

SUPPLEMENTARY INFORMATION: In accordance with the Presidential objective of assuring that Federal regulations are as effective, reasonable, and understandable as possible, and pursuant to a Department of Defense project to, among other things, make title 32 of the *Code of Federal Regulations* (CFR) a more useful guide for members of the public, the Department of the Navy has determined, under guidance issued by the General Counsel of the Department of Defense, that certain provisions of 32 CFR Part 744 can be deleted because they unnecessarily duplicate provisions of 32 CFR Part 264. The source documents for the deleted CFR provisions are not cancelled and thus remain in effect. The amendments and deletions have been determined to be nonsubstantive in nature. Invitation for public comment prior to adoption has been determined to be impractical, unnecessary, and contrary to the public interest, and is thus not required under the rule-making provisions in Parts 296 and 701 of 32 CFR.

§§ 744.2, 744.3, 744.4, 744.5, 744.7, and 744.8 [Deleted]

Accordingly, 32 CFR Part 744 is amended as follows:

1. Section 744.2, 744.3, 744.4, 744.5, 744.7, and 744.8 are deleted.

§ 744.6 [Amended]

2. In the seventh line of paragraph (a) of § 744.6, "§ 744.5(b)(3)" is changed to "§ 264.4(d)(3)."

3. In the fifth line of paragraph (b) of § 744.6, "§ 744.5(d)" is changed to "§ 264.4(f)."

(Sec. 301, 80 Stat. 379, secs. 5031, 6011, 70A Stat. 278, 375 as amended; 5 U.S.C. 301, 10 U.S.C. 5031, 6011. Interpret or apply the Mutual Security Act of 1954 (68 Stat. 832) as amended, 22 U.S.C. 1750 et seq., and Act of Sept. 4, 1961 (Public Law 87-195, 75 Stat. 424), 22 U.S.C. 2151-2408 (2351, 2356).

4. In the eighth line of paragraph (c) of § 744.6, "§ 744.5(b)(3)" is changed to "§ 264.4(d)(3)."

Dated: May 22, 1979.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

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BILLING CODE 3810-71-M

POSTAL SERVICE

39 CFR Part 3

Bylaws—Matter Reserved for Decision by the Board

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The bylaws of the Board of Governors are revised so as to reserve for Board decision the salaries of officers of the Postal Service. The term "officers" includes Assistant Postmasters General and above, as well as a small number of ancillary positions.

This revision became necessary because the new Postal Career Executive Service is not structured on the basis of grades for senior officers and executives in the Postal Service, as is the existing compensation system. Thus, an existing bylaw reserves to Board decision compensation for officers and executives "in PES grade 34 and above". Such a bylaw had to be changed.

EFFECTIVE DATE: April 3, 1979.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 245-4638.

Accordingly, 39 CFR is amended as follows:

In § 3.4 revise paragraph (p) to read as follows:

§ 3.4 Matters reserved for decision by the Board.

* * * * *

(p) Compensation of officers of the Postal Service whose positions are included in Level II of the Postal Career Executive Service, including the Senior Assistant Postmasters General, Assistant Postmasters General, Regional Postmasters General, General Counsel, Chief Inspector, Controller, Treasurer, Consumer Advocate, Executive Assistant to the Postmaster General, and Judicial Officer.

(39 U.S.C. 205, 401, 1003)

Louis A. Cox,

General Counsel.

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DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

49 CFR Part 171

[Docket No. HM-22; Amdt. No. 171-47]

Matter Incorporated by Reference

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to update the reference in 49 CFR 171.7 to the International Maritime Dangerous Goods Code (IMCO Code) in order to recognize Amendments 14-76 and 15-77 to the Code.

EFFECTIVE DATE: July 1, 1979.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, 2100 Second Street, SW, Washington, D.C. 20590, telephone (202) 426-0656.

SUPPLEMENTARY INFORMATION: The Materials Transportation Bureau finds it necessary in the public interest to amend regulations in 49 CFR 171.7 to recognize Amendments 14-76 and 15-77 to the IMCO Code which have recently been published by the International Governmental Maritime Consultative Organization (IMCO). These amendments promulgate numerous miscellaneous changes to the IMCO Code and address matters such as listing, classification, labeling, and packaging of dangerous goods. IMCO has established July 1, 1979, as the implementation date for these amendments. Since this rule does not impose additional requirements, notice and public procedure thereon are unnecessary. The primary drafter of this document is Edward A. Altemos, International Standards Coordinator, Office of Hazardous Materials Regulation.

In consideration of the foregoing, Title 49, Code of Federal Regulations, § 171.7(d)(17) is revised to read as follows:

§ 171.7 Matter incorporated by reference.

(d) * * *

(17) "International Maritime Dangerous Goods Code," (IMCO Code), Volumes I, II, III and IV, 1977 edition, and Amendments 14-76 and 15-77 thereto.

[49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1].

Note.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an Economic Impact Statement under Executive Order 11821 and DOT implementing procedures (43 FR 9583). A regulatory evaluation is available in the public docket.

Issued in Washington, D.C., on May 21, 1979.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 79-15459 Filed 5-23-79; 8:43 am]

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INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 325]

49 CFR Part 1091

Practices of For-Hire Motor Common Carriers of Property Participating in Alaskan Motor-Ocean-Motor (AMOM) Substituted Service; Substituted Service—Water-for-Motor Service (Fishyback Service)—Alaskan Trade

AGENCY: Interstate Commerce Commission.

ACTION: Final regulations.

SUMMARY: The ICC has modified and adopted the rules governing the participation of for-hire motor common carriers of property in substituted water-for-motor service, involving water common carriers otherwise subject to the Shipping Act of 1916, for movement between points in Alaska, on the one hand, and points in the contiguous United States, on the other. Among other changes, the water portion of the substituted service may now involve any seaport in Alaska, on the one hand, and any seaport on the West Coast of the contiguous United States, on the other. The earlier rules limited the water portion of the substituted service to Seattle and Tacoma, Washington, on the West Coast.

EFFECTIVE DATE: June 28, 1979.

FOR FURTHER INFORMATION CONTACT: Janice M. Rosenak or Harvey Gobetz, (202) 275-7693.

Copies of the Commission's decision, containing a full explanation of the

action taken, entered May 17, 1979, have been served on the parties to this proceeding and may be obtained from the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. In requesting copies, reference should be made to docket Ex Parte No. 325.

SUPPLEMENTARY INFORMATION: An Administrative Law Judge in an initial decision served October 13, 1977, proposed that rules be prescribed governing substituted water-for-motor service between points in Alaska, on the one hand, and points in the contiguous United States, on the other. Those rules, although they had not been adopted by the Commission, were inadvertently published at 42 FR 53601, October 3, 1977 as Part 1091 in Title 49 of the Code of Federal Regulations.

In a decision of the entire Commission, the Commission has modified in part the initial decision of the Administrative Law Judge and has modified and adopted the rules prescribed in the initial decision. Among other changes, the water portion of the substituted service may now involve any seaport in Alaska, on the one hand, and any seaport on the West Coast of the contiguous United States, on the other. The earlier rules limited the water portion of the substituted service to Seattle and Tacoma, Washington, on the West Coast.

The modified rules are set forth below.

By the Commission, Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp, and Christian.
H. G. Homme, Jr.,

Secretary.

49 CFR Part 1091 is revised to read as follows:

PART 1091—PRACTICES OF FOR-HIRE MOTOR COMMON CARRIERS OF PROPERTY PARTICIPATING IN ALASKAN MOTOR-OCEAN-MOTOR (AMOM) SUBSTITUTED SERVICE

Sec.

- 1091.1 Definition of AMOM Service.
- 1091.2 Motor carrier operating rights requirement for participation.
- 1091.3 Tariff notice for AMOM Service and shipper designation feature.
- 1091.4 Motor carrier tariff inclusions for AMOM Service.
- 1091.5 Motor carrier two-tier rate structure.

Authority: Secs. 553 and 559 of the Administrative Procedure Act (5 U.S.C.), the national transportation policy (49 U.S.C. preceding section 1) and Parts I, II, III, and IV of the Interstate Commerce Act, and particularly sections 2, 3, 15(3), 15(10), 15(12), 17(3), 204(a)(6), 206(a)(1), 208(b), 210a, 216(c), 216(d), 216(e), 217, 222, 304, 305, 307, 402, 403(a), 404, 406, and 410(a) of the Interstate Commerce Act (49 U.S.C.).

§ 1091.1 Definition of AMOM Service.

Alaskan Motor-Ocean-Motor (AMOM) Service means the use of a common carrier by water subject to the Shipping Act, 1916, as amended, (hereafter referred to as the ocean carrier) by an irregular route motor common carrier authorized to transport property in interstate or foreign commerce under authority granted by the Interstate Commerce Commission between points in Alaska, on the one hand, and any points in the contiguous United States, on the other, (hereafter referred to as the motor carrier) for the movement of its loaded or empty equipment between a seaport in Alaska, on the one hand, and a seaport on the West Coast of the contiguous United States, on the other.

§ 1091.2 Motor carrier operating rights requirement for participation.

All motor carriers authorized under irregular route authority to provide service between any point in Alaska, on the one hand, and any point in the contiguous United States, on the other, may tender empty or loaded equipment to and receive their previously-tendered empty or loaded equipment in AMOM Service from ocean carriers at a seaport in Alaska and a seaport on the West Coast of the contiguous United States.

§ 1091.3 Tariff notice for AMOM Service and shipper designation feature.

Motor carriers may participate in AMOM Service only if their tariff publications give notice that, in the absence of a shipper election, the shipment will be transported over the lower-cost service, whether that be AMOM Service or all-highway service, and that the shipper has the right to elect with regard to any particular shipment that a particular service be utilized.

§ 1091.4 Motor carrier tariff inclusions for AMOM Service.

Tariffs embracing AMOM Service rates or charges, including substituted service directories, if used, shall set forth the underlying operating rights (overhead) relied upon, the service covered by the published rates or charges, the points of substitution between modes of transportation, and the names of the carriers participating therein.

§ 1091.5 Motor carrier two-tier rate structure.

Motor carriers utilizing AMOM Service may publish tariffs setting forth different rates or charges for AMOM Service and for all-highway service.

[FR Doc. 79-16688 Filed 5-23-79; 8:43 am]

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