



highlights

FEDERAL GRANT PROGRAMS

Announcing a New Weekly Feature

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

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

* * * * *
L. Instructions to specific items

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

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

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

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

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

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

* * * * *
 (Secs. 2, 3, 7, 23, 48 Stat. 881, 832, 897, 901, as amended by secs. 2, 3, 14, 16, E9 Stat. 97, 97-104, 137-141, 155-156; sec. 13, 89 Stat. 131-137 (15 U.S.C. 78b, 78c, 78g, and 78w, as amended by Pub. L. No. 94-29; 15 U.S.C. 78o-4, as added by Pub. L. No. 94-29).)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 17, 1978.

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

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 120a]

LAND ACQUISITIONS

Proposed Rulemaking

JULY 19, 1978.

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

ACTION: Proposed rulemaking.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART 120a—LAND ACQUISITIONS

Sec.

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

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

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

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

§ 120a.1 Purpose and scope.

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

§ 120a.2 Definitions.

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

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

(c) "Individual Indian" means:

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

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

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

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

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

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

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

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

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

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

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

§ 120a.3 Land acquisition policy.

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

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

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

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

§ 120a.4 Statutory restrictions on tribal property.

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

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

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

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

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

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

§ 120a.7 Exchanges.

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

§ 120a.8 Acquisition by gift or donation.

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

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

§ 120a.9 Tribal acquisition of fractional interests.

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

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

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

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

§ 120a.10 Requests for approval of acquisitions.

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

§ 120a.11 Action on requests.

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

§ 120a.12 Title examination.

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

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

120a.13 Formalization of acceptance.

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

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107.

FORREST J. GERARD,
Assistant Secretary,
Indian Affairs.

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

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1052]

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

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

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

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

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

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

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

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

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

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

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

NANCY L. WILSON,
Acting Secretary.

Revise 49 CFR 1052.3 to read as follows:

§ 1052.3 Collection and remittance.

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

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

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

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

[7035-01]

[49 CFR Part 1062]

[Ex Parte No. MC-107]

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

Proposed Rulemaking

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

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