO, NE, ND, SD, and TX, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Washington, DC or New York, NY.)

MC 114045 (Sub-517F), filed November 1, 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, drugs, and petroleum products* (except commodities in bulk), from points in CA, to points in IL and NJ. (Hearing site: Chicago, IL or Dallas, TX.)

MC 114045 (Sub-518F), filed November 6, 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 *bakery goods*, in vehicles equipped with mechanical refrigeration, from Downers Grove, IL, to points in TX. (Hearing site: Chicago, IL or Dallas, TX.)

MC 114211 (Sub-380F), filed September 29, 1978. Applicant: WARREN TRANSPORT, INC., a Nebraska Corporation, P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). 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 agricultural equipment and industrial equipment, (except commodities in bulk), between those points in the United States in and east of ND, SD, NE, KS, OK, and TX.

MC 114569 (Sub-261F), filed November 6, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *foodstuffs* (except commodities 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 AZ, CA, CO, IA, ID, IL, IN, KS, LA, MD, MN, MO, NE, NJ, NV, NY, OK, OR, PA, TX, UT, WA, WI, and DC. (Hearing site: Nashville, TN or Washington, DC.)

NOTE—Dual operations are involved in this proceeding.

MC 115092 (Sub-73F), filed October 9, 1978. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box (except commodities in bulk), O. Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *expanded plastic products* (except commodities in bulk), from Torrance, CA, to those points in the United States in and west of MT, WY, CO, OK, and TX (except AK and HI). (Hearing Site: San Francisco, CA.)

MC 115331 (Sub-468F), filed October 6, 1978. Applicant: TRUCK TRANSPORT INCORPORATED, A Delaware Corporation, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *dry sugar*, in bulk, from Supreme, LA, to points in the United States (except AK and HI). (Hearing site: New Orleans, LA.)

MC 115496 (Sub-106F), filed October 2, 1978. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. 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 (1) *pipe, pipe fittings, valves, and hydrants*, and (2) *materials and supplies* used in the installation of the commodities in (1) above, from the facilities of Clow Corporation, (a) at or near Birmingham, AL, and (b) in Talladega County, AL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Atlanta, GA or Chicago, IL.)

MC 115826 (Sub-353F), filed October 6, 1978. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Terminal Annex, Commerce City, CO 80217. Representative: Howard Gore, 6015 E. 58th St., Commerce City, CO 80022. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *meats, meat products and meat byproducts, dairy products, and articles distributed by meat-packing houses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), and (2) *equipment and supplies* used by meat packinghouses (except commodities in

bulk), between points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 115904 (Sub-130F), filed October 6, 1978. Applicant: GROVER TRUCKING CO., a corporation, 1710 West Broadway, Idaho Falls, ID 83401. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *masonry articles* and (2) *materials, equipment, and supplies* used in the manufacture, distribution, or installation of masonry articles, between points in MT, and UT, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT.)

MC 115904 (Sub-131F), filed October 6, 1978. Applicant: GROVER TRUCKING CO., a corporation, 1710 West Broadway, Idaho Falls, ID 83401. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *cast iron pipe, fittings, and accessories* used in the installation of cast iron pipe, from the facilities of United States Pipe & Foundry Co., at or near Union City, CA, to points in AZ, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: San Francisco, CA or Washington, DC.)

MC 116371 (Sub-10F), filed October 6, 1978. Applicant: LIQUID CARGO LINES LIMITED, P.O. Box 269, Clarkson, Ontario, Canada. Representative: John W. Ester, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *liquid commodities*, in bulk, in tank vehicles, between the ports of entry on the international boundary line between the United States and Canada on the Niagara River located in New York, on the one hand, and, on the other, points in CT, DE, KS, MD, MA, NJ, NY, PA, and VA, restricted to the transportation of traffic originating at or destined to the facilities of Canada Packers Limited at Toronto, Canada. **CONDITION:** Prior receipt from applicant of an affidavit setting forth its complementary Canadian authority or explaining why no such Canadian authority is necessary. (Hearing site: Buffalo, NY or Detroit, MI.)

**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 commu-

nication 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 117730 (Sub-28F), filed October 5, 1978. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *frozen foods* (except commodities in bulk), from the facilities of Continental Freezers of Illinois, at Chicago, IL, to points in IN, OH, MI, MO, KY, and IA, and (2) *foodstuffs* (except commodities in bulk), (a) from the facilities of U.S. Cold Storage, at Lyons, IL, to points in IN, OH, MI, MO, KY, and IA, and (b) from points in WI, to the facilities of U.S. Cold Storage, at Lyons, IL, restricted in (1) and (2) above to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Chicago, IL.)

MC 118142 (Sub-172F), filed October 4, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, KS 67202. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *frozen boxed beef*, from the facilities of Del Pero Mondon Meat Company, at or near Marysville, CA, to Phoenix, AZ, Albuquerque, NM, and Wichita, KS, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: San Francisco, CA or Kansas City, MO.)

**NOTE.**—Dual operations are involved in this proceeding.

MC 118831 (Sub-167F), filed October 6, 1978. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, NC 27264. Representative: Ben H. Keller, III (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 Company, at Augusta, GA, to points in IL, IA, MD, MI, MN, MO, NJ, NY, OH, PA, and WI, restricted against the transportation of traffic destined to or interchanged at points in the St. Louis, MO-East St. Louis, IL, commercial zone. (Hearing site: Washington, DC or Columbia SC.)

MC 118989 (Sub-207F), filed November 6, 1978. Applicant: CONTAINER TRANSIT, INC., 5223 S. 9th St., Milwaukee, WI 53221. Representative: Albert A. Andrin, 180 N. La Salle St., Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers, converters, and printers of paper and paper products (except commodities in bulk), between the facilities of Kimberly-Clark Corporation, in Emmett Township (Calhoun County), MI, on the one hand, and, on the other, points in the United States (except AK, HI, and MI). (Hearing site: Chicago, IL or Washington, DC.)

MC 119765 (Sub-64F), filed November 6, 1978. Applicant: EIGHT WAY XPRESS, INC., an Iowa corporation, 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 *foodstuffs*, from the facilities of Blue Star Foods, Inc., at Omaha, NE, to points in CO, IL, IN, KS, MD, MI, MN, MO, NE, NY, OH, PA, VA, WV, WI, and DC. (Hearing site: Omaha, NE.)

MC 120184 (Sub-13F), filed October 6, 1978. Applicant: PEP LINES TRUCKING CO., a corporation, 32600 Dequindre Road, Warren, MI 48092. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *appliances and television sets*, (1) between the facilities of George's Radio & TV Company, at Washington, DC, on the one hand, and, on the other, Baltimore, MD, and points in Baltimore, Harford, Cecil, and Carroll Counties, MD) and (2) between the facilities of D & H Distributing Company, at or near Savage, MD, on the one hand, and, on the other, points in PA, VA, WV, and DC. (Hearing site: Washington, DC.)

**NOTE.**—Dual operations are involved in this proceeding.

MC 1207614 (Sub-45F), filed October 10, 1978. Applicant: NEWMAN BROS. TRUCKING COMPANY, a corporation, 6559 Midway Road, P.O. Box 18728, 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 *roofing materials*, from the facilities of Johns-Manville Sales Corporation, at or near Marrero, LA, to points in TX. (Hearing site: Dallas, TX.)



MC 121626 (Sub-7F), filed October 2, 1978. Applicant: BAYVIEW TRUCKING, INC., 7080 Florin-Perkins Road, Sacramento, CA 95828. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *foodstuffs*, from the facilities of Campbell Soup Company, at Omaha, NE, to Denver and Grand Junction, CO. (Hearing site: Omaha, NE.)

MC 123407 (Sub-501F), filed October 3, 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) *aluminum articles* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), between the facilities of Alumax Corporation, in Berkeley County, SC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 124078 (Sub-900F), filed November 3, 1978. Applicant: SCHWERMAN TRUCKING CO., A Corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, over irregular routes transporting *fertilizer*, from the facilities of Brunswick River Terminal, at or near Brunswick, MO, to points in AR, IL, IA, KS, KY, MO, NE, OK, and TN. (Hearing site: Kansas City, MO.)

MC 124692 (Sub-246F), filed October 9, 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 *lumber and wood products*, from points in WY, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, PA, SD, and WI. (hearing site: Rapid City, SD, or Denver, CO.)

MC 124774 (Sub-105F), filed September 18, 1978. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Ailyn L. Westergren, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, over irregular routes transporting *bakery products and commodities* used in the manufacture of bakery products, from the facilities of Globe Products Company, Inc., at Clifton, NJ, to

points in CO and OK. (Hearing site: Minneapolis, MN, or Omaha, NE.)

MC 124896 (Sub-71F), filed October 6, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. box 3485, Wilson, NC 27893. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *foodstuffs and articles distributed by meat packing plants* (except hides and commodities in bulk), (1) from the facilities of Shenson Meat Co., Coast Packing Co., and Geo. A. Hormel & Co., at Omaha, NE, to points in GA, NC, SC, and TN, and (2) from the facilities of Geo. A. Hormel & Co., at Springfield, MO, to points in GA, NC, SC, and TN. (Hearing site: Kansas City, MO, or Omaha, NE.)

MC 125254 (Sub-49F), filed October 6, 1978. Applicant: MORGAN TRUCKING CO., a corporation, P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, 50309. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *paper and paper products*, (except commodities in bulk), from the facilities of Owens Illinois, at or near Mt. Olive, IL, to points in IA and MO. (Hearing site: Kansas City, MO.)

MC 125506 (Sub-30F), filed September 18, 1978. Applicant: JOSEPH ELETTO TRANSFER, INC., 33 West Hawthorne Ave., Valley Stream, NY 11580. Representative: Bruce J. Robbins, 118-21 Queens Blvd., Forest Hills, NY 11375. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in or used by retail wearing apparel shops, between New York, NY, and points in OH, under contract with Saks Fifth Avenue, of New York, NY. (Hearing site: New York, NY.)

MC 125872 (Sub-6F), filed October 2, 1978. Applicant: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, UT 84041. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *foodstuffs*, and (2) *materials, equipment, and supplies* used in the manufacture, or distribution of foodstuffs, between the facilities of Clover Club Foods Company, at or near Boise, ID, Albuquerque, NM, Kaysville and Salt Lake City, UT, Denver and Colorado Springs, CO, on the one hand, and, on the other, points in AR, IA, IL, KS, LA, MN, MO, NE, ND, OK, and SD, under contract with Clover Club Foods Company, of Kaysville, UT. (Hearing site: Salt Lake City, UT, or Washington, DC.)

MC 127705 (Sub-67F), filed November 1, 1978. Applicant: KREVDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *glass containers, and accessories for glass containers*, and (2) *materials, equipment, and supplies* used in the manufacture or distribution of glass containers, from the facilities of Brockway Glass Company, Inc., in Jefferson and Clearfield Counties, PA, to points in MO, IL, KY, and IN. (Hearing site: Washington, DC.)

MC 127811 (Sub-15F), filed October 6, 1978. Applicant: BRYNWOOD TRANSFER, INC., 175-8th Avenue, SW., New Brighton, MN 55112. 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 (1) *commodities* the transportation of which by reason of size or weight requiring the use of special equipment, (except boats), and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *machinery tools, machinery parts, and machinery supplies*, on trailers, between points in MN, on the one hand, and, on the other, points in WI, ND, SD, IA, and MI. (Hearing site: St. Paul, MN.)

MC 128095 (Sub-22F), filed October 30, 1978. Applicant: PARKER TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle over irregular routes, transporting *new furniture* (1) from the facilities of Pilliod Cabinet Co., Inc., of Alabama, at or near Selma, AL, to points in FL, GA, KY, LA, MO, MS, TN, and TX, (2) from the facilities of Pilliod Cabinet Co., Inc., at or near Swanton, OH, to points in AL, GA, IL, IN, IA, KY, LA, MO, MS, TN, and WV, and (3) from the facilities of Pilliod of Carolina, at or near Nichols, SC, to points in AL, GA, LA, MO, MS, TN, and TX. (Hearing site: Jackson, MS, or Memphis, TN.)

MC 128746 (Sub-43F), filed September 28, 1978. Applicant: D'AGATA NATIONAL TRUCKING CO., A corporation, 3240 South 61 St., Philadelphia, PA 19153. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle over irregular routes, transporting *glass containers*, between the facilities of Midland Glass Co., at or near Cliffwood, NJ, on the one hand, and, on the other, Williamsburg, VA, and the facilities of Midland Glass Co., at or near Newport News and Suffolk, VA.



(Hearing site: Philadelphia, PA, or Washington, DC.)

MC 129032 (Sub-56F), filed October 2, 1978. Applicant: TOM INMAN TRUCKING, INC., 6015 So. 49th West Ave., Tulsa OK 74107. Representative: David R. Worthington (same address as applicant). To operate as a *common carrier*, by motor vehicle over irregular routes, transporting *animal feeds*, and *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 or near (a) Los Angeles, CA and (b) Ogden, UT, 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 above named facilities. (Hearing site: Los Angeles or San Francisco, CA.)

MC 129282 (Sub-38F), filed October 2, 1978. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, TX 75601. Representative: Fred S. Berry (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *malt beverages and non-alcoholic beverages* (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 Houston, TX and Covington, LA. (Hearing site: New Orleans, LA.)

MC 129387 (Sub-82F), filed October 2, 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 *meats, meat products and meat by-products, 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), from the facilities of Huron Dressed Beef, at Huron, SD, to points in KS, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Sioux City, IA.)

MC 133221 (Sub-38F), filed October 1, 1978. Applicant: OVERLAND CO., INC., 1991 Buford Hwy, Lawrenceville, GA 30245. Representative: Alvin Button, 1644 Tullie Cir. NE, Suite 102, Atlanta, GA 30329. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *paper articles, floral pots, molded pulp products, molded peat products, styro-foam products, and plastic plates*, (except commodities in bulk), from (1)

the facilities of Huntsman Container Corporation, at (a) Memphis, TN, (b) Fullerton, CA, and (c) Troy, OH, and (2) the facilities of Keyes Fibre Company, at (a) Waterville, ME, (b) Hammond, IN, (c) New Iberia, LA, (d) Florin, CA, (e) Albertville, AL, and (f) at or near Wenatchee, WA, to points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Washington, DC.)

MC 134755 (Sub-159F), filed October 31, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from the facilities of American Home Foods, at Milton, PA, to La Porte, IN, and Chicago, IL, and points in OH, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Kansas City, MO, or Chicago, IL.)

NOTE.—Dual operations are involved in this proceeding.

MC 134755 (Sub-160F), filed November 2, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *foodstuffs* (except commodities in bulk) from Napoleon, OH, to points in NY, PA, KY, TX, MO, KS, AR, OK, IA, NE, CO, WI, IL, NC, and SC. (Hearing site: Kansas City, MO, or Chicago, IL.)

NOTE.—Dual operations are involved in this proceeding.

MC 134755 (Sub-161F), filed November 2, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *meats, meat products and meat by-products, 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), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in AZ, AR, CA, CO, FL, GA, ID, OR, MS, MN, TX, UT, and WA, restricted to the transportation of traffic originating at the named origin. (Hearing site: Wichita, KS.)

NOTE.—Dual operations are involved in this proceeding.

MC 135797 (Sub-149F), filed October 2, 1978. Applicant: J. B. HUNT TRANSPORT, INC., a Georgia Corporation, P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergent (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *athletic goods and recreational equipment*, and (2) *materials and equipment* used in the manufacture of the commodities in (1) above, (a) from Bossier City, LA, to points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WI, and DC, and (b) from points in the United States (except AK and HI), to Bossier City, LA. (Hearing site: New Orleans, LA.)

MC 136635 (Sub-13F), filed November 1, 1978. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Road, South Bend, IN 46614. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *automotive parts*, and (2) *materials* used in the manufacture of motor vehicles, (except commodities in bulk), between the facilities of A.M. General Corporation, at South Bend, IN, on the one hand, and, on the other points in AL, AR, CT, DE, FL, GA, IL, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, WI, RI, SC, TN, TX, VT, VA, WV, and DC. (Hearing site: Chicago, IL.)

NOTE.—Dual operations are involved in this proceeding.

MC 138126 (Sub-31F), filed October 4, 1978. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, over irregular routes transporting (1) *frozen prepared foods*, and (2) commodities the transportation of which is otherwise exempt from economic regulation under Section 10526(a)(6) (formerly section 203(b)(6)) of the Interstate Commerce Act, in mixed loads with the commodities in (1) above, from the facilities of Van de Kamp's, at Erie, PA, to points in DE, GA, IL, IN, KS, MD, MI, MN, MO, NJ, NY, OH, PA, VA, WV, WI, and DC. (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 138144 (Sub-36F), filed October 10, 1978. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 S. LaSalle St., Ste. 1600, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes transporting *sheet steel and coiled steel*, from

the facilities of the National Material Corporation, at or near Elk Grove Village, IL, to Indianapolis and Peru, IN. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 138461 (Sub-3F), filed October 6, 1978. Applicant: YUCCA MOVING & STORAGE CO., a corporation, 720 West Organ Street, P.O. Box 352, Las Cruces, NM 88001. Representative: Robert J. Gallagher, 1000 Conn. Avenue, NW, Suite 1200, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, over irregular routes transporting *used household goods*, between points in NM, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and to the performance of pickup and delivery service in connection with packing, crating, or containerization, or unpacking, uncrating, or decontainerization of such shipments. (Hearing site: Las Cruces, NM).

MC 138861 (Sub-11F), filed September 29, 1978. Applicant: C-LINE, INC., Tourtellot Hill Rd., Chepachet, RI 02814. Representative: Ronald N. Cobert, Suite 501, 1730 M St., 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 & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, NY, points in Nassau, Westchester, and Rockland Counties, NY, and Passaic, Essex, Union, Middlesex, and Bergen Counties, NJ, on the one hand, and, on the other, Baltimore, MD, Alexandria, VA, points in Philadelphia, Delaware, and Montgomery Counties, PA, Camden, and Gloucester Counties, NJ, Baltimore, Anne Arundel, Prince Georges, Montgomery, and Howard Counties, MD, Arlington and Fairfax Counties, VA, and DC, restricted to the transportation of traffic moving on bills of lading of freight forwarders. (Hearing site: Boston, MA)

NOTE: Dual operations may be involved in this proceeding.

MC 138882 (Sub-164F), filed October 3, 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 *peanut butter*, from Albany, GA, to Kansas City, MO. (Hearing site: Kansas City, MO, or Washington, DC)

MC 138882 (Sub-165F), filed October 4, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as ap-

plicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *pipe, fittings, valves, and hydrants*, from the facilities of Clow Corporation, at or near Buckhannon, WV, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL, or Birmingham, AL)

MC 138960 (Sub-4F), filed October 4, 1978. Applicant: ROKO EXPRESS, INC., P.O. Box 196, Columbus, OH 43216. Representative: H. Barney Firestone, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *salt*, and (2) *food curing, preserving, and seasoning compounds*, (except commodities in bulk), from Evansville, IN, and Henderson and Owensboro, KY, to points in AL, AR, GA, IL, KS, LA, MS, MO, NC, OK, SC, TN, and TX. (Hearing site: Greenwich, CT, or Columbus, OH)

MC 139420 (Sub-39F), filed July 7, 1978. Applicant: ART GREENBERG, d/b/a/ GLACIER TRANSPORT, P.O. Box 428, Grand Forks, ND 58201. Representative: James B. Hovland, P.O. Box 1680, 414 Gate City Bldg., Fargo, ND 58102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *magazines and catalogues*, from Milwaukee, WI, to points in AL, AZ, CA, CO, FL, GA, MN, MS, MT, NE, NV, NM, ND, OR, SD, TN, UT, WA, and WY. (Hearing site: Milwaukee, WI, or Chicago, IL)

MC 139495 (Sub-397F), filed November 1, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, Liberal, KS 67901. Representative: Herbert Alan Dublin, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *scrap rubber, and materials and supplies* used in the distribution of scrap rubber, (except commodities in bulk, in tank vehicles), from Andover and Boston, MA, to points in the United States, (except AK and HI), and (2) *adhesives, coatings, and sealants*, (except commodities in bulk, in tank vehicles), from Middleton, MA, to points in SC, TN, MI, IL, MO, CO, and CA. (Hearing site: Washington, DC)

MC 140241 (Sub-29F), filed October 4, 1978. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle over irregular routes, transporting *lumber, lumber products, wood products, and millwork*, from the facilities of Kaibab Industries, at or near (a) Fredonia and Payson, AZ (b) Panguitch, UT, and (c) Eagle, CO, to points in AR, IL, IN, LA,

MS, and WI, and those points in KY and TN on and west of Interstate Hwy 65. (Hearing site: Phoenix, AZ, or Kansas City, MO).

MC 140665 (Sub-41F), filed October 30, 1978. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. To operate as a *common carrier*, by motor vehicle over irregular routes, transporting (1) *welding equipment*, (2) *materials and supplies for welding equipment* (except commodities in bulk), and (3) *equipment, materials, and supplies* used in the manufacture and distribution of welding equipment, (except commodities in bulk), between the facilities of Union Carbide Corporation, at or near Niagara Falls, NY, on the one hand, and, on the other, points in AL, MS, LA, AR, MO, IA, MN, ND, SD, NE, KS, OK, TX, NM, CO, WY, MT, ID, UT, NV, AZ, OR, CA, and WA. (Hearing site: New York, NY, or Washington, DC)

MC 141274 (Sub-7F), filed September 27, 1978. Applicant: C. C. ANKENY, INC., P.O. Box 1034, Whittier, CA 90609. Representative: Michael F. Morrone, 1150 17th Street, NW, Suite 1000, Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *plastic products, industrial rubber products and metal hose couplings*, from Trenton, NJ, to points in CA, CO, IL, LA, MI, MN, MO, OH, PA, UT, VA, TX, WI, WY, GA, and FL, under contract with Goodall Rubber Company, of Trenton, NJ. (Hearing site: Washington, DC.)

MC 141402 (Sub-21F), filed October 6, 1978. Applicant: LINCOLN FREIGHT LINES, INC., Box 332, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *insulation*, in bags, from Louisville, KY, to points in IN, OH, and TN, under contract with Alton Box Board Co., of Alton, IL. (Hearing site: Indianapolis, IN, or Chicago, IL)

MC 141804 (Sub-141F), filed October 10, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada Corporation, P.O. Box 3488, Ontario, CA. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle over irregular routes, transporting *plastic containers, plastic spouts, and accessories* for plastic containers, from points in San Bernardino County, CA, to those points in the United States in and east of MN, IA, MO, AK, and LA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 142516 (Sub-18F), filed September 7, 1978. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *wire, nails, staples, and stapling machines*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, (except commodities in bulk), from points in Queens County, NY, and Rolling Meadows, IL, to points in AL, CA, FL, GA, IL, NC, TN, and TX, under contract with Spotnails, Inc., of Long Island City, NY. (Hearing site: New York, NY, or Washington, DC)

MC 142559 (Sub-64F), filed November 3, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *paper, paper products, and woodpulp*, and (2) *materials and supplies* used in the manufacture of paper and paper products, (except commodities in bulk, in tank vehicles) between Redwood and Moss Point, MS, Mobile, AL, and Georgetown, SC, on the one hand, and, on the other, points in CA and those points in the United States in and east of MN; IA, MO, OK, and TX. (Hearing site: Columbus, OH)

NOTE.—Dual operations are involved in this proceeding.

MC 142559 (Sub-65F), filed November 3, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *paper, paper products, and woodpulp*, and (2) *materials and supplies* used in the manufacture of paper and paper products, (except commodities in bulk), between Camden and Pine Bluff, AR, Bastrop and Springhill, LA, Texarkana, TX, and Natchez, MS, on the one hand, and, on the other, points in CA and those in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Columbus, OH)

NOTE.—Dual operations are involved in this proceeding.

MC 142600 (Sub-10F), filed October 3, 1978. Applicant: DIXIE-WEST EXPRESS, INC., P.O. Drawer L, Petal, MS 39465. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *such commod-*

*ities as are dealt in by chemical manufacturers*, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities used by Exxon Chemical Company, at or near Houston, TX, and Baton Rouge, LA, to points in CA, AZ, OR, and WA, under contract with Exxon Chemical Company. (Hearing site: Houston, TX)

MC 142835 (Sub-1F), filed November 6, 1978. Applicant: CARSON MOTOR LINES, INC., an Ohio corporation, P.O. Box 909, Lakeland, FL 33802. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *beverages, beverage preparations, and citrus products*, (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in FL, to points in CT (except Norwalk, East Hartford, and Hartford), MD, MA (except Boston, Springfield, Watertown, and Worcester), NJ (except Camden, Jersey City, Newark, Bridgeton, and Perth Amboy), NY (except Albany, Binghamton, Buffalo, Elmira, Newburgh, New York, Rochester, Syracuse, Waterport, Brockport, and White Plains), OH, PA (except Erie, Harrisburg, Philadelphia, Pittsburgh, Scranton, Steelton, and Williamsport), RI, VA, WV (except Huntington), and DC. (Hearing site: Washington, DC.)

MC 143032 (Sub-7F), filed October 2, 1978. Applicant: THOMAS J. WALCZYNSKI, doing business as, WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, MN 55806. Representative: James B. Hovland, P.O. Box 1680, 414 Gate City Building, Fargo, ND 58102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *hardboard*, and *accessories* for the installation of hardboard, (1) from Duluth and Bemidji, MN, to points in MI, OH, IN, and IL, and (2) from Superior, WI, to points in MI, OH, IN, and IL. (Hearing site: Duluth or Minneapolis, MN.)

MC 143058 (Sub-7F), filed November 3, 1978. Applicant: TRANS WEST CARRIERS, INC., 14416 Slover Avenue, Fontana, CA 92335. Representative: Richard C. Celio, 1415 West Garvey Avenue, Suite 102, West Covina, CA 91790. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *such commodities as are dealt in or used by manufacturers or converters of paper and paper products* (except commodities in bulk), from Oregon City and Newberg, OR, to points in CA, under contracts with Publishers Paper Co., of Portland, OR, and Treasure Chest Advertising Company, Inc., of Glen-

dora, CA. (Hearing site: Los Angeles, CA.)

MC 144330 (Sub-43F), filed October 3, 1978. Applicant: UTAH CARRIERS, INC., P.O. Box 1218, Freeport Center, Clearfield, UT 84110. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *gypsum wallboard*, and *joints*, and (2) *materials and supplies* used in the installation of the commodities named in (1) above, from the facilities of Georgia Pacific, at Acme, TX, to points in AZ, CO, and NM. (Hearing site: Salt Lake City, UT, or Portland, OR.)

MC 144384 (Sub-1F), filed October 6, 1978. Applicant: HAROLD W. ANDERSON d/b/a ANDERSON TRUCKING, 1122 Fourth Street, Dawson, MN 56232. Representative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *edible soy products* (except in bulk), from the facilities of Dawson Mills, at or near Dawson, MN, to points in the United States (except AK or HI). (Hearing site: Montevideo or St. Paul, MN.)

MC 144622 (Sub-21F), filed October 2, 1978. Applicant: GLENN BROS. TRUCKING, INC., P.O. BOX 9343, Little Rock, AR 72219. Representative: PHILLIP GLENN (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *women's undergarments and women's lingerie*, from Redondo Beach, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles, CA)

NOTE.—Dual operations are involved in this proceeding.

MC 144675 (Sub-2F), filed November 2, 1978. Applicant: LINCOLN FREIGHT FORWARDING CORPS., 537 North Long Beach Road, Rockville Centre, NY 11570. Representative: MORTON E. KIEL, Suite 6193, 5 World Trade Center, New York, NY 10048. 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 points in MA, CT, MD, RI, DE, NY, NJ, and PA, on the one hand, and, on the other points in AL, FL, NC, SC, and GA, restricted to the transportation of traffic moving on freight forwarder bills of lading. (Hearing site: New York, NY.)

MC 145001 (Sub-1F), filed October 10, 1978. Applicant: HORACE

CHAVIS, d/b/a CHAVIS TRANSFER, 2019 Decatur Street, Richmond, VA 23224. Representative: Calvin F. Major, 200 West Grace Street, Suite 415, Richmond, VA 23220. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *semi-trailers*, between points in VA, GA, NC, SC, WV, MD, NY, NJ, PA, DE, TN, KY, RI, CT, MA, and FL, under continuing contract(s) with Atco Trailer Rentals, and Mobile Field Office Company, both of Berlin, NJ. (Hearing site: Richmond, VA.)

MC 145100 (Sub-2F), filed October 3, 1978. Applicant: ALBERT J. AND JIM L. WHITAKER, d.b.a. WHITAKER'S WRECKER SERVICE, 816 N.W. 6th Street, Oklahoma City, OK 73106. Representative: David A. Cherry, 223 Ciudad Building, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *wrecked and disabled trucks, tractors, and trailers*, and (2) *replacements for the commodities named in (1) above*, between Oklahoma City, OK, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NV, NM, OH, OK, TN, TX, UT, and WI. (Hearing site: Oklahoma City, OK, or Dallas, TX)

MC 145106 (Sub-6F), filed October 2, 1978. Applicant: EDINA CARTAGE CO., a Corporation, 1000 Taylor Ave., Flat River, MO 63601. Representative: E. Stephen Heisley, 305 McLachlen Bank Bldg., 666 Eleventh St. NW, Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *containers, container closures, and container parts*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Northwestern Bottle Company, at or near Nashville and Memphis, TN, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with Northwestern Bottle Company, of St. Louis, MO. (Hearing site: Washington, DC)

MC 145106 (Sub-7F), filed October 3, 1978. Applicant: EDINA CARTAGE CO., 1000 Taylor Avenue, Flat River, MO 63601. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *empty containers, and container closures*, (2) *parts and accessories* for containers, and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between the facilities of Northwestern Bottle Company, at or

near Indianapolis, IN and Chicago, IL, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with Northwestern Bottle Company, of St. Louis, MO. (Hearing site: Washington, DC.)

MC 145422F, filed September 25, 1978. Applicant: L. B. TRANSPORTATION, INC., 4300 N.W. 37th Avenue, Miami, FL 33142. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *cable connectors, galvanized strip steel, wire cable, and materials and machinery* used in the production of wire cable, between Edison, NJ and points in AL, FL, GA, IL, IN, KY, MI, MN, TX, MS, NC, OH, PA, SC, TN, VA, WV, and WI, under continuing contract(s) with American Metal Moulding Company, of Edison, NJ. (Hearing site: Washington, DC.)

MC 145476F, filed October 2, 1978. Applicant: RAY MABRY, doing business as MABRY TRUCKING SERVICE, 307 Lime Street, Auburndale, FL 33823. Representative: John G. Hardeeman, 618 United American Bank Bldg., Nashville, TN 37219. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *frozen foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Louisville, KY, to points in AL, AR, GA, IL, IN, LA, MS, MO, OH, and TN. (Hearing site: Louisville, KY or Nashville, TN.)

MC 145494F, filed October 6, 1978. Applicant: EDINA CARTAGE CO., a Corporation, 1000 Taylor Avenue, Flat River, MO 63601. 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 *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Philadelphia and Bristol, PA, to Los Angeles, San Francisco, Hayward, and San Diego, CA, restricted to the transportation of traffic moving on bills of lading of freight forwarders. (Hearing site: Washington, DC.)

NOTE.—Dual operations are involved in this proceeding.

MC 145504 (Sub-2F), filed October 6, 1978. Applicant: DELGADO BROTHERS TRUCKING, INC., 5150 W. 12th Avenue, Apt. 305, Hialeah, FL 33012. Representative: John P. Bond, 2766 Douglas Road, Miami, FL 33131. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *refined sugar*, in bags, from

the facilities of Florida Crystal Refiners, at or near Moore, FL, to Miami, FL, restricted to the transportation of traffic having a subsequent movement by water, under contract with Industrial Raw Materials, Inc., of Atlanta, GA. (Hearing site: Miami, FL.)

MC 145554F, filed October 10, 1978. Applicant: John M. Wolfe, 274 Min-della Way, Layton, UT 84041. Representative: Raymond M. Kelley, 450 Capitol Life Center, Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *cedar shake, shingles, and ridge*, from points in Clallam County, WA, to Denver and Grand Junction, CO, and Casper and Cheyenne, WY; and (2) *roofing and siding and materials and equipment* used in the installation of roofing and siding, from Denver, CO, to points in ID, MT, OR, WA, UT, and WY. (Hearing site: Denver, CO.)

MC 145638F, filed October 24, 1978. Applicant: ROGER STOCKWELL, d/b/a/ IMMEDIATE DELIVERY SERVICE, CO., P.O. Box 162, Sabbathus, ME 04280. Representative: John G. Feehan, 178 Middle Street, Portland, ME 04112. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *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 the use of special equipment), between points in ME, NH, MA, CT, RI, VT, NY, NJ, and PA. (Hearing site: Portland, ME or Boston, MA.)

MC 145689 (Sub-1F), filed October 23, 1978. Applicant: UNION TRACTOR COMPANY, INC., P.O. Box 1426, Harve, MT 59501. Representative: George Robert Crotty, Jr., 400 First National Bank Bldg., Great Falls, MT 59401. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *plumbing fixtures and plumbing fittings* (except commodities which because of their size or weight require the use of special equipment), from the facilities of American Standard at (1) Plainfield, CT, Kokomo, IN, Trenton, NJ, and Salem and Tiffin, OH, to points in the United States in and west of MT, WY, CO, and NM, and (2) Piscataway, NJ, to Stockton, CA. (Hearing site: Denver, CO or Washington, DC.)

NOTE.—Dual operations are involved in this proceeding.

MC 145699F, filed November 2, 1978. Applicant: QUALITY TRANSPORT, INC., 4404 W. Berteau, Chicago, IL 60641. Representative: William J. Boyd, Suite 222, 600 Enterprise Dr., Oak Brook, IL 60521. To operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting *meats, meat products and meat by-products*, as described in Section A of Appendix I to the Report in: *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Chicago, IL, to points in the United States (except AK and HI), under contract with Midwest Quality Beef, Inc., of Chicago, IL. (Hearing site: Chicago, IL.)

#### FREIGHT FORWARDER AUTHORITY

FF 504 (Sub-1F), filed August 17, 1978. Applicant: GRAY INTERNATIONAL FORWARDING, INC., 1290 South Pearl Street, Denver, CO 80210. Representative: Nancy P. Bigbee, 1600 Lincoln Center Building, 1600 Lincoln Street, Denver, CO 80264. To operate as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, and water, in the transportation of (1) *used household goods and unaccompanied baggage*, and (2) *used automobiles*, between points in the United States (including AK and HI), restricted in (2) above to the forwarding of traffic in foreign commerce. (Hearing site: Denver, CO.)

NOTE.—The person or persons who control applicant may be engaged in common control with a freight forwarder and motor carrier, and must submit an affidavit establishing that such control is not in violation of Section 411(a)(1) of the Interstate Commerce Act.

#### [7035-01-M]

[Notice No. 760]

#### Assignment of Hearings

DECEMBER 13, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 66746 (Sub-21F), Shippers Express, Inc., now being assigned for hearing on January 16, 1979, (9 days), at Tupelo, Mississippi in a hearing room to be later designated.

MC 140452 (Sub-10F), Rose Brothers Trucking, Inc., now being assigned for hearing on January 22, 1979, (3 days), at Louisville, Kentucky in a hearing room to be later designated.

MC 107818 (Sub-90F), Greenstein Trucking Company, a Corporation, now assigned for hearing on January 10, 1979, at Milwaukee, Wisconsin and will be held in Rm. 254, U.S. Federal Building & Courthouse.

MC 13844 (Sub-28F), Fred Olson Co., Inc., now assigned for hearing on January 15, 1979, at Milwaukee, Wisconsin and will be held in Rm. 254, U.S. Federal Building & Courthouse.

MC 144343F, Florida Car Transport, Inc., now assigned for hearing on January 30, 1979, at Miami, Florida and will be held in Rm. 725, Federal Building.

MC 56679 (Sub-94), Brown Transport Corp., now assigned for hearing on January 29, 1979, at Miami, Florida and will be held in Rm. 725, Federal Building.

MC 114632 (Sub-156F), Apple Lines, Inc., now assigned for hearing on January 23, 1979, at Kansas City, Missouri and will be held in Rm. 609, Federal Office Building.

MC 119988 (Sub-138F), Great Western Trucking Co., Inc., now assigned for hearing on January 23, 1979, at Kansas City, Missouri and will be held in Rm. 609, Federal Office Building.

MC 134755 (Sub-144F), Charter Express, Inc., now assigned for hearing on January 23, 1979, at Kansas City, Missouri and will be held in Rm. 609, Federal Office Building.

MC 141912 (Sub-9F), Tollie Freightways, Inc., now assigned for hearing on January 23, 1979, at Kansas City, Missouri and will be held in Rm. 609, Federal Office Building.

MC 113678 (Sub-740F), Curtis, Inc., now being assigned for hearing on March 13, 1979, (4 days), at Milwaukee, Wisconsin, in a hearing to be later designated.

MC 124211 (Sub-332F), Hilt Truck Line, Inc., now being assigned for hearing on March 19, 1979, (1 day), at Chicago, Illinois in a hearing room to be later designated.

MC 19765 (Sub-53F), Eight Way Express, Inc., now being assigned for hearing on March 20, 1979, (1 day), at Chicago, Illinois in a hearing room to be later designated.

MC 123048 (Sub-406F), Diamond Transportation System, Inc., now being assigned for hearing on March 21, 1979, (1 day), at Chicago, Illinois in a hearing room to be later designated.

MC 51146 (Sub-598F), Schneider Transport, Inc., now being assigned for hearing on March 22, 1979, (2 days), at Chicago, Illinois in a hearing room to be later designated.

H. G. HOMME, Jr.  
Secretary.

[FR Doc. 78-35236 Filed 12-18-78; 8:45 am]

#### [7035-01-M]

[Docket No. AB-6 (Sub-No. 55F)]

#### BURLINGTON NORTHERN, INC. ABANDONMENT NEAR ALOHA AND MOCLIPS IN GRAYS HARBOR COUNTY WA.

#### Findings

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Decision decided November 29, 1978, a finding, which is administratively final, was made by the Commission; Review Board Number 5, stating that, subject to the conditions for (1)

the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen*, 345 I.C.C. 584 (1978), (2) that applicant shall keep intact all of the right-of-way underlying the track, including all of the bridges and culverts for a period of 120 days from the effective date of the certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, and (3) all salvaging operations should take place on the line only between the months of July and October, the present and future public convenience and necessity permit the abandonment by the Burlington Northern, Inc. of a line of railroad known as the Aloha to Moclips line extending from railroad milepost 96.36 near Aloha, WA, to railroad milepost 100.70 at the end of the line near Moclips, WA, a distance of 4.34 miles, in Grays Harbor County, WA. A certificate of public convenience and necessity permitting abandonment was issued to the Burlington Northern, Inc. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the *FEDERAL REGISTER* be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than January 3, 1979. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective February 2, 1979.

H. G. HOMME, Jr.  
Acting Secretary.

[FR Doc. 78-35235 Filed 12-18-78; 8:45 am]

#### [7035-01-M]

#### FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 14, 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 January 3, 1979.

FSA NO. 43643, Southwestern Freight Bureau, Agent's No. B-798, annual volume



rates on chlorine from Gregory, Tex., to St. Louis, Mo., and East St. Louis, Ill., in Sup. 16 to its Tariff 12-L, ICC 5334, to become effective January 10, 1979. Grounds for relief—rate relationship and market competition.

By the Commission.

H. G. HOMME, Jr.,  
Secretary.

[FR Doc. 78-35231 Filed 12-18-78; 8:45 am]

# [7035-01-M]

## IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

DECEMBER 13, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before December 29, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 107012 (Sub-E380), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New Kitchen Cabinet Sinks, Uncrated*, (1) From points in Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods and Woodward Counties, OK, to points in Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King, George, Orange, Prince William, Spotsylvania, Stafford and Westmoreland Counties and Independent Cities of: Alexandria, Fairfax, Falls Church and Fredericksburg; Accomack, Gloucester, Greenville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond,

Southampton, Surry, Sussex and York Counties and Independent Cities of: Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach and Williamsburg; Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties and Independent Cities of: Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro; Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah and Warren Counties and Independent Cities of: Harrisonburg and Winchester, VA. (2) From points in Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner and Washington Counties, OK, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington and Wilson Counties, NC; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King, George, Orange, Prince William, Spotsylvania, Stafford and Westmoreland Counties and Cities of: Alexandria, Fairfax, Falls Church and Fredericksburg; Accomack, Gloucester, Greenville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, and York Counties and Independent Cities of: Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, VA; Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties and Independent Cities of: Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro; Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah and Warren Counties and Independent Cities of: Harrisonburg and Winchester, VA. (3) From points in Beaver, Cimarron and Texas Counties, OK, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, Allamance, Anson, Cabarrus, Caswell, Chatham,

Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake and Warren Counties, NC; points in VA. (4) From points in Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole and Stephens Counties, OK, to points in Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King, George, Orange, Prince William, Spotsylvania, Stafford and Westmoreland Counties and Independent Cities of: Alexandria, Fairfax, Falls Church and Fredericksburg; Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah and Warren Counties and Independent Cities of: Harrisonburg and Winchester, VA. (The purpose of this filing is to eliminate the gateway of St. Charles, IL.)

MC 107012 (Sub-E381), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC. P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New Kitchen Cabinet Sinks, Uncrated*, (1) From points in Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill Counties, OR, to points in Baxter, Clay, Craighthead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone and Woodruff Counties, AR; points in Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in MS. (2) From points in Crook, DeSchutes, Gilliam, Hood River, Jefferson, Sherman, Wasco, Wheeler, Baker, Grant, Morrow, Umatilla, Union and Wallowa Counties, OR, to points in Bolivar, Carroll, Coahoma, Grenada, Homes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn,



Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS. From points in Harney, Klamath, Lake and Malheur Counties, OR, to points in Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS. (4) From points in Coos, Curry, Douglas, Jackson and Josephine Counties, OR, to points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone and Woodruff Counties, AR; points in Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS. (The purpose of this filing is to eliminate the gateway of St. Charles, IL.)

MC 107012 (Sub-E382), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New Kitchen Cabinet Sinks, Uncrated*, (1) From points in Allendale, Bamberg, Barnwell, Beaufort, Berkely, Charleston, Colleton, Dorchester, Hampton, Jasper, and Orangeburg Counties, SC, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendocino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, and Yolo Counties, CA; points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jack-

son, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Ouray, Rio Grande, Saguache, San Juan, San Miguel, Kit Carson, Logan, Morpan, Phillips, Sedgwick, Washington, Weld, and Yuma Counties, CO; points in Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, and Wichita Counties, KS. (2) From points in Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Oconee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, SC, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendocino, Tehama, Trinity, Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, and Yolo Counties, CA; points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Ouray, Rio Grande, Saguache, San Juan, San Miguel, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, and Yuma Counties, CO; points in Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, and Wichita Counties, NM. (3) From points in Clarion, Dillon, Florence, Georgetown, Horry, Marion, and Williamsburg Counties, SC, to points in CA, points in CO, points in Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, and Wichita

Counties, KS, points in McKinley, Rio Arriba, and San Juan Counties, NM. (The purpose of this filing is to eliminate the gateway of St. Charles, IL.)

MC 107012 (Sub-E383), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., PO Box 988, Fort Wayne, IN 46901. Representative: David D. Bishop and Gary M. Crist (same as above). *New Kitchen Cabinet Sinks, Uncrated* (1) From points in Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Ziebach, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, and Tripp Counties, SD, to points in Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS; points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN. (2) From points in Campbell, Corson, Dewey, Edmunds, Faulk, Harding, McPherson, Perkins, Potter and Walworth Counties, SD, to points in Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in MS; points in TN (3) From points in Beadle, Brookings, Brown, Clark, Codrington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts and Spink Counties, SD, to points in Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles,

Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in MS; points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN. (4) From points in Aurora, Bon Homme, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerould, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union and Yankton Counties, SD, to points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN. (Gateway eliminated: St. Charles, IL.)

MC 107012 (Sub-E384), filed May 16, 1974 Applicant: NORTH AMERICAN VAN LINES, INC., PO Box 988 Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Kitchen Cabinet Sinks, Uncrated*, (1) From points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimple,

King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum and Young Counties, TX, to points in Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah and Warren Counties and Independent Cities of: Harrisonburg and Winchester, VA. (2) From points in Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington and Wilson Counties, NC; points in Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King, George, Orange, Prince William, Spotsylvania, Stafford and Westmoreland Counties and Independent Cities of: Alexandria, Fairfax, Falls Church and Fredericksburg; Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex and York Counties, VA., and Cities of: Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach and Williamsburg; points in Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties and Independent Cities of: Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro; Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah and Warren Counties and Independent Cities of: Harrisonburg and Winchester, VA. (The purpose of this filing is to eliminate the gateway of St. Charles, IL.)

MC 107012 (Sub-E 385), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., PO Box 988,

Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Kitchen Cabinet Sinks, Uncrated*, (1) From points in Beaver, Iron and Washington Counties, UT, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter and Volusia Counties, FL; points in Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, Whitfield, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty and Screven Counties, GA; points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson and Wilson Counties, TN. (2) From points in Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah Wasatch and Weber Counties, UT, to points in AL; points in FL; points in GA; points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn,

Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley counties, TN. (3) From points in Carbon, Daggett, Duchesne, Emery, Grand, San Juan and Uintah Counties, UT, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter and Volusia Counties, FL; points in GA; points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson and Wilson Counties, TN. (4) From points in Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier and Wayne Counties, UT, to points in De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL; points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL; points in GA; points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln,

Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson and Wilson Counties, TN. (The purpose of this filing is to eliminate the gateway of St. Charles, IL.)

MC 107012 (Sub-E386), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., PO Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Kitchen Cabinet Sinks, Uncrated*, (1) From points in Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King, George, Orange, Prince William, Spotsylvania, Stafford and Westmoreland Counties and Independent Cities of: Alexandria, Fairfax, Falls Church and Fredericksburg, VA, to points in KS; points in NM; points in Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, Texas, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole and Stephens Counties, OK; points in Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, EL Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX. (2) From points in Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Boteourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties and Independent Cities of: Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston and Staunton,

VA, to points in Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte, Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgewick, Smith, Stafford, Sumner and Washington Counties, KS; points in Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora, Taos, and Union Counties, NM; points in Beaver, Cimarron and Texas Counties, OK. (3) From points in Accomack, Gloucester, Greenville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex and York Counties and Independent Cities of: Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach and Williamsburg; and Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties and Independent Cities of: Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro, VA, to points in KS; points in Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora, Taos and Union Counties, NM; points in Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron and Texas Counties, OK; points in Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith,

Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, EL Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX. (4) From points in Clarke, Frederick, Greene, Loudon, Madison, Page, Rappanhannock, Rockingham, Shenandoah and Warren Counties and Independent Cities of: Harrisonburg and Winchester, VA, to points in KS; points in NM; points in Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, Texas, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole and Stephens Counties, OK; points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, EL Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX. (The purpose of this filing is to eliminate the gateway of St. Charles, IL.)

MC 107012 (Sub-E387), filed May 16, 1974. Applicant: NORTH AMERICAN

VAN LINES, INC., PO Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Kitchen Cabinet Sinks, Uncrated* (1) From points in Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima, Adams, Asotin, Benton, Columbia, Franklin, Garfield, Walla Walla and Whitman Counties, WA, to points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone and Woodruff Counties, AR; to points in Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA. (2) From points in Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens Counties, WA, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone and Woodruff Counties, AR; to points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapides, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA. (3) From points in Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Chelan, Douglas, Grant, Island, King, Kittitas, Skagit, Snohomish and Whatcom Counties, WA, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR, points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapides, Saint Landry,

Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA. (The purpose of this filing is to eliminate the gateway of St. Charles, IL.)

MC-107012 (Sub-No. E388), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., PO Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Kitchen Cabinet Sinks, Uncrated* (1) From points in Albany, Carbon, Converse, Goshen, Laramie, Niobrara and Platte Counties, WY, to points in Afton, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL; points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla counties, FL; points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson and Wilson Counties, TN. (2) From points in Park, Teton and Yellowstone National Park Counties, WY, to points in AL; points in FL; points in Covington, Forrest, George, Greene, Hancock, Harrison, Jackson,

Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS; points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN. (3) From points in Lincoln, Sublette, Sweetwater and Uinta Counties, WY, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL; points in Florida, points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN. (4) From points in Fremont, Hot Springs and Natrona Counties, WY, to points in AL; points in FL; points in Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall,

Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS; points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN. (5) From points in Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie and Weston Counties, WY, to points in AL; points in FL; points in Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflow, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Claiborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS; points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN. (The purpose of this filing is to eliminate the gateway of St. Charles, IL.)

MC 107012 (Sub-E401), filed May 13, 1974. Applicant: NORTH AMERICAN

VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated*, (1) From points in GA, to points in AZ, CA, NV, NM, TX and WY (\*Camden, AR). (2) From points in GA, to points in CO, ID, KS, MT, OK, OR, UT and WA (points in Greene County, AR). (3) From points in GA, to points in MN, ND and SD (\*Burlington, IA). (4) From points in GA, to points in IA (\*Burlington, IA, or points in Greene County, AR). (5) From points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox and Worth Counties, GA, to points in Blenville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA (\*Camden, AR); points in Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuylers, Seneca, Tioga, Tompkins, Wayne, Yates, Allegany, Cattaraugus, Chataqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wyoming, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren and Washington Counties, NY (\*Marietta, OH); points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (\*Marietta, OH). (6) From points in Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton and White Counties, GA, to points in Acadia, Allen, Beauregard,



Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (\*Camden, AR); points in Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne, Yates, Allegany, Cattaraugus, Chataqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wyoming, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren and Washington Counties, NY (\*Marietta, OH); points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (\*Marietta, OH). (7) From points in Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes and Wilkinson Counties, GA, to points in Ayooyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (\*Camden, AR); points in Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne, Yates, Allegany, Cattaraugus, Chataqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wyoming, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren and Washington Counties, NY (\*Marietta, OH); points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (\*Marietta, OH). (Gateways eliminated: indicated by asterisks.)

leggheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (\*Marietta, OH). (8) From points in Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty and Screven Counties, GA, to points in Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (\*Camden, AR); points in Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne, Yates, Allegany, Cattaraugus, Chataqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wyoming, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren and Washington Counties, NY (\*Marietta, OH); points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (\*Marietta, OH). (9) From points in Bartow, Chattahoochee, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA, to points in Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (\*Camden, AR); points in NY (\*Marietta, OH); points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (\*Marietta, OH). (Gateways eliminated: indicated by asterisks.)

MC 107012 (Sub-E402), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Household Furniture, Crated*. (1) From points in Atkinson, Baker, Ben Hill, Berrien, Bibb,

Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox and Worth Counties, GA, to points in Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott and Wolfe Counties, KY (\*Milan, IN); points in Aroostook, Penobscot, Piscataquis, Somerset, Hancock, Knox, Waldo and Washington Counties, ME (\*Milan, IN and points in KY); points in Coos, Carroll and Grafton Counties, NH (\*Milan, IN and points in KY); points in Chittenden, Franklin, Grand Isle, Lamolille, Addison, Orange, Washington, Caledonia, Essex and Orleans Counties, VT (\*Milan, IN and points in KY); points in Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV (\*Milan, IN). (2) From points in Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton and White Counties, GA, to points in Aroostook, Penobscot, Piscataquis, Somerset, Hancock, Knox, Waldo and Washington Counties, ME (\*Milan, IN and points in KY); points in Coos, Cheshire, Hillsboro, Sullivan, Carroll and Grafton Counties, NH (\*Milan, IN and points in KY); points in VT (\*Milan, IN and points in KY); points in Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV (\*Milan, IN). (3) From points in Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty and Screven Counties, GA, to points in Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery,



Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott and Wolfe Counties, KY (\*Milan, IN). (4) From points in Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA, to points in Hartford, New London, Tolland, Windham and Litchfield Counties, CT (\*Milan, IN); points in ME (\*Milan, IN and points in KY); points in MA (\*Milan, IN); points in NH (\*Milan, IN and points in KY); points in RI (\*Milan, IN); points in VT (\*Milan, IN and points in KY); points in Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV (\*Milan, IN). (The purpose of this filing is to eliminate the gateways indicated by asterisks above.)

MC 107012 (Sub-E403), filed May 13, 1974. Application: NORTH AMERICAN VAN LINES, INC., PO Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated*, (1) From points in ID, to points in AL, FL, GA, KY, LA, MS, NC, SC, and TN (points in Greene County, AR). (2) From point in ID to points in VA (\*Burlington, IA). (3) From points in Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshie, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (\*Burlington, IA); points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (points in Greene County,

AR). (4) From points in Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties, ID, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (\*Burlington, IA); points in Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Tinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (points in Greene County, AR)). (The purpose of this filing is to eliminate the gateways indicated by asterisks above.)

MC 107012 (Sub-E404), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated*, (1) From points in IA, to points in AL, FL, GA, MS, NC, SC and VA (\*Burlington, IA). (2) From points in IA, to points in LA (\*Camden, AR). (3) From points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshie, Worth and Wright Counties, IA, to points in AZ (\*Burlington, IA); points in CA (\*Burlington, IA); points in AR (\*Fort Smith, AR); points in UT (\*Burlington, IA); points in Lincoln, Sublette, Sweetwater and Uinta Counties, WY (\*Burlington, IA). (4) From points in Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne and Webster Counties, IA, to points in AZ (\*Burlington, IA); points in CA (\*Burlington, IA); points in KY (\*Burlington, IA); points in OR (\*Burlington, IA); points in TN (\*Burlington, IA); points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland,

Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO (\*Burlington, IA); points in Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID (\*Burlington, IA); points in Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton and Stevens Counties, KS (\*Burlington, IA); points in KY (\*Burlington, IA); points in NM (\*Burlington, IA); points in Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Beaver, Cimarron, Texas, Atoka, Bryan, Chocktaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg, Pushmataha, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole and Stephens Counties, OK (\*Burlington, IA); Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill, Crook, Deschutes, Gilliam, Hood River, Jefferson, Sherman, Wasco, Wheeler, Harney, Klamath, Lake, Malheur, Coos, Curry, Douglas, Jackson and Josephine Counties, OR (\*Burlington, IA); points in TN (\*Burlington, IA); points in TX (\*Fort Smith, AR); points in UT (\*Burlington, IA); points in Lincoln, Sublette, Sweetwater and Uinta Counties, WY (\*Burlington, IA). (4) From points in Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne and Webster Counties, IA, to points in AZ (\*Burlington, IA); points in CA (\*Burlington, IA); points in KY (\*Burlington, IA); points in OR (\*Burlington, IA); points in TN (\*Burlington, IA); points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland,

Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (\*Fort Smith, AR); points in Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima, Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Chelan, Douglas, Grant, Island, King, Kittitas, Skagit, Snohomish and Whatcome Counties, WA (\*Burlington, IA). (5) From points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA, to points in AZ (\*Burlington, IA); points in CA (\*Burlington, IA); points in CO (\*Burlington, IA); points in ID (\*Burlington, IA); points in Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace and Wichita Counties, KS (\*Burlington, IA); points in Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio,

Oldham, Sheleby, Simpson, Spencer, Todd, Trimble, Warren, Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Woodford, Bath, Boone, Bourbon, Boyd, Bracken Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Estill, Wolfe, Bell, Breathitt, Clay, Scott, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike and Whitley Counties, KY (\*Burlington, IA); points in MN (\*Burlington, IA); points in MT (\*Burlington, IA); points in Arthur, Blaine, Boyd, Brown, Buffalo, Cherry, Custer, Garfield, Grant, Greeley, Hall, Holt, Hooker, Howard, Keyapana, Lawson, Logan, Loup, McPherson, Rock, Sherman, Thomas, Valley, Wheeler, Box Butte, Dawes, Sheridan, Sioux, Chase, Dundy, Franklin, Frontier, Furnas, Gosper, Harlan, Hayes, Hitchcock, Kearney, Keith, Lincoln, Perkins, Phelps, Redwillow, Antelope, Boone, Burt, Butler, Cedar, Colfax, Cuming, Dakota, Dixon, Dodge, Knox, Madison, Merrick, Pierce, Platte, Polk, Stanton, Thurston, Vance, Washington, Wayne, Banner, Cheyenne, Deuel, Garden, Kimball, Morrill and Scotts Bluff Counties, NE (\*Burlington, IA); points in NM (\*Burlington, IA); points in ND (\*Burlington, IA); points in OK (\*Burlington, IA); points in OR (\*Burlington, IA); points in SD (\*Burlington, IA); points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicol, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson and Wilson Counties, TN (\*Burlington, IA); points in TX (\*Fort Smith, AR); points in UT (\*Burlington, IA); points in WA (\*Burlington, IA); points in WY (\*Burlington, IA). (6) From points in, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor and

Union Counties, IA, to points in KY (\*Burlington, IA); points in TN (\*Burlington, IA); points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwell, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (\*Fort Smith, AR). (7) From points in Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA, to points in KY (\*Burlington, IA); points in TN (\*Burlington, IA); points in Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal,

DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (\*Fort Smith, AR). (The purpose of this filing is to eliminate the gateways indicated by asterisks above.)

MC 107012 (Sub-E405), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC.; PO Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated*, (1) From points in KS, to points in AL, FL, GA, NC, SC and TN (points in Greene County, AR). (2) From points in KS, to points in MS (points in Greene County, AR or Camden, AR). (3) From points in KS, to points in VA (points in Greene County, AR or Burlington, IA). (4) From points in Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee and Wyandotte Counties, KS, to points in Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Galatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nichols, Owen, Pendleton, Powell, Robertson, Rowan, Scott and Wolfe Counties, KY (\*Burlington, IA); points in Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike and Whitley Counties, KY (points in Greene County, AR); points in Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties, OK (\*Fort Smith, AR); points in Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Chambers, Burleson, Caldwell, Calhoun, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston,

Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (\*Fort Smith, AR). (5) From points in Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton and Stevens Counties, KS, to points in Alameda, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (\*Burlington, IA); points in KY (points in Greene County, AR); points in Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Waseca, Washington, Winona and Wright Counties, MN (\*Burlington, IA); points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (\*Fort Smith, AR). (6) From points in Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace and Wichita Counties, KS, to points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (\*Burlington, IA); points in KY (points in Greene County, AR); points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson,

Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (\*Fort Smith, AR). (7) From points in Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS, to points in KY (points in Greene County, AR); points in Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties, OK (\*Fort Smith, AR); points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (\*Fort Smith, AR). (8) From points in Barber, Barton, Chase, Clay,

Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumner and Washington Counties, KS, to points in Ky (\*Burlington, IA or Greene County, AR); points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (\*Fort Smith, AR). (Gateways eliminated: indicated by asterisks).

MC 107012 (Sub-E 406), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., PO Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated*, (1) From points in LA, to points in CA, CO, ID, IA, KS, MN, MT, NV, ND, OR, SD, UT, WA, and WY (\*Camden AR). (2) From points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry and Vernon Parishes LA, to points in Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL (\*Camden AR); points in AZ (\*Camden, AR); points in Broward, Collier, Dade, Martin, Monroe, Palm Beach and Saint Lucie Counties, FL (\*Camden, AR); points in Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes and Wilkinson Counties, GA (\*Camden AR); Points in Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble, Warren, Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Woodford, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott, Wolfe, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton,

Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union, And Webster Counties, KY points in (\*Greene County, AR); Points in NM (\*Camden AR); Points in OK (\*Camden AR); points in SC (\*Camden AR); points in Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (points in Greene County, AR); points in Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Harde-man, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX (\*Camden, AR); points in Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King, George, Orange, Prince William, Spotsylvania, Stafford and Westmoreland Counties and Independent Cities of: Alexandria, Fairfax, Falls Church and Fredericksburg; points in Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties and Independent Cities of: Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston and Staunton; Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddle, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties and Independent Cities of: Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro; Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah and Warren Counties and Independent Cities of: Harrisonburg and Winchester; VA (points in Greene County, AR). (3) From points in Acadia, Allen, Beuregard, Calcasieu, Cameron, Jefferson Davis, Lafayette and Vermillion Parishes LA, to points in Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson,

Limestone, Madison, Marshall and Morgan Counties, AL (\*Camden, AR); points in Apache, Coconino, Mohave, Navajo, Yavapai, Maricopa, Pima, Pinal, Santa Cruz and Yuma Counties, AZ (\*Camden, AR); points in Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes and Wilkinson Counties, GA (\*Camden, AR); points in KY (points in Greene County, AR); Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Le-flore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunilla, Union, Webster and Yalobusha Counties, MS (\*Camden, AR); points in Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Colfax, Harding, Mora, Taos and Union Counties, NM (\*Camden, AR); points in Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron and Texas Counties, OK (\*Camden, AR); points in SC (\*Camden, AR); points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicol, Union, Washington, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (points in Greene County, AR); points in VA (points in Greene County, AR). (4) From points in Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll and Winn Parishes LA, to points in De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL (\*Camden, AR); points in Charlotte,

De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter and Volusia counties, FL (\*Camden, AR); points in Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattall, Toombs, Ware, Wayne, Wheeler, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty and Screven Counties, GA (\*Camden, AR); points in KY (points in Greene County, AR); points in NM (\*Camden, AR); points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC (points in Greene County, AR); points in OK (\*Camden, AR); points in SC (\*Camden, AR); points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union and Washington Counties, TN (points in Greene County, AR); points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling,

Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (\*Camden, AR); points in VA (points in Greene County, AR). (5) From points in Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes LA, to points in AZ (\*Camden, AR); points in NM (\*Camden, AR); points in OK (\*Camden, AR); points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray,

Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (\*Camden, AR). (6) From points in Blenville, Bossler, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes LA, to points in AL (\*Camden, AR); points in AZ (\*Camden, AR); points in FL (\*Camden, AR); points in GA (\*Camden, AR); points in KY (points in Greene County, AR); points in Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunica, Union, Webster and Yalobusha Counties, MS (\*Camden, AR); points in Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora Taos and Union Counties, NM (\*Camden, AR); points in NC (points in Greene County, AR); points in Beaver, Cimarron and Texas Counties, OK (\*Camden, AR); points in SC (\*Camden, AR); points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (points in Greene County, AR); points in VA (points in Greene County, AR). (The purpose of this filing is to eliminate



the gateways indicated by asterisks above.)

MC 107012 (Sub-E407), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Household Furniture, Crated*. From points in Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointed Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes LA, to points in Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Woodford, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott and Wolfe Counties, KY. (The purpose of this filing is to eliminate the gateway of Evansville, IN.)

MC 107012 (Sub-E408), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated*. 1.) From points in ME, to points in AL and MS (\*points in KY) 2.) From points in ME, to points in WI (\*Cleveland, OH) 3.) From points in Aroostook, Penobscot, Piscataquis and Somerset Counties, ME, to points in FL (\*points in KY) points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA (\*points in KY) points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (\*Newton Falls, OH); points in TN (\*points in KY), points in Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers and Wyoming Counties, WV (\*points in KY). 5.) From points in Androscoggin, Cumberland, Franklin, Kennebec, Lincoln, Oxford, Sagadahoc and York Coun-

ties, ME, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL (\*points in KY); points in Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA (\*points in KY) points in Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (\*Newton Falls, OH); points in Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (\*points in KY 38A + 48A). (Gateway eliminated: indicated by asterisks.)

MC 107012 (Sub-E409), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist, (same as above). *New Furniture, uncrated, new household furniture, crated*. 1.) From points in Aroostook, Penobscot, Piscataquis and Somerset Counties, ME, to points in Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall, Ohio, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. 2.) From points in Hancock, Knox, Waldo, Washing-



ton, Androsoggin, Cumberland, Franklin, Kennebec, Lincoln, Oxford, Sagadahoc and York Counties, ME, to points in Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall, Ohio, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. (Gateway eliminated: Cleveland, OH.)

MC 107012 (Sub-E410), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist, (same as above). *New Furniture, uncrated*, 1.) From points in MD, to points in AL (\*points in TN), 2.) From points in Anne Arundel, Calvert, Caroline, Charles, Montgomery, Prince Georges, Queen Annes, St. Marys and Talbot Counties, MD, to points in FL (\*points in TN), points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Steward, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA (\*points in TN), points in Bucombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC (\*points in TN), points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, and Warren Counties, PA (\*Newton Falls, OH); AAbbeville, Anderson, Greenville, Oconee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Laurens, McCormick, Newberry, Saluda, Spartanburgh, Union and York Counties, SC (\*points in TN). 3.) From

points in Baltimore, Baltimore City, Carroll, Cecil, Frederick, Hartford, Howard, and Kent Counties, MD, to points in FL (\*points in TN), points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Steward, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA (\*points in TN), points in Bucombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC (\*points in TN), points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, and Warren Counties, PA (\*Newton Falls, OH); AAbbeville, Anderson, Greenville, Oconee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Laurens, McCormick, Newberry, Saluda, Spartanburgh, Union and York Counties, SC (\*points in TN). 5.) From points in Dorchester, Somerset, Wico-

mico and Worcester, MD, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL (\*points in TN); Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Steward, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA (\*points in TN), points in Bucombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC (\*points in TN); points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, and Warren Counties, PA (\*Newton Falls, OH); points in Abbeville, Anderson, Greenville, Oconee and Pickens Counties, SC (\*points in TN). (Gateway eliminated: indicated by asterisks.)

MC 107012 (Sub-E411), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New furniture, crated*, 1.) From points in MA, to points in AL and MS (\*points in KY). 2.) From points in Essex, Middlesex, Norfolk and Suffolk Counties, MA, to points in Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton and Washington Counties FL (\*points in KY); points in Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA

(\*points in KY); points in Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (Newton Falls, OH); points in Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, IN (\*points in KY). 3.) From points in Barnstable, Bristol, Dukes, Plymouth and Worcester Counties, MA, to points in Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton and Washington Counties, FL (\*points in KY); points in Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA (\*points in KY); points in Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (\*points in KY). 4.) From points in Berkshire, Franklin, Hampden and Hampshire Counties, MA, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL (\*points in KY); points in Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas,

Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA (\*points in KY); points in Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (\*Newton Falls, Ohio); points in Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (\*points in KY). \* (Gateway eliminated: indicated by asterisks.)

MC 107012 (Sub-E412), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David B. Bishop and Gary M. Crist (same as above). *New Household Furniture, Crated*, from points in Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Claiborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunica, Union, Webster and Yalobusha Counties, MS, to points in Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott and Wolfe Counties, KY. (The purpose of this filing is to eliminate the gateway of Milan, IN.)

MC 125433 (Sub-E68), filed September 5, 1978. Applicant: F-B Truck Line Company, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson, 1945 South

Redwood Road, Salt Lake City, UT 84104. *Construction materials* when also machinery, boilers, storage tanks, and parts therefor, *structural steel and contractors'* outfits and supplies requiring special equipment or rigging, (except commodities in bulk, (1) Between points in CO on and west of a line beginning at the CO-UT State line, extending along U.S. Hwy 50 to junction U.S. Hwy 550, then south on U.S. Hwy 550 to the CO-NM State line on the one hand, and on the other, points in MT; (2) Between points in CO on and within a line: Beginning at the CO-UT State line extending along U.S. Hwy 50 to junction U.S. Hwy 550, then south on U.S. Hwy 550 to the CO-NM State line, then along the State line to junction U.S. Hwy 285, then north on U.S. Hwy 285 to junction U.S. Hwy 24, then north on U.S. Hwy 24 to junction CO Hwy 789, then north on CO Hwy 789 to the CO-WY State line, on the one hand, and, on the other, points in MT on and west of a line beginning at the U.S.-CN International Boundary line extending along MT Hwy 242 to junction U.S. Hwy 191, then south on U.S. Hwy 191 to junction U.S. Hwy 87; then south on U.S. Hwy 87 to junction U.S. Hwy 310, then south along U.S. Hwy 310 to the MT-WY State line; (3) Between points in CO on and within a line beginning at the CO-WY State line extending along CO Hwy 789 to junction U.S. Hwy 24, then east and south on U.S. Hwy 24 to junction U.S. Hwy 285, then north on U.S. Hwy 285 to junction CO Hwy 9, then north on CO Hwy 9 to junction U.S. Hwy 40, then east on U.S. Hwy 40 to junction CO Hwy 125, then north on CO Hwy 125 to the CO-WY State line, on the one hand, and, on the other, points in MT west of a line beginning at the U.S.-CN International Boundary line extending along U.S. Hwy 191, then south on U.S. Hwy 191 to junction U.S. Hwy 87, then south on U.S. Hwy 87 to junction U.S. Hwy 310, then south along U.S. Hwy 310 to the MT-WY borderline; (4) Between points in CO on and within a line beginning at the CO-NM State line extending along U.S. Hwy 285 to junction CO Hwy 9, then north on CO Hwy 9 to junction U.S. Hwy 40, then east and south on U.S. Hwy 40 to junction I Hwy 25, then south on I Hwy 25 to CO-NM State line, on the one hand, and, on the other, points in MT on and west of a line beginning at the MT-WY State line extending along U.S. Hwy 191 to junction I Hwy 90, then west along I Hwy 90 to junction U.S. Hwy 287, then north along U.S. Hwy 287 to junction U.S. Hwy 91, then north along U.S. Hwy 91 to junction U.S.-CN International Boundary line; (5) Between points in CO, on the one hand, and, on the other, points in MT on and west of

a line beginning at the junction MT-ID State line extending along I Hwy 15 to junction U.S. Hwy 10, then west long U.S. Hwy 10 to junction I Hwy 90, then north along I Hwy 90 to junction U.S. Hwy 93, then north on U.S. Hwy 93 to junction U.S.-CN International Boundary line. (Gateway eliminated: Points in UT):

By the Commission.

H. G. HOMME, Jr.,  
Secretary.

[FR Doc. 78-35229 Filed 12-18-78; 8:45 am]

#### [7035-01-M]

[Docket No. AB-3 (Sub-No. 19F)]

#### MISSOURI PACIFIC RAILROAD COMPANY ABANDONMENT AT LUMTIE AND POTOSI IN WASHINGTON COUNTY, MO.

##### Findings.

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Decision decided November 29, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen*, 354 I.C.C. 584 (1978), the present and future public convenience and necessity permit the abandonment by the Missouri Pacific Railroad Company of a line of railroad known as a portion of the DeSoto Subdivision, extending from milepost 62.62 at Lumtie to milepost 64.56 at Potosi, a total distance of 1.94 miles, all in Washington County, Mo. A certificate of public convenience and necessity permitting abandonment was issued to the Missouri Railroad Company. Since no investigation was instituted, the requirement of §1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offer or the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than January 3, 1979. The offer, as filed, shall contain information required pursuant to §1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and

necessity authorizing abandonment shall become effective February 2, 1979.

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

[FR Doc. 78-35234 Filed 12-18-78; 8:45 am]

#### [7035-01-M]

[Docket No. AB-164F]

#### TEXAS SOUTH-EASTERN RAILROAD ABANDONMENT NEAR BLIX AND STATE HIGHWAY 94 IN ANGELINA AND TRINITY COUNTIES, TX.

##### Findings

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Decision decided November 29, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen*, 354 I.C.C. 584 (1978), and further that the Applicant is required to contact the Department of Parks and Wildlife prior to salvaging operations to insure that none of the mentioned endangered species will be destroyed during the actual salvaging operations, the present and future public convenience and necessity permit the abandonment by the Texas South-Eastern Railroad of a line of railroad known as the Blix to Vair Branch extending from railroad milepost 7 near Blix to the end of the line near State Highway 94, a distance of 2.4 miles, in Angelina and Trinity Counties, TX. A certificate of public convenience and necessity permitting abandonment was issued to the Texas South-Eastern Railroad. Since no investigation was instituted, the requirement of §1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than January 3, 1979. The offer, as filed, shall contain information required pursuant to §1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and

necessity authorizing abandonment shall become effective February 2, 1979.

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

[FR Doc. 78-35233 Filed 12-18-78; 8:45 am]

#### [7035-01-M]

Transportation of "Waste" Products for Reuse or Recycling

##### SPECIAL CERTIFICATE LETTER

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR Part 1062) promulgated in *"Waste" Products*, Ex Parte No. MC 85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission on or before January 8, 1979. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

P-46-76 (SPECIAL CERTIFICATE-WASTE PRODUCTS) (PARTIAL CORRECTION), filed October 16, 1978. Applicant: INDUSTRIAL HEAVY TRANSPORT, a corporation, P.O. Box 38350, Houston, TX 77088. Representative: Terrence D. Jones, 2033 K Street, NW., Washington, D.C. 20006. Note: The purpose of this partial correction is to add San-Tex Industries, Inc., of Houston, TX; Texas Reduction Corp., of Alvin, TX; Rapid Industrial Plastics, of Houston, TX; Humble Trucking & Equipment Co., of Humble, TX; Gulf Reduction Corporation of Houston, TX; Kilpatrick's Incorporated, of Beaumont, TX; and Mouton Plastics, of Beaumont, TX, as sponsors for the purpose of recycling and reusing waste products, the rest remains the same.

By the Commission.

H. G. HOMME, Jr.,  
Secretary.

[FR Doc. 78-35235 Filed 12-18-78; 8:45 am]

[7035-01-M]

## FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 14, 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 January 3, 1979.

FSA No. 43645, ABC Container Line N.V.'s No. 2, intermodal rates on commodities in containers from rail carriers' terminals at New Orleans, La., and Houston, Tex., by way of Jacksonville, Fla., Savannah, Ga., and Charleston, S.C., to ports in Continental Europe, Ireland, Scandinavia, and the United Kingdom, in its Tariff No. 1, I.C.C. No. 2, effective January 3, 1979. Grounds for relief-all-water competition.

H. G. HOMME, Jr.,  
*Secretary.*

[FR Doc. 78-35230 Filed 12-18-78; 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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regularly scheduled meeting for the week of December 11, 1978, and to issue its final decision shortly thereafter. Accordingly, the following Members have voted that agency business requires the addition of item 5a and item 12a to the December 14, 1978, meeting agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen  
Member, Richard J. O'Melia  
Member, Elizabeth E. Bailey  
Member, Gloria Schaffer

[S-2549-78 Filed 12-15-78; 11:36 am]

### [6320-01-M]

2

[M-183, Amdt. 2; Dec. 12, 1978]

### CIVIL AERONAUTICS BOARD.

Notice of addition of items to the December 14, 1978, meeting agenda.

TIME AND DATE: 10 a.m., December 14, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

#### SUBJECT:

10a. Dockets 30699 and 33019; *Oakland Service Case and Chicago-Midway Expanded Service Proceeding* (Memo 8316-B, BPDA).

10b. Docket 28655, *Seattle/Portland-Japan Service Investigation* (OGC).

STATUS: Open.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,  
202-673-5068.

**SUPPLEMENTARY INFORMATION:** It is important that item 10a be considered as early as possible so if the Board adopts the Bureau's recommendation the exemption authority proposed can be in place as soon as possible. It is necessary to add item 10b since as indicated by the memo, the certificate granted to United by Board Order 78-10-42 (the reconsideration of which is sought here) will automatically become effective on December 15, 1978, unless this time is extended by the Board. Accordingly, the following Members have voted that item 10a and item 10b be added to the December 14, 1978 agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen  
Member, Richard J. O'Melia

Member, Elizabeth E. Bailey  
Member, Gloria Schaffer

[S-2550-78 Filed 12-15-78; 11:30 am]

### [6320-01-M]

3

[M-183, Amdt. 3; Dec. 12, 1978]

### CIVIL AERONAUTICS BOARD.

Notice of deletions of items from the December 14, 1978, meeting agenda.

TIME AND DATE: 10 a.m., December 14, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

#### SUBJECT:

7. Dockets 33988 and 33989, Application of Hughes Airwest for emergency exemption from 401(j)(2) notice requirement so as to permit Airwest to terminate service in 59 markets (Memo 8350, BPDA).

15. Docket 33031, Petition of Hawaiian Airlines for rulemaking to amend Part 250 of the Board's new rules governing denied boarding compensation (DBC) and requiring the airlines to solicit volunteers for denied boarding (Memo 8302-A, OGC).

STATUS: Open.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,  
202-673-5068.

**SUPPLEMENTARY INFORMATION:** Item 7 is being deleted due to informal coordination and further review reveal that substantial adjustments are necessary in the recommendation. Item 15 is being deleted so that the Board may meet its 120-day rule for disposing of rulemaking petitions (14 CFR 399.70). The Board discussed this item at the December 7, 1978, meeting, at which time a question arose concerning the staff recommendation. The matter was subsequently clarified without need for further discussion. Accordingly, the following Members have voted that agency business requires the deletions of items 7 and 15 from the December 14, 1978, meeting agenda and that no earlier announcement of the deletions was possible.

Chairman, Marvin S. Cohen  
Member, Richard J. O'Melia  
Member, Elizabeth E. Bailey  
Member, Gloria Schaffer

[S-2551-78 Filed 12-15-78; 11:36 am]

### [6320-01-M]

1

[M-183, Amdt. 1; Dec. 1, 1978]

### CIVIL AERONAUTICS BOARD.

Notice of addition of items to the December 14, 1978, meeting agenda.

TIME AND DATE: 10 a.m., December 14, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

#### SUBJECT:

5a. Dockets 33845, 33846, 33851, 33913, and 34056; Exemption applications by carriers whose unused authority applications were preempted by earlier filings (Memo 8353, BPDA).

12a. Docket 26487, Transatlantic, Transpacific and Latin American Service Mail Rates Investigation (Memo 4395-F, OGC).

STATUS: Open.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,  
202-673-5068.

**SUPPLEMENTARY INFORMATION:** Because of other pressing unused authority items, item 5a was not sent to the Secretary's Office on time to be put on the December 14, 1978, agenda. It is important that these exemptions be granted expeditiously so that the exempted carriers can begin operations as nearly as possible at the same time as other carriers receiving unused authority. Item 5a is being added to the December 14, 1978, in order that it meet the Board's public target date in this proceeding. On December 4, 1978, the Board issued a notice of target date indicating that it intended to consider this case at its

[6320-01-M]

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[M-183, Amdt. 4; Dec. 13, 1978]

## CIVIL AERONAUTICS BOARD.

Notice of addition of item to the December 14, 1978, meeting.

TIME AND PLACE: 10 a.m., December 14, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 7. Dockets 33988 and 33989, Application of Hughes Airwest for emergency exemption from 401(j)(2) notice requirements so as to permit Airwest to terminate service in 59 markets (BPDA).

STATUS: Open.

## PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: A previous MBA dealing with this matter was removed from the calendar on December 12, 1978, because of the necessity for further analysis. That analysis was undertaken on a priority basis and has now been completed. Consideration at the next Sunshine Meeting is essential if the Board is to consider Airwest's request in time for its proposed schedule changes on Friday, December 15, 1978. Accordingly, the following Members have voted that agency business requires the addition of item 7 to the December 14, 1978, agenda and that no earlier announcement of this change was possible:

Chairman, Marvin S. Cohen  
Member, Richard J. O'Mella  
Member, Elizabeth E. Bailey  
Member, Gloria Schaffer

[S-2552-78 Filed 12-15-78; 11:36 am]

[6320-01-M]

5

[M-184; Dec. 12, 1978]

## CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., December 19, 1978.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Board For Information Memo on Draft Review—State of Competition in U.S. International Aviation Markets (BIA).

STATUS: Closed.

## PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Public disclosure, particularly to for-

eign governments, of opinions, evaluations, and strategies could seriously compromise the ability of the U.S. to achieve objectives which would be in the best interests of the United States. Accordingly, the following Members have voted that public observation of this meeting would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 522(c)(9), and 14 CFR 310b.5(9)(B) and that the meeting should be closed:

Chairman, Marvin S. Cohen  
Member, Richard J. O'Mella  
Member, Elizabeth E. Bailey  
Member, Gloria Schaffer

## PERSONS EXPECTED TO ATTEND

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Mella; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.

Assistants to Board Members.—Mr. Sanford Rederer, Mr. Elias Rodriguez, and Mr. Stephen H. Lachter.

Bureau of International Aviation.—Mr. Donald A. Farmer, Jr., Mr. Rosario J. Scibilia, Ms. Sandra W. Gerson, Mr. Willard L. Demory, Mr. Francis S. Murphy, Mr. Donald L. Litton, Ms. Mary I. Pett, Mr. Ivars V. Mellups, Mr. Richard M. Loughlin, Mr. David A. Levitt, Mr. Michael Pelcovits, and Mr. Ronald C. Miller.

Office of the General Counsel.—Mr. Phillip J. Bakes, Jr., Mr. Peter B. Schwarzopf, Mr. Michael Schopf, Mr. Mark Kahan, Mr. William F. Adler, Mr. Marc Marer, Mr. Paul S. Dempsey, Mr. Albert Halprin, Mr. Donald H. Horn, and Mr. Peter Rosnow.

Bureau of Pricing and Domestic Aviation.—Mr. Michael E. Levine, Ms. Barbara A. Clark, Mr. James L. Deegan, Mr. Doug Leister, and Mr. Herbert P. Aswall.

Bureau of Consumer Protection.—Mr. Reuben B. Robertson.

Office of the Secretary.—Mrs. Phyllis T. Kaylor and Ms. Deborah Lee.

## GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 522(c)(9), and 14 CFR section 310b.5(9)(B) and that the meeting be closed to public observation.

PHILIP J. BAKES, Jr.,  
General Counsel.

[S-2553-78 Filed 12-15-78; 11:36 am]

[6351-01-M]

6

## COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, No. 242, Friday, December 15, 1978, page 58703.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., December 19, 1978.

## CHANGES IN THE MEETING:

Delete Item: Proposed Amendment to Part 15 of the Regulations to Raise the Reporting Levels for Five Commodities.

[S-2557-78 Filed 12-15-78; 3:56 pm]

[6351-01-M]

7

## COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, No. 242, Friday, December 15, 1978, page 58703.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., December 19, 1978.

## CHANGES IN THE MEETING:

Add: Enforcement Matter/Denial of registration of an associated person of a future commission merchant.

[S-2558-78 Filed 12-15-78; 3:56 pm]

[6570-06-M]

8

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, December 19, 1978.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

## MATTERS TO BE CONSIDERED:

Open to the public:

1. Proposed designation of the Broward County (Florida) Human Relations Division and the Anchorage (Alaska) Equal Rights Commission as 706 Agencies.
2. Report on Commission operations by the Executive Director.

Closed to the public.

Litigation Authorization; General Counsel Recommendations: Matters closed to the public under the Commission's regulations at 29 CFR 1612.13.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

## CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.



This notice issued December 12, 1978.

[S-2559-78 Filed 12-15-78; 3:56 pm]

[6570-06-M]

9

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-2479-78.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, December 12, 1978.

CHANGE IN THE MEETING: The following matter was added to the agenda for the open session:

Commission Resolution in Appreciation for the Service of Abner W. Sibal as General Counsel.

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 Rodriguez, Commissioner; and J. Clay Smith, Jr., Commissioner.

Opposed: None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued December 12, 1978.

[S-2560-78 Filed 12-15-78; 3:56 pm]

[6720-02-M]

10

FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: December 20, 1978.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Henry Judy, 202-789-4734.

MATTERS TO BE CONSIDERED: Consideration of Personnel Matters.

No. 203, December 15, 1978.

Announcement is being made at the earliest practicable time.

RONALD A. SNIDER,  
Assistant Secretary.

[S-2555-78 Filed 12-15-78; 11:36 am]

[6210-01-M]

11

FEDERAL RESERVE SYSTEM  
(Board of Governors).

TIME AND DATE: 10 a.m., Friday, December 22, 1978.

The closed portion of the meeting will commence at the conclusion of the open discussion.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Part of the meeting will be open; part will be closed.

MATTERS TO BE CONSIDERED:

Open portion:

#### SUMMARY AGENDA

Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed extension of the temporary weekly telephone survey of savings deposits authorized for automatic transfer.

#### DISCUSSION AGENDA

1. Proposed amendments to Regulation O (Loans to Executive Officers of Member Banks) to implement Title I of the Financial Institutions Regulatory Act.

2. Board's regulatory improvement program: review of Regulation S (Bank Service Arrangements).

3. Any agenda items carried forward from a previously announced meeting.

NOTE.—The open portion of this meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Closed portion:

1. Proposed negotiation of a contract for architectural and engineering services for the Omaha Branch of the Federal Reserve Bank of Kansas City.

2. Proposed purchases, under competitive bidding, of computer equipment within the Federal Reserve System.

3. Proposed salary structure adjustments at Federal Reserve Banks.

4. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

5. Federal Reserve Bank and Branch director appointments. (This matter was previously announced for a meeting on Friday, December 15, 1978.)

6. 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: December 14, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.  
[S-2547-78 Filed 12-15-78; 11:36 am]

[7590-01-M]

12

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: December 18 and 21, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

MONDAY, DECEMBER 18; 10:30 A.M.

1. Briefing on reactor licensing schedules (approximately one-half hour, public meeting).

NOTE.—On December 14, the Commission voted unanimously to hold the above on short notice. Such scheduling is necessary to assure prompt Commission action on this and other important items.

THURSDAY, DECEMBER 21; 9:30 A.M.

1. Briefing on the initial LOFT test (approximately one-half hour, public meeting).

2. Briefing on use of WASH-1400 by NRC Staff (continuation from December 14) (approximately 1 hour, public meeting).

3. Affirmation session (approximately 10 minutes, public meeting): a. Order in UCS Petition for Reconsideration.

THURSDAY, DECEMBER 21; 1:30 P.M.

1. General Administrative Meeting (approximately 1 hour, public meeting).

2. Discussion of personnel matter (approximately 2 hours, closed-exemption 6).

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

ROGER M. TWEED,  
Office of the Secretary.

DECEMBER 14, 1978.

[S-2556-78 Filed 12-15-78; 11:36 am]

[7600-01-M]

13

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 1 p.m. December 28, 1978.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

**CONTACT PERSON FOR MORE INFORMATION:**

Ms. Patricia Bausell, 202-634-4015.

Dated: December 13, 1978.

[S-2554-78 Filed 12-15-78; 11:36 am]

[8120-01-M]

14

[Meeting No. 1204]

**TENNESSEE VALLEY AUTHORITY.**

**TIME AND DATE:** 10:30 a.m., Thursday, December 21, 1978.

**PLACE:** Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tenn.

**STATUS:** Open.

**MATTERS FOR ACTION:****OLD BUSINESS**

1. Revised TVA policy code to implement changes in policy regarding the development and utilization of recreation resources.

**NEW BUSINESS****PERSONNEL ACTIONS**

1. New wage schedules for hourly and annual trades and labor employees and

other recommendations resulting from negotiations between TVA and Tennessee Valley Trades and Labor Council, 44th Annual Wage Conference.

**PURCHASE AWARDS**

1. Req. No. 823671—550-kV power circuit breakers for the Yellow Creek Nuclear Plant.
2. Req. No. 824687—Reserve and unit station service transformers for the Cumberland Steam Plant.
3. Req. No. 572426—Requirements contract for aggregate for concrete for Pickwick Landing Lock Project.
4. Req. No. 584514—Rental of IBM Equipment for any TVA project or warehouse.
5. Req. No. 254929—Reactor coolant pump spare parts for the Bellefonte Nuclear Plant.
6. Req. No. 822846—Process radiation monitoring systems for the Hartsville and Phipps Bend Nuclear Plants.
7. Rejection of bids received in response to Invitation No. 51-824711 to construct one chimney at Johnsonville Steam Plant.
8. Sales Invitation No. 3960—Sale by TVA of scrap admiralty brass tubes.
9. Sales Invitation No. 3953—Sale by TVA of scrap steel or iron and reinforcing steel.

**POWER ITEMS**

1. New power contract with the city of Loudon, Tenn.
2. New power contract with Brownsville, Tenn.
3. Deed and bill of sale conveying to Cherokee Electric Cooperative TVA's

Caylesville Substation located in Cherokee County, Ala.

4. TVA guaranty of equipment lease contract between Federal-American Partners and leasing companies in connection with mining of certain uranium properties in the Gas Hills area of Wyoming.

**REAL PROPERTY TRANSACTIONS**

1. Grant of permanent easement to the Trustees of Flat Hollow United Methodist Church Cemetery for enlarging public cemetery, affecting 1.1 acres of Norris Reservoir land—Tract XTNR-102CE.
2. Reapproval of condemnation suit to increase estimate of compensation for interest in tract of land needed for the Watts Bar-Volunteer Transmission Line—Tract WBV-315.
3. Filing of condemnation suits.
4. Rescission of grants of coal mining easements to Invesco International Corp. and Sand Mountain Mineral Co. affecting certain land in Jackson, County, Ala., on which TVA has leased mineral rights.

Dated: December 14, 1978.

**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.

[S-2548-78 Filed 12-15-78; 11:36 am]



**TUESDAY, DECEMBER 19, 1978**

**PART II**



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**DEPARTMENT OF  
TREASURY**

**Bureau of Alcohol,  
Tobacco and Firearms**

**Customs Service**



**EXPORTATION OF  
CIGARS, CIGARETTES,  
AND CIGARETTE PAPERS  
AND TUBES, WITHOUT  
PAYMENT OF TAX, OR  
WITH DRAWBACK OF  
TAX; CUSTOMS BONDS**

**Evidence of Exportation  
Requirements; Change of Policy  
Relating to Foreign Landing  
Certificates**

[4810-31-M]

**Title 27—Alcohol, Tobacco Products,  
and Firearms****CHAPTER I—BUREAU OF ALCOHOL,  
TOBACCO, AND FIREARMS, DE-  
PARTMENT OF THE TREASURY**

[T.D. ATF-52; Re: Notice No. 311]

**PART 290—EXPORTATION OF  
CIGARS, CIGARETTES, AND CIGA-  
RETTE PAPERS AND TUBES WITH-  
OUT PAYMENT OF TAX OR WITH  
DRAWBACK OF TAX****Evidence of Exportation  
Requirements**AGENCY: Bureau of Alcohol, Tobacco  
and Firearms (ATF).

ACTION: Final rule.

**SUMMARY:** This rule clarifies the authority of United States Customs officers to require a landing certificate as evidence that a shipment of cigars, cigarettes, or cigarette papers and tubes is actually exported to a contiguous country before certifying the exportation on ATF Form 2149/2150 (5200.14). This rule is necessary to curtail illicit traffic involving cigarettes along the border between the United States and Mexico, resulting in potential revenue losses to the United States and to some State governments.

**EFFECTIVE DATE:** This rule is effective January 31, 1979.

**FOR FURTHER INFORMATION  
CONTACT:**

Thomas L. Minton, A. T. F. & E. Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226 (202-566-7626).

**SUPPLEMENTARY INFORMATION:****BACKGROUND**

The Bureau of Alcohol, Tobacco and Firearms has concluded that there is a continuing problem involving illicit tax-exempt cigarettes along the border between the United States and Mexico, resulting in present and potential revenue losses to the United States and to some State governments. In order to avoid the smuggling of tax-exempt cigarettes, an attempt was made to enforce more strictly the existing regulations. However, due to limited manpower the Bureau feels that an administrative solution to the problem would be more effective, and less costly to the taxpayers.

On September 27, 1977, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (42 FR 49471), which proposed to amend 27 CFR

§ 290.205, to add the requirement that a manufacturer or export warehouse proprietor making a shipment through a border port to a contiguous foreign country obtain from the purchaser (foreign importer) a copy of any import license or permit that that country may require as a condition for allowing cigars, cigarettes, or cigarette papers and tubes to enter that country. The notice also proposed regulations clarifying the authority of U.S. Customs officers to require a landing certificate as evidence that a shipment of cigars, cigarettes, or cigarette papers and tubes is actually exported to the contiguous country before certifying the exportation on ATF Form 2149/2150 (5200.14).

Interested persons were given until November 28, 1977, to submit relevant data, views, or arguments regarding the proposal.

**DISCUSSION OF COMMENTS**

Several written comments were received in response to the proposed regulations. These comments are discussed below according to the subject areas they addressed.

**EVIDENCE OF SMUGGLING**

A number of commenters suggested that there is very little or no evidence of any serious problem with the illegal reentry of tax-exempt cigarettes into the United States. They also suggested that any smuggling that does exist could be controlled by stricter enforcement of the existing regulations.

The Bureau and the U.S. Customs Service have received numerous complaints from vendors of tax-paid cigarettes indicating large numbers of tax-exempt cigarettes are entering avenues of commerce within United States border communities. As the notice of proposed rulemaking pointed out, the actual quantities of the cigarettes involved and the amounts of revenue lost are difficult to determine due to the covert nature of the smuggling. However, Customs officials have estimated that in one border area, approximately 50 percent of the tax-exempt cigarettes sold by export warehouses for export to Mexico are smuggled back into the United States. Based on observations and seizures of illegal cigarettes by U.S. Customs and Immigration officers, during the period April 1975 through April 1976, the internal revenue tax loss is estimated at \$850,000 in one border community alone. The State tax loss is estimated to be about double the Federal tax loss.

Attempts were made to enforce the existing regulations more strictly. However, due to the pervasive nature of the smuggling, the limited manpower available along the border, and instances of actual physical assault upon

law enforcement personnel, the Bureau feels that the proposed administrative solution to the problem will be more effective and economical.

**ECONOMIC HARDSHIP**

Several commenters stated that the proposed regulations would impose an undue economic hardship on export warehouse proprietors and border communities. They further stated that implementation of the proposed regulations would decrease the sale of tax-exempt cigarettes and would increase unemployment.

The Bureau is aware of the potential economic impact which the proposed regulations may have upon some export warehouse proprietors and their employees. The illicit return of tax-exempt cigarettes to the United States has, however, eroded the legitimate sale of taxpaid cigarettes within the border communities. Smuggling has had an adverse economic impact on many vendors of taxpaid cigarettes who are unable to compete with the lower-priced contraband cigarettes.

The Bureau believes that the protection of Federal revenues justifies the restriction on the sale of tax-exempt cigarettes. Furthermore, any loss of commerce or employment caused by the restriction on the sale of tax-exempt cigarettes will be countered by an increase in commerce and employment consistent with the increased sale of legitimate taxpaid cigarettes.

**IMPORT PERMIT PROVISION**

A number of the comments were in opposition to the proposed requirement that manufacturers of tobacco products and proprietors of export warehouses obtain a copy of the importer's permit before removing tax-exempt cigarettes for export. Some commenters thought the import permit requirement would completely eliminate sales of tax-exempt cigarettes along the U.S./Mexico border. Others suggested that the sale of small quantities of cigarettes intended for the personal use of the purchaser be exempted from the import permit requirement.

Also, a number of commenters claimed that the proposed regulations extended beyond the scope of the Bureau's regulatory jurisdiction. They felt that by requiring a Mexican import permit before allowing the shipment of cigarettes, the Bureau was attempting to enforce Mexican law rather than United States revenue laws. They felt that the purpose of the import permit requirement was not to control the illegal return or diversion to the United States of tax-exempt cigarettes, but to eliminate the smuggling of cigarettes into Mexico.

Finally, one commenter claimed that the proposed regulations discriminat-

ed against export warehouse proprietors doing business in border ports since the import permit requirement applied only to shipments through a border port and not to shipments by airplane or ship.

The Bureau proposed the import permit requirement as a means to ensure that any tax-exempt cigars, cigarettes, or cigarette papers or tubes removed for export to Mexico would actually be allowed to enter Mexico. The Bureau felt that tax-exempt tobacco products which officially and legally entered the channels of Mexican commerce would pose no threat to the Federal revenue since there would then be little economic incentive in illicitly diverting these products back into the United States.

The proposed application of the import permit requirement only to shipments through a border port was based on the increased threat to Federal revenues which these shipments pose. Shipments through a border port are easier to divert back into the United States simply because of the proximity of the border. The Bureau felt that the additional requirement of obtaining the import permit was necessary to counter the increased threat to the Federal revenue.

However, the Bureau is now convinced that the landing certificate requirement alone would sufficiently protect the Federal revenue by allowing the Customs Service to monitor effectively any shipment it deems likely to be diverted back into the United States.

Accordingly, Section 290.205 is further revised by deleting the requirement that manufacturers of cigars, cigarettes, or cigarette papers or tubes and proprietors of export warehouses obtain a copy of any required importer's permit before removing the products for export.

#### LANDING CERTIFICATE PROVISION

One commenter suggested that requiring the "production of a landing certificate in advance of exportation is contrary to existing law and regulations."

The proposed regulation does not permit U.S. Customs officers to require the production of a landing certificate prior to the actual exportation. It does, however, allow them to require a landing certificate before certifying on ATF Form 2149/2150 (5200.14) that the commodity was actually exported. The purpose of this provision is to provide the Customs Service some assurance that the shipment is actually exported before the manufacturer or export warehouse proprietor is relieved of the tax liability. This provision is consistent with the recent proposal by the U.S. Customs Service to require landing certifi-

cates for certain shipments of goods from Customs bonded duty-free stores.

Part 290 of the regulations defines "exportation" as the severance of cigars, cigarettes, and cigarette papers and tubes from the mass of things belonging to the United States with the intention of uniting them to the mass of things belonging to some foreign country, or as the clearance of cigars, cigarettes, and cigarette papers and tubes from the United States for consumption beyond the jurisdiction of the Internal Revenue laws of the United States. Under this definition, cigarettes purchased for export with the intent of smuggling them back into the United States are not considered exported even if they are cleared from a U.S. port. In such instances, Customs officers must have some evidence that the shipment entered Mexico before they can accurately certify that the cigarettes were exported. A landing certificate would provide such evidence. The Bureau feels that tax-exempt cigarettes actually entered into Mexico through Mexican Customs will pose no threat to Federal revenues since there is little likelihood of such cigarettes being diverted back into the United States.

#### OTHER COMMENTS

One commenter suggested that implementation of the regulations should be postponed at least a year to allow export warehouse proprietors to liquidate their stocks of tax-exempt cigarettes. The Bureau disagrees. The postponement of the implementation of the proposed controls would only allow the illicit traffic to continue at the cost of the taxpayer.

#### FAVORABLE COMMENTS

The Bureau received a number of comments favorable to the proposed regulations. These comments were from one Federal agency, the tax agencies of some States along the U.S./Mexico border, export warehouse proprietors, and vendors of taxpaid cigarettes.

Many of the comments expressed concern about the adverse effects contraband tax-exempt cigarettes had on the legitimate sale of taxpaid cigarettes. One vendor of taxpaid cigarettes claimed that his sales had decreased 50 percent and that his number of employees had decreased by four over the past years. He attributed this decline to the increasing availability of contraband tax-exempt cigarettes.

All agreed that the smuggling was a problem and all felt that the Bureau's proposal would help eliminate the illicit traffic in tax-exempt cigarettes.

#### CHANGES IN THE FINAL RULE

The requirement that manufacturers and export warehouse proprietors obtain a copy of any importer's permit required by the contiguous foreign country is deleted from the final rule. Accordingly, Section 290.205 as revised is adopted as set forth below.

#### DRAFTING INFORMATION

The principal author of this document is Thomas L. Minton of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel from other offices of the Bureau and the Treasury Department participated in developing the regulations in matters of substance and style.

#### AUTHORITY AND ISSUANCE

This Treasury decision is issued under the authority of 26 U.S.C. 7805 (68A Stat. 917).

#### REGULATIONS

On the basis of the foregoing, Section 290.205 is amended to read as follows:

§ 290.205 To contiguous foreign countries.

(a) Where cigars, cigarettes, or cigarette papers or tubes are removed from a factory or an export warehouse for export to a contiguous foreign country, the manufacturer or export warehouse proprietor making the shipment shall—

(1) Furnish to the district director of Customs at the port of exit two copies of the notice of removal, Form 2149/2150 (5200.14), together with the related shipper's export declaration, Commerce Form 7525-V (if required); and,

(2) If copies of the notice of removal are not filed with the shippers export declaration, or if a shipment is for the armed forces of the United States in the contiguous foreign country and a shipper's export declaration is not required, show all the information on the notice of removal when it is filed so that the Customs officer is able to associate the notice with the related shipper's export declaration (if any) or other documents filed with Customs for the shipment.

(b) When a shipment has been cleared by Customs from the United States, and when the Customs officer at the port of exit is satisfied that the products have departed from the United States, he shall—

(1) Complete the certificate of exportation on both copies of the notice of removal;

(2) Retain one copy of the notice of removal for his records; and,

(3) Return the other copy to the manufacturer or export warehouse proprietor making the shipment for



filing with his regional regulatory administrator.

(c) The Customs officer may, when he considers it necessary to establish that the merchandise was actually exported, require a landing certificate before he completes the certificate of exportation specified in paragraph (b)(1) of this section. If practical, the Customs officer will give advance notice to the manufacturer or export warehouse proprietor of the type of transactions for which a landing certificate will be required. However, failure to notify the manufacturer or proprietor in advance will not prevent the Customs officer from requiring a landing certificate for specific exportations when he considers it necessary to protect the revenue. In any case, the Customs officer will advise the manufacturer or proprietor before departure of the shipment from the United States as to those exports for which a landing certificate will be required.

(d) The provisions of this section relating to landing certificates also apply when a Form 2149/2150 (5200.14) is not required for each transaction (for example: when multiple exportations, individually documented by commercial records, are consolidated on a single Form 2149/2150 (5200.14) pursuant to an approved alternate procedure under § 290.72). The provisions apply to each transaction, regardless of the manner in which it is documented, unless specifically provided otherwise in the alternate procedure.

(Sec. 202, Pub. L. 85-859, 72 Stat. 1418; (26 U.S.C. 5704); Sec. 622, Act of June 17, 1930, 49 Stat. 759 (19 U.S.C. 1622).)

Signed: August 22, 1978.

JOHN G. KROGMAN,  
*Acting Director.*

Signed: August 23, 1978.

G. R. DICKERSON,  
*Acting Commissioner,  
U.S. Customs Service.*

Approved: October 26, 1978.

RICHARD J. DAVIS,  
*Assistant Secretary.*

[FR Doc. 78-35064 Filed 12-18-78; 8:45 am]

[4810-22-M]

#### Title 19—Customs Duties

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

[T.D. 79-1]

#### PART 113—CUSTOMS BONDS

##### Change of Policy Relating to Foreign Landing Certificates

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Change of policy.

SUMMARY: The U.S. Customs Service will require that proprietors of "duty-free shops" along the United States-Mexican border present landing certificates to confirm that certain purchases from those shops are presented or declared to Mexican customs. This action is necessary to protect the United States revenue by ensuring that the articles purchased actually enter the commerce of Mexico and are not reentered into the commerce of the United States without the payment of U.S. customs duties and taxes. This policy change will affect proprietors of these duty-free shops and individuals who purchase certain merchandise in greater than personal-use quantities in those shops.

DATES: The new policy will be implemented in phases and become effective on several different dates, as noted below under that part of the document entitled "Change of Policy."

##### FOR FURTHER INFORMATION CONTACT:

John R. Cookfair, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5354).

##### SUPPLEMENTARY INFORMATION:

###### BACKGROUND

On September 9, 1977, the U.S. Customs Service ("Customs") published a notice in the FEDERAL REGISTER (42 FR 45338) proposing a change of policy relating to foreign landing certificates. As explained in the notice, Customs has discovered that substantial quantities of merchandise purchased in duty-free shops on the United States-Mexican border are entered into Mexico illegally without the payment of Mexican customs duties, then smuggled back into the United States to be reentered into the commerce of this country without payment of U.S. customs duties and taxes. The result is a substantial loss of revenue to the United States.

To prevent this loss of revenue, Customs proposed to require that landing certificates be presented to confirm that certain purchases from duty-free

shops are actually exported to Mexico. Interested parties were given until October 11, 1977, to submit written comments. After consideration of all comments, as well as comments received in response to a Bureau of Alcohol, Tobacco and Firearms notice published September 27, 1977, in the FEDERAL REGISTER (42 FR 49471) proposing regulations clarifying the authority of U.S. Customs officials to require landing certificates as evidence that domestically produced tobacco products have actually been exported, it has been determined to adopt the new policy with several changes as discussed below.

##### DISCUSSION OF COMMENTS AND CHANGES MONETARY OR QUANTITATIVE LIMITS

Several commenters noted that the \$250 value limit which would continue to be permitted on exportation of alcoholic beverages without presentation of a landing certificate was unrealistically high. They contended that value limit might represent as many as six cases of alcoholic beverages, a quantity in excess of that considered appropriate for normal personal use. Because Customs agrees with this contention, the quantity of alcoholic beverages that will be permitted exportation without presentation of a landing certificate is being reduced to 12 quarts. Customs also has determined that five (rather than two) cartons represent a quantity of cigarettes appropriate for normal personal use. This requirement applies to both domestic and imported cigarettes. The Bureau of Alcohol, Tobacco and Firearms concurs with this limitation as well as with the necessity for the landing certificate requirement.

##### ENFORCEMENT OF MEXICAN LAWS

Several commenters stated that the principal purpose and effect of the proposed change are to assist Mexico in enforcing its customs laws. It is United States Customs policy to cooperate with Mexico in preventing violations of its customs laws. This policy is manifested by the Mexican-American Mutual Customs Assistance Agreement signed September 30, 1976, effective January 26, 1977. The relationship between the Governments of the United States and Mexico historically has been one of mutual cooperation and assistance.

The particular concern of Customs, in this instance, is to prevent the illegal reentry into the United States of duty and/or tax free merchandise. This reentry adversely affects the legitimate interests of United States-Mexico border communities as well as the revenues of the United States and various governmental bodies. This policy change has been designed to remove the financial rewards now available to those who would smuggle this merchandise back into the United

States. To do this, Customs must ensure that the affected exports are presented to Mexican customs and that presentation is acknowledged by having the landing certificate signed by the appropriate Mexican official. Presentation of the exported merchandise to Mexican customs greatly reduces the likelihood that the merchandise will be reentered into the United States illegally. The benefit resulting to the Mexican Government from this change is corollary to the pressing need to eliminate the illegal reentry of the merchandise into the United States. While enforcing Mexican customs laws thus is not the principal purpose of the landing certificate requirement, once it was established that landing certificates were necessary for protection of the United States revenue, support of the anti-smuggling activities of Mexican customs is fully intended.

#### PURPOSE OF DUTY-FREE SHOPS

Several commenters indicated some confusion concerning the purpose of duty-free shops. Duty-free shops, as they are known today, began to appear in many countries in the late 1940's, principally at international airports. By the time duty-free shops made their appearance in the United States in the early 1960's, their purpose and scope were well known to international travelers. Extensive publicity and tremendous increases in international travel have made travelers aware of the purpose of duty-free shops—to facilitate small purchases, free of duty, for personal use abroad.

With this purpose in mind, Customs in 1965 established administrative procedures under which merchandise may be withdrawn from bonded warehouses in small quantities and "sold to persons departing from the United States." Procedures for the withdrawal of merchandise in larger quantities from bonded warehouses for export were established many years before. The new procedures were designed to separate the relatively new concept of small, personal-use quantity exportations, typical of duty-free shops, from the regular bonded warehouse program. Duty-free shops, therefore, are subject to the same laws and regulations as are all bonded warehouses. The procedures developed for the bonded warehouse operating as a duty-free shop are designed merely to facilitate personal-use quantity exportations, and are not intended for use in commercial quantity exportations.

Customs intends, by this change of policy, to correct an anomaly which has existed since landing certificates were first required in 1973 by § 113.55(d) of the Customs Regulations (19 CFR 113.55(d)). At that time, all bonded warehouse proprietors except

those operating duty-free shops were required to furnish landing certificates for the exportation of high risk commodities. That action was intended to affect commercial quantity exportations to Mexico. Bonded warehouses operating as duty-free shops were exempted because their business was traditionally in smaller, personal-use quantities.

Customs has found, however, that many duty-free shops, improperly taking advantage of this exemption, export commercial quantities of these commodities in direct competition with other bonded warehouses that are required to obtain landing certificates. For example, one duty-free shop exports, as often as twice a week, 40,000 pound truckloads of powdered milk to Mexico. Other duty-free shops routinely export liquor in truckload quantities of up to 1,000 cases. In each of these situations, other bonded warehouses would be required to obtain landing certificates while the duty-free shops are exempt from this requirement.

Customs believes that exports of this magnitude are hardly consistent with the traditional duty-free shop role. Rather, these exportations are typical of routine bonded warehouse transactions and should be treated accordingly. Uniformity in application of the landing certificate requirement will eliminate this anomalous situation.

Because the difference between "personal-use quantities" and "commercial quantities" is difficult to define accurately, Customs must rely on the experience and judgment of the Customs officers who make those decisions. The quantity limits set forth in this notice, therefore, reflect a policy determination based on Customs cumulative experience with duty-free shop transactions. It is Customs opinion that those quantities provide a liberal interpretation of the quantities normally considered appropriate by most individuals who purchase duty-free shop merchandise for personal use.

#### ILLEGAL REENTRY OF MERCHANDISE

Several commenters stated that Customs is incorrect in asserting that substantial quantities of merchandise purchased in duty-free shops are smuggled back into the United States. They stated that Customs should supply specific information and statistics to demonstrate the volume of this smuggling and the resulting loss of revenue.

Here, Customs faces the same dilemma as other law enforcement agencies—How many kilos of heroin are successfully smuggled in? How many illegal aliens enter undetected? How many crimes go unreported? In this instance, Customs must rely upon its

own experienced assessment as well as information supplied by concerned citizens who have knowledge of the availability of this merchandise in U.S. border communities. At a public hearing held in August 1977 at El Paso, Texas, a number of local businessmen testified to the ready availability of duty-free shop merchandise in their community. A tax official of the State of Texas expressed serious concern over the loss of State revenue caused by the smuggling back into Texas of some of the merchandise. The evidence presented produces a basis for concluding that a problem of smuggling back exists even though a dollar value cannot be put on the amount involved with any real precision.

In addition, Customs has a legislative mandate to address the problem, whether the threat to the revenue be actual or potential. Even without specific knowledge of the availability of duty-free shop merchandise in U.S. border communities, it is evident that this merchandise can be smuggled back in the United States profitably if it has been illegally entered into Mexico. A potential, if not actual, threat to the revenue clearly exists and requires that Customs take this action to address the threat.

#### EFFECT ON BORDER COMMUNITIES

Many comments discussed the impact of the proposed action on the economy of the United States—Mexican border communities. The preponderance of comments which urged adoption of the policy change cited the economic loss suffered by small businessmen and retailers because of unfair competition from tax and duty-free shop merchandise smuggled back into the United States. Some duty-free shop proprietors who opposed the proposal stated that requiring a landing certificate would put them out of business.

Customs is not establishing this requirement to damage any legitimate segment of the economy, but rather to prevent the unlawful reentry of duty-free shop merchandise into the United States, which results in a substantial loss of revenue. Only those "exportations" which pose a risk of being smuggled back into the United States are expected to show a drastic decline. Smuggled merchandise no longer will be available to those who compete unfairly with domestic retailers in United States—Mexican border communities. Merchandise destined for legitimate entry into the Mexican economy will continue to be exported without difficulty. The duty-free shop owner will be in no worse position than the operators of other bonded warehouses. This requirement will not interfere with the usual duty-free

shop sales of personal-use quantities to individuals.

#### OTHER COMMENTS

One commenter proposed that Customs officers certifying to the exportation of merchandise should ascertain visually that the merchandise is actually exported to Mexico. While this procedure would appear to be desirable, it would be physically impossible at many border crossings and totally inadequate in any event. Customs experience has demonstrated that the mere fact that a person or vehicle reports to Customs officers in any country does not ensure that the merchandise carried is declared and duty or tax paid. However, a landing certificate signed by a Mexican official ensures that the merchandise exported was presented to Mexican customs.

Another commenter complained of the burden allegedly placed on the purchaser of merchandise from a duty-free shop to provide Customs with a landing certificate for the merchandise exported. Because it is the proprietor of the duty-free shop, not the purchaser, who has the duty to present a landing certificate to Customs, there is no inconvenience to the purchaser. Customs also believes that the burden placed on the proprietor to obtain the landing certificate is minimal. Most commercial exporters have a representative at the Mexican customhouse for this purpose. Whatever method is used to obtain the certificate, the distance from the point of export to the point at which the certificate is available is seldom more than 200 yards.

Possible delay in the issuance of landing certificates by Mexican officials also was mentioned as a disadvantage. Section 113.55(d) of the Customs Regulations provides that a foreign landing certificate must be produced within six months from the date the merchandise has been exported from the United States. Moreover, Customs experience has shown that landing certificates can and have been acquired from Mexican officials and timely presented for thousands of shipments made during the past four years from other bonded warehouses subject to the requirement. In addition,

Customs intends to work with operators of duty-free shops and Mexican authority to assure that landing certificates are made available on a timely and efficient basis.

One commenter requested that airport duty-free shop operations be exempted from the landing certificate requirement. Customs experience indicates that the difficulties found along the United States-Mexican land border seldom occur at duty-free shops operated at public airports. Accordingly, Customs will exempt exportations of duty-free shop merchandise which accompany airline passengers departing the United States by scheduled airline.

One duty-free shop proprietor claimed that the landing certificate requirement could cause changes in sales patterns that would require adjustments to his inventories of the affected commodities which could not be accomplished by the effective date of the new policy. To alleviate this problem, Customs will grant temporary waivers of the landing certificate requirement to permit adjustment, on an individual basis and at the request of the proprietor, provided he satisfies Customs that his request is bona fide.

#### CHANGE IN POLICY

Effective January 31, 1979, a landing certificate will be required for each exportation to Mexico of the following commodities, regardless of value, whenever the quantity exported exceeds the amount indicated:

Alcoholic beverages—12 quarts.  
Cigarettes—5 cartons.  
Watches—2 each.

Effective February 15, 1979, a landing certificate will be required whenever a purchase of the commodities listed below for exportation to Mexico exceeds \$250. However, a landing certificate will not be required for the exportation of a single item with a purchase price over \$250. (For these purposes, bulk-type commodities such as powdered milk and suit material will not be considered as "single items.")

Chocolates	Porcelain
Clothing	Powdered milk
Costume jewelry	Suit material
Perfumes	

Effective March 15, 1979, a landing certificate will be required whenever a purchase of the commodities listed below for exportation to Mexico exceeds \$250. However, a landing certificate will not be required for the exportation of a single item with a purchase price over \$250.

Christmas ornaments	Tape recorder players
Cosmetics	Tape recorders
Crystal	Television sets
Radios	

A temporary waiver from this change of policy may be granted by Customs on an individual basis at the request of a duty-free shop proprietor who has satisfied Customs that this request is bona fide. The purpose of the waiver would be to allow a duty-free shop proprietor to adjust inventories of the foregoing commodities to respond to changed sales patterns. However, no waiver will be granted after six months from the effective date of a landing certificate requirement without permission from the Director, Inspection and Control Division, Headquarters, U.S. Customs Service. Once inventories have been adjusted, temporary waivers no longer will be granted.

The foregoing requirements for presentation of landing certificates will not apply to exportations of duty-free shop merchandise which accompany airline passengers departing the United States by scheduled airline.

Customs emphasizes that this change of policy is not intended to and will not hinder purchases by individuals from duty-free shops of merchandise for export in personal-use quantities. Those sales will continue to be accommodated for the convenience of the individual traveler.

G. R. DICKERSON,  
Acting Commissioner  
of Customs.

Approved: October 26, 1978.

RICHARD J. DAVIS,  
Assistant Secretary  
of the Treasury.

[FR Doc. 78-35065 Filed 12-18-78; 8:45 am]

**TUESDAY, DECEMBER 19, 1978**

**PART III**



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# **DEPARTMENT OF COMMERCE**

**National Oceanic  
and Atmospheric  
Administration**



## **FOREIGN FISHING REGULATIONS**

**Activities Within the U.S. Fishery  
Conservation Zone**

[3510-22-M]

## Title 50—Wildlife and Fisheries

## CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION DEPARTMENT OF COMMERCE

## PART 611—FOREIGN FISHING REGULATIONS

## Activities Within the U.S. Fishery Conservation Zone

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final regulations.

SUMMARY: These regulations govern foreign fishing activities within the United States fishery conservation zone (FCZ). These regulations are similar in most respects to regulations which governed foreign fishing activities in the FCZ during 1978. Experience gained during 1978 in administering the provisions of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*, as amended) ("the Act") has demonstrated little need for major changes in 1979. The most significant difference is in § 611.9 where additional reports and changes in reporting procedures have been made.

EFFECTIVE DATE: January 1, 1979.

ADDRESS: For further information contact:

Mr. Denton R. Moore, Acting Chief, Permits and Regulations Division, National Marine Fisheries Service, Washington, D.C. 20235. Telephone: 202-634-7454.

SUPPLEMENTARY INFORMATION: The foreign fishing regulations were published as proposed rulemaking on November 2, 1978 (43 FR 51053). Unlike the 1978 foreign fishing regulations which are replaced hereby, these regulations are not expected to be replaced on an annual basis. As needed, amendments to these regulations will be issued through the informal rulemaking process prescribed by the Administrative Procedure Act, which usually involves FEDERAL REGISTER publication of proposed regulations, a public comment period, and then issuance of final regulations. Changes may be initiated by NOAA, National Marine Fisheries Service, because of newly arisen management needs or in response to comments or petitions for rulemaking received from the public. Comments or petitions should be sent to the Assistant Administrator for Fisheries, National Oceanic and At-

mospheric Administration, Washington, D.C. 20235.

## COMPARISON

This part of the preamble briefly describes the new regulations, as compared to regulations in effect for 1978.

611.1—No change.

611.2—Definitions of "discard" or "discarded" and of "round weight" have been added.

611.3—No substantive changes.

611.4—Some clarifying language changes and modification of the standard vessel reporting format.

611.5—Some clarifying language changes.

611.6—An additional signal, based on the International Code of Signals, which may be used by a Coast Guard cutter has been added to subsection (b). The "safe ladder" in subsection (c), to be provided for the authorized officer and his party, is defined as being, preferably, the pilot ladder described in the Safety of Life at Sea (SOLAS) Convention of 1960.

611.7—No change.

611.8—Added requirement to allow an observer access to navigation equipment and personnel.

611.9—Various changes have been made in the reporting and recordkeeping procedures. These changes are intended to simplify and clarify the requirements. In addition, provision is made for reports of receipt of U.S. harvested fish (subsection (f)). Under authority of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*, as amended), a report is required of any incidental catch of marine mammals (subsection (g)). It should be noted that incidental catch of marine mammals is restricted to those species for which certificates of inclusion have been granted under the Marine Mammal Protection Act. Samples of all report forms have been included in order to clarify the specific requirements foreign fishermen must meet.

611.10—No change.

611.11—No change.

611.12—No change.

611.13—No change.

611.14—No change.

611.15—Provisions have been added for closing a fishery when optimum yield has been reached.

611.16—Slight change to clarify procedures when derelict fishing gear is encountered.

611.17—New provision relating to management-oriented joint research.

611.20—New TALFFs are provided.

611.21—Allocations will be announced by the Department of State, but not published in these foreign fishing regulations.

611.22—New poundage fee schedule is provided. In a separate FEDERAL REGISTER publication, new regulations impose a surcharge on certain foreign

fishing fees, to implement Pub. L. 95-376.

611.50—Language changes have been made for clarity in this section which regulates the Northwest Atlantic Ocean fishery. In addition, the following changes have been made:

(1) The western boundary of area 5 has been changed from 70° W. longitude to 68°45' W. longitude. Changes in fishing seasons have also been made, as reflected in Table I to this section.

(2) Sea turtles are excluded from the "other finfish" category—in effect making them prohibited species.

(3) A new paragraph has been added whereby fishing operations may be authorized for purposes of gathering additional management information.

(4) Specification of off-bottom gear has been clarified. Fishermen are reminded that if experience indicates that the off-bottom nets described do not reduce the incidental catch of species important to U.S. fisheries, more stringent net modifications may be required.

(5) The restrictions against trawling in any fixed-gear area, and between the 100-200 fathom bottom contours in fishing areas, remain, except that the 100-200 fathom restriction does not apply in fishing area 5. The prohibition contained in the 1978 regulations on fishing within two nautical miles of reported fixed-gear areas is currently receiving additional public comment (see 43 FR 58104; December 12, 1978). Amendments to subsection (d) may be required on the basis of comments received.

(6) The requirements for the collection, maintenance, and reporting of data have been amended. The 1979 data collection requirements are significantly more stringent than in 1978. Foreign fishing vessels must log the time and position when beginning each set, and the time and position at the end of each set. Sets for each day must be logged separately. In 1978 foreign fishermen were required to record their catch to the nearest 100 kilograms. These 1979 regulations require measurements to the nearest 10 kilograms. Detailed specifications of the quarterly scientific report have been added to the regulations.

611.60—Hook size restrictions have been added for the shark fishery when conducted inside the 100-fathom depth contour. An area closed to shark fishing in the Flower Garden Banks marine sanctuary has been added.

611.70—Reserved.

611.80—Some clarifying language changes.

611.90—Foreign vessels operating in waters off the coast of Alaska, other than those engaging in the crab fishery, may not carry crab pots. There is a uniform season opening and closing

time at 0800 G.m.t. Thus, any date reference in Subpart G automatically carries with it the time of 0800 G.m.t.

611.91—The Tanner crab regulations implement the fishery management plan for Tanner crabs, which was prepared by the North Pacific Fishery Management Council. It should be noted, however, that the specification of TALFF for Tanner crab in §611.20(c) has been promulgated on an interim basis and may be modified in response to comments received on the proposed final specification of TALFF for Tanner crab for 1979 (see 43 FR 54964, November 24, 1978). The comment period on the proposed Tanner crab TALFF ends on December 22, 1978.

611.92—These regulations were published separately (43 FR 52709, November 14, 1978), implementing a fishery management plan for the Gulf of Alaska groundfish which was prepared by the North Pacific Fishery Management Council. No substantive changes have been made, although minor language changes have been made in §611.92(a)(3) to clarify the annual period on which the fishery will be managed.

611.93—No substantive change; however, specifications of certain of the closed areas in the Bering Sea have been reworded for clarity.

611.94—This section contains the snail fishery regulations which are substantively unchanged. The sablefish fishery in the Gulf of Alaska, previously regulated in 611.94, is now regulated under §611.92.

#### COMMENTS RECEIVED

Comments were received from four foreign countries, from two other Federal agencies, and from interested private persons.

The gear-conflict/fixed-gear avoidance issue in the Atlantic Ocean was of major concern to all foreign commenters, and the other Federal agencies. It is clear that the issue of the 2-mile "buffer" radius around reported fixed gear needs additional public comment and study.

Another important and related issue was the proposed reduction in size of area 5 in the Atlantic FCZ. The original proposal would have reduced the physical size of the area by about 66 percent. To alleviate hardship on the foreign fishermen, however, the prohibition against trawling in area 5 between the 100 and 200 fathom isobaths was suspended. Even so, comments received made it clear that the reduction in size of area 5 was too stringent. Consequently, in order to provide the foreign fishermen with a reasonable opportunity to harvest their respective allocations, a substantial portion (about 40 nautical miles in length) of area 5 was restored. In addition,

in order to insure that foreign fishermen could harvest their allocations, the 100-200 fathom restriction does not apply in area 5. It is believed that the original purpose of protecting the U.S. whiting fishery will still be served without imposing undue hardship on the foreign fishermen. Accordingly, the preliminary fishery management plans for Squid Fisheries of the Northwestern Atlantic, Mackerel Fishery of the Northwest Atlantic, Atlantic Herring Fishery of the Northwestern Atlantic, Foreign Trawl Fisheries of the Northwestern Atlantic, and Hake Fisheries of the Northwestern Atlantic are changed as follows:

The western boundary of fishing area 5 is extended from 68° W. longitude to 68°45' W. longitude.

Other comments were directed to the U.S. observer program. While those comments did not generally address the proposed regulations directly, they did emphasize the need for improving the training of U.S. observers. One comment expressed concern about the proposed requirement that the observers have access to the ship's communication and navigation equipment. This concern (which was expressed in terms of costly and delicate instruments) may be exaggerated, since NOAA expects that the observers will request assistance from the ship's appropriate personnel when use of such equipment is necessary.

Three countries stressed the need for more timely regulations. To that end, these regulations are intended to remain in effect until amended, rather than being issued on an annual basis.

The preamble to the proposed foreign fishing regulations which was published on November 2, 1978, contained specific information about amendments to the respective preliminary fishery management plans (PMP) so that the proposed regulations, upon which comment was invited, could be read in the proper context. Several foreign comments were directed to levels of optimum yield, predicted domestic annual harvest, reserves, total allowable levels of foreign fishing, and national allocations in those PMP amendments. Such comments were considered by NOAA in preparing final regulations.

It is true that large reserves of fishery resources impose difficulties and inconveniences on foreign fishermen. Unfortunately, no better way has been suggested for dealing with this issue. Making an equitable distribution of resources between domestic and foreign fishermen, when the two fisheries are being conducted simultaneously, within the constraints of optimum yield, and providing a preference for U.S. fishermen at the same time, is an extremely difficult problem. NOAA will continue to search for improved

ways of managing the fisheries to achieve these multiple, somewhat conflicting objectives.

The Assistant Administrator for Fisheries, under a delegation of authority from the Secretary of Commerce, has determined that these regulations are consistent with the National Standards, the rest of the Act, and other applicable law, and do not constitute, by themselves, a major Federal action requiring the preparation of an environmental impact statement. It has been determined further that these regulations do not require a regulatory impact analysis under Executive Order 12044.

Signed at Washington, D.C., this the 13th day of December, 1978.

WINFRED H. MEIBOHM,  
Acting Executive Director, National Marine Fisheries Service.

#### PART 611—FOREIGN FISHING

50 CFR Chapter VI is amended by striking Part 611 in its entirety and substituting the following.

##### Subpart A—General

- Sec.
- 611.1 Purpose.
- 611.2 Definitions.
- 611.3 Permits for foreign fishing vessels.
- 611.4 Vessel reporting.
- 611.5 Vessel and gear identification.
- 611.6 Facilitation of enforcement.
- 611.7 Prohibitions.
- 611.8 Observers.
- 611.9 Reports and recordkeeping.
- 611.10 Fishery support operations.
- 611.11 Gear conflicts.
- 611.12 Directed fisheries.
- 611.13 Incidental catch-prohibited species.
- 611.14 Incidental catch-other species.
- 611.15 Fishery closure procedures.
- 611.16 Disposal of fishing gear and other articles.
- 611.17 Scientific research.

##### Subpart B—Surpluses

- 611.20 Total allowable level of foreign fishing.
- 611.21 Allocations.
- 611.22 Fee schedule for foreign fishing permits.

##### Subpart C—Atlantic Ocean

- 611.50 Northwest Atlantic Ocean fishery.

##### Subpart D—Atlantic, Caribbean, and Gulf of Mexico

- 611.60 Atlantic billfish and sharks fishery.

##### Subpart E—Northeast Pacific Ocean

- 611.70 Washington, Oregon, California trawl fishery. [Reserved]

##### Subpart F—Western Pacific Ocean

- 611.80 Seamount groundfish fishery.



# Subpart G—North Pacific Ocean and Bering Sea

- 611.90 General provisions.
- 611.91 Tanner crab fishery.
- 611.92 Gulf of Alaska groundfish fishery.
- 611.93 Bering Sea and Aleutian Islands fishery.
- 611.94 Snail fishery.

AUTHORITY: (16 U.S.C. 1361 et seq. 16 U.S.C. 1801 et seq.)

## Subpart A—General

### § 611.1 Purpose.

This part governs only *foreign* fishing over which the United States exercises exclusive fishery management authority under the Fishery Conservation and Management Act of 1976, as amended.

### § 611.2 Definitions.

In addition to the definitions contained in the Act, and unless the context requires otherwise, in this Part 611 the terms used shall have the following meaning (some definitions in the Act have been repeated here to aid fishermen in understanding the regulations):

(a) "Act" means the Fishery Conservation and Management Act of 1976, Pub. L. 94-265 (16 U.S.C. 1801 et seq.), as amended.

(b) "Agent" means the person appointed and maintained within the United States who is authorized to receive and respond to any legal process issued in the United States with respect to an owner or operator in accordance with section 201(c)(2)(F) of the Act.

(c) "Anadromous species" means species of fish which spawn in fresh or estuarine waters of the United States and which migrate to ocean waters, including but not limited to:

King salmon (*Oncorhynchus tshawytscha*)  
Pink salmon (*Oncorhynchus gorbuscha*)  
Chum salmon (*Oncorhynchus keta*)  
Sockeye salmon (*Oncorhynchus nerka*)  
Silver salmon (*Oncorhynchus kisutch*)  
Steelhead trout (*Salmo gairdneri*)  
Atlantic salmon (*Salmo salar*)  
Striped bass (*Morone saxatilis*)

(d) "Assistant Administrator" means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration (National Marine Fisheries Service) or a designee.

(e) "Authorized officer" means:

- (1) Any commissioned, warrant or petty officer of the U.S. Coast Guard;
- (2) Any certified enforcement or special agent of the National Marine Fisheries Service;

(3) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary of Commerce or Transportation to enforce the Act; and

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (1) of this definition.

(f) "Billfish" means all species of marlin, spearfish, sailfish and swordfish.

(g) "Continental Shelf" means the seabed and subsoil of the submarine areas which appertain to the United States beyond the territorial sea, at any place where the depth of the superjacent waters allows exploitation of the natural resources of such areas.

(h) "Continental Shelf fishery resources" means the following:

#### COLEENTERATA

Bamboo coral (*Acanella* spp.)  
Black coral (*Antipathes* spp.)  
Gold coral (*Callagorgia* spp.)  
Precious red coral (*Corallium* spp.)  
Bamboo coral (*Keratoisis* spp.)  
Gold coral (*Parazoanthus* spp.)

#### CRUSTACEA

Tanner crab (*Chionoecetes tanneri*)  
Tanner crab (*Chionoecetes opilio*)  
Tanner crab (*Chionoecetes angulatus*)  
Tanner crab (*Chionoecetes bairdi*)  
King crab (*Paralithodes camtschatica*)  
King crab (*Paralithodes platypus*)  
King crab (*Paralithodes brevipes*)  
Lobster (*Homarus americanus*)  
Dungeness crab (*Cancer magister*)  
California king crab (*Paralithodes californiensis*)  
California king crab (*Paralithodes rathbuni*)  
Golden king crab (*Lithodes aequispinus*)  
Northern stone crab (*Lithodes maja*)  
Stone crab (*Menippe mercenaria*)  
Deep-sea red crab (*Geryon quinque-dens*)

#### MOLLUSKS

Red abalone (*Haliotis rufescens*)  
Pink abalone (*Haliotis corrugata*)  
Japanese abalone (*Haliotis kamtschatkana*)  
Queen conch (*Strombus gigas*)  
Surf clam (*Spisula solidissima*)  
Ocean quahog (*Arctica islandica*)

#### SPONGES

Glove sponge (*Hippiospongia canaliculata*)  
Sheepswool sponge (*Hippiospongia lachne*)  
Grass sponge (*Spongia graminea*)  
Yellow sponge (*Spongia barbera*)

(i) "Designated representative" means the person appointed by a nation and maintained within the United States who is responsible for receiving and submitting reports and other information concerning fishing by vessels from that nation.

(j) "Directed fishery" with respect to any species, means a fishery conducted for the purpose of catching that species.

(k) "Discard" or "discarded" means to release or return to the sea fish whether or not such fish are brought fully aboard a fishing vessel.

(l) "Existing International Fishery Agreement" means any treaty, convention or agreement, to which the United States is a party, which relates

to fishing and which was in effect on April 13, 1976, namely:

(1) The International Convention for the High Seas Fisheries of the North Pacific Ocean, with Annex and Protocol of May 9, 1952, as amended; and

(2) The Convention for the Preservation of the Halibut Fishery of the North Pacific Ocean and the Bering Sea of March 2, 1953 (termination scheduled on March 31, 1979).

(m) "Fish" means finfish, mollusks, crustaceans, and all other forms of marine animal or plant life other than marine mammals, birds and highly migratory species.

(n) "Fish over which the United States exercises exclusive fishery management authority" means:

(1) All fish within the fishery conservation zone;

(2) All anadromous species beyond the fishery conservation zone, except when they are within any foreign nation's territorial sea or fishery conservation zone (or equivalent), to the extent that such sea or zone is recognized by the United States; and

(3) All Continental Shelf fishery resources beyond the fishery conservation zone.

(o) "Fishery" means:

(1) One or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; or

(2) Any fishing for such stocks.

(For related definitions, see: Directed fishery, paragraph (j) of this section; Incidental catch, paragraph (y) of this section; and Prohibited species, paragraph (bb) of this section.)

(p) "Fishery conservation zone" (FCZ) means the area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal states to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

(q) "Fishery resource" means any fishery, any stock of fish, any species of fish, and any habitat of fish.

(r) "Fishing" means any activity, other than scientific research, which:

(1) Does, is intended to, or can reasonably be expected to result in the catching or removal from the sea of fish over which the United States exercises exclusive fishery management authority;

(2) Consists of scouting or exploring for the presence of such fish by visual, acoustic, or other means which do not involve removal of fish from the sea; or

(3) Consists of any operation at sea in support of, or in preparation for, any activity described in paragraphs (1) and (2) of this definition, including, but not limited to:

(i) Processing, including freezing, fish or fish products;

(ii) Transferring or transporting fish or fish products; or

(iii) Supplying a fishing vessel with water, fuel, provisions, fishing equipment, fish processing equipment, or other supplies.

(s) "Fishing vessel" means any boat, ship, or other craft which is used for, equipped to be used for, or of a type normally used for, fishing.

(t) "Foreign fishing" means fishing by a vessel other than a vessel of the United States.

(u) "Foreign fishing vessel" means any fishing vessel other than a vessel of the United States.

(v) "Gear conflict" means any incident at sea involving one or more fishing vessels:

(1) In which one fishing vessel or its gear comes into contact with another vessel or the gear of another vessel, and

(2) Which results in the loss of, or damage to, a fishing vessel, fishing gear, or catch.

(w) "Governing International Fishery Agreement" means an agreement between the United States and a foreign nation under Section 201(c) of the Act.

(x) "Highly migratory species" means the species of tuna which in the course of their life cycle spawn and migrate over great distances of the ocean, including, but not limited to:

Albacore (*Thunnus alalunga*)  
Bigeye tuna (*Thunnus obesus*)  
Bluefin tuna (*Thunnus thynnus*)  
Skipjack tuna (*Euthynnus pelamis*)  
Southern bluefin tuna (*Thunnus maccoyii*)  
Yellowfin tuna (*Thunnus albacares*)

(y) "Incidental catch" means fish of any species, other than the directed fishery species, which are caught during a directed fishery.

(z) "Operator", with respect to any vessel, means the master or other individual on board and in charge of that vessel.

(aa) "Owner", with respect to any vessel means any person who owns that vessel or any charterer, whether bareboat, time, or voyage; or any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel.

(bb) "Prohibited species", with respect to any vessel, means any species of fish which that vessel is not specifically authorized to retain.

(cc) "Round weight" means whole fish weight.

(dd) "Secretary" means the Secretary of Commerce or a designee.

(ee) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Northern Mariana Islands, and any other Commonwealth, territory, or possession of the United States. It does not include the remaining districts of the Trust Territory of the Pacific Islands.

(ff) "Vessel day" means a unit of fishing effort measured by the presence, for any part of a day, of a vessel rigged for fishing (as defined in paragraph (r)(1) of this section) in a designated fishing area.

(gg) "Vessel of the United States" means:

(1) A vessel documented or numbered by the Coast Guard under United States law; or

(2) A vessel, under five net tons, which is registered under the laws of any State.

#### § 611.3 Permits for foreign fishing vessels.

(a) No foreign fishing vessel may engage in fishing unless a permit has been issued to it under this section.

(b) Registration permits for foreign vessels to engage in fishing pursuant to an Existing International Fishery Agreement may be issued annually by the Secretary of State upon application from the foreign nation.

(c) Annual permits for foreign fishing vessels to engage in fishing pursuant to a Governing International Fishery Agreement may be issued by the Assistant Administrator after:

(1) His approval of an application from the foreign nation;

(2) The foreign nation's acceptance of the applicable terms and conditions;

(3) The payment of the fees established by the Secretary; and

(4) The designation of an agent.

(d) Applications for foreign vessel permits shall be submitted on forms available from: Office of Fisheries Affairs, Department of State (OES/OFA), Washington, D.C. 20520. To allow time for review and comments by the public, the involved governmental agencies, and appropriate fishery management councils, and the necessary processing, applications should be submitted to the Secretary of State at least 90 days prior to the date on which the foreign vessel desires to commence fishing under the proposed permit.

(e) The procedures for issuance of permits under paragraph (c) of this section and the commencement of activities thereunder are as follows:

(1) Permit Forms will be distributed to foreign nations in advance of permit issuance in order that they

may be readily available for completion when permits are issued. The Permit Form provides spaces for insertion of all pertinent information contained in the permit and instructions for its use.

(2) Permits are issued by the Assistant Administrator, through the Secretary of State, in Washington, D.C., U.S.A. Permits are valid when issued, but not earlier than January 1 of the year for which the permit is issued. Permits are valid only for the specific vessel(s) for which they are issued. However, permits are not issued for small boats used for fishing which are launched from larger vessels. Each such small boat is an extension of its mothership and any enforcement action or permit sanction which might result from the activities of any such small boat would be taken against the mothership. A permit specifies the permit number for each permitted vessel, the fisheries and activities authorized for each permitted vessel, any other activities authorized, any additional conditions and restrictions applicable to a permitted vessel, and the date of issuance of the permit.

(3) A vessel may engage in fishing activities authorized in its permit only after:

(i) The permitted vessel has received notification of the permit number, the fisheries and activities authorized, any additional activities authorized, any applicable additional conditions and restrictions, and the date of issuance of the permit, and

(ii) The vessel has substantiated receipt of such notification by prominently displaying a properly completed Permit Form in the wheelhouse of such permitted vessel.

(4) If a permit is modified by the Assistant Administrator, the fisheries, activities, conditions and restrictions, as modified, must be recorded on the Permit Form and prominently displayed in the wheelhouse.

(5) The burden of accurately transmitting the notification of the contents of the permit (or modification) to the foreign fishing vessel, and the burden of accurately recording the pertinent contents of the permit (or modification) on the Permit Form, shall be upon the foreign nation and the owner or operator of the foreign fishing vessel.

(f) For determination of appropriate permit fees for permits issued under paragraph (c) of this section and for determination of activities authorized by such permit, the following definitions apply:

(1) "Catching" is those activities described in § 611.2(r) (1) or (2).

(2) "Processing" is those activities described in § 611.2(r)(3)(i).

(3) "Other Support" is those activities described in § 611.2(r)(3) (ii) or (iii).

(g) If a foreign fishing vessel has been used in the commission of any act prohibited by § 611.7, or if an agent is not maintained within the United States, the Assistant Administrator may take appropriate action with respect to a permit issued under paragraph (c) of this section, under the administrative civil procedures specified in 50 CFR Part 621.

(h) Permits issued under this section do not authorize vessels or persons to engage in the kill, capture, or harassment of marine mammals. The requirements, restrictions and prohibitions applicable to marine mammals and the application procedures for permits to take marine mammals incidental to fishing operations are contained in 50 CFR 216.24.

(i) Permits issued under paragraph (c) of this section may be modified by the Assistant Administrator as follows:

(1) Because compliance with this Part 611 of the regulations is a condition of all foreign fishing permits, such permits may be modified by amendment of these regulations. Any such modification which would adversely affect activities under a permit will be effective no sooner than ten days after publication of the final amended regulation in the FEDERAL REGISTER. Other changes in the regulations may be made effective immediately. Notice of potentially adverse modifications will be sent by the Assistant Administrator to:

(i) Each nation whose fishing vessels are affected (via the Secretary of State); and

(ii) The owner of each affected fishing vessel (via the agent).

(2) The Assistant Administrator may modify any permit for purposes of "conservation and management" (as defined in section 3(2) of the Act) of fishery resources covered by the permit. Except as provided in subparagraph (2)(vii) of this paragraph such modifications will be effected as follows:

(i) The Assistant Administrator shall notify the owner of the affected fishing vessel (via the agent) of the proposed modification and shall provide a summary of the reasons underlying the proposal.

(ii) The owner of the affected vessel may:

(A) Submit written comments on the proposed modification within 30 days after receipt of the notice; and

(B) Receive an informal hearing on the proposed modification if his written request for such a hearing is received by the Assistant Administrator within 15 days after receipt of the notice.

(iii) The Assistant Administrator will publish a notice of the proposed modification in the FEDERAL REGISTER providing for a 30-day public comment period. The Assistant Administrator will also notify the appropriate Regional Fishery Management Councils, the Secretary of State, and the Commandant of the Coast Guard asking for their written comments within 30 days of receipt of such notice.

(iv) Not less than 15 days prior to the date of a hearing, the Assistant Administrator shall:

(A) Publish a notice of the hearing in the FEDERAL REGISTER;

(B) Notify the requesting owner of the time and place of the hearing (via the agent).

(v) The Assistant Administrator may allow public participation at the hearing. The requesting owner and other participants may submit all relevant material, data, views, comments, arguments, and exhibits at the hearings. A summary record shall be kept of any such hearing.

(vi) The Assistant Administrator shall make a final decision regarding the proposed modification as soon as practicable after the 30-day comment period and the hearing, if any. Notice of the modification will be published in the FEDERAL REGISTER and will be sent to the nation involved (via the Secretary of State), the owner of the permitted fishing vessel (via the agent), each appropriate Regional Fishery Management Council, the Secretary of State, the Commandant of the Coast Guard, the Committee on Merchant Marine and Fisheries of the House of Representatives, and the Committees on Commerce, Science, and Transportation, and on Foreign Relations of the Senate.

(vii) If necessary to prevent substantial harm to a fishery resource of the United States, the Assistant Administrator may make the proposed modification effective immediately or otherwise earlier than 30 days after the date of notice of proposed modification. In such cases, the Assistant Administrator shall summarize his findings of necessity and the reasons therefore in the notices of the proposed modification required by this section. The Assistant Administrator shall expedite the hearing process whenever a modification has been implemented on an interim basis.

(3) A nation may submit a written request for a modification of any permit applicable to a vessel of that nation. The Assistant Administrator may make technical modifications or corrections requested by the nation, such as change in radio call sign, which will be effective immediately. Similarly, a change in information submitted on an application, such as change in ownership of a vessel, proc-

essing equipment, or tonnage, will be effective immediately.

(4) If, in the opinion of the Assistant Administrator, a permit change requested by a nation could significantly affect the status of any fishery resource, such request will be treated as an application for a new permit and procedures for issuance of the permit will be in accordance with section 204 of the Act.

(5) After modification of a permit under § 611.3(i)(2) or (3) of this section, the Assistant Administrator shall promptly issue a revised permit to the nation involved.

#### § 611.4 Vessel reporting.

(a) The operator of each foreign fishing vessel shall notify the Coast Guard, in the manner set forth in paragraph (b) of this section, of:

(1) The time and position at which the vessel will *begin* fishing (action code BEGIN) (see paragraph (d) of this section for use of action codes);

(2) The time and position of a temporary *departure* from the fishing grounds (that is, the specific location where fishing is conducted within a fishing area) for the purpose of embarking or debarking an observer or for a call at a U.S. port, or any other temporary departure from the grounds which will involve departure from any authorized fishing area but which does not include departure from the seaward limits of the fishery conservation zone (action code DEPART);

(3) The time and position of *return* to the fishing grounds following a temporary departure described in subparagraph (2), above (action code RETURN);

(4) The time and position of any *shift* in its fishing area (as shown in Appendix II to § 611.9), except when changing between areas 2 and 3 in the Northwest Atlantic Ocean fishery (action code SHIFT);

(5) The time and position it will *cease* fishing, intending to leave the fishery conservation zone (action code CEASE).

(b) The notices required by paragraph (a) of this section shall be in English. They should be delivered via private or commercial communications facilities to the appropriate Coast Guard commander who will relay them to the appropriate National Marine Fisheries Service Region (see Table I). If adequate private or commercial communications facilities have not been successfully contacted, only then may the required notice be delivered via the closest Coast Guard communications station as indicated in the accompanying Table II. Radiotelegraphy or TELEX must be used if available. Voice reports will be accepted in English only.

(c) The notices required by paragraphs (a)(1) and (a)(5) of this section must be *delivered* to the appropriate Coast Guard commander at least 24 hours prior to beginning or ceasing fishing. The other notices required by paragraph (a) of this section must be *transmitted* prior to the event requiring notice and *delivered* within 72 hours of the event.

(d) The notices required by this section shall contain the following information: the message identifier "VESREP" to indicate it is a required vessel report, vessel name, international radio call sign, date (month and day), time (hour and minute G.m.t.), latitude and longitude (degrees and minutes), fishing area (use code specified in Appendix II to section 611.9), and the appropriate action code (see paragraphs (a)(1)-(5) of this section). Fishing area and position to be reported shall be the area and position to which the vessel is proceeding for action codes BEGIN, and RETURN, and SHIFT, and the area and position being departed for action codes DEPART and CEASE. The date and time reported shall be the date and time of arrival at or departure from the indicated position.

An illustration of a sample report is as follows: The stern trawler NAVIS, LTUX, will begin fishing on March 11, 1979, at 1320 G.m.t. at position 59-30 N. latitude, 142-30 W. longitude in the Yakutat fishing area of the Gulf of Alaska.

The required message would be transmitted as follows:

From: M/V NAVIS, LTUX  
To: 17th Coast Guard District, Juneau, Alaska, Alaska Region, NMFS, Juneau, Alaska.  
VESREP  
NAVIS / LTUX / 0311 / 1320 / 5930N / 14230W / 64 / BEGIN

(e) The notices required by this section may be provided for individual vessels or groups of vessels (on a vessel-by-vessel basis) by fleet commanders or other authorized persons. In these cases, the message format in paragraph (d) of this section should be modified so that each line of the text under "VESREP" is a separate vessel report.

An illustration of a group report is as follows: The refrigerated transport vessel SOPOV, LJUJ, with a fleet commander aboard, wishes to report for three stern trawlers in his fleet. The

stern trawler NAVIS, LTUX, will begin fishing as described in the previous example. The stern trawler FISKVOL, LBEV, will temporarily depart the fishing grounds at 58°05' N. latitude, 149°50' W. longitude in the Kodiak fishing area on March 12, 1979, at 1200 G.m.t. to embark an observer. The stern trawler ALEXANDROV, LXDV, will cease fishing at 54°40' N. latitude, 157°15' W. longitude in the Chirikof fishing area on March 13, 1979, at 0800 G.m.t. to return to its home port. The required message would be transmitted as follows:

From: M/V SOPOV, LJUJ  
To: 17th Coast Guard District, Juneau, Alaska, Alaska Region, NMFS, Juneau, Alaska.  
VESREP  
NAVIS / LTUX / 0311 / 1320 / 5930N / 14230W / 64 / BEGIN //  
FISKVOL / LBEV / 0312 / 1200 / 5805N / 14950W / 63 / DEPART //  
ALEXANDROV / LXDV / 0313 / 0800 / 5440N / 15715W / 62 / CEASE //

Since the illustrated group report contains notice of the beginning of fishing at 1320 G.m.t. on March 11, the message must be delivered to Commander, 17th Coast Guard District not later than 1320 G.m.t. on March 10.

TABLE I

Area	National Marine Fisheries Service	Coast Guard
Pacific Ocean off Hawaii and other insular possessions.	Southwest region, Terminal Island, Calif.	14th District, Honolulu, Hawaii (Telex: 392401).
Pacific Ocean off California, Oregon and Washington.	Northwest region, Seattle, Wash.	Pacific Area, San Francisco, California (Telex: 330427).
Pacific Ocean and Bering Sea off Alaska.	Alaska region, Juneau, Alaska.	17th District, Juneau, Alaska (Telex: 45305).
Atlantic Ocean north of Cape Hatteras.	Northeast region, Gloucester, Mass.	Atlantic Area, New York, New York (Telex: 126831).
Atlantic Ocean south of Cape Hatteras, the Gulf of Mexico and the Caribbean Sea.	Southeast region, St. Petersburg, Fla.	Do.

TABLE II

Station	Radiotelegraphy			Voice: Duplex high-frequency single-sideband channels guarded GMT <sup>2</sup>
	Call Sign	Bands Guarded	Times <sup>1</sup>	
Boston	NMF	500 kHz, 8, 12 mHz	H24	B(0000-2400)
Portsmouth	NMN	500 kHz, 8, 12 mHz	H24	A(0200-1200) B(0000-2400) C(0000-2400)
		16 mHz	HJ	D(1200-0200) E (On request)
Miami	NMA	500 kHz	H24	B(0000-2400)
San Juan	NMR	500 kHz, 8, 12 mHz	H24	None
		17 mHz	HJ	
New Orleans	NMG	500 kHz	H24	A(0200-1200) B(0000-2400) C(0000-2400)
				D(1200-0200) E (On request)
San Francisco	NMC	500 kHz, 12 mHz	H24	A(0000-2400) B(0000-2400) C(0000-2400)
		6 mHz	HN	D (On request) E (On request)
		16, 22 mHz	HJ	
Honolulu	NMO	500 kHz, 8, 12 mHz	H24	A(0000-2400) B(0000-2400) C(0000-2400)
		16 mHz	HJ	D (On request) E (On request)
Guam	NRV	500 kHz	H24	B(0900-2100) D(2100-0900)
Kodiak	NOJ	500 kHz, 8 mHz	H24	B(0000-2400) A, C, D and E (On request)

<sup>1</sup>Times guarded as follows:

HJ—Daytime (2 hours after sunrise until 2 hours before sunset, local time).

HN—Nighttime (2 hours before sunset until 2 hours after sunrise, local time).

H24—Continuous, 24 hours.

<sup>2</sup>Carrier frequencies (kHz) as follows:

Letter	Shore transmit	Ship transmit
A	4428.7	4134.3
B	6508.4	6200.0
C	8765.4	8241.5
D	13113.2	12342.4
E	17307.3	16534.4

## § 611.5 Vessel and gear identification.

(a) Identification. (1) Each fishing vessel assigned an international radio call sign (IRCS) shall display that call sign amidships on both the port and starboard sides of the deck house or hull, and on an appropriate weather deck.

(2) Each fishing vessel not assigned an IRCS, such as a small trawler associated with a mothership or one of a pair of trawlers, shall display the IRCS of the associated vessel followed by a numerical suffix. (For example, JCZM-1, JCZM-2, etc. would be displayed on small trawlers not assigned an IRCS operating with a mothership whose IRCS is JCZM; JANP-1 would be displayed by a pair trawler not assigned an IRCS operating with a trawler whose IRCS is JANP).

(b) The identifying markings shall be permanently affixed to the vessel in contrasting block Roman alphabet letters and arabic numerals at least one meter in height for vessels over 20 meters in length and at least one-half meter in height for all other vessels.

(c) The operator of each vessel shall:

(1) Keep the identifying markings clearly legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging or its fishing gear obstructs the view of the markings from an enforcement vessel or aircraft.

(d) Each vessel engaged in fishing shall display the lights and shapes prescribed by the International Regulations for Preventing Collisions at Sea, 1972, for the activity in which the vessel is engaged.

(e) Any fishing gear which, when in use, is not physically and continuously attached to a fishing vessel shall be clearly marked with the IRCS of the vessel to which it belongs. Such marking shall be affixed to at least one element of the fishing gear so as to be visible above the water.

## § 611.6 Facilitation of enforcement.

(a) The operator of each fishing vessel shall immediately comply with instructions issued by authorized officers to facilitate boarding and inspection of the vessel for purposes of enforcing the Act and these regulations.

(b) Upon being approached by a Coast Guard cutter or aircraft or

other vessel or aircraft authorized to enforce the Act, a vessel shall be alert for signals conveying enforcement instructions. The following signals based on the International Code of Signals are among those which may be used:

(1) "L" meaning "You should stop your vessel instantly";

(2) "SQ3" meaning "You should stop or heave to; I am going to board you";

(3) "RY CY" meaning "You should proceed at slow speed, a boat is coming to you"; and

(4) "AA AA AA, etc." which is the call for an unknown station, to which the signaled vessel should respond by identifying itself or by illuminating (or clearing obstructions from) the vessel identification required by § 611.5.

(c) A vessel signaled for boarding shall:

(1) Guard channel 16, VHF-FM, if equipped with VHF-FM radio;

(2) Stop immediately and lay to or maneuver in such a manner as to facilitate boarding by the authorized officer and his party;

(3) Provide a safe ladder for the authorized officer and his party (Safety of Life at Sea (SOLAS) Convention of 1960 pilot ladder preferred);

(4) When necessary to facilitate the boarding, provide a manrope, safety line and illumination for the ladder; and

(5) Take such other actions as necessary to ensure the safety of the authorized officer and his party and to facilitate the boarding and inspection.

(d) A Coast Guard cutter whose personnel wish to board a fishing vessel for purposes other than law enforcement will display the international code signal "SQ3 RQ" which means "Will you stop or heave to? May I board you?"

(e) If equipped with suitable radio equipment, each fishing vessel shall guard 500 kHz and 2182 kHz each day from 2000 to 2030 G.m.t.

(f) Fishing vessels, through a fleet commander or otherwise, shall provide vessel positions when requested by the National Marine Fisheries Service or the Coast Guard within the time specified in the request.

## § 611.7 Prohibitions.

(a) It is unlawful for any person to:

(1) Violate any provision of the Act or any regulation or permit issued under the Act;

(2) Use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, of an applicable permit issued under the Act;

(3) Violate any provision of, or regulation under, an applicable Governing International Fishery Agreement entered into under section 201(c) of the Act;

(4) Refuse to permit an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Act or any regulation, permit, or agreement referred to in paragraph (a)(1) or (a)(3) of this section;

(5) Forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (a)(4) of this section;

(6) Resist a lawful arrest for any act prohibited by this section;

(7) Ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of any fish taken or retained in violation of this Act or any regulation, permit, or agreement referred to in paragraph (a)(1) or (a)(3) of this section; or

(8) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section.

(b) It is unlawful for any vessel other than a vessel of the United States, and for the owner or operator of any vessel other than a vessel of the United States, to engage in fishing:

(1) Within the boundaries of any State; or

(2) Within the fishery conservation zone, or for any anadromous species or Continental Shelf fishery resources beyond such zone, unless such fishing is authorized by, and conducted in accordance with, a valid and applicable permit issued pursuant to § 611.3.

(c) A person is guilty of a criminal offense if he commits any act prohibited by paragraph (a)(4), (a)(5), (a)(6), (a)(8) or (b) of this section.

§ 611.8 Observers.

(a) For the purposes of collecting scientific data and carrying out such other management and enforcement activities as may be authorized, the Assistant Administrator may assign an observer to any foreign fishing vessel. The owner and operator of any vessel to which such an observer is assigned shall:

(1) Provide, at no cost to the observer or the United States, accommodations for the observer aboard the vessel which are equivalent to those provided to the officers of that vessel;

(2) Cause the vessel to proceed to such places and at such times as may be designated by the Assistant Administrator for the purpose of embarking and debarking the observer;

(3) Allow the observer to use the vessel's communications equipment and personnel as necessary for the transmission and receipt of messages;

(4) Allow the observer access to and use of the vessel's navigation equipment and personnel as necessary to determine the vessel's position; and

(5) Provide all other reasonable assistance to enable the observer to carry out his duties.

(b) The owner and operator of each fishing vessel to which an observer is assigned shall reimburse the United States for the total costs of placing the observer aboard, including salary, per diem, transportation of observer, and overhead costs. Payment of these costs shall be made upon billing at the end of the calendar year.

(c) It is unlawful for any person to forcibly assault, resist, oppose, impede, intimidate, or interfere with an observer placed aboard a vessel under this section.

§ 611.9 Reports and record keeping.

(a) The operator of each foreign fishing vessel shall maintain an accurate log of catch and effort information in accordance with the regulations for the fishery in which the vessel is engaged.

(b) Upon each transfer of any fish or fishery product, the operators of both the transferring and receiving vessels shall record in their respective logs:

(1) The date, time, and location (in geographic coordinates) of the transfer;

(2) The weight or number, by species, of all fish transferred; and

(3) The name, nationality, and permit number of the other vessel involved in the transfer.

(c) The operator of each foreign fishing vessel shall record, in a communications log, the Greenwich mean time and content of each notification made under § 611.4.

(d) *Daily cumulative catch log.* (1) All foreign fishing vessels, except as otherwise provided in § 611.90(e)(2),

shall maintain a daily cumulative catch log in English. This log shall have recorded on a daily and a cumulative basis the round weight of all catches of all allocated species during the permit period. The log shall be maintained aboard the vessel during the duration of the permit period. Information for each fishing area shall be maintained on a separate page of the log.

(2) The log shall contain the following information:

(i) Name and call sign of the vessel.

(ii) Permit number.

(iii) Date.

(iv) Allocated species by common name and species code number (see Appendix I).

(v) Fishing area and area code number where caught (see Appendix II).

(vi) Daily catch by allocated species to the nearest hundredth of a metric ton (0.01 m.t.).

(vii) Disposition of the catch: human consumption (including consumed on board), fishmeal, or discarded.

(viii) Cumulative total catch for each allocated species in each fishing area.

(3) This daily cumulative catch log must be in the format illustrated in Appendix III, which contains the instructions for completing the log. No adjustment shall be made in this log to deduct any catch off-loaded. The log must record this information for each of the species for which the vessel's flag nation has an allocation (see § 611.21).

(4) In the Washington, Oregon, California trawl fishery, record in addition to allocated species, the prohibited species salmon (species code 210) and halibut (species code 722) which are discarded, in terms of the number of fish.

(e) *Weekly catch report.* (1) Each foreign nation shall submit, through the designated representative, a weekly report stating, on a vessel-by-vessel basis, except as otherwise provided in § 611.90(e)(2), the catch in round weight of the species allocated to that nation, for the weekly period Sunday through Saturday, Greenwich mean time. In the Washington, Oregon, California trawl fishery, in addition to allocated species, catch of salmon and halibut in numbers of fish shall be reported.

(2) This report shall contain the following information:

(i) Name of vessel.

(ii) Permit number.

(iii) Month and day (last day of reporting period).

(iv) Fishing areas by code numbers.

(v) Number of days actually fished in each fishing area during the reporting period.

(vi) Allocated species caught during the reporting period by species code

number (regardless of whether retained or discarded).

(vii) Weight of catch of allocated species by fishing area and species rounded to the nearest tenth of a metric ton (0.1 m.t.).

(3) This weekly report must be in the format illustrated in Appendix IV, which contains instructions for completing the report form, a sample of the form, and a sample of a Telex report.

(4) This report must arrive at the address and time specified in Appendix IV D. The report may be sent by Telex but mail or hand delivery is permitted if it will arrive by the prescribed time. If the report is sent by Telex, a completed copy of the report form must be submitted by mail as a confirmation of the Telex report.

(f) *Weekly report of receipts of U.S. harvested fish.* (1) Each foreign nation shall submit, through the designated representative, a weekly report stating, on a vessel-by-vessel basis, any receipt of U.S. harvested fish for the weekly period Sunday through Saturday, Greenwich mean time. No report is required for vessels which receive no U.S. harvested fish during the reporting period.

(2) This report shall contain the following information:

(i) Name of vessel.

(ii) Permit number.

(iii) Month and day (last day of reporting period).

(iv) Fishing areas by code numbers.

(v) Species received during the week by species code number (regardless of whether retained or discarded).

(vi) Weight of fish received by fishing area and species rounded to the nearest tenth of a metric ton (0.1 m.t.).

(3) This weekly report must be in the format illustrated in Appendix V, which contains instructions for completing the report form, a sample of the form, and a sample of a Telex report.

(4) This report must arrive at the address and time as specified in the submission instructions for the Weekly Catch Report in Appendix IV D. The report may be sent by Telex but mail or hand delivery is permitted if it will arrive by the prescribed time. If the report is sent by Telex, a completed copy of the report form must be submitted by mail as a confirmation of the Telex report.

(g) *Weekly report of marine mammal incidental catch.* (1) Each foreign nation shall submit, through the designated representative, a weekly report stating, on a vessel-by-vessel basis, except as otherwise provided in § 611.90(e)(2), any incidental catch of marine mammals for the weekly period Sunday through Saturday, Greenwich mean time. No report is re-



quired for vessels which have no incidental catch of marine mammals during the reporting period.

(2) This report shall contain the following information:

- (i) Name of vessel.
- (ii) Permit number.
- (iii) For each marine mammal caught:
  - (A) Date.
  - (B) Latitude and longitude.
  - (C) Species, by species code number.
  - (D) Status of mammal by status code number.

(3) This weekly report must be in the format illustrated in Appendix VI, which contains instructions for completing the report form, a sample of

the form, and a sample of a Telex report.

(4) This report must arrive at the address and time as specified in the submission instructions for the Weekly Catch Report in Appendix IV D. The report may be sent by Telex but mail or hand delivery is permitted if it will arrive by the prescribed time. If the report is sent by Telex, a completed copy of the report form must be submitted by mail as a confirmation of the Telex report.

(5) For information regarding the kill, capture, or harassment of marine mammals and the requirements for permits to take marine mammals inci-

dental to fishing operations, see § 611.3(h) and 50 CFR 216.24.

(h) In addition, the owner or operator of each fishing vessel shall provide to the Assistant Administrator, in such form and at such times as the Assistant Administrator may prescribe, such other information as the Assistant Administrator may request to carry out duties under the Act.

(i) The records and logbooks required to be kept by this section shall be:

(1) Accurately and timely maintained in a form satisfactory to the Assistant Administrator; and

(2) Made available for inspection by any authorized officer at any time.

#### APPENDIX I.—Species Codes

##### A. ATLANTIC OCEAN FISHES (INCLUDING THE GULF OF MEXICO)

Code	Common English name	Scientific name
FINFISHES		
101	Cod, Atlantic.....	<i>Gadus Morhua</i>
102	Haddock.....	<i>Melanogrammus aeglefinus</i>
103	Redfish.....	<i>Sebastes marinus</i>
104	Hake, silver.....	<i>Merluccius bilinearis</i>
105	Hake, red.....	<i>Urophycis chuss</i>
106	Pollock.....	<i>Pollachius virens</i>
202	Herring, Atlantic.....	<i>Clupea harengus harengus</i>
204	Mackerel, Atlantic.....	<i>Scomber scombrus</i>
210	Salmon, coho.....	<i>Oncorhynchus kisutch</i>
212	Butterfish.....	<i>Peprilus triacanthus</i>
216	Menhaden, Atlantic.....	<i>Brevoortia tyrannus</i>
220	Saury, Atlantic.....	<i>Scomberesox saurus</i>
228	Bluefish.....	<i>Pomatomus saltatrix</i>
264	Swordfish.....	<i>Xiphias gladius</i>
112	Plaice, American.....	<i>Hippoglossoides platessoides</i>
114	Flounder, witch.....	<i>Glyptocephalus cynoglossus</i>
116	Flounder, yellowtail.....	<i>Limanda ferruginea</i>
120	Halibut, Atlantic.....	<i>Hippoglossus hippoglossus</i>
122	Flounder, winter.....	<i>Pseudopleuronectes americanus</i>
124	Flounder, summer.....	<i>Paralichthys dentatus</i>
132	Goosefish.....	<i>Lophius americanus</i>
136	Seabrobs (NS).....	<i>Triglidae</i>
144	Cusk.....	<i>Brosme Brosme</i>
164	Pout, ocean.....	<i>Macrozoarces americanus</i>
168	Grenadier, roundnose.....	<i>Macrourus rupestris</i>
172	Lances, sand (NS).....	<i>Anmodytidae</i>
176	Scup.....	<i>Stenotomus chrysops</i>
182	Tilefish.....	<i>Lopholatilus chamaeleonticeps</i>
186	Hake, white.....	<i>Urophycis tenuis</i>
188	Wolffishes (NS).....	<i>Anarhichadidae</i>
894	Sculpin (NS).....	<i>Cottidae</i>
302	Alewife.....	<i>Alosa pseudoharengus</i>
309	Herring, river (302/334/360).....	
310	Shad, American.....	<i>Alosa sapidissima</i>
312	Argentine, Atlantic.....	<i>Argentina silus</i>
318	Salmon, Atlantic.....	<i>Salmo salar</i>
332	Bass, Black Sea.....	<i>Centropristis spp.</i>
334	Herring, blueback.....	<i>Alosa aestivalis</i>
340	Capelin.....	<i>Mallotus villosus</i>
354	Shad, gizzard.....	<i>Dorosoma cepedianum</i>
360	Shad, hickory.....	<i>Alosa mediocris</i>
406	Scad, rough (jack mackerel).....	<i>Trachurus lathami</i>
459	Dogfishes (NS).....	<i>Squalidae</i>
469	Sharks (NS).....	<i>Squaliformes</i>
479	Skates (NS).....	<i>Rajiformes</i>
499	Other finfish.....	<i>Osteichthyes—Condriichthyes</i>
137	Red snapper.....	<i>Lutjanus campechanus</i>
155	Snappers (NS).....	<i>Lutjanidae</i>
199	Porgies (NS).....	<i>Sparidae</i>
444	Jewfish.....	<i>Epinephelus itajara</i>
445	Red grouper.....	<i>Epinephelus morio</i>
447	Warsaw grouper.....	<i>Epinephelus nigritus</i>
450	Black grouper.....	<i>Mycteroperca bonaci</i>
456	Groupers (NS).....	<i>Serranidae</i>
461	Tilefish (NS).....	<i>Branchiostegidae</i>
848	Reef fishes (NS).....	
206	Great barracuda.....	<i>Sphyraena barracuda</i>
237	Dolphin.....	<i>Coryphaena hippurus</i>
230	Pompano dolphin.....	<i>Coryphaena equisetis</i>
225	Wahoo.....	<i>Acanthocybium solanderi</i>
372	Stingrays (NS).....	<i>Dasyatidae</i>
373	Eagle rays (NS).....	<i>Myliobatidae</i>

Code	Common English name	Scientific name
<b>INVERTEBRATES</b>		
502	Squid, long-finned	<i>Loligo pealei</i>
504	Squid, shortfinned	<i>Illex illecebrosus</i>
509	Squid (NS)	<i>Cephalopoda</i>
536	Scallop, Sea	<i>Placopecten Magellanicus</i>
619	Crabs, marine (NS)	
622	Lobster, northern	<i>Homarus americanus</i>
639	Shrimps (NS)	
<b>B. PACIFIC OCEAN FISHES</b>		
<b>FINFISHES</b>		
701	Pollock (walleye, Alaska)	<i>Theragra chalcogramma</i>
702	Pacific cod	<i>Gadus macrocephalus</i>
703	Sablefish (black cod)	<i>Anoplopoma fimbria</i>
704	Pacific hake	<i>Merluccius productus</i>
118	Turbot (greenland)	<i>Reinhardtius hippoglossoides</i>
721	Turbot (arrow-tooth flounder)	<i>Atheresthes stomias</i>
720	Yellowfin sole	<i>Limanda aspera</i>
129	Other flounders (NS)	<i>Pleuronectiformes</i>
780	Pacific Ocean perch	<i>Sebastes alutus</i>
849	Other rockfish (NS)	<i>Scorpaenidae</i>
885	Lingcod	<i>Ophiodon elongatus</i>
207	Atka mackerel	<i>Pleuragrammus monopterygius</i>
208	Jack mackerel	<i>Trachurus symmetricus</i>
209	Pacific herring	<i>Clupea harengus pallasi</i>
722	Pacific halibut	<i>Hippoglossus stenolepis</i>
211	Steelhead trout	<i>Salmo gairdneri</i>
210	Pacific salmon (all species)	<i>Oncorhynchus spp.</i>
499	Other finfish (NS)	<i>Osteichthyes—Chondrichthyes</i>
200	Armorhead	<i>Pentaceros Richardsoni</i>
201	Alfonsin	<i>Beryx splendens</i>
237	Pompano dolphin	<i>Coryphaena equisetis</i>
230	Dolphin	<i>Coryphaena hippurus Linnaeus</i>
252	Sailfish	<i>Istiophorus platypterus</i>
253	Black marlin	<i>Makaira indicans</i>
255	Wahoo	<i>Acanthocybium solanderi</i>
260	Blue marlin	<i>Makaira nigricans</i>
261	Striped marlin	<i>Tetrapturus audax</i>
262	Shortbill spearfish	<i>Tetrapturus angustirostris</i>
263	Requiem sharks (NS)	<i>Carcharhinidae</i>
264	Broadbill swordfish	<i>Xiphus gladius</i>
265	Thresher sharks (NS)	<i>Alopiidae</i>
266	Mackerel sharks (NS)	<i>Lamnidae</i>
267	Hammerhead sharks (NS)	<i>Sphyrnidae</i>
<b>INVERTEBRATES</b>		
610	Tanner crab (opilio, snow, queen)	<i>Chionoecetes opilio</i>
501	Tanner crab (bairdi, snow, queen)	<i>Chionoecetes bairdi</i>
	Tanner crab (hybrid)	
676	Other crabs	<i>Chionoecetes species</i>
509	Squid (NS)	<i>Cephalopoda</i>
697	Shrimp (NS)	
696	Octopus (NS)	<i>Octopoda</i>
698	Spiny lobsters (NS)	<i>Palinuridae</i>
682	Corals (NS)	
539	Scallops (NS)	<i>Pectinidae</i>
673	Snails (NS)	<i>Gastropoda</i>
<b>C. MARINE MAMMALS</b>		
933	Baleen whales	<i>Mysticeti unspecified</i>
994	Toothed whales (NS)	<i>Odontoceti</i>
915	Beluga	<i>Delphinapterus leucas</i>
946	Northern right whale dolphin	<i>Lissodelphis borealis</i>
992	Pilot whales (NS)	<i>Globicephala sp.</i>
998	Porpoise (NS)	<i>Cetacea delphinidae</i>
936	Atlantic white-sided dolphin	<i>Lagenorhynchus acutus</i>
941	Bottlenose dolphin	<i>Tursiops truncatus</i>
940	Common dolphin	<i>Delphinus delphis</i>
947	Harbor porpoise	<i>Phocoena phocoena</i>
938	Pacific white-sided dolphin	<i>Lagenorhynchus obliquidens</i>
942	Risso's dolphin, grampus	<i>Grampus griseus</i>
934	Rough-toothed dolphin	<i>Steno bredanensis</i>
995	Seals (NS)	<i>Pinnipedia phocidae</i>
974	Bearded seal	<i>Erignathus barbatus</i>
976	Gray seal	<i>Halichoerus grypus</i>
967	Harbor seal	<i>Phoca vitulina</i>
972	Harp seal, Greenland seal	<i>Phoca groenlandica</i>
975	Hooded seal	<i>Cystophora cristata</i>
968	Largha seal, spotted seal	<i>Phoca largha</i>
981	Northern elephant seal	<i>Mitronaga angustirostris</i>

## RULES AND REGULATIONS

## APPENDIX I.—Species Codes—Continued

## B. PACIFIC OCEAN FISHES—Continued

Code	Common English name	Scientific name
958	Northern fur seal.....	<i>Callorhinus ursinus</i>
973	Ribbon seal.....	<i>Phoca fasciata</i>
969	Ringed seal.....	<i>Phoca hispida</i>
996	Sea lions (NS).....	<i>Pinnipedia otarriidae</i>
956	California sea lion.....	<i>Zalophus californianus</i>
955	Northern sea lion.....	<i>Eumetoplia jubatus</i>
966	Walrus.....	<i>Odobenus rosmarus</i>
987	Polar bear.....	<i>Ursus maritimus</i>
986	Sea otter.....	<i>Enhydra lutris</i>

## APPENDIX II.—Area Codes

Code Number	Name	Figure No.	Code Number	Name	Figure No.
<b>A. NORTHWEST ATLANTIC OCEAN FISHERY</b>					
01	Atlantic Area 1.....	1	61	Shumagin.....	3
02	Atlantic Area 2.....	1	62	Chirikof.....	3
03	Atlantic Area 3.....	1	63	Kodiak.....	3
04	Atlantic Area 4.....	1	64	Yakutat.....	3
05	Atlantic Area 5.....	1	65	Southeastern.....	3
11	Caribbean Area 11.....	4	66	Charlotte.....	3
12	Gulf of Mexico Area 12.....	4	67	Vancouver.....	3
13	Gulf of Mexico Area 13.....	4	71	Columbia.....	3
14	Gulf of Mexico Area 14.....	4	72	Eureka.....	3
15	Atlantic Area 15.....	4	73	Monterey.....	3
16	Atlantic Area 16.....	4	74	Conception.....	3
17	Atlantic Area 17.....	4	81	Hawaiian Islands FCZ *.....	
			82	Guam and Northern Mariana Islands FCZ *.....	
			83	American Samoa FCZ *.....	
<b>B. PACIFIC</b>					
51	Bering Sea Area I.....	2			
52	Bering Sea Area II.....	2			
53	Bering Sea Area III.....	2			
54	Bering Sea Area IV.....	2			

\* FCZ means the United States 200-mile fishery conservation zone.

C. Atlantic Billfish and Sharks Fishery.

[3510-22-C]

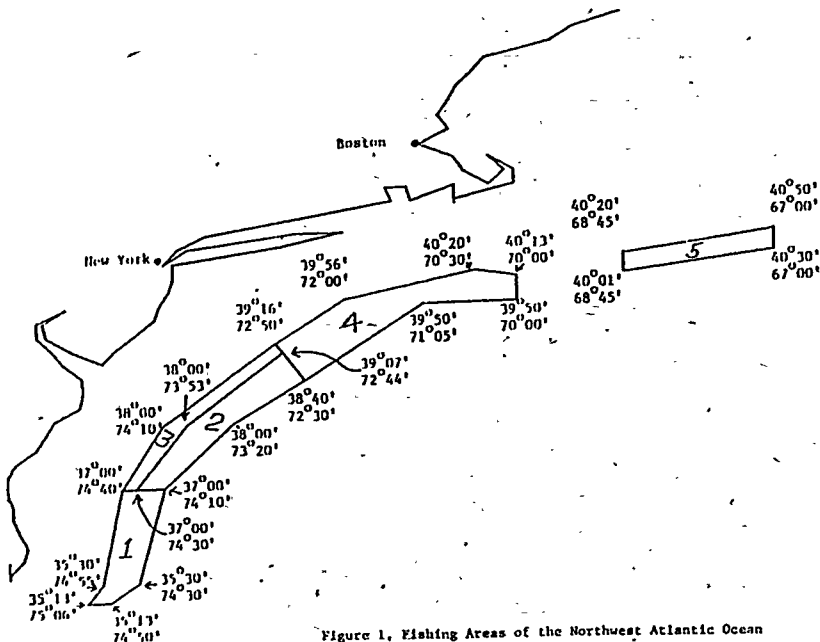


Figure 1. Fishing Areas of the Northwest Atlantic Ocean

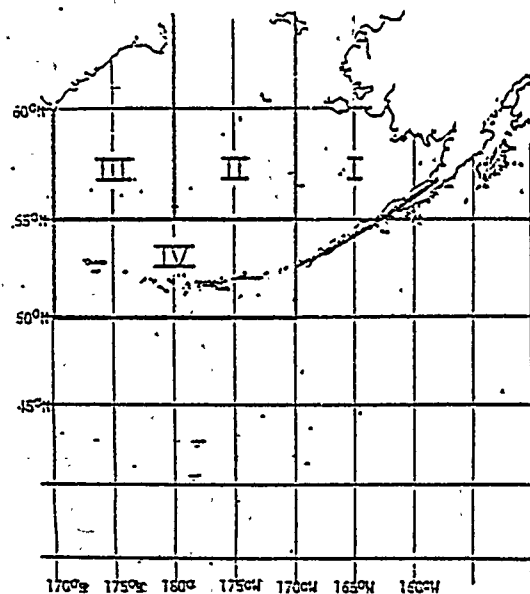


Figure 2. Fishing areas of the Bering Sea and Aleutian Islands.

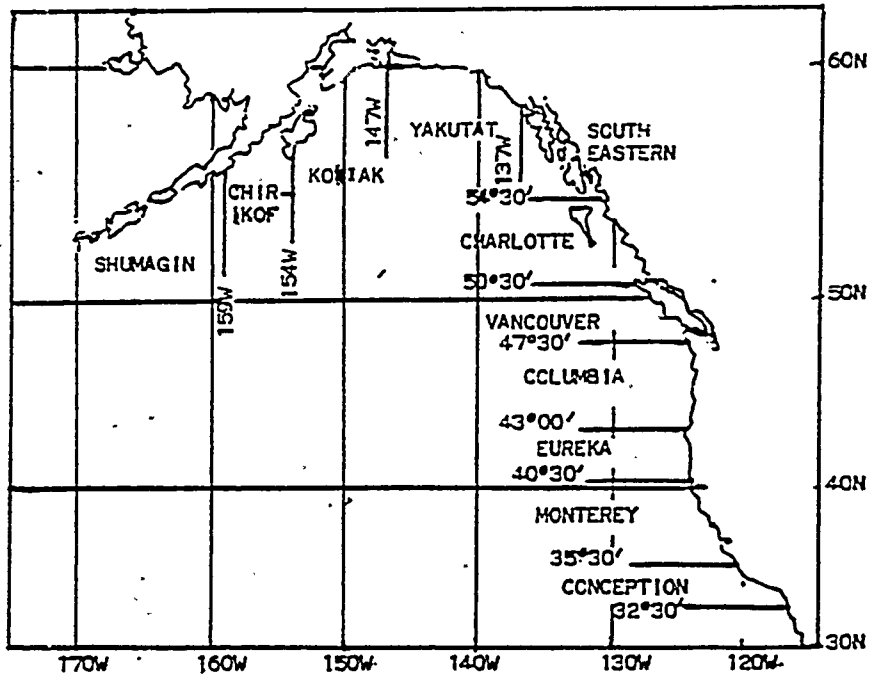


Figure 3. Fishing Areas of the Gulf of Alaska and Northeast Pacific.

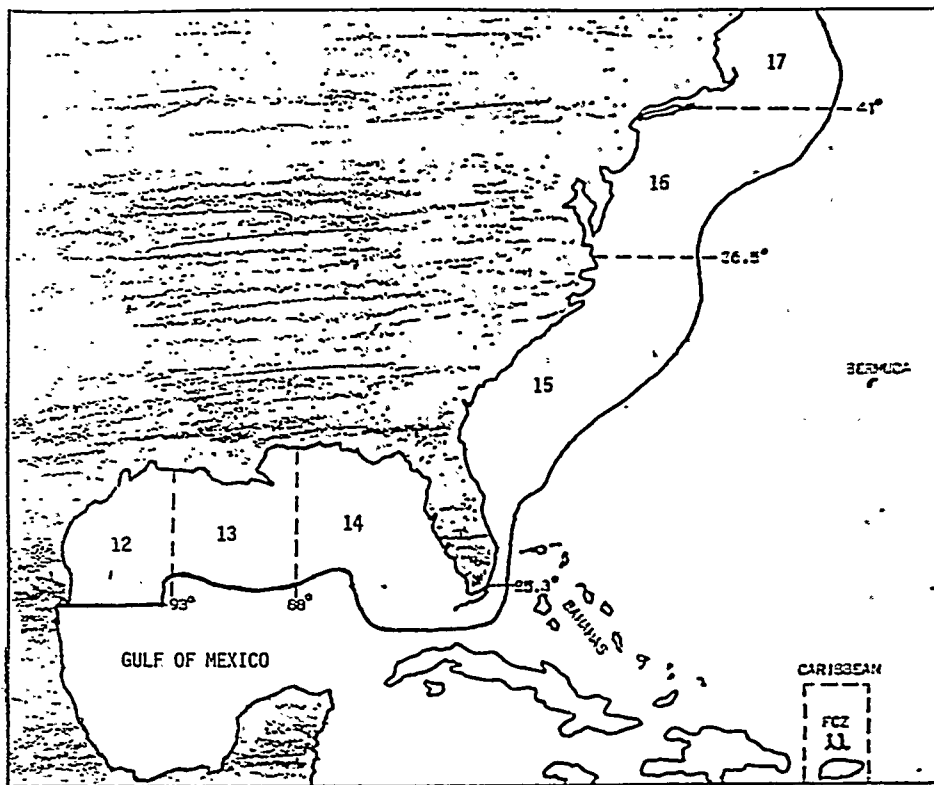


Figure 4. Fishing Areas of the Atlantic Billfish and Sharks Fishery.

## RULES AND REGULATIONS

APPENDIX III—DAILY CUMULATIVE CATCH  
Log

A. *Form Entries.* 1. Vessel name and call sign: Enter name and international radio call sign (IRCS) as shown on the permit.

2. Permit no.: Enter assigned permit number for the current year.

3. Fishing area and code number: Enter area and code number, from Appendix II, in which the fish were caught. The catch from each area shall be maintained on a separate form.

4. Date: Enter the day based on Greenwich mean time, on which the catch was taken.

5. Species: Enter the common name and species code for each species caught for which there is an applicable national allocation. Use appropriate species codes from Appendix I.

6. Catch: Enter each day's catch by species, to the nearest hundredth of a metric ton (0.01 m.t.), round weight, by fishing area.

7. Disposition: For each species, specify the disposition as follows: Enter "C" for fish consumed on board and for fish which are frozen or otherwise processed other than for fishmeal; enter "M" for fish which are processed for fishmeal; and enter "D" for fish which are discarded. For individual fish which are in part used for fishmeal with the remainder otherwise processed, enter "C".

8. Cumulative: Enter the cumulative total catch, by species, to the nearest hundredth of a metric ton (0.01 m.t.), round weight, by fishing area.

B. *Log maintenance.* The cumulative catch log is to be updated within 12 hours following the end of the day on which the catch was taken. Entries as to weights shall be based on the most accurate method available to the vessel including, but not limited to, scale round weights, factory weights converted to round weights, or estimated deck weights.

C. *Sample log entries.* 1. The stern trawler NAVIS, LTUX, permit number LT-79-0001-A, commenced fishing under its 1979 permit on March 13, 1979. On that date in the Yakutat area (code 64) of the Gulf of Alaska the vessel's catch of allocated species was 80.32 tons of pollock (code 701), 12.24 tons of Pacific ocean perch (code 780), and 6.20 tons of Atka mackerel (code 207). The pollock and Pacific ocean perch were frozen and the Atka mackerel were processed for fishmeal. On March 14, the vessel's catch of allocated species was 41.32 tons of pollock, 5.57 tons of Pacific ocean perch, and 1.80 tons of Atka mackerel in the Yakutat area before shifting to the Kodiak area where 23.44 tons of pollock, 23.68 tons of Pacific ocean perch, 86.36 tons of Atka mackerel, and .36 tons of sablefish were caught. The pollock and Pacific ocean perch were frozen and the Atka mackerel were discarded.

2. A separate log sheet would be required to record the catch in each fishing area. The log form for the Yakutat area would appear as follows:

DAILY CUMULATIVE CATCH LOG

RULES AND REGULATIONS

59305

VESSEL NAME AND CALL SIGN: NAVIS PERMIT NO. LT-79-0001-A

LTUX

FISHING AREA AND CODE NUMBER: YAKUTAT

64

DATE		SPECIES: Pollock - 701		SPECIES: Pacific ocean perch - 780		SPECIES: Atka mackerel 207	
DAY	MONTH YEAR	CATCH	DISP	CATCH	DISP.	CATCH	DISP.
13	3 79	80.32	C	12.24	C	6.20	M
14	3 79	41.32	C	5.57	C	1.80	D
						6.20	
						8.00	



## APPENDIX IV—WEEKLY CATCH REPORT

## A. Report form entries.

1. Page numbering: Sequentially number each page and the total number of pages in each submission. For example, the pages of a submission encompassing the catches of three vessels would be numbered "Page 1 of 3", "Page 2 of 3", and "Page 3 of 3".

2. Vessel name: Enter the vessel name as shown on the permit, flush left, up to 20 characters, in the space provided.

3. Permit number: Enter the current permit number without hyphens.

4. Month/Day: Enter the month and day on which the weekly reporting period ended. A reporting period begins on Sunday at 0001 hours, G.m.t. (except during the first week of each year when it begins on January 1) and ends on Saturday at 2400 hours, G.m.t. (except during the last week of each year when it ends on December 31).

For example, for the report period ending on Saturday, April 7, 1979, enter: 0407.

5. Area code: Enter the code from Appendix II for each area in which the vessel fished during the reporting period.

6. Days fished: Enter the number of days during which fishing gear was placed in the water in each fishing area during the reporting period.

7. Species: Enter the code from Appendix I for each allocated species caught during the reporting period. In addition, in the Washington, Oregon, California trawl fish-

ery, enter the species code 210 for salmon and the species code 722 for halibut.

8. Catch: Enter the round weight, to the nearest tenth of a metric ton (0.1 m.t.), by species and area, of allocated species caught during the reporting period, regardless of whether retained or discarded. In addition, in the Washington, Oregon, California trawl fishery, for salmon and halibut enter number of fish discarded.

9. Designated representative: Enter the name of the designated representative who is responsible for submitting reports for the foreign nation.

10. Date: Enter the date the report is submitted to the National Marine Fisheries Service by the designated representative.

## B. Telex reports.

1. To ensure receipt of the Weekly Catch Report in a timely manner, Telex reports may be used. If a Telex report is submitted, a completed copy of the report form must be submitted by mail as a confirmation. Designated representatives may include a number of vessel reports in one Telex message providing the information is submitted on a vessel-by-vessel basis.

2. Reports submitted by Telex shall contain the message identifier "CATREP" as the first group of the text to indicate that the information which follows constitutes a Weekly Catch Report. Data shall be submitted as follows:

Vessel name/Permit number/Date//  
Area/Days fished//

Species/Catch//Species/Catch//etc.//  
Area/Days fished//  
Species/Catch//Species/Catch//etc.//etc.

## C. Example of a Weekly Catch Report.

1. The stern trawler NAVIS, permit number LT-79-0001-A, entered the fishery conservation zone on Sunday, March 11, 1979, began fishing in the Yakutat area (code 64) of the Gulf of Alaska on March 13, and continued fishing in that area the morning of March 14. The afternoon of March 14, the vessel shifted to the Kodiak area (code 63), commenced fishing that evening, and continued fishing through Saturday, March 17, 1979. (Note that March 14 counts as a day fished in both area 64 and area 63). In the Yakutat area the vessel caught 121.6 tons of pollock (code 701), 17.8 tons of Pacific ocean perch (code 780), and 8.0 tons of Atka mackerel (code 207). In the Kodiak area the vessel caught 23.4 tons of pollock, 23.7 tons of Pacific ocean perch, 86.4 tons of Atka mackerel, and .4 tons of sablefish (code 703).

2. The text of the Telex report would appear as follows:

CATREP  
NAVIS/LT790001A/0317//  
64/2//  
701/121.6//780/17.8//207/8.0//  
63/4//  
701/23.4//780/23.7//207/86.4//703/.4//

3. The completed form would appear as follows:

L1T17.9.0.0.0.1.A

03/17

DESIGNATED REPRESENTATIVE: Smith Shipping Co. DATE: 3/20/79

## RULES AND REGULATIONS

**D. Submission instructions.**

1. Weekly reports must be received from designated representatives in the prescribed format by the appropriate

Regional/Center Director of the National Marine Fisheries Service by the times indicated below:

Fishery	Address	Report Received by
Northwest Atlantic Ocean .....	Director, Northeast Region, National Marine Fisheries Service 14 Elm Street Gloucester, Massachusetts 01930 Telex No.: 940007.	Wednesday, 1900 G.m.t., following reporting period.
Washington, Oregon California Trawl .....	Director, Northwest Region National Marine Fisheries Service 1700 Westlake Avenue, North Seattle, Washington 98109 Telex No.: 9104442786.	Wednesday, 1900 G.m.t., following reporting period.
Seamount Groundfish .....	Director, Southwest Region National Marine Fisheries Service 300 South Ferry Street Terminal Island, California 90731.	Wednesday, 1900 G.m.t., following reporting period.
Atlantic Billfish and Sharks .....	Director, Southeast Fisheries Center National Marine Fisheries Service 75 Virginia Beach Drive Miami, Florida 33149.	Wednesday, 1900 G.m.t., following reporting period.
Bering Sea and Aleutian Islands Gulf of Alaska Groundfish Snails (Bering Sea) Crab (Bering Sea).	Director, Alaska Region National Marine Fisheries Service P.O. Box 1668 Juneau, Alaska 99801 Telex No.: 09945-377.	Second Monday, 1900 G.m.t., following reporting period.

2. By agreement with the appropriate Regional/Center Director, weekly reports may be submitted to some other appropriate representative of the National Marine Fisheries Service.

**APPENDIX V—WEEKLY REPORT OF RECEIPT OF U.S. HARVESTED FISH**

**A. Report form entries.**

1. Page numbering, vessel name, permit number, month/day, area code, designated representative, and date shall be entered in accordance with the instructions for the Weekly Catch Report contained in Appendix IV A 1-5, 9 and 10.

2. Species: Enter the code from Appendix I for each species received during the reporting period, including those which are subsequently discarded.

3. Amounts received: Enter the round weight, to the nearest tenth of a metric ton (0.1 m.t.), by species and area, of species received from vessels of the U.S. during the reporting period, regardless of whether retained or discarded.

**B. Telex reports.**

1. To ensure receipt of the Weekly Report of Receipts of U.S. Harvested Fish in a timely manner, Telex reports may be used. If a Telex report is submitted, a completed copy of the report form must be submitted by mail as a confirmation. Designated representatives may include a number of vessel reports in one Telex message providing the information is submitted on a vessel-by-vessel basis.

2. Reports submitted by Telex shall contain the message identifier "RECREP" as the first group of the text to indicate that the information which follows constitutes a Weekly Report of Receipt of U.S. Harvested Fish. Data shall be submitted as follows:

Vessel name/Permit number/Date//  
Area//  
Species/Amount received//Species/Amount received//etc.//  
Area//  
Species/Amount received//Species/Amount received//etc.//etc.

**C. Example of a Weekly Report of Receipt of U.S. Harvested Fish.**

1. The stern trawler NAVIS, operating under permit number LT-79-0001-A which authorizes the receipt of U.S. harvested Pacific hake and other associated species in the Washington, Oregon, California trawl fishery, received from U.S. vessels in the Columbia area (Code 71) during the week of June 3-9, 1979, the following species and amounts: Pacific hake (code 704), 156.3 tons; rockfishes (code 849), .2 tons; jack mackerel (code 208), 27.0 tons; and other species (code 499), .1 tons.

2. The text of the Telex report would appear as follows:

RECREP  
NAVIS/LT790001A/0609//  
71//  
704/156.3//849/.2//208/27.0//499/.1//

3. The completed form would appear as follows:

FEDERAL REGISTER, VOL. 43, NO. 244--TUESDAY, DECEMBER 19, 1978

D. *Submission instructions.* The submission instructions for the Weekly Catch Report, as contained in Appendix IV D, are applicable to this report. No report is required, however, for vessels which receive no U.S. harvested fish during the reporting period.

#### APPENDIX VI—WEEKLY REPORT OF MARINE MAMMAL INCIDENTAL CATCH

##### A. *Report form entries.*

1. Page numbering, vessel name, permit number, designated representative, and date shall be entered in accordance with the instructions for the Weekly Catch Report contained in Appendix IV A 1-3, 9, and 10.

2. For each mammal caught enter:

a. Date caught. Enter the month and day, e.g., for May 6, 1980, enter: 0506.

b. Latitude and longitude to the nearest degree.

c. Species code from Appendix I.

d. Status code as follows: 1—Killed during capture; 2—Injured during capture; 3—Dead prior to capture; and 4—Uninjured.

##### B. *Telex reports.*

1. To ensure receipt of the Weekly Report of Marine Mammal Incidental Catch in a timely manner, Telex reports may be used. If a Telex report is submitted, a completed copy of the report form must be submitted by mail as a confirmation. Designated representatives may include a number of vessel reports in one Telex message providing the

information is submitted on a vessel-by-vessel basis.

2. Reports submitted by Telex shall contain the message identified "MAMREP" as the first group of the text to indicate that the information which follows constitutes a Weekly Report of Marine Mammal Incidental Catch. Data shall be submitted as follows:

Vessel name/Permit number//  
Date/Latitude/Longitude/Species/  
Status//  
Date/Latitude/Longitude/Species/  
Status//etc.

##### C. *Example of a Weekly Report of Marine Mammal Incidental Catch.*

1. The stern trawler NAVIS, permit number LT-79-0001-A, commenced fishing in the Bering Sea Area II on April 27, 1979. No marine mammals were taken incidental to fishing activities until May 15 when two harbor seals (code 967) were taken at 56°10' N, 171°25' W. One was killed during retrieval of the trawl and the other was uninjured. On May 17 at 56°35' N, 171°40' W, a northern sea lion (code 955) was injured during capture.

2. The text of the Telex report would appear as follows:

MAMREP  
NAVIS/LT790001A//  
0515/56N/171W/967/1//  
0515/56N/171W/967/4//  
0517/57N/172W/955/2//

3. The completed form would appear as follows:

WEEKLY REPORT OF MARINE MAMMAL "INCIDENTAL CATCH"

PAGE / OF /

UNAVIS

PERMIT NUMBER

L, T, Z, 2, 0, 0, 0, 1, A

RECORD CATCH OF INDIVIDUAL ANIMALS - ONE ANIMAL PER LINE.

### STATUS CODES

1. KILLED DURING CAPTURE
2. INJURED DURING CAPTURE
3. DEAD PRIOR TO CAPTURE
4. UNINJURED

[illegible]

DESIGNATED REPRESENTATIVE SUNITH SHIPING Co. DATE 5/21/79



D. *Submission instructions.* The submission instructions for the Weekly Catch Report, as contained in Appendix IV D, are applicable to this report. No report is required, however, for vessels which have no incidental catch of marine mammals during the reporting period.

#### § 611.10 Fishery support operations.

(a) Fishery support operations are those activities described in § 611.2(r)(3).

(b) Fishery support operations by foreign fishing vessels within the fishery conservation zone are allowed only in those areas and during those times in which the vessel being supported is authorized to conduct directed fisheries, and under such other circumstances as may be designated in these regulations or the permit.

(c) No foreign fishing vessel may conduct fishery support operations in support of a vessel of the United States except as specifically authorized in the supporting vessel's permit.

#### § 611.11 Gear conflicts.

(a) Each fishing vessel shall conduct its operations with due regard for the activities of other fishing vessels. Fishing vessels using mobile fishing gear shall take special care to minimize the possibility of conflict with, and damage to, fixed fishing gear.

(b) Each foreign fishing vessel shall maintain on its bridge a current plot of broadcast fixed-gear locations for the area in which it is fishing.

(c) Each foreign fishing vessel which is involved in a gear conflict, or which retrieves the gear of another fishing vessel in its gear, shall immediately notify the appropriate Coast Guard commander as indicated in § 611.4.

(d) Claims against another vessel concerning the loss of or damage to the fishing vessel, fishing gear or catch of a U.S. citizen which may have been caused by a foreign fishing vessel fishing pursuant to the Act may be resolved as follows:

(1) Claims involving loss or damage of property amounting to \$25,000 or less must be submitted to binding arbitration whenever demanded by the U.S. claimant or the owner or operator of the foreign fishing vessel which may have caused the loss or damage. If arbitration is demanded, both the U.S. claimant and the owner or operator of the foreign vessel, or their agents must appear at the arbitration proceedings and be bound by the decision of the arbitrator.

(2) Claims involving loss or damage of property amounting to over \$25,000 must be submitted to binding arbitration whenever demanded by the U.S. claimant. If arbitration is demanded by the U.S. claimant, both the U.S. claimant and the owner or operator of the foreign vessel, or their agents, must appear at the arbitration pro-

ceedings and the parties will be bound by the decision of the arbitrator.

(3) A demand for arbitration must be made in writing to the other party. Any arbitration proceeding under this paragraph shall be conducted according to the Commercial Arbitration rules of the American Arbitration Association, and shall be conducted in the United States. The list from which arbitrators are selected will, whenever possible, include individuals with knowledge in fishery matters or admiralty law.

#### § 611.12 Directed fisheries.

(a) No foreign fishing vessel may conduct a directed fishery unless such directed fishery is authorized by, and conducted in accordance with, this Part 611.

(b) It shall be a rebuttable presumption that any haul that contains more than 50 percent by weight or number of fish (as appropriate for the gear in use) of any species or species group (such as "other species") was conducted for the purpose of catching that species or species group and therefore constitutes a directed fishery for that species or species group.

#### § 611.13 Incidental catch—prohibited species.

(a) Each foreign fishing vessel shall minimize its catch of prohibited species.

(b) Each foreign fishing vessel shall sort its catch as soon as possible after retrieval of the catch and, after allowing for sampling by an observer (if any), shall return any catch of prohibited species or parts thereof to the sea immediately with a minimum of injury regardless of its condition.

(c) It shall be a rebuttable presumption that any prohibited species or part thereof found on board a foreign fishing vessel was caught and retained in violation of this Part 611.

#### § 611.14 Incidental catch—other species.

(a) A fishing vessel may retain its incidental catch of any species for which there is an applicable, unfulfilled national allocation. Regardless of whether or not the catch of such authorized incidental species is retained or discarded it will be counted against the applicable national allocation.

(b) Species of fish which a foreign fishing vessel is not specifically authorized to retain under this Part shall be treated as prohibited species in accordance with § 611.13.

#### § 611.15 Fishery closure procedures.

(a) A foreign fishing vessel's authorization to engage in fishing shall be cancelled when the Assistant Administrator finds that:

(1) The optimum yield for the directed fishery species has been reached;

(2) The optimum yield for any species or species group (such as "other species") caught as an incidental catch in the directed fishery has been reached;

(3) The total allowable level of foreign fishing for the directed fishery species has been reached;

(4) The total allowable level of foreign fishing for any species or species group (such as "other species") caught as an incidental catch in the directed fishery has been reached;

(5) Any applicable vessel-day limitation for the fishery or area has been reached;

(6) The applicable national allocation for the directed fishery species involved has been reached; or

(7) The applicable national allocation for any species or species group (such as "other species") caught as an incidental catch during the directed fishery has been reached.

(b) Vessel check-in/check-out information, United States surveillance observations, observer reports, and foreign catch and effort reports will be used to make the determinations listed in § 611.15(a). If the National Marine Fisheries Service (NMFS) estimates of catch or other values made during the season differ from those reported by the foreign fleets, immediate efforts will be initiated by the NMFS through the appropriate foreign authorities to resolve such differences. If, however, differences still persist after such efforts have been made, NMFS estimates shall be the basis for decisions and shall prevail.

(c) When closing a fishery, the Assistant Administrator will notify: (1) The foreign nation(s) involved; and

(2) the designated representative for any affected fishing vessel. If possible, at least 48 hours prior notice of the closing will be given. Failure of the Assistant Administrator to so notify will not relieve the foreign nation of its responsibilities to terminate fishing by its vessels when applicable allocations are reached.

(d) Any cancellation under this section of a foreign fishing vessel's authorization to engage in a fishery shall remain in effect until an applicable new or increased allocation becomes available unless earlier specified by the Assistant Administrator or by the regulations in this Part 611.

#### § 611.16 Disposal of fishing gear and other articles.

(a) Except in cases of emergency involving the safety of the ship or crew, or as specifically authorized by communication from the Coast Guard, by an authorized officer, or, in the Northwest Atlantic Ocean fishery, by an em-

barked observer, no fishing vessel may intentionally place into the fishery conservation zone any article, including abandoned fishing gear, which may:

(1) Interfere with fishing or obstruct fishing gear or vessels; or

(2) Cause damage to any fishery resource or marine mammal.

(b) If any such article is encountered, or in the event of accidental or emergency placing of such article into the fishery conservation zone, the operator of the vessel shall immediately report the incident to the appropriate Coast Guard Commander (as provided in § 611.4) giving:

(1) The name of the reporting person and his vessel;

(2) The nature of the article;

(3) The location of the article; and

(4) The time and date of the incident.

(c) All fishing gear which is set or otherwise deployed in a manner in which it may entrap or otherwise catch fish shall be tended as frequently as necessary to ensure that its catch remains suitable for the use intended.

#### § 611.17 Scientific research.

(a) The term "scientific research" contained in paragraph (r) of § 611.2 may include certain fishing activities such as the catching, taking, or harvesting of fish in commercial quantities, or the use of gear capable of catching, taking, or harvesting fish in commercial quantities, or fishing in areas, at times, for species, and with gear, any of which may not be otherwise authorized, if such activities are carried out in full cooperation with the United States.

(b) For the purpose of gathering additional management information, the Center Director may authorize limited "scientific research" as described in paragraph (a) of this section under terms and conditions to be specified by the Center Director.

#### Subpart B—Surpluses

#### § 611.20 Total allowable level of foreign fishing.

(a) The total allowable level of foreign fishing (TALFF), if any, with respect to any fishery subject to the exclusive fishery management authority of the United States shall be that portion of the optimum yield (OY) of such fishery which will not be harvested by vessels of the United States.

(b) Each assessment of OY and each assessment of the anticipated U.S. harvest will be reviewed during each fishing season. Adjustments to TALFF's will be made based on updated information relating to status of

stocks, estimated and actual performance of domestic and foreign fleets, and other relevant factors.

(c) The following table lists the

annual TALFF's by species and fisheries. Unless otherwise specified, the annual period corresponds to the calendar year.

TABLE I

Fishery	Species	Species Code	TALFF (metric tons)
Northwest Atlantic Ocean	Butterfish	212	4,000
Do	Hake, red	105	23,400
Do	Hake, silver	104	52,200
Do	Herring, river	309	500
Do	Mackerel, Atlantic	204	1,200
Do	Other finfish	499	46,800
Do	Squid, long-finned	502	30,000
Do	Squid, short-finned	504	20,000
Atlantic Billfish and Sharks	Sharks	469	1,150
Washington, Oregon, California Trawl	Hake, Pacific	704	Reserved
Do	Flounders	129	'Do.
Do	Mackerel, Jack	208	'Do.
Do	Rockfishes, including Pacific ocean perch	849	'Do.
Do	Sablefish	703	'Do.
Do	Other species	499	'Do.
Seamount Groundfish	Armorhead, alfonsons, and other groundfish	499	'2,000
Crab	Crab, Tanner	676	'15,000
Gulf of Alaska Groundfish	Cod, Pacific	702	'9,300
Do	Flounders, including yellowfin sole	129	'16,600
Do	Mackerel, Atka	207	'19,300
Do	Perch, Pacific ocean	780	'16,000
Do	Pollock	701	'20,800
Do	Rockfishes, other than Pacific ocean perch	849	'2,100
Do	Sablefish	703	'4,900
Do	Squid	509	'1,000
Do	Other species	499	'11,000
Bering Sea & Aleutian Islands	Cod, Pacific	702	'56,500
Do	Flounders, other than yellowfin sole	129	'139,000
Do	Herring, Pacific	209	8,670
Do	Mackerel, Atka	207	24,800
Do	Perch, Pacific ocean	780	21,500
Do	Pollock	701	950,000
Do	Sablefish	703	'3,900
Do	Sole, yellowfin	720	106,000
Do	Squid	509	10,000
Do	Other species	499	93,600
Snail	Snails (meats)	673	3,000

<sup>1</sup>Incidental catch only.

<sup>2</sup>The TALFF for armorheads, alfonsons, and other groundfish resources is subject to additional restrictions on total effort by foreign fishing vessels: No more than 50 vessel days of trawling and 50 vessel days of bottom longlining will be allowed in this fishery.

<sup>3</sup>TALFF period is from January 1, 1979, through October 31, 1979. After October 31, 1979, the annual TALFF period is November 1 to November 1 of the following year.

<sup>4</sup>TALFF period is from December 1, 1978 through October 31, 1979. After October 31, 1979, the annual TALFF period is November 1 to November 1 of the following year.

<sup>5</sup>Does not include an amount held in reserve.

#### § 611.21 Allocations.

The Secretary of State, in cooperation with the Secretary, determines the allocation among foreign nations of the TALFF. The Secretary of State officially notifies each foreign nation of its allocation by fishery and species. The burden of ascertaining and accurately transmitting current allocations and status of harvest of an applicable allocation to fishing vessels shall be upon the foreign nation and the owner or operator of the foreign fishing vessel.

#### § 611.22 Fee schedule for foreign fishing permits.

(a) The fee charges for fishing by foreign flag vessels for fish over which

the United States exercises exclusive fishery management authority required by section 204(b)(10) of the Act and § 611.3(c)(3) of this part are specified as follows:

(1) *Permit fees.* The owners and operators of all foreign vessels engaging in fishing, as defined in § 611.2(r), are required to pay appropriate fees as specified in the following table. In the case of vessels described in more than one category, the highest applicable fee will be charged. Permit fees must be paid in advance and are not refundable. However, on a case-by-case basis, the Assistant Administrator for Fisheries may allow the substitution of like vessels when the original vessel has become disabled or otherwise cannot participate in the fishery.

TABLE I

Vessel Activity	Permit Fee
Catching (activities described in § 611.2(r)(1) or (2)) with an applicable national allocation (per gross registered ton).....	\$1.00
Catching (activities described in § 611.2(r)(1) or (2)) without an applicable national allocation, i.e., a nonretention fishery (per vessel).....	200.00
Processing (activities described in § 611.2(r)(3)(i)) (per gross registered ton) (up to \$2,500).....	.50
Other support (activities described in § 611.2(r)(3)(ii) or (iii)) (per vessel).....	200.00

(2) *Poundage fees.* (i) The poundage fee for each allocated species is calculated at 3.5 percent of the actual landed value per metric ton of the species to U.S. fishermen where U.S. landing data are available in 1977, the most recent year for which such data are available.

(ii) This fee must be paid in advance on the entire national allocation if the nation receiving the allocation chooses to accept it.

(3) *Method of payment.* (i) All payments received must be drawn in U.S. dollars, payable at a bank in the United States, and be made payable to the U.S. Department of Commerce, NOAA. In addition, payments from private firms or individuals should be in the form of a certified check.

(ii) Remittances should be sent to the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, Attention: F3. To facilitate processing, each remittance should be accompanied by a copy of the applicable bill for collection for identification purposes.

(iii) Refunds of poundage fees will be made only upon written application to the address mentioned in paragraph (a)(3)(ii) of this section. Refund requests must contain the following information:

(A) A statement that the amount involved is more than \$100.

(B) An explanation of the difference between the amount of actual catch and the amount authorized, and the reasons for the difference.

(b) The following ex-vessel prices to be used for computing fees are based on U.S. commercial landings in 1977, except where noted:

## AVERAGE EX-VESSEL VALUES PER METRIC TON

Species	Values
Butterfish.....	\$626
Cod, Pacific.....	359
Crab, tanner (snow).....	661
Flounders, Pacific.....	407
Hake, Pacific.....	176
Hake, red.....	199
Hake, silver (whiting).....	205
Herring, Atlantic.....	200
Herring, Pacific—roeless.....	100
Herring, Pacific—with roe.....	991
Herring, river (alewives).....	100
Mackerel, Atka.....	223
Mackerel, Atlantic.....	385
Mackerel, Jack.....	110
Other billfish, Pacific.....	664
Other finfish, Atlantic.....	382
Other groundfish, Pacific.....	49
Pacific ocean perch.....	356
Pollock, Alaska.....	176
Rockfishes.....	356
Sablefish—longline caught.....	1,477
Sablefish—trawl caught.....	551
Seamount groundfish.....	397
Sharks, Atlantic (except dogfish).....	210
Sharks, Pacific (except dogfish).....	396
Snails (meat).....	1,657
Squid, Atlantic—Illex.....	472
Squid, Atlantic—Loligo.....	938
Squid, Pacific.....	458
Striped marlin, Pacific.....	2,346
Swordfish.....	5,875

<sup>1</sup>Price for *C. opilio* paid in Dutch Harbor in the 1977/78 season. Source: Resource Statistics Division, National Marine Fisheries Service.

<sup>2</sup>Source: Fishermen's Marketing Association of Washington, Inc. Price list effective as of October 16, 1977 (8 cents/pound).

<sup>3</sup>Price for mature herring.

<sup>4</sup>Prices based on landings in Japan.

<sup>5</sup>Based on average prices for other rockfishes.

## Subpart C—Atlantic Ocean

§ 611.50 Northwest Atlantic Ocean fishery.

(a) *Purpose.* This subpart regulates all foreign fishing conducted under a

Governing International Fishery Agreement within the fishery conservation zone in the Atlantic Ocean north of 35°00'N. latitude, except for the longline fishery which is regulated under § 611.60.

(b) *Authorized fishery.*—(1) *Allocations.* Foreign vessels may engage in fishing only in accordance with applicable national allocations.

(2) *Permitted fishing.* Vessels subject to this section may fish only during the seasons and with the types of gear specified in Table I of this section. Fishing may be conducted only in the areas specified in Figure 1 of Appendix II to § 611.9.

(3) *TALFF.* The total allowable levels of foreign fishing (TALFFs) for the Northwest Atlantic Ocean fishery are set forth in Table I to § 611.20(c). The TALFFs for red hake and silver hake, as set forth in that Table, are divided between Area 5 and the other four areas as follows:

	Silver hake	Red hake
Areas 1 through 4.....	19,400	8,400
Area 5.....	32,800	15,000
Total.....	52,200	23,400

(4) *Species definitions.* The category "other finfish" used in TALFFs and in allocations includes all species except:

(i) The other allocated species, namely: silver hake, red hake, short-finned squid, long-finned squid, Atlantic mackerel, river herring (includes alewife, blueback herring, and hickory shad), and butterfish; and

(ii) American shad, Atlantic cod, Atlantic herring, Atlantic menhaden, Atlantic redfish, Atlantic salmon, all billfish, black sea bass, bluefish, croaker, haddock, pollock, scup, sea turtles, sharks (except dogfish), spot, striped bass, tilefish, yellowtail flounder, weakfish, Continental Shelf fishery resources, and other invertebrates (except non-allocated squids).

[3510-22-C]

Table 1. Fishing Gear and Season Restrictions by Fishing Area.  
Northwest Atlantic Ocean Fishery

Off-Bottom Gear Only

Area	January	February	March	April	May	June	July	August	September	October	November	December
1												
2												
3												
4												
5												

Area	January	February	March	April	May	June	July	August	September	October	November	December
1												
2												
3												
4												
5												

Unless otherwise noted, seasons open at 0001 hours local time on the first day of the month and terminate at 2400 hours local time on the last day of the month.

- 1/ Coordination of the various areas are set forth in Figure 1 to Appendix II, of REG-1.9.
- 2/ Season begins at 0001 hours local time on June 15, and terminates at 2400 hours local time on September 15.

Season maximum open fishing season, subject to possible earlier closure for some or all nations in accordance with REG-1.15

(5) *Closures.* The taking of any species for which a nation has an allocation is permitted, provided that:

(i) The vessels of the foreign nation have not caught the allocation of that nation for any species or species group (e.g., "other finfish"). When vessels of a foreign nation have caught an applicable allocation of any species, all further fishing (as defined in § 611.2(r)(1)) by vessels of that nation must cease, even if other allocations have not been reached. Therefore, it is essential that foreign nations plan their fishing strategy to ensure that the reaching of an allocation for one species does not result in the premature closing of a nation's fishery for other allocated species.

(ii) The fishery has not been closed for other reasons under § 611.15

(6) *Allocation utilization.* Foreign fishing vessels may elect to retain or discard allocated species; however, the computation of allocation utilization and fee refunds will be based on the total quantity of that species which was caught. Prohibited species must always be returned to the sea as required under § 611.13.

(7) *Additional authorization.* For the purpose of gathering additional management information, the Regional Director may authorize limited foreign fishing in areas, during seasons, and using gear not otherwise authorized in this Subpart. Special reporting requirements for such fishing may be specified by the Regional Director.

(c) *Gear restrictions.* (1) No foreign fishing vessel may use on the bottom a trawl net having, in any part of the net, meshes of less than 60 millimeters (inside measure when wet after use).

(2) No foreign fishing vessel may use any trawl net having, in any part of the net, meshes of less than 45 millimeters (inside measure when wet after use).

(3) Meshes are to be measured by a flat, wedge-shaped gauge having a taper of 2 centimeters in 8 centimeters and a thickness of 2.3 millimeters, inserted into meshes under a pressure or pull of 5 kilograms. The mesh size of a net shall be taken to be the average of the measurements of any series of twenty consecutive meshes, at least ten meshes from the lacings, and, when measured in the codend of the net, beginning at the after end and running parallel to the long axis.

(4) No foreign fishing vessel may use any device or method which would have the effect of reducing mesh size, except that:

(i) Chafing gear may be attached to the underside of the codend of bottom

trawl nets. Chafing gear may not be attached to trawl nets having a mesh size of less than 60 millimeters.

(ii) Net strengtheners may be attached to the codend of trawl nets providing such net strengtheners consist of mesh material identical or similar to the material of the codend and have a mesh size of at least twice the minimum authorized mesh size.

(5) To qualify as off-bottom gear, a trawl net must:

(i) Be a truly pelagic trawl net, operated with neither the doors nor the net mouth in contact with the bottom; or

(ii) Be rigged so that the net mouth operates not less than 60 centimeters above the bottom. An otherwise standard bottom trawl net will be considered to meet this requirement if:

(A) It has attached perpendicular to the net mouth "hanging line" chains not shorter than 60 centimeters;

(B) Each chain hangs loose or is attached to steel bobbins; and

(C) No weights or other attachments are directly secured to the "hanging line" other than the chains specified in (A) above, or flotation devices.

(d) *Fixed gear avoidance.* (1) No foreign fishing vessel may trawl:

(i) In any fixed-gear area (as broadcast by the Coast Guard; see § 611.11 and paragraph (d)(2) of this section);

(ii) Between the 100 and 200 fathom bottom contours in fishing areas 1-4.

(2) The locations (latitude and longitude) of fixed-gear areas are broadcast at 1350 G.m.t. on the first day of each month by Coast Guard Communications Station Boston (NMF) on 472 kHz radiotelegraphy. Broadcast is also made on 8502 kHz via simultaneous keying when necessary.

Voice broadcasts of the locations (LORAN A lines) of fixed-gear areas are made in English each day: Coast Guard Communications Station Boston (NMF) broadcasts at 1405 G.m.t. on 2670 kHz; Coast Guard Communications Station Portsmouth (NMN) broadcasts at 1905 G.m.t. on 2670 kHz; and the Boston and Norfolk marine operators broadcast after their scheduled marine information broadcasts.

The list of areas is updated each day at 1350 G.m.t. All broadcasts are numbered sequentially by month, day and year. A printed monthly summary of fixed-gear information is available from Commander (Ao 1), Coast Guard Atlantic Area, Governors Island, New York, N.Y. 10004 (Telephone: 212-264-0645; Telex 126831).

(e) *Collection, maintenance, and reporting of data.* In addition to the requirements of § 611.9, each foreign

nation or foreign fishing vessel shall collect, maintain or report on a timely basis accurate data relating to fishing operations as specified below. The following logs or reports are required:

(1) *Fishing log.* Each vessel which engages in fishing, as defined in § 611.2(r)(1), shall maintain a record of all catches during the permit period. While no form is specified, this fishing log shall contain the following information on a set-by-set basis:

(i) Date;

(ii) Trawl number (number sets consecutively each day);

(iii) Times of commencement and completion of each set;

(iv) Vessel's positions in degrees and minutes of latitude and longitude at the times of commencement and completion of each set;

(v) Type of gear used;

(vi) Mesh size (inside measure when wet after use);

(vii) Quantity of total catch to the nearest hundredth of a metric ton (0.01 m.t.);

(viii) Quantity of each species to the nearest hundredth of a metric ton (0.01 m.t.) (use species codes from Appendix I to § 611.9);

(ix) Disposition of the catch, by species (human consumption (including fish consumed on board), fishmeal, or discarded).

(2) *Quarterly scientific report.* (i) Each foreign nation whose vessels engage in fishing in the Northwest Atlantic Ocean fishery shall submit not later than three months after the close of each quarter a quarterly scientific report (QSR) of the catch and effort of each such vessel to:

Director, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, Massachusetts 02543.

Quarterly scientific reports shall be submitted for each vessel for each 30 minute latitude by 30 minute longitude area in which the vessel engaged in fishing, and for each gear type used by the vessel in a given 30 minute latitude by 30 minute longitude area, by semimonthly periods. Effort data must be submitted whether or not any catch was taken. The catch of each species taken, even if discarded, must be shown in hundredths of a metric ton (0.01 m.t.) (live round weight).

(ii) Quarterly scientific reports should be completed in accordance with the instructions in Appendix I to this section and may be submitted in the format shown in Figure 1 to Appendix I or by magnetic tape, computer cards, or printouts. Data may also be reported using the 1977 version of the STATLANT 21-B for and the procedures established form that form.

**[3510-22-C]**

Figure 1

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## RULES AND REGULATIONS

A. Report form entries. See Figure 1 for report form.

1. Year/Quarter: Enter the year and quarter for which the report is prepared. For example: 1979/2 designates April, May, and June of 1979.

2. Vessel name: Enter the vessel name as shown on the vessel's permit.

3. Permit number: Enter the current permit number without hyphens.

4. Vessel size code: Enter the code number which indicates the vessel's tonnage (GRT) from the following list:

Tonnage (GRT)	Code number
0-24.9 .....	1
25-49.9 .....	2
50-149.9 .....	3
150-499.9 .....	4
500-999.9 .....	5
1000-1999.9 .....	6
2000 and over .....	7

5. Area designation: Enter the five digit code which indicates the latitude, longitude and quadrant of the 30 minute latitude by 30 minute longitude area for which the report is submitted. The first two digits of the code are determined from the latitude in degrees (disregarding minutes); the second two digits are determined by the longitude in degrees (disregarding minutes); and the fifth digit is determined from the quadrant within the one degree latitude by one degree longitude area as follows: southeast-1, southwest-2, northeast-3, and northwest-4. For example, the 30' minute latitude by 30 minute longitude areas 45601, 45602, 45603, and 45604 are shown in the following diagram:

			46° N.
	45604	45603	
	45602	45601	
61° W.			60° W.
			45° N.

A separate report is required for each area designation in which each vessel fishes.

6. Fishing gear: Enter the standard abbreviations from the following list for the fishing gear used in the area designated in item 5. A separate report is required for each fishing gear used in the area.

Gear category	Standard abbreviation
Bottom otter trawl (side) .....	OTB-1
Bottom otter trawl (stern) .....	OTB-2
Off-bottom otter trawl (see § 611.50(c)(5) for definition of this gear) .....	OTB-3
Midwater otter trawl (side) .....	OTM-1
Midwater otter trawl (stern) .....	OTM-2
Bottom pair trawl .....	PTB
Midwater pair trawl .....	PTM
Purse seine .....	PS
Gillnets (set) .....	GNS
Gillnets (drift) .....	GND
Gillnets (fixed) .....	GNF

## Gear category

## Standard abbreviation

Longlines (set) .....	LLS
Longlines (drift) .....	LLD
Traps .....	FIX
Miscellaneous gears (other than above) .....	MLS

7. Target species/codes: Enter the common names and species codes (as listed in Appendix I to § 611.9) of the main species sought in the area designated during the period of the report.

8. Page numbering: Sequentially number each page and the total number of pages in the submission for each vessel. For example, if a stern trawler fished during the period of the report by bottom trawl in three different 30 minute latitude by 30 minute longitude areas and by off-bottom trawl in two of those same areas, the pages of that vessel's

Fishing gear	Standard effort units	Computation
Purse seines .....	No. of sets .....	Number of times the gear has been set or shot, whether or not a catch was made.
Trawls .....	No. of hours fished .....	Number of hours during which the trawl was in the water fishing.
Gillnets (set or drift) .....	No. of 100 meter net sets .....	Length of nets in meters divided by 100 multiplied by the number of sets made.
Gillnets (fixed) .....	No. of 100 meter net clearings .....	Length of nets in meters divided by 100 multiplied by the number of times the net was cleared.
Traps .....	Pot-days .....	Number of days pots are in the water and fishing multiplied by the number of pots hauled.
Longlines (set or drift) .....	Hook-days per thousand hooks .....	Number of hooks fished divided by 1000 multiplied by number of days fished.

11. Days on grounds: Enter the number of days the vessel was on the fishing grounds. Any portion of a day on the grounds shall be counted as one day on the grounds.

12. Days fished: Enter the number of days the vessel fished. Any portion of a day fished shall be counted as one day fished.

13. Hours fished: Enter the number of hours fished to the nearest hour.

14. Species name: Enter the common names of each species caught in the area designated during the period of the report by the gear indicated. Attach additional sheets as necessary to include all species caught.

15. Species code: Enter the species code (as listed in Appendix I to § 611.9) corresponding to each species named.

16. Catch data: For each species, enter the live round weight to the nearest hundredth of a metric ton (0.01 mt.) of fish caught, by semimonthly period. For quantities which are not retained, add the suffix "D" (for discarded) following the specific semimonthly catch figure for such discarded quantities.

17. Total during the semimonthly period: Enter the total of all species caught in the area and by the gear indicated during the semimonthly period.

18. Total by species: Enter the total for each species caught in the area and by the gear indicated.

19. Grand total: Enter the total fish caught in the area and by the gear indicated during the period of the report.

B. Submission instructions. Submission of the QSR by magnetic tape, computer cards, or printouts will be accepted in lieu of the report form shown in Figure 1. Data may

report would be numbered "page 1 of 5" through "page 5 of 5".

9. Semimonthly periods: Enter the designation for each semimonthly period of the quarter during which fishing effort was expended in the area designated and using the gear indicated. The designation is a three digit number consisting of the numerical equivalent of the month (01 for January through 12 for December) followed by the numeral 1 for days 1-15 of each month or the number 2 for days 16 through the end of the month. Thus, the semimonthly period June 16-30 would be designated 062 and the semimonthly period July 1-15 would be designated 071.

10. Effort by standard units: Whenever possible, enter the effort expended during each semimonthly period in the standard units shown below for the fishing gear indicated on the report.

also be reported using the 1977 version of the STATLANT 21-B form and the procedures established for that form. Questions regarding submission should be directed to:

Director, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, Massachusetts 02543.

### Subpart D—Atlantic, Caribbean, and Gulf of Mexico

§ 611.60 Atlantic billfish and sharks fishery.

(a) Purpose. This section regulates all foreign longline fishing conducted under a Governing International Fishery Agreement which involves the catching of any species of billfishes, sharks, or other fish in the fishery conservation zone (FCZ) of the United States in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

(b) Authorized fishery.—(1) Allocations. Foreign vessels may engage in fishing for sharks only in accordance with applicable national allocations.

(2) TALFF. The total allowable level of foreign fishing (TALFF) for sharks is set forth in Table I to § 611.20(c).

(3) Open season and closures. Foreign fishing authorized under this subpart may be conducted throughout the year, except that any retention of shark shall terminate when the applicable national allocation has been

reached. The fishery closure provisions of § 611.15(a) do not apply to this section.

(c) *Prohibited species.* (1) All species of fish over which the United States exercises exclusive fishery management authority and for which there is no applicable national allocation are prohibited species and shall be treated in accordance with § 611.13. Sharks caught in excess of an applicable national allocation are prohibited species.

(2) Unless otherwise specifically instructed by a U.S. observer or authorized officer:

(i) All prohibited species must be released with a minimum of injury regardless of the condition of the fish.

(ii) All billfish and all prohibited sharks must be released by cutting the line (or by other appropriate means) without removing the fish from the water.

(3) As a means of rebutting the presumption of § 611.13(c), a vessel may store all prohibited species caught outside the FCZ in a separate part of the hold that can be sealed, and may have its holds inspected and sealed before commencing fishing in the FCZ. Seals affixed during such inspection shall be maintained in an unbroken condition during the time the fishing vessel is in the FCZ. Such inspections may be obtained at Venice or New Orleans, La., Key West, Fla., Mayaguez, P.R., or Norfolk, Va., upon 48 hours advance notification to the: Regional Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702. Telephone: 813-893-3145.

(4) Additional ports for hold inspection may be arranged with the Regional Director.

(5) The designation of ports for hold inspections does not modify the port entry arrangements or requirements (if any) of Governing International Fishery Agreements or the notification requirements or other requirements of any other laws or regulations of the United States.

(d) *Open area.* Except for the closed area set forth in paragraph (e) of this section, foreign fishing authorized under this subpart may be conducted in that portion of the FCZ in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea beyond 12 nautical miles from the baseline used to measure the U.S. territorial sea.

(e) *Closed area.* The area known as East and West Flower Garden Banks, a proposed marine sanctuary, is closed to directed foreign fishing for sharks. Flower Garden Banks is the ocean space including the water column and the surface waters within two intersecting circles 9 nautical miles in radius from the center of each bank.

The area of this proposed sanctuary is 432 square nautical miles.

The geographical centers of the banks are as follows. For the West Flower Garden Bank, the center point, is located at 27°52'14.21" N. lat., 93°48'54.79" W. long. For the East Flower Garden Bank, the center point, P2, is located at 27°55'07.44" N. lat., 93°36'08.49" W. long.

(f) *Gear restrictions.* Foreign vessels participating in a directed fishery for sharks must use a minimum sized hook of 7 inches shank length and 2.5 inches gap (distance between tip and shank) when fishing inside the 100-fathom depth contour. There is no hook size restriction seaward of the 100-fathom depth contour.

(g) *Statistical reporting.* (1) In addition to the requirements of § 611.9, a vessel of a nation with an applicable allocation shall submit the following additional quarterly reports:

(i) Catch and effort data, summarized weekly by one degree squares, containing the following information:

(A) Number of hooks set,

(B) Number of sharks caught under allocation,

(C) Number of prohibited species (by species code from Appendix I to § 611.9) caught and released,

(D) Number of prohibited species (by species code) released alive.

(ii) Summary of vessel activities containing the following information:

(A) Permit number of each vessel fishing,

(B) For each successive day of the reporting period, the noon-day location (within 0.1 degree of latitude and longitude) of each vessel in the fishery.

(2) A vessel of a nation with no applicable allocation is exempt from the requirements of § 611.9 (d) and (e) but shall provide the reports required by § 611.9 (f) and (g), when applicable. In addition, a vessel of a nation with no applicable allocation shall submit the quarterly reports described in paragraph (g)(1)(i) ((A), (C), and (D), only) and (ii) of this section.

(3) The quarterly reports required by paragraphs (g) (1) and (2) of this section shall be submitted, not later than 60 days from the end of the quarter for which the report is being made, to: Director, Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149. Telephone: 305-361-5761.

## Subpart E—Northwest Pacific

§ 611.70 Washington, Oregon, California Trawl fishery. [Reserved]

## Subpart F—Western Pacific Ocean

§ 611.80 Seamount groundfish fishery.

(a) *Purpose.* This subpart regulates all foreign fishing conducted under a Governing International Fishery Agreement in the fishery conservation zone of the western Pacific Ocean.

(b) *Authorized fishery.*

(1) *Allocations.* Foreign vessels may engage in fishing only in accordance with applicable national allocations and vessel day limitations.

(2) *TALFF.* The total allowable levels of foreign fishing (TALFFs) for the seamount groundfish fishery are set forth in Table I to § 611.20(c).

(3) *Species definitions.* The category "other groundfish" used in TALFFs and in allocations includes all species of finfish caught incidental to directed fishing for pelagic armorheads and alfonsons.

(4) *Effort restrictions.* The annual vessel day limit for total foreign fishing effort is 50 vessel days each of trawling and bottom longlining.

(5) *Open Season.* Foreign fishing authorized under this subpart may begin at 0800 G.m.t. on May 1 and will terminate not later than 0800 G.m.t. on October 1. This fishery may also be closed in accordance with § 611.15.

(c) *Prohibited species.* All Continental Shelf fishery resources, and all other species of fish except for alfonsons, armorheads and other groundfish, are prohibited species and shall be treated in accordance with § 611.13.

(d) *Open area.* Foreign vessels may engage in fishing for pelagic armorheads, alfonsons, and other groundfish only in those portions of the fishery conservation zone west of the 180° meridian and north of 28° N. latitude.

(e) *Gear restrictions.* No gear other than trawl or bottom longline gear may be used.

(f) *Collection, maintenance and, reporting of data.* In addition to the requirements of § 611.9, each foreign nation or foreign fishing vessel shall collect, maintain, or report on a timely basis, accurate data relating to fishing operations as specified in this section. All submissions required by this section shall be sent to the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731 or, in the case of logbook data, hand delivered to the National Marine Fisheries Service observer on board the vessel upon his request. The following logs and reports are required:

(1) *Fishing log.* (i) Each fishing vessel which conducts trawling operations shall maintain and submit a

fishing log which contains data for each haul as follows:

- (A) Vessel and name permit number;
- (B) Date;
- (C) Codend mesh size to the nearest millimeter;

(D) Length of the footrope to the nearest tenth of a meter (0.1 m.) and average distance between footrope and headrope to the nearest tenth of a meter (0.1 m.);

(E) Time at the beginning of the haul and the total duration of the haul to the nearest five (5) minutes;

(F) Location at the midpoint of each haul to the nearest tenth (0.1) minute of latitude and longitude;

(G) Average depth of the seabottom to the nearest meter;

(H) Average fishing depth of the footrope to the nearest meter;

(I) Average fishing speed of the vessel (towing speed) to the nearest tenth of a knot (0.1 kt);

(J) Catch, by individual species, to the nearest tenth of a metric ton (0.1 m.t.); and

(K) Approximate weight (kilograms, by genus, of the incidental catch of the corals designated in § 611.2(h) of this Part.

(ii) Each fishing vessel which conducts longlining operations shall maintain and submit a fishing log which contains data for each fishing day as follows:

- (A) Vessel name and permit number;
- (B) date;

(C) Midday location of fishing, to the nearest tenth (0.1) minute of latitude and longitude;

(D) Average depth of hooks set, in meters;

(E) Number of hooks set and average soak time;

(F) Number of fish caught, by species, for pelagic armorhead, alfonso, and other groundfish species.

(iii) If the fishing log is not delivered to a National Marine Fisheries Service observer on board the vessel, it shall be mailed to the Regional Director not later than 30 days following completion of fishing.

(2) *Annual report.* Each nation whose vessels engage in the seamount groundfish fishery shall submit by February 28 of the following year, annual catch and effort statistics as follows: (i) Catch in metric tons by gear type by month by area to the nearest one-half degree (0.5°) latitude and by one degree (1°) longitude, by the following species groupings; pelagic armorhead, alfonso, other groundfish; (ii) Catch in kilograms of corals taken incidental to fishing operations by month by area to the nearest one-tenth degree (0.1°) latitude and longitude by the following species groupings: pink coral, gold coral, bamboo coral, other corals; and (iii) Effort, in hours trawled or average number of

hooks soaked per 24-hour period, by month by area to the nearest one-half degree (0.5°) latitude and one degree (1°) longitude.

#### Subpart G—North Pacific Ocean and Bering Sea

##### § 611.90 General provisions.

(a) *Purpose.* This Subpart regulates all foreign fishing conducted under a Governing International Fishery Agreement in the fishery conservation zone seaward of the State of Alaska.

(b) *Open season.* Except as otherwise specified in the following sections, fishing by foreign vessels may be conducted throughout the year. The specific times for opening and closing seasons and areas in this Subpart shall be 0800 G.m.t. on the dates indicated. The fisheries regulated under this Subpart may also be closed in accordance with § 611.15.

(c) *Fishing areas.*—(1) *General.* Unless specifically authorized, no foreign vessel may engage in fishing within twelve nautical miles of the baseline used to measure the territorial sea.

(2) *Support operations.* Loading and other support operations by foreign vessels are permitted only in areas where the vessel being supported is authorized to fish, and in the following areas between three and twelve nautical miles from the baseline used to measure the territorial sea:

(i) Near Forrester Island, Alaska, bounded on the north by 54°54' N. latitude, on the east by 133°16' W. longitude, and on the south by 54°44' N. latitude;

(ii) On the east side of Kayak Island, Alaska, between 59°48' N. latitude and 59°56' N. latitude west of 143°53' W. longitude, and on the west side by Kayak Island between 59°52' N. latitude and 60°07' N. latitude east of 145° W. longitude;

(iii) North of Tonki Cape on Afognak Island, Alaska, bounded on the north by 58°35' N. latitude, on the south by 58°25' N. latitude, on the west by 152°02' W. longitude and on the east by 151°52' W. longitude;

(iv) North and west of Sanak Island, Alaska, bounded on the north by 54°36' N. latitude, on the south by 54°26' N. latitude, on the west by 163°05' W. longitude and on the east by 162°40' W. longitude;

(v) On the south side of Unalaska Island, Alaska, between 167°18' W. longitude and 167°40' W. longitude (from January 1 to October 15, only);

(vi) On the north side of Unalaska Island, Alaska, between 167°15' W. longitude and 167°35' W. longitude (from January 1 to October 15, only);

(vii) On the south side of Umnak Island, Alaska, between 168°15' W. lon-

gitude and 168°30' W. longitude (from October 15 to January 1, only);

(viii) On the north side of Umnak Island, Alaska, between 168°25' W. longitude and 168°40' W. longitude and between 168°50' W. longitude and 169°00' W. longitude (from October 15 to January 1, only);

(ix) Off St. George Island of the Pribilof Islands, Alaska (from November 1 to May 1, only);

(x) On the north side of St. Matthew Island, Alaska, between 172°20' W. longitude, and 172°46' W. longitude, and on the south side of St. Matthew Island, between 172°17' W. longitude, and 172°35' W. longitude, and between 172°54' W. longitude, and 173°04' W. longitude.

(d) *Gear restriction.* No foreign vessel may possess crab pots in the FCZ while engaging in any fishery other than the Tanner crab fishery.

(e) *Statistical reporting.* (1) In addition to the requirements of § 611.9, the owner or operator of any foreign fishing vessel shall maintain catch and effort statistics as required by this Subpart and shall report the information, through the designated representative, to the Director, Alaska Region, National Marine Fisheries Service, Juneau, Alaska, U.S.A. 99801.

(2) *Cumulative catch log, weekly catch report, and weekly report of marine mammal incidental catch.* The requirements of § 611.9(d) that each vessel maintain a daily cumulative catch log, of § 611.9(e) that the weekly catch report be on a vessel-by-vessel basis, and of § 611.9(g) that the weekly report of marine mammal incidental catch be on a vessel-by-vessel basis are waived for fishing vessels that are not equipped with processing facilities and deliver all catches to a factory ship, provided that a consolidated cumulative catch log is maintained by the factory ship which accounts for all such fish received, and provided that the required data for the fishing vessels are consolidated and reported by the factory ship in the manner specified in § 611.9(d), (e), and (g).

##### § 611.91 Tanner crab fishery.

(a) *Purpose.* This section regulates foreign fishing for Tanner crab (all species of the genus *Chionoecetes*, including *C. bairdi*, *C. opilio*, and hybrids) in the Bering Sea.

(b) *Authorized fishery.*—(1) *Allocations.* Foreign vessels may engage in fishing only in accordance with applicable national allocations.

(2) *TALFF.* The total allowable level of foreign fishing (TALFF) for Tanner crab is listed in Table I to § 611.20(c).

(3) *Closures.* The taking of Tanner crab for which a nation has an allocation is permitted, provided that the fishery has not been closed under § 611.15.

(4) *Directed fishery.* The Tanner crab fishery may be conducted only as a directed fishery. Notwithstanding the fact that there may be an applicable national allocation of Tanner crab and the fact that a vessel may be permitted in the Tanner crab fishery in addition to the snail fishery and/or the Bering Sea and Aleutian Islands fishery, Tanner crab caught while engaged in another fishery may not be retained.

(c) *Open areas.* Except for the closed areas set forth in paragraph (d) of this section, foreign fishing vessels may fish for Tanner crab in the entire Bering Sea.

(d) *Closed areas.* No foreign vessel may fish for Tanner crab:

(1) Within twelve nautical miles of the baseline used to measure the U.S. territorial sea; (2) South of 58° N. latitude; or (3) East of 164° W. longitude.

(e) *Gear restrictions.* (1) No foreign vessel fishing for Tanner crab may use gear other than crab pots. A crab pot is defined as a portable structure designed and constructed to capture and retain crabs alive in the water.

(2) No foreign fishing vessel may possess crab pots in the FCZ while engaging in any other fishery.

(f) *Other restrictions.*—(1) *Non-retention.* No foreign vessel may retain any female or soft shell Tanner crab or any species of crab other than the genus *Chionoecetes*. All female or soft shell Tanner crabs and all crabs other than the genus *Chionoecetes* shall be immediately returned to the sea in a manner which minimizes handling mortality, and in accordance with § 611.13.

(2) *Processing.* No foreign fishing vessel operating with a factory ship may process Tanner crabs. All crabs

taken by such vessels must be processed solely by a factory ship permitted in the Tanner crab fishery.

(3) *Loading and off-loading.* Tanner crabs must be taken aboard factory ships in a manner in which an observer can verify the total weight of crabs taken aboard. Tanner crabs off-loaded within the fishery conservation zone from fishing vessels not operating with a factory ship must be transferred in a manner in which an observer can verify the total weight of crabs off-loaded.

(4) *Pre-departure inspection.* No foreign vessel which engages in fishing, as defined in § 611.2(r)(1), in the Tanner crab fishery, other than a vessel operating with a factory ship, may depart the fishery conservation zone until its catch of crabs on board is inspected by an observer or an authorized officer. Fishing, as defined in § 611.2(r)(1), by such vessel after the pre-departure inspection is prohibited.

(g) *Additional reports.*—(1) *Daily report.* Each foreign vessel which engages in fishing, as defined in section 611.2(r)(1), in the Tanner crab fishery, other than a vessel operating with a factory ship, shall report daily to the Regional Director, NMFS, Juneau, Alaska:

(i) The vessel's 12 noon (G.m.t.) position;

(ii) The vessel's catch for the preceding day by the following categories: *C. bairdi*, *C. opilio*, and hybrids; and

(iii) The vessel's cumulative catch.

(2) *Weekly catch report.* The weekly catch report required by section 611.9(e) shall be submitted to the Regional Director within 6 days following each 7-day period, and shall contain the following information in addition to that required by section 611.9(e):

(i) Effort in total pots lifted during the 7-day period, and

(ii) Catch during the 7-day period, in metric tons and number of crabs, by the following categories: *C. opilio*, *C. bairdi*, and hybrids.

(3) *Annual report.* Each nation whose vessels engage in this fishery shall report by May 30 of the following year annual catch and effort statistics as follows: *Effort* in number of pots hauled and hours pots soaked; *catch* in metric tons and the number of Tanner crabs by the following categories: *C. opilio*, *C. bairdi*, and hybrids. Each of these requirements is to be supplied by vessel class, by month, by 1/2° (lat.) by 1° (long.) statistical area.

§ 611.92 Gulf of Alaska groundfish fishery.

(a) *Purpose and scope.* (1) This section regulates foreign fishing for groundfish in the Gulf of Alaska, which includes that portion of the North Pacific Ocean, exclusive of the Bering Sea, between 132°40'W. longitude and 170°00'W. longitude.

(2) For regulations governing fishing for groundfish in the Gulf of Alaska by vessels of the United States, see 50 CFR Part 672.

(3) The specifications of total allowable levels of foreign fishing (TALFFs) and reserves are effective from December 1, 1978, through October 31, 1979, unless amended. After October 31, 1979 the annual specifications of TALFFs and reserves shall be effective from November 1 to November 1 of the following year, unless amended.

(b) *Authorized fishery.*—(1) *TALFFs and reserves.* The total allowable levels of foreign fishing (TALFFs) and the amounts of fish set aside as a reserve in each fishing area are set forth in Table I of this section.

TABLE I.—Gulf of Alaska Groundfish Fishery: TALFF and Reserve<sup>1</sup> by Species and Fishing Area for 1978/1979

(Metric Tons)

FISHING AREAS<sup>2</sup>

Species		Shumagin	Chirikof	Kodiak	Yakutat	Southeast	Total
Pollock	TALFF	7,000	6,700	5,000	1,500	600	20,800
	Reserve	45,200	43,100	32,400	9,900	3,200	133,800
Pacific Cod <sup>3</sup>	TALFF	2,570	1,150	4,080	1,130	370	9,300
	Reserve	2,730	1,150	4,420	1,270	430	10,000
Flounders	TALFF	5,200	1,300	5,900	3,200	1,000	16,600
	Reserve	3,000	800	3,500	1,800	600	9,700
Pacific Ocean Perch	TALFF	1,700	1,700	3,400	5,000	4,200	16,000
	Reserve	900	900	1,600	2,500	2,000	7,900
Other Rockfishes <sup>4</sup>	TALFF	100	100	100	900	900	2,100
	Reserve	100	100	300	1,600	1,400	3,500
Sablefish	TALFF	1,300	800	1,400	1,400	0	4,900
	Reserve	700	600	900	1,200	700	4,100
Atka Mackerel	TALFF	3,400	2,800	12,300	800	0	19,300
	Reserve	1,000	800	3,500	200	0	5,500
Squid	TALFF	200	200	200	200	200	1,000
	Reserve	200	200	200	200	200	1,000
Other Species <sup>5</sup>	TALFF	3,000	2,500	3,300	1,400	800	11,000
	Reserve	1,300	1,000	1,500	600	300	4,700

<sup>1</sup>The TALFFs specified in this table may be modified during the year if reserves are apportioned to TALFF.

<sup>2</sup>See Figure 3 of Appendix II to Section 611.9 for description of fishing areas.

<sup>3</sup>Of the total Pacific Cod TALFF, only 3,720 metric tons may be caught West of 157° W. longitude.

<sup>4</sup>The category "other rockfishes" includes all rockfishes other than Pacific ocean perch.

<sup>5</sup>The category "other species" includes all species of fish except (A) the other fish listed in the table; and (B) shrimp, scallops, salmon, steelhead trout, Pacific halibut, herring, and Continental Shelf fishery resources.

(i) In any fishing area where the TALFF for any species listed in Table I of this section is "0" (zero), any catch of that species in that fishing area shall be considered catch of a "prohibited species" and treated in accordance with the provisions of § 611.13.

(ii) Reserves.

(A) *Apportionment of reserve amounts.* As soon as practicable after each of the following dates, the Regional Director shall apportion to the TALFFs twenty-five (25) percent of the reserve amount set out in Table I of this section for each species in each fishing area: January 2, March 2, May 2, and July 2.

(B) *Determination—(1) General.* Before making the apportionment described in paragraph (b)(1)(ii)(A) of this section, the Regional Director shall determine whether or not to apportion to the TALFFs all or part of the amounts described in paragraph (b)(1)(ii)(A) of this section. The Regional Director may withhold all or part of the 25 percent reserve amount if determined that the amount concerned, when added to unapportioned reserve amounts, will be harvested by vessels of the United States during the remainder of the fishing year.

(2) *Factors.* The determination whether or not to withhold all or part of the reserve amounts shall be based upon consideration of the following factors:

(i) Reported U.S. catch and effort by species and area, compared to previously projected U.S. harvesting capacity;

(ii) Projected U.S. catch and effort by species and area for the remainder of the fishing year;

(iii) Amounts of fish already purchased or processed by U.S. processors during the fishing year, compared to previously projected processing capacity of U.S. processors; and

(iv) Projected processing capacity and utilization of capacity by U.S. processors for the remainder of the fishing year.

(3) *Public comment.* (i) Comments may be submitted to the Regional Director concerning whether or not, and the extent to which, vessels of the United States will harvest reserve amounts during the remainder of the fishing year. (Address: NMFS, P.O. Box 1668, Juneau, Alaska 99802.)

(ii) Comments must be submitted no later than 15 days prior to the dates specified in paragraph (b)(1)(ii)(A) of this section.

(iii) The Regional Director shall consider any timely comments filed in accordance with this section in making the determination specific in paragraph (b)(1)(ii)(B)(1) of this section.

(iv) The Regional Director shall compile, in aggregate form, the most recent available reports on: (1) Level of catch and effort by vessels of the United States fishing in the Alaska groundfish fishery; and (2) amounts of fish processed by U.S. fish processors. This data shall be available for public inspection during business hours at the National Marine Fisheries Service, Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska 99802, during the last 15 days of each comment period.

(4) *Procedure.* As soon as practicable after each of the dates specified in paragraph (b)(1)(ii)(A) of this section, the Regional Director shall publish in the FEDERAL REGISTER: (i) the final amounts of reserves to be apportioned to the TALFFs; (ii) the reasons for the determination that vessels of the United States will, or will not, harvest the amounts available for apportionment to the TALFFs; and (iii) responses to comments received.

(5) *Add-on.* If vessels of the United States fail to harvest any part of a 25 percent apportionment which has been withheld by the Regional Director pursuant to paragraph (b)(1)(ii)(B) of this section, the unharvested amount shall be added to the amount of reserves available for apportionment to the TALFFs on the next apportionment date.

(2) *Fishing permitted.* (i) The catching and retention of any groundfish for which a nation has an allocation is permitted, except in the following circumstances:

(A) When vessels of a nation have caught the amount of the allocation of that nation for any groundfish species (or species group, e.g. "other rockfish") in any fishing area, fishing for groundfish in that fishing area by vessels of that nation is prohibited, even if (1) allocations of other species for that nation in that fishing area have not been reached, or (2) the nation has not received a notice issued pursuant to § 611.15(c) prohibiting fishing by vessels of that nation in that fishing area; or

(B) On the effective date of a notice of closure issued by the Regional Director pursuant to the procedures of § 611.15(c), fishing by vessels of that nation is prohibited for the groundfish

species (or species groups), in the fishing areas and during the periods stated in the notice; or

(C) As otherwise prohibited by this section.

(ii) The Regional Director shall issue a notice of closure, pursuant to the procedures of § 611.15(c), prohibiting fishing for the applicable species of groundfish, in the applicable fishing area during the applicable periods, as listed in paragraphs (A) through (E) below, when it is determined that one or more of the following catch limitations will be reached:

(A) Optimum yield (OY) for any groundfish species, or species group, in a fishing area: The Regional Director shall issue a notice prohibiting fishing using trawl gear for groundfish in that fishing area by vessels subject to this section, until November 1, *except* that if the optimum yield for sablefish or Pacific cod in a fishing area will be reached, the Regional Director shall prohibit fishing for groundfish in that fishing area by all vessels subject to this section until November 1 (see Table I of 50 CFR Part 672 for OY amounts by fishing area);

(B) Total allowable level of foreign fishing (TALFF) for any groundfish species, or species group, in a fishing area: the Regional Director shall issue a notice prohibiting fishing using trawl gear for groundfish in that fishing area, *except* that if the TALFF for sablefish or Pacific Cod in a fishing area will be reached, the Regional Director shall prohibit fishing for groundfish in that fishing area by all vessels subject to this section until November 1.

(C) The allocation of a nation for any groundfish species, or species group, in a fishing area: the Regional Director shall issue a notice prohibiting fishing for groundfish in that fishing area by all vessels of that nation until November 1.

(D) The amount of Pacific cod stated in footnote three of Table I (§ 611.92(b)(1)) caught west of 157° W. longitude by vessels subject to this section: the Regional Director shall issue a notice prohibiting fishing for groundfish in the area west of 157° W. longitude, by all vessels subject to this section until November 1.

(E) 25 (twenty-five) percent of the total allocation (all groundfish species) of a nation caught during the period between December 1 and June 1: The Regional Director shall issue a notice prohibiting fishing for ground-

fish in the Gulf of Alaska by all vessels of that nation until June 1.

(iii) When a notice has been issued pursuant to this subsection prohibiting fishing, vessels of a nation subject to this section may resume fishing in a fishing area: (A) On the effective date of a notice issued pursuant to § 611.15(c) rescinding the notice of closure previously issued; or (B) when the time period stated in the notice of closure expires.

(c) *Open areas.* Except as prohibited in paragraph (d) of this section, foreign fishing for groundfish is permitted in the Gulf of Alaska beyond twelve nautical miles from the baseline used to measure the U.S. territorial sea.

(d) *Closed areas.*—(1) *All fishing.* Foreign fishing for groundfish is prohibited in the following areas:

(i) *Cape Edgecumbe-Salisbury Sound:* between 56°53' N. latitude and 57°24' N. latitude east of 137°00' W. longitude.

(ii) *Cross Sound Gully:* between 57°50' N. latitude and 58°12' N. latitude east of 137°25' W. longitude.

(iii) *Fairweather Gully:* the area bounded by rhumb lines connecting the following coordinates in the order listed:

North latitude	West longitude
58°28'	140°00'
58°48'	138°50'
58°10'	139°11'
58°28'	140°00'

(iv) *"Davidson Bank":* between 163°04' W. longitude and 166°00' W. longitude north of 53°00' N. latitude.

(2) *Fishing with trawl gear.* Trawling for groundfish by vessels subject to this section is prohibited in the following areas during the periods specified:

(i) 140° W. longitude to 147° W. longitude, from November 1 to February 16.

(ii) 147° W. longitude to 157° W. longitude, from February 16 to June 1.

(iii) *Six "Kodiak gear areas",* from August 10 to June 1. These areas, bounded respectively by rhumb lines connecting in each of the following groups the coordinates in the order listed, are described as follows:

(A) North Latitude	West Longitude
57°15'	154°51'
56°57'	154°34'
56°21'	155°40'
56°26'	155°55'
57°15'	154°51'

(B) North Latitude	West Longitude
56°27'	154°06'
55°46'	155°27'
55°40'	155°17'
55°48'	155°00'
55°54'	154°55'
56°03'	154°36'
56°03'	153°45'
56°30'	153°45'
56°30'	153°49'
56°27'	154°06'

(C) North Latitude	West Longitude
56°30'	153°49'
56°30'	153°00'
56°44'	153°00'
56°57'	153°15'
56°45'	153°45'
56°30'	153°49'
(D) North Latitude	West Longitude
57°05'	152°52'
56°54'	152°52'
56°46'	152°37'
55°46'	152°20'
57°19'	152°20'
57°05'	152°52'
(E) North Latitude	West Longitude
57°35'	152°03'
57°11'	151°14'
57°19'	150°57'
57°48'	152°03'
57°35'	152°03'
(F) North Latitude	West Longitude
58°00'	152°00'
58°00'	150°00'
58°12'	150°00'
58°19'	151°29'
53°00'	152°03'

(iv) *Three "Kodiak halibut areas",* from 5 days prior to 5 days after the first opening of the U.S. halibut fishing season, if the first opening of that fishing season occurs after May 26 (as established by regulations of the International Pacific Halibut Commission).

(A) The three "Kodiak halibut areas", bounded respectively by rhumb lines, are described as follows:

(1) 58°30' N. lat. to 59°30' N. lat., between 147°40' W. long. and 150°20' W. long.

(2) 57°40' N. lat. to 58°05' N. lat., between 148°50' W. long. and 150°30' W. long.

(3) 55°30' N. lat. to 56°25' N. lat., between 155°45' W. long. and 156°30' W. long.

(B) The Regional Director shall give notification of the first opening date of the U.S. halibut fishing season to the designated representative of each foreign nation at least 48 hours before the U.S. halibut fishing season first opens.

(3) *Fishing with longline gear.* Longline fishing for groundfish by vessels subject to this section is prohibited in the following areas during the periods specified (for the purpose of this section 611.92, longline means a stationary, buoyed and anchored line with hooks or pots attached, or the taking of fish by means of such a device):

(i) East of 140° W. longitude, at all times;

(ii) The area which is both landward of the 500 meter depth contour and between 140° W. longitude and 157° W. longitude, at all times;

(iii) The area which is both landward of the 500 meter depth contour and west of 157° W. longitude, at all times, except for longline fishing for Pacific cod; and

(iv) The area which is both landward of the 500 meter depth contour and west of 157° W. longitude, during the

halibut fishing seasons as established by regulations of the International Pacific Halibut Commission. The Regional Director shall give notification of the opening and closing dates of the U.S. halibut fishing seasons to the designated representative of each foreign nation, at least 48 hours before the opening and closing dates of the U.S. halibut fishing seasons.

(e) *Gear restrictions.*—(1) *Vessels using trawl gear.* During the period from December 1 to June 1, vessels subject to this section shall not use trawls other than pelagic trawls (trawls in which neither the net nor the otter boards operate in contact with the seabed) equipped with recording net-sonde devices functioning properly during each tow.

(A) The footrope of the net shall not be in contact with the seabed for more than 10 percent of any tow, as indicated by the net-sonde readout.

(B) Vessels subject to this section shall not attach to a pelagic trawl any protective device (such as chafing gear, rollers or bobbins) which would make it possible to fish on the seabed.

(2) *Vessels using longline gear.* Vessels subject to this section shall not use gear other than longline gear when conducting a directed fishery for:

(A) Sablefish; or

(B) Pacific cod in the area which is both west of 157° west longitude and landward of the 500 meter depth contour.

(f) *Additional statistical report—Annual.* In addition to the requirements of § 611.9, each nation whose fishing vessels fish subject to this section shall submit a written annual report to the Regional Director setting forth catch and effort statistics regarding fishing activities conducted under this section during the annual period from November 1 to November 1 of the following year, by March 31 of the following year (e.g., statistics gathered for the period November 1, 1973 to November 1, 1979 must be submitted by March 31, 1980.)

(1) Foreign vessels fishing with trawl gear shall report:

(i) *Effort* in hours trawled and number of days fished, by vessel class, by gear type, by month, by ½° (lat.) × 1° (long.) fishing area;

(ii) *Catch* in metric tons, by vessel class, by gear type, by month, by ½° (lat.) × 1° (long.) fishing area, by the following species categories: yellowfin sole, rock sole, flathead sole, arrowtooth flounder, other flounders, Pacific ocean perch, other rockfish, Pacific cod, sablefish (blackcod) walleye (Alaska) pollock, Atka mackerel, squid, any other species taken in excess of 1,000 metric tons, and other fishes.

(2) Foreign vessels fishing with longline gear shall report:



(i) *Effort*, in number of longline units (300 fathoms of longline or groundline per unit) and number of hooks per unit, number of pots, duration of soaking time for longlines and pots, and number of days fished, by vessel class, by gear type, by month, by  $\frac{1}{2}^{\circ}$  (lat.)  $\times$   $1^{\circ}$  (long.) fishing areas; and

(ii) *Catch* in metric tons, by vessel class, by gear type, by month, by  $\frac{1}{2}^{\circ}$  (lat.)  $\times$   $1^{\circ}$  (long.) fishing area, by the species categories listed in paragraph (f)(1)(ii) of this section.

#### § 611.93 Bering Sea and Aleutian Islands fishery.

(a) *Purpose*. This section regulates foreign fishing for all species of fish, except Tanner crab and snails, in the Bering Sea and that portion of the North Pacific Ocean south of the Aleutian Islands chain west of  $170^{\circ}$  W. longitude.

(b) *Authorized fishery*—(1) *Allocations*. Foreign vessels may engage in fishing only in accordance with applicable national allocations.

(2) *TALFF*. The total allowable levels of foreign fishing (TALFFs) for the Bering Sea and Aleutian Islands fishery are set forth in Table I to § 611.20(c). The TALFFs for Pacific ocean perch, sablefish, and "other species" are divided between Area IV and the other three areas as follows:

	Pacific ocean perch	Other Sablefish species	Other species
Areas I through III	6,500	2,400	59,600
Area IV.....	15,000	1,500	34,000
Total.....	21,500	3,900	93,600

(3) *Species definitions*. The category "other species" used in TALFFs and in allocations includes all species except:

(i) The other allocated species, namely: pollock, yellowfin sole, other flounders, Pacific ocean perch, sablefish, Pacific cod, herring, Atka mackerel, and squid; and

(ii) Shrimp, scallops, salmon, steelhead, Pacific halibut, and Continental Shelf fishery resources.

(4) *Closures*. The taking of any species for which a nation has an allocation is permitted, provided that:

(i) The vessels of the foreign nation have not caught the allocation of that nation for any species or species group (e.g., "other species"). When vessels of a foreign nation have caught an applicable allocation of any species, all further fishing as defined in § 611.2(r)(1) by vessels of that nation must cease, even if other allocations have not been reached. Therefore, it is essential that foreign nations plan their fishing

strategy to ensure that the reaching of an allocation for one species does not result in the premature closing of a nation's fishery for other allocated species.

(ii) The fishery has not been closed for other reasons under § 611.15.

(c) *Open areas*. Except for the closed areas set forth in paragraph (d) of this section, foreign fishing may be conducted in the following portions of the fishery conservation zone:

(1) The entire Bering Sea and that portion of the North Pacific Ocean south of the Aleutian Islands chain west of  $170^{\circ}$  W. longitude beyond 12 nautical miles from the baseline used to measure the territorial sea;

(2) The area between three and twelve nautical miles from the baseline used to measure the territorial sea north of the Aleutian Islands chain as follows:

(i) Between  $169^{\circ}$  and  $170^{\circ}$  W. longitude, trawl fishing from June 1 to December 1, and longline fishing at all times.

(ii) Between  $170^{\circ}$  and  $172^{\circ}$  W. longitude, trawl and longline fishing at all times.

(iii) Between  $172^{\circ}$  and  $176^{\circ}$  W. longitude, longline fishing from April 1 to November 1.

(iv) West of  $176^{\circ}$  W. longitude, trawl fishing from May 1 to January 1, and longline fishing at all times.

(3) The area between three and twelve nautical miles from the baseline used to measure the territorial sea south of the Aleutian Islands chain as follows:

(i) Between  $170^{\circ}$  and  $172^{\circ}$  W. longitude, trawl and longline fishing at all times.

(ii) Between  $172^{\circ}$  and  $176^{\circ}$  W. longitude, longline fishing from April 1 to November 1.

(iii) Between  $176^{\circ}00'$  and  $178^{\circ}30'$  W. longitude, longline fishing from April 1 to November 1, and trawl fishing from July 1 to November 1.

(iv) West of  $178^{\circ}30'$  W. longitude, trawl fishing from May 1 to January 1, and longline fishing at all times.

(d) *Closed areas*—(1) *Trawling*. Trawling by foreign vessels is prohibited in the areas and during the periods which follow:

(i) At all times in the Bristol Bay "Pot Sanctuary" which is the area enclosed by straight lines from Cape Sarichef light at  $54^{\circ}36'$  N. lat.,  $164^{\circ}55'42''$  W. long.; to  $55^{\circ}16'$  N. lat.,  $166^{\circ}10'$  W. long.; to  $56^{\circ}20'$  N. lat.,  $163^{\circ}00'$  W. long.; to  $57^{\circ}10'$  N. lat.,  $163^{\circ}00'$  W. long.; to  $58^{\circ}10'$  N. lat.,  $160^{\circ}00'$  W. long.; then due south along  $160^{\circ}00'$  W. long. to the Alaska Peninsula.

(ii) From December 1 to June 1, in the following two areas:

(A) The area bounded by straight lines connecting the following coordinates in the order listed:  $54^{\circ}36'$  N. lat.,

$164^{\circ}54'42''$  W. long. (Cape Sarichef light);  $52^{\circ}48'$  N. lat.,  $170^{\circ}00'$  W. long.;  $55^{\circ}30'$  N. lat.,  $170^{\circ}00'$  W. long.;  $55^{\circ}30'$  N. lat.,  $166^{\circ}47'$  W. long.;  $56^{\circ}00'$  N. lat.,  $167^{\circ}45'$  W. long.;  $56^{\circ}00'$  N. lat.,  $166^{\circ}00'$  W. long.;  $56^{\circ}30'$  N. lat.,  $166^{\circ}00'$  W. long.;  $56^{\circ}30'$  N. lat.,  $163^{\circ}00'$  W. long.;  $56^{\circ}20'$  N. lat.,  $163^{\circ}00'$  W. long.;  $55^{\circ}18'$  N. lat.,  $166^{\circ}10'$  W. long.;  $54^{\circ}36'$  N. lat.,  $164^{\circ}55'42''$  W. long. (Cape Sarichef light).

(B) The area bounded by straight lines connecting the following coordinates in the order listed:  $56^{\circ}18'$  N. lat.,  $170^{\circ}24'$  W. long.;  $56^{\circ}20'$  N. lat.,  $169^{\circ}03'$  W. long.;  $56^{\circ}12'$  N. lat.,  $168^{\circ}46'$  W. long.;  $55^{\circ}56'$  N. lat.,  $169^{\circ}10'$  W. long.;  $55^{\circ}56'$  N. lat.,  $170^{\circ}24'$  W. long.;  $56^{\circ}18'$  N. lat.,  $170^{\circ}24'$  W. long.

(2) *HERRING*. No foreign vessel may fish for herring east of  $168^{\circ}$  W. longitude.

(e) *Additional statistical report*. Each nation whose vessels engage in this fishery shall report, by May 30 of the following year, annual catch and effort statistics as follows:

(1) *Effort* in hours trawled, number of longline units (300 fathoms of longline or groundline per unit) and number of hooks per unit, number of pots, duration of soaking time for longlines and pots, and number of days fished, by vessel class, by gear type, by month, by  $\frac{1}{2}^{\circ}$  (lat.)  $\times$   $1^{\circ}$  (long.) statistical area; and

(2) *Catch* in metric tons, by vessel class, by gear type, by month, by  $\frac{1}{2}^{\circ}$  (lat.)  $\times$   $1^{\circ}$  (long.) statistical area, by the following species categories: yellowfin sole; rock sole; flathead sole; arrowtooth flounder; Greenland turbot; other flounders; Pacific ocean perch; Pacific cod; sablefish (blackcod); walleye (Alaska) pollock; Atka mackerel; Pacific herring; any other species taken in excess of 1,000 mt; and other fishes.

#### § 611.94 Snail fishery.

(a) *Purpose*. This section regulates foreign fishing for snails (all species of the genera *Neptunea*, *Fusitriton*, *Buccinum*, *Beringius*, *Volutopistius*, *Clinopogma*, *Plicifusus*, and *Pyrulofusus*) in the Bering Sea.

(b) *Authorized fishery*—(1) *Allocations*. Foreign vessels may engage in fishing only in accordance with applicable national allocations.

(2) *TALFF*. The total allowable level of foreign fishing (TALFF) for snails is listed in Table I to § 611.20(c).

(3) *Closures*. The taking of snails for which nation has an allocation is permitted provided that the fishery has not been closed pursuant to § 611.15.

(c) *Area, gear, and other restrictions*. No foreign fishing vessel may:

(1) Fish for snails east of  $164^{\circ}$  W. long., or within twelve miles of the baseline used to measure the territorial sea;

(2) Fish for snails using gear other than pots; or

(3) Retain in the snail fishery any species other than snails.

(d) *Additional statistical report.* Each nation whose vessels engage in this fishery shall report, by May 30 of the following year, annual catch and effort statistics as follows: *Effort* in number of pots hauled and hours pots soaked, by month, by  $\frac{1}{2}^{\circ}$  (lat.)  $\times$   $1^{\circ}$  (long.) statistical area; *Catch* in metric tons of edible meat, by month, by  $\frac{1}{2}^{\circ}$  (lat.)  $\times$   $1^{\circ}$  (long.) statistical area.

[FR Doc. 78-35074 Filed 12-18-78; 8:45 am]



**TUESDAY, DECEMBER 19, 1978**

**PART IV**



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**DEPARTMENT OF  
DEFENSE**

**Department of the Army**

**ACQUISITION OF REAL  
PROPERTY AND  
INTERESTS THEREIN FOR  
MILITARY PURPOSES**

**Revised Policies and  
Responsibilities**

[3710-08-M]

## DEPARTMENT OF DEFENSE

Department of the Army

[32 CFR Part 552]

[AR 405-10]

## MILITARY RESERVATIONS

Acquisition of Real Property and Interests  
Therein; Revised Policies and ResponsibilitiesAGENCY: Department of the Army,  
DoD.

ACTION: Proposed rule.

**SUMMARY:** The Department of the Army is revising its regulation concerning the policies and responsibilities on Acquisition of Real Property and Interests Therein. The regulation was rewritten to reduce the number of pages and to make the text of the document easier to read and understand.

**DATE:** Comments must be received on or before January 5, 1979.

**ADDRESS:** Send comments to: HQDA (DAEN-REA-L), WASH DC. 20314.

**FOR FURTHER INFORMATION CONTACT:**

Mr. James E. Uelmen (202) 693-6857.

**NOTE:**—The Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

**SUPPLEMENTARY INFORMATION:** Regulations formerly appearing in 32 CFR 552.50 through 552.74 concerning use of Department of the Army Real Estate are transferred to Part 643 of this chapter. The revised regulation was published in Part IV of the *FEDERAL REGISTER* issue of July 10, 1978 (43 FR 29748).

Dated: November 29, 1978.

THOMAS J. WOODALL,  
*Lieutenant Colonel, Corps of Engineers, Asst. Executive Director, Engineer Staff.*

In consideration of the above, 32 CFR Part 552 will be amended at a future date as follows:

1. Section 552.16 and its center-heading will be redesignated as Subpart A at a future date.

2. Sections 552.18-552.19 and its center-heading will be redesignated as Subpart B at a future date.

The following changes are proposed to be made to Part 552 in this notice of Proposed Rulemaking:

A. All of the center-headings, except the first two, are deleted.

B. Sections 552.30-552.39 are redesignated as Subpart C—General, and revised.

C. Sections 552.40-552.49 are added as Subpart D—Authorities, Constraints and Delegations.

D. Sections 552.50-552.59 are redesignated as Subpart E—policy, and revised.

E. Sections 552.60-552.69 are redesignated as Subpart F—Mission and Responsibilities, and revised.

F. Sections 552.70-552.74 are redesignated as Subpart G—Acquisition of Real Property and Interests Therein in Overseas Commands (Excluding Alaska, Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, and the Canal Zone), and revised.

Part 552 is amended to read as set forth below:

## PART 552—REAL ESTATE

## Subpart C—Acquisition of Real Property and Interests Therein

Sec.

552.30 [Reserved].

552.31 Purpose.

552.32 Applicability.

552.33 Explanation of terms.

552.34 Real property and methods of acquisition.

552.35-552.39 [Reserved].

## Subpart D—Authorities, Constraints and Delegations

552.40 [Reserved].

552.41 Authority to acquire real property and interest therein.

552.42 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

552.43 Environmental Impact Assessment/Statement.

552.44 Clearance after authorization and appropriation legislation.

552.45 General and special purpose space.

552.46 Leased family housing.

552.47 Public domain land.

552.48 Commercial and industrial facilities.

552.49 Economy Act limitations.

## Subpart E—Policy

552.50 [Reserved].

552.51 General policies governing acquisition.

552.52 Construction sites.

552.53 Acquisition and use of lands for Reserve Component facilities.

552.54 Commercial and industrial facilities.

552.55 Relocation, alteration, vacation, or abandonment of highways, roads, railroads, utilities, and cemeteries.

552.56 Review of leased property.

552.57-552.59 [Reserved].

## Subpart F—Mission and Responsibilities

552.60 [Reserved].

552.61 Acquisition by OCE.

552.62 Management of recruiting facilities of the Armed forces.

552.63 Maneuver agreements, initial alterations, maintenance, and restoration.

552.64 Service contracts by MACOMs and using services.

552.65 Utilization of leased space.

552.66-552.69 [Reserved].

Subpart G—Acquisition of Real Property and Interests Therein in Overseas Commands (Excluding Alaska, Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands and the Canal Zone)

552.70 [Reserved].

552.71 Scope.

552.72 Staff and command responsibilities.

552.73 Leases.

552.74 Lease of Quarters.

**AUTHORITY:** Sec. 3012, 70A Stat. 157, 10 U.S.C. 3012.

## Subpart C—Acquisition of Real Property and Interests Therein

§ 552.30 [Reserved]

§ 552.31 Purpose.

This regulation gives the authority, policy and responsibility for the acquisition of real property and interests therein, for military purposes by the Department of the Army (DA). It implements Department of Defense Directives 4165.6, 4165.12, and 4165.16.

§ 552.32 Applicability.

This regulation applies to those responsible for Army military real estate. The Secretary of the Army, or his designee, may make specific exceptions. This regulation applies to the Army National Guard and the Army Reserve.

§ 552.33 Explanation of Terms.

See AR 405-90 for a definition of "real estate" and other terms used in this regulation.

§ 552.34 Real Property and methods of acquisition.

(a) Title to non-Government-owned real property is acquired by:

(1) Purchase

(2) Condemnation

(3) Donation (when the authorization act specifies donation)

(4) Exchange, when specified by authorization act or when acquired under the authority of the GSA Administrator, who may acquire property by the exchange of Government property according to the Federal Property and Administrative Services Act of 1949, as amended.

(b) Easements in non-Government-owned real property are obtained in the same manner as in paragraph (a) of this section.

(c) Licenses in non-Government-owned real property are generally acquired by donation, although a nonrevocable license may be acquired by purchase.

(d) Leaseholds in non-Government-owned real property are acquired by negotiation or condemnation. Leaseholds may give the Government exclusive use or co-use with the owners.

(e) Permanent custody and control over Government-owned real property

is acquired by transfer, reassignment, withdrawal, reservation or exchange.

(f) Permits to use Government-owned real property are issued by another Government department or agency. Although similar to a license (may be revocable or nonrevocable), they are designated permits because they relate to Government-owned real property. This distinguishes them from licenses relating to non-Government-owned real property.

(g) Recapture of use of former Government-owned real property disposed of under a National Security Clause, a National Emergency Clause, or a similar provision, are by letter from the Office of the Chief of Engineers (OCE) to the owner of the property. Such action is based on a directive from the Secretary of the Army or SA designee.

(h) Revestment of title to former Government-owned real property disposed of under a reverter provision such as a National Defense Purpose Clause, is by letter to the owner. The Department official designated in the document that conveyed title to the Government will write the letter.

(i) Procurement of options on real property which may be needed for a military project, before its acquisition is authorized by law, is by negotiation.

(j) Third party interests in lands owned or controlled by the United States, such as outstanding oil, gas, and other mineral, grazing, timber, and water rights, and easements for rights-of-way for highways, railroads, powerlines, communication lines, waterlines, and sewerlines, are obtained in the same manner as in a above. Payment for extinguishment of grazing rights or licenses on public domain or other real property owned by or under the control of the United States is made according to the Act of July 9, 1942, 56 Stat. 654, as amended by the Act of May 28, 1948, 62 Stat. 277 and the Act of October 29, 1949, 63 Stat. 996; 43 U.S.C. 315q-r.

§ 552.35-552.39 [Reserved]

Subpart D—Authorities, Constraints and Delegations

§ 552.40 [Reserved]

§ 552.41 Authority to acquire real property and interest therein.

While the Federal Government has the inherent power to acquire land for its constitutional purposes, this power can be used only at the discretion of Congress. No land will be purchased in the name of the United States except under a law authorizing such purchase (R.S. 3736, 41 U.S.C. 14). No military department may acquire real property not owned by the United States unless the acquisition is authorized by law (10 U.S.C. 2676). This limitation does

not apply to the acceptance by a military department of real property acquired under the authority of the Administrator of the General Services Administration. This GSA authority permits the acquisition of Government property by exchange according to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.).

§ 552.42 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(a) Pub. L. 91-646, approved January 2, 1971, provides uniform Federal policy on real property acquisition. Title II of the law sets forth a uniform policy for the fair and equitable treatment of individuals displaced as a result of Federal and federally-assisted programs. This program keeps individuals from suffering disproportionate injuries as a result of programs designed to benefit the public. Title III of the law requires Federal agency heads to encourage and expedite the acquisition of real property by agreement with owners. This avoids litigation and relieves congestion in the courts, assures consistent treatment of property owners and promotes public confidence in Federal land acquisition.

(b) Application of Title III in leasehold acquisitions depends on the circumstances of the leasing action. When the Government begins action to lease a specific property, the pertinent provisions of Title III apply. In cases where the owner voluntarily offers his property to the Government, the provisions of Title III do not apply.

§ 552.43 Environmental Impact Assessment/Statement.

An Environmental Impact Assessment/Statement will be prepared as prescribed in AR 200-1 on all real estate actions to determine their effect on the quality of the environment. At the earliest possible stage in the planning process and in all instances prior to decision, the environmental consequences of any proposed action will be assessed. When significant environment impacts are apparent or controversy is connected with the environment aspects of the proposal, an environmental statement will be prepared. The environmental assessment or statement will accompany the action through the decisionmaking process.

§ 552.44 Clearance after authorization and appropriation legislation.

(a) 10 U.S.C. 2662 provides, in part, that the Secretary of a military department, or his designee, may not enter into any of the following real estate transactions by or for the use of that department until 30 days have ex-

pired from the date the proposed action was submitted to the Armed Services Committees of the Congress:

(1) An acquisition of fee title to any real property, if the estimated price is more than \$50,000;

(2) A lease or license of any real property to the United States, if the estimated annual rental value is more than \$50,000; or

(3) A transfer of real property owned by the United States to another Federal agency, to another military department, or to a state, if the estimated value is more than \$50,000.

(b) Prior approval of the Office of the Secretary of Defense (OSD) is required to acquire real estate or interest in real estate when its estimated fair market value or its annual or one-time cost exceeds \$50,000. This approval is required for all transactions involving—

(1) The acquisition of non-Government-owned real estate by purchase, condemnation, exchange, lease, lease renewal, or extension;

(2) The assignment, reassignment, or transfer of Government-owned real estate by other Government department or agency;

(3) The withdrawal of real estate from excess, surplus, or the public domain;

(4) The recapture of the use of real estate.

§ 552.45 General and special purpose space.

(a) Under Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note), as implemented in 41 CFR Part 101-18, the GSA Administrator is responsible within designated urban centers for:

(1) The acquisition by lease of general purpose space;

(2) The assignment and reassignment of such leased space and Government-owned space; and

(3) The operation, maintenance, and custody of such space.

(b) DA has authority to lease space under the following conditions:

(1) Acquisition by lease of general purpose space in cities and areas not included in AR 405-10 appendix B. Prior clearance must be obtained from the GSA regional office if the space exceeds 2,500 square feet.

(2) Acquisition by lease of special purpose space regardless of geographical location. Prior clearance must be obtained from the GSA regional office if the space exceeds 2,500 square feet.

(3) Control and use of buildings and space in buildings located on a military installation.

(4) Acquisition by lease of general purpose space required for use incidental to, and in conjunction with, special purpose space.

(5) Acquisition by lease of general purpose or special purpose space, re-



ardless of geographical location, either at no rental, at nominal consideration of \$1 per annum, or at per term.

(6) Acquisition by lease of general purpose or special purpose space in territories and possessions other than the Commonwealth of Puerto Rico and the Virgin Islands.

#### § 552.46 Leased family housing.

(a) Upon extension and amendment of Section 515 of the Act of July 15, 1955 (69 Stat. 352) by the annual Military Construction Authorization Acts, OCE is authorized to execute and approve leases for family quarters on the request of the installation commander. Such leases are subject to the provisions of AR 210-50 and the limitations in the above law.

(b) Acquisition by lease of bachelor and/or transient housing space will be subject to the provisions of AR 210-16 and AR 210-52. Prior approval of OSD is required when the estimated annual or one-time cost exceeds \$50,000.

#### § 552.47 Public domain land.

(a) Withdrawal, reservation, or restriction of more than 5,000 acres of the public domain must be approved by Act of Congress (See Engle Act, Pub. L. 85-337, approved February 2, 1958).

(b) Use of public domain by public land order withdrawal requires Office of the Secretary of Defense (OSD) prior approval if the total area exceeds 500 acres and the period of use exceeds one year or the value of the public domain exceeds \$50,000.

(c) Prior approval of the Office of the Secretary of the Army (OSA) is required for withdrawals, reservations, or restrictions not covered by paragraph (a) or (b) of this section.

#### § 552.48 Commercial and industrial facilities.

Prior OSD clearance is required to establish bakeries, laundries, dry-cleaning facilities, and other commercial and industrial facilities.

(a) No additional bakery, laundry, or dry-cleaning facilities will be established or acquired and no real property or interest therein will be acquired for such purpose without the prior approval of OSD. This includes the acquisition, renewal, or extension of leasehold interests regardless of the amount of rental.

(b) Establishment of other types of commercial and industrial facilities (not including bakeries, laundries, and dry-cleaning) can be approved by the OSA if the annual rental is under \$50,000, and the establishment of the facility conforms with basic policy.

#### § 552.49 Economy Act limitations.

(a) Section 322 of the Act of June 30, 1932 (47 Stat. 412) (The Economy Act), as amended by the Act of March 3, 1933 (47 Stat. 1517; 40 U.S.C. 278a), prohibits the leasing of any building or part of a building (as distinguished from land only) if:

(1) The annual rental exceeds 15 percent of the fair market value of the leased property as of the leasing date, if the rental exceeds \$2,000 per annum. The Comptroller General has held that when nominal consideration or rent-free leases are involved, the amounts spent by the Government for alterations and improvements to the premises may be considered as the cost of occupancy (in lieu of rent) for each year of the rental term. However, the total cost of alterations of improvements plus the nominal rental during any year of the rental term may not exceed 15 percent of the fair market value of the leased premises at date of the lease, unless the total cost plus nominal rental does not exceed \$2,000 per annum.

(2) The Comptroller General has ruled that maintenance embraces acts of repair (See 21 Comp. Gen. 90, 92). Therefore, the 25 percent limitation will apply to maintenance as well as to alterations, improvements, and repairs.

(b) Under the Act of April 28, 1942 (56 Stat. 247; 40 U.S.C. 278b), during war or a national emergency declared by Congress or by the President, the provisions of Section 322 of the Act of June 30, 1932 may be waived by the Secretary of the Army or his designee. The waiver is accomplished by certification that the leased premises are necessary for prosecution of the war or are vital to the national emergency. The term "annual rental" as used above, means the net rent, exclusive of the value of any special service such as, but not limited to, utilities, heat, and custodial services furnished by the lessor as part of the rental consideration. The provisions of the National Emergencies Act, Pub. L. 94-412, approved September 14, 1976, do not apply to the powers and authorities conferred by 40 U.S.C. 278b.

(c) A Certificate of Necessity is not required for the cost of the following:

(1) Installing equipment, apparatus, appliances, machinery, fixtures, movable partitions, etc., which are not intended to become an integral part of the building and which may be removed without injuring or defacing the item or the building. Under the provisions of the standard form of Government lease, such equipment is considered the property of the Government.

(2) Repair of damage due to abuse by or negligence of Government personnel, or caused through use not or-

dinarly expected in the lease. In these cases, only such repairs are made that are essential to the continued occupancy of the premises by the Government. Funds available for facilities engineering are applicable for such work. However, for real estate purposes such items of repair are considered restoration and a record of all costs will be kept and furnished the appropriate Division or District Engineer.

(3) Alterations, improvements, and repairs of any buildings or part of a building, whose use is acquired through condemnation proceedings.

#### Subpart E—Policy

#### § 552.50 [Reserved]

#### § 552.51 General policies governing acquisition.

(a) No request to acquire real estate by transfer, purchase, lease or condemnation will be considered unless it is established that:

(1) The activity to be accommodated is essential to an assigned mission.

(2) Real property now under the control of the DA is inadequate to satisfy the requirement.

(3) Real property now under the control of the Navy or Air Force or other Federal agency is not suitable or available for use by DA on a permit or joint use basis.

(b) If the activity is essential to an assigned mission and DA or other Federal property cannot fill the real property need, the following alternatives will be considered in the order listed:

(1) Donation or long-term nominal rental lease.

(2) Acquisition from other military departments.

(3) Recapture of use.

(4) Withdrawal from the public domain.

(5) Use of existing authority to exchange Government-owned real property for non-Government-owned real property.

(6) Acquisition from Federal agencies by transfer.

(7) Acquisition by purchase or lease.

(c) As a general rule, Department of the Army policy is to acquire full control by transfer, rather than temporary control by permit, of Government-owned real property which is part of a permanent Army installation and/or the site of existing or proposed permanent construction.

(d) In each case the specific real property requirement will be determined. Only the minimum amount of real property necessary to support the mission will be acquired.

(e) When Government-owned property is available, the following will not be considered sufficient reason for acquiring leased space:

(1) Desirability of an urban area location.

(2) Reduced travel time for employees or business representatives.

(3) Nominal savings in transportation costs.

(4) Environmental considerations (noise and traffic).

(5) Desirability of single unit offices instead of split locations close together.

(f) Under no circumstances will commitments be made, either in negotiations or by dissemination of information, to property owners by any authority other than OCE. This will avoid misunderstandings by property owners and embarrassment to DA. It is not intended to restrict the public notice and release of general information set forth below.

(g) The DA policy is to give notice and to release information to the public on acquisitions of real property for new installation sites as early as possible in the planning stage. Prior to public release, notification is given to members of Congress and State and local officials. The result should be good public relations, public support of the proposed acquisitions, and assistance in providing the military requirement with the least impact on the civilian economy. This policy also permits consideration of public preferences in establishing military facilities.

(1) Budget recommendations and estimates are classified FOR OFFICIAL USE ONLY (FOUO) until they are made public through transmittal of the budget to Congress. Public notice and release of information on the proposed real property acquisition will not include information on whether the proposed acquisition is included in a pending budget or is to be included in a pending budget or is to be included in a future budget. Public notice and release of information will be planned in advance.

(2) Non-Government-owned real property generally is acquired by negotiations based on appraisal of its fair market value. Therefore, public notice and release of information should not result in the increase of the value of the required land or create speculation. Information will not be released on any possible acquisition when it may have result. FOUO provisions apply to the acquisition of real property only when the release of advance information on the proposed plans might provide undue advantage to private interests.

(h) It is DA policy to use nonappropriated and nonnavigable water upon or under lands under its jurisdiction in a manner that is in accord with the water laws enacted by the several States.

#### § 552.52 Construction sites.

(a) If permanent construction is to be placed on land, the Government

must have or acquire fee title to the land or a permanent easement interest must be secured, with the following exceptions:

(1) Real property, including land or buildings, which the Government currently has the right to reuse by exercise of the National Security Clause or National Emergency Use Provision. Such rights apply only during the period of a national emergency and cease at its termination. Therefore, every effort will be made to negotiate a lease covering such property under terms that provide the Government the right to continuous possession for a minimum of 25 years.

(2) Real property required for installation of utility lines and necessary appurtenances if a long-term easement or lease can be secured at \$1 per term or annum.

(3) Real property required for airfields, if it can be secured by lease with provisions for:

(i) Right of continuous use by the Government under firm term or right of renewal for a minimum of 50 years.

(ii) A rental of \$1 per term or annum.

(iii) Reserving to the Government title to all improvements to be placed on the land and the right to dispose of such improvements by sale or abandonment.

(iv) Waiver by the lessor of all claims for restoration of the leased premises.

(v) Use of the property for Government purposes rather than for a specific military purpose.

(vi) Property required for facilities for the Reserve Components of the Armed Forces, if such property can be acquired by a lease containing provisions detailed in paragraphs (a)(3) (i), (ii), (iii), (iv), and (v) of this section.

(vii) Office of the Secretary of Defense (OSD) approval is required when leases for airfields and Reserve Component facilities can be obtained with some but not all of the above provisions. Approval from OSD is also required for leases for all other types of installations where permanent construction is to be placed by the Government. In all cases, it must be in the best interest of the Government to acquire a lesser interest than fee title.

(viii) Construction projects estimated to cost less than \$25,000 are not considered permanent construction for purposes of the above policy.

(b) When temporary construction or no construction is to be placed by the Government, acquiring it by lesser interest (leasehold, easement, license) is in the best interest of the Government, with the following exceptions:

(1) When proposed temporary construction has an estimated cost equal to or in excess of the current market value of the property.

(2) When the estimated total rental for the period the property probably will be required plus the cost of restoration will exceed 50 percent of the current fair market value of the property. To estimate, apply the exact period of use, if known, otherwise, use five years.

(3) When the cost of acquiring an easement right exceeds 75 percent of the current fair market value of the property.

(4) Exception to paragraphs (b) (1), (2) and (3) of this section will be obtained from COE (HQDA-DAEN-REA) WASH DC 20314.

#### § 552.53 Acquisition and use of land for Reserve Component facilities.

The following applies to the acquisition of land for Reserve Component facilities:

(a) For Army National Guard, see AR 130-400 and AR 135-6.

(b) For Army Reserve, see AR 140-475 and AR 140-478.

(c) In general, securing training sites will not always involve acquisition of the land by title. These will be acquired for use by one of the following means and in the order listed:

(1) Use of land under the control of the DA regardless of the agency maintaining jurisdiction.

(2) Use of reservoir lands of Civil Works projects will be—

(i) By informal agreement with the Resident Engineer or Manager when training activities do not involve exclusive use, destruction of vegetation, or construction; or

(ii) By permit from the District Engineer for training activities when these are compatible with the operation and maintenance of the project and do not endanger the use of public access areas by the general public.

(3) Use of lands under the control of the other military departments and Federal agencies, by permit or otherwise.

(4) Use of local, county, or State-owned public lands, by license or lease, for nominal rental.

(5) Use of private land by short-term co-use lease or maneuver permit.

(6) Use of non-Government-owned land, by lease.

(7) Acquisition of excess lands from the other military departments.

(8) Acquisition of excess lands from Federal agencies.

(9) Acquisition of non-Government-owned land.

(10) As a general rule, lands will not be acquired for training purposes from any source when the value of the land exceeds that of rural farmland in the area.

#### § 552.54 Commercial and industrial facilities.

(a) Commercial and industrial facilities are defined as those devoted to an activity which might be performed by private industry. Such facilities include, but are not limited to, warehouses, motor repair shops, bakeries, laundries, and drycleaning facilities. Commissaries, post exchanges, and nonappropriated fund activities are not included.

(b) It is DA policy not to operate industrial or commercial facilities unless it can be shown that the Government needs to perform the required work or service.

#### § 552.55 Relocation, alteration, vacation, or abandonment of highways, roads, railroads, utilities, and cemeteries.

The following policy applies when new acquisition of real estate or interests requires the relocation, alteration, vacation, or abandonment of highways, roads, railroads, utilities, or cemeteries.

(a) In acquiring land for the establishment or expansion of an installation upon which highways, roads, railroads, utilities, or cemeteries are located, the MACOM or head of the using service, or his designee, determines whether the continued existence of such facilities will interfere with the construction, maintenance, and operation of the installation sufficiently to justify the cost of relocation, alteration, vacation, or abandonment of the facility.

(b) If the continued existence of such facilities does not interfere, the land will be acquired, subject to existing easements for highways, roads, railroads, utilities, or cemeteries. Rights-of-way and cemeteries will be excluded from the acquisition, if the fee title is owned by the State, county, a railroad or utility company, or a cemetery association.

(c) Expenditures, whether direct Government construction costs or payments under relocation contracts, are justified on the basis of the Government's responsibility for making just compensation for facilities which are taken or which must be relocated, altered, vacated or abandoned. The relocated or altered facility should be the type which will, as nearly as practicable, serve the owner in the same manner and as well as the original facility. Substitute facilities over and above that degree of serviceability are generally considered to be betterments for which the expenditure of Government funds, either directly or indirectly, is not justified.

#### § 552.56 Review of leased property.

The policies for acquisition of real property, as outlined above, also apply to property held under lease. The

Office of the Chief of Engineers will review existing leases when:

(a) Substantial construction, whether temporary or permanent, is to be placed on the property.

(b) Further need for the leased property is anticipated and the total estimated rentals for the additional period, plus the cost of restoration, will exceed 50 percent of the market value of the property. Only estimated future rentals will be considered to determine whether or not fee simple title will be acquired.

#### Subpart F—Mission and Responsibilities

#### § 552.60 [Reserved]

#### § 552.61 Acquisition by OCE.

(a) The Chief of Engineers, under the direction of the Secretary of the Army or his designee, is responsible for acquiring all real estate required by the Department of the Air Force (AR 405-5).

(b) This authority is used in the United States, the Commonwealth of Puerto Rico, the Virgin Islands, and the Canal Zone.

(c) The Chief of Engineers or his duly authorized representative has authority to approve acquisitions for the Secretary of the Army:

(1) Acquisition of real property and/or interests in real property when the estimated cost or present value is less than \$25,000. This authority does not include acquiring real property for industrial or depot purposes. It is conditioned upon the acquisition not being controversial or inconsistent with OSD and DA policies.

(2) Leasehold acquisitions when the estimated annual rental for any single leasehold does not exceed \$50,000 and the acquisition is not controversial, unusual, or inconsistent with DA policies.

(3) Renewal or extension of such leaseholds.

(d) The Chief of Engineers has the delegated authority from the Secretary of the Army to take the following actions under Title II of Pub. L. 91-646, in accord with Federal guidelines:

(1) To make findings and payments, including advance payments;

(2) To grant approvals and assurances;

(3) To provide relocation advisory programs and services;

(4) To establish regulations and procedures and to coordinate with other Federal and State agencies; and

(5) To provide within the Office, Chief of Engineers, for the review of applications of persons aggrieved by determinations of eligibility for payments or the amount of payments, as authorized by Pub. L. 91-646.

(e) The Chief of Engineers has the delegated authority, consistent with Federal guidelines, to acquire property

or interests in property, and to make findings, determinations and payments as authorized by Title III of Pub. L. 91-646.

(f) In completing acquisitions, OCE is authorized to make minor boundary changes to avoid severance damages. This is done by including or excluding small tracts of land. These tracts must not decrease the area's usefulness which was the purpose of the acquisition.

(g) In addition to acquiring real estate, OCE is responsible for the closure, vacation, abandonment, relocation, and alteration of highways and roads. When practicable, the Federal Highway Administration may relocate and alter highways and roads under 23 U.S.C. 210, by certification through the Military Traffic Management Command. See AR 55-80 and AR 210-30.

(h) Material to be furnished by OCE:

(1) After acquiring land or any interest therein, OCE must furnish the installation commander or local representative of the using command, the real property record material and data, set forth in AR 735-5, AR 420-17 and AR 405-45. OCE must also establish and maintain for administrative purposes an historical record of all acquisitions and disposals of real estate. This record will include copies of acquisition and disposal authorization and related papers, tract registers, project maps, and summaries of land holdings and costs.

(2) All deeds and title papers are filed in the HQDA (DAEN-REP) WASH DC 20314. This includes papers relating to land acquired by transfer from other Federal departments or agencies. It also includes papers which give jurisdiction to land in the United States. It does not include the original or copies of leases, licenses, or permits.

(i) Pursuant to the provisions of Pub. L. 91-393, approved September 1, 1970, authority to approve title to lands being acquired for the use of the Department of the Army, or of any other department or agency for which the Department of the Army is authorized to acquire land, has been delegated to the Department of the Army, subject to the supervision of the Attorney General. Generally, fiscal year military authorization appropriation acts authorize construction on the land prior to title approval. This authority has been redelegated to Division and District Engineers with real estate responsibility.

#### § 552.62 Management of recruiting facilities of the Armed Forces.

(a) DoD Directive 5160.58 designates the Secretary of the Army as Executive Agent for recruiting facilities with responsibility of Real Property Man-

agement over the acquisition, disposal, and maintenance of space needed for recruiting offices, recruiting main stations, and detachments of the Armed Services. This authority has been re-delegated to the Chief of Engineers.

(b) As Executive Agent, the Chief of Engineers provides liaison with all military departments and the GSA at departmental and field level.

(c) OCE is responsible to program, budget, and finance all costs related to acquiring and maintaining facilities. These responsibilities include lease agreements, utilities, repair and maintenance of facilities, custodial services, security, and administration of leases and other agreements for facility occupancy.

**§ 552.63 Maneuver agreements, initial alterations, maintenance, and restoration.**

(a) The appropriate Division or District Engineer is responsible for negotiating maneuver agreements, short-term leases, restoration settlements and releases. Funds for field exercises and maneuvers, to include administrative costs which are allocated to major Army commands (MACOMs) will be used for these purposes.

(b) Maintenance and repair will be performed as a facilities engineering operation when the terms of the lease require the lessee (Government) to keep the leased facilities in tenantable condition.

(c) Initial alterations and repairs to leased facilities are the responsibility of the appropriate Division or District Engineer.

(1) Initial alterations are any improvement, addition, repair, or architectural, structural, or other change in the leased facility necessary to adapt it to the needs of the using agency. Initial alterations are agreed upon prior to occupancy. Alterations and improvements determined after occupancy are not initial alterations.

(2) Under DA policy, initial alterations are not made on unimproved leased land. However, the using agency will finance such costs when the lessor agrees to improve the land and amortize the cost as part of the rental consideration. In all other cases improvements on unimproved leased lands will be financed as minor construction by the using agency.

(d) Restoration of the premises is the responsibility of the appropriate Division or District Engineer when the lease provides that, at its termination, the facilities are to be returned in as good condition as they were when the lessee entered the premises. Exceptions to the condition are reasonable and ordinary wear and tear, damage by the elements, or circumstances over which the lessee has no control.

**§ 552.64 Service contracts by MACOMs and using services.**

When the use of an entire building or any specific portion is required, a leasehold interest will be acquired by the appropriate Division or District Engineer. Contracts for the furnishing of service, as distinguished from the acquisition of an interest in real property, are the responsibility of the MACOMs, heads of using services, or their designees. Service contracts are financed from funds available to the commander concerned. Such contracts do not come within the scope of this regulation. Examples are contracts for the furnishing of garage space, parking space, or storage space, which do not set aside a specific stall area or room for the exclusive use of the DA. When the use of an entire building or any specific portion is required, a leasehold interest will be acquired by the appropriate Division or District Engineer.

**§ 552.65 Utilization of Leased Space.**

Division and District Engineers are responsible for utilization inspections of leased space within their area boundaries. Utilization inspections will be made as deemed necessary, but no less than once every five years, preferably in the year the lease comes up for renewal. At the time for the inspection, a check should be made to determine what space is available in nearby military installations that could possibly satisfy the requirements of the occupants of the leased space.

**§§ 552.66-552.69 [Reserved]**

Subpart G—Acquisition of Real Property and Interests Therein in Oversea Commands (excluding Alaska, Hawaii, the Commonwealth of Puerto Rico, the Virgin Island and the Canal Zone).

**§ 552.70 [Reserved]**

**§ 552.71 Scope.**

This chapter pertains to the acquisition of real property and interests therein in all overseas commands except those listed above.

**§ 552.72 Staff and command responsibilities.**

(a) The OCE has staff responsibility overall DA real estate matters in overseas areas including the preparation of budget estimates and justifications, and presentation of related testimony. OCE communicates directly with overseas commanders on all technical real estate matters necessary to accomplish command objectives. OCE supervises and is responsible for overseas real estate activities that pertain to:

(1) Initiating and maintaining record and reporting systems necessary to carry out OCE responsibilities.

(2) Providing technical assistance as requested by overseas commanders.

(3) Issuing instructions and performing inspections and staff visits to see that overseas real estate activities are conducted according to directives, policies, and regulations.

(4) Review of overseas real estate data, including estimates, justifications, record, and reports.

(b) Oversea commanders will:

(1) Determine real estate requirements.

(2) Plan, execute and analyze estate operations in accordance with the provisions of pertinent laws, directives, policies, international agreements, and regulations.

(3) Prepare and submit real estate reports.

(4) Prepare budget estimates and justifications.

(5) Advise OCE on subjects or questions to be discussed or resolved prior to staff visits.

**§ 552.73 Leases.**

(a) 10 U.S.C. 2675 provides that, notwithstanding any other provisions of law, the Secretary of the Army may acquire by lease in any foreign country, structures and related real property that are needed for military purposes. The lease may not be for more than five years except that under this section a lease for military family housing facilities and related real property may be for a period of more than five years but not more than ten years. Each proposal for a build-to-lease project for family housing which considers leases of more than five and up to ten years must contain an up-to-date requirements survey done according to DoD Instruction 4165.45.

(b) No specific delegation of this authority by the Secretary of the Army is required. The leasing authority may be used in the same manner as that in other real estate actions.

(c) The leasing authority may be used only when it is determined that—

(1) There is a firm requirement for the real property for the firm term of the lease.

(2) The rental for the firm term is substantially less than the total rental for a lease renewable annually.

(3) After negotiations with the owner or his representative, it is determined that the property cannot be acquired under a lease renewable annually.

(d) When leases of real estate in foreign countries contain termination clauses requiring notice of one year or less, Operations and Maintenance Army (OMA) funds will be used and the obligation concepts in paragraph 2-8g, AR 37-21 will be followed regardless of the total period of the lease. If the lease does not contain a termination clause, or requires more than one

year's notice, funds will be obligated against the applicable OMA or MCA appropriation.

(e) Prior approval of OSD is necessary for any lease with firm term in excess of one year and with an annual rental exceeding \$50,000. Prior OSD approval is also required for a build-to-lease project for family housing considering a lease of more than 5 years and up to 10 years. Also, under authority of 10 U.S.C. 2675, no lease may be entered into if the average estimated annual rental during the lease term is more than \$250,000 (gross rent to be recited in the lease or for each project covered by one or more leases) until after 30 days expire from the date when facts on the proposed lease are submitted to the Committees on Armed Services of the Senate and House of Representatives. All leases and/or renewals requiring OSD approval or submission to the Committees on Armed Services will be submitted to OCE for transmittal. Justification to support each proposed leasing will be furnished, with terms and conditions of the proposed lease or renewal, including statements, as applicable. These statements describe anticipated requirements for the total program if the proposed lease represents only a part of the total program if the proposed lease represents only a part of the total program need. The statements will also describe currently held real estate becoming excess by reason of the proposed lease, including an es-

timate of its fair market value; and the terms of any existing leases to be replaced by the proposed acquisition. In addition, a draft acquisition report will be furnished for each proposed lease which must be submitted to the Armed Services Committees. Submission to DAEN-REA-L for the necessary approvals is scheduled as follows:

(1) Lease Renewals—At least 12 months in advance of the termination date of the leases.

(2) New Leases—In sufficient time to permit obtaining the required approval and meeting the statutory 30-day waiting period prior to any acquisition deadline.

(f) The lease document covering leases with an average annual rental in excess of \$250,000 will include a statement that the requirements of Title 10, United States Code, Section 2675 have been satisfied.

#### § 552.74 Lease of Quarters.

(a) Except for housing units leased for Military Assistance Advisory Group (MAAG) personnel in foreign countries, family housing will be leased for eligible military personnel only when leasing benefits the United States and is in accordance with AR 210-50.

(b) Alterations, repairs, additions, expansions, or extensions to leased family housing will be limited to work necessary to provide adequate living accommodations. In no event will the cost of such work exceed 25 percent of

the first year's rental without prior approval of OCE. Alterations, repairs, additions, expansions, or extensions also will be subject to the limitations on this type of work for Government-owned family housing. This work will be done only under the Family Housing Operation and Maintenance Program.

(c) The limitations in b above are intended to ensure that privately owned dwellings selected for lease under the Family Housing Leasing Program are those requiring minimum repairs and improvements to give adequate living accommodations. Installation commanders may request an authorization for exception to these limitations if they determine that the lease of a particular dwelling requiring alterations, repairs, additions, expansions, or extensions costing more than these limitations is the best method of meeting a housing requirement. Projects requiring authorization for exception to these limitations will be submitted to OCE on DD Form 1391 and 1391c (Military Construction Project Data) (AR 415-15). An itemized cost estimate and applicable single line drawings will accompany the DD forms. No lease will be completed until the required prior authorization is obtained.

(d) Pursuant to authority contained in Section 602 of the Act of July 13, 1955 (69 Stat. 301), rentals may be paid in advance in foreign countries for necessary periods to follow local customs.

IFR Doc. 78-35161 Filed 12-18-78; 8:45 am]