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FRIDAY, JULY 29, 1977

highlights

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Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled 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.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

FCC—Public safety radio services; Travelers Information Station; operation in frequency range 530 and 1610kHz. 31594; 6–22–77

HUD/FHC—Historic preservation loans for residential structures; insurance of financial institutions.... 33882; 7–1–77

Rules Going Into Effect July 30, 1977

HUD/FHC—Solar heating and domestic hot water systems; minimum property standards..... 33890; 7–1–77

Interior/FWS—Big game hunting; Hatchie National Wildlife Refuge, Tennessee. 32801; 6–28–77

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CAB—Air carriers and charterers; carrier charges for charter ferry mileage (4 documents)..... 33720–33721; 7–1–77

DOT/CG—Metal borings, shavings, turnings, and cuttings..... 22145; 5–2–77

USDA/FSQS—Dehydrated (low-moisture) apples; grade standards..... 33259; 6–30–77

List of Public Laws

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

H.R. 1551..... Pub. L. 95–71
Granting the consent of Congress to an amendment to the Sabine River Compact entered into by the States of Texas and Louisiana. (July 23, 1977; 91 Stat. 281.) Price: $.35.

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.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Private Secretary to the Administrator, Food Safety and Quality Service is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3313(v) is added as set out below:

§ 213.3313 Department of Agriculture.

* * * * *

(v) *Food Safety and Quality Service.* (1) One Private Secretary to the Administrator.

(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.77-21743 Filed 7-28-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The following positions are excepted under Schedule C because they are confidential in nature: one position of Private Secretary to the Personal Representative of the Secretary of Defense on the Strategic Arms Limitation Talks Delegation, one position of Special Assistant to the General Counsel, and two positions of Staff Assistant (Interdepartmental Activities) to the Assistant to the President for Personnel.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3306(a) (90), (91), and (c)(3) are added as set out below:

§ 213.3306 Department of Defense.

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

(90) One Private Secretary to the Personal Representative of the Secretary on the Strategic Arms Limitation Talks Delegation.

(91) One Special Assistant to the General Counsel.

* * * * *

(c) *Interdepartmental Programs.* * * *

(3) Two Staff Assistants (Interdepartmental Activities) to the Assistant to the President for Personnel.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218).

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

[FR Doc.77-21741 Filed 7-28-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Personal Assistant to the Commissioner of Education is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3316(c)(13) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(c) *Office of Education.* * * *

(13) One Personal Assistant to the Commissioner of Education.

(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.77-21744 Filed 7-28-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Navy

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Associate General Counsel is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3308(a)(14) is added as set out below:

§ 213.3308 Department of the Navy.

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

(14) One Associate General Counsel.

(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.77-21742 Filed 7-28-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to except from the competitive service under Schedule C one position of Special Assistant to the Assistant Secretary (Economic Policy) because of the confidential nature of the position.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3305(a)(18) is amended as set out below:

§ 213.3305 Department of the Treasury.

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

(18) One Confidential Secretary, one Executive Assistant, and one Special Assistant to the Assistant Secretary (Economic Policy).

(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.77-21739 Filed 7-28-77;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The following positions are excepted under Schedule C because they

are confidential in nature: One position of Staff Assistant to the Administrator, and one position of Staff Assistant to the Director, Office of Communications and Public Affairs.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202-632-4533).

Accordingly, 5 CFR 213.3388(a)(3) is amended and (c)(5) is added as set out below:

§ 213.3388 **Federal Energy Administration.**

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

(3) Three Staff Assistants to the Administrator.

* * * * *

(c) *Office of Communications and Public Affairs.* * * *

(5) One Staff Assistant to the Director.

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

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

[FR Doc.77-21740 Filed 7-28-77;8:45 am]

PART 213—EXCEPTED SERVICE

General Services Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that one position of Confidential Assistant to the Director of Congressional Affairs is expected under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202-632-4533).

Accordingly, 5 CFR 213.3337(a)(20) is added as set out below:

§ 213.3337 **General Services Administration.**

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

(20) One Confidential Assistant to the Director of Congressional Affairs.

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

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

[FR Doc.77-21746 Filed 7-28-77;8:46 am]

PART 213—EXCEPTED SERVICE

Small Business Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One Schedule C position of Congressional Relations Officer is revoked under the automatic revocation system because it has been vacant for over 60 days. Also, the position of Congressional Relations Specialist is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202-632-4533).

Accordingly, 5 CFR 213.3332(e) is amended and (bb) is added as set out below:

§ 213.3332 **Small Business Administration.**

* * * * *

(e) One Congressional Relations Officer.

* * * * *

(bb) One Congressional Relations Specialist.

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

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

[FR Doc.77-21745 Filed 7-28-77;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

[File No. CO 845-P]

PART 100—STATEMENT OF ORGANIZATION

Closing of Ports of Entry; Algoma, Wis.; Kewaunee, Wis.; Port Washington, Wis.; and Washburn, Wis.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment to the regulations of the Immigration and Naturalization Service closes certain small Class C ports of entry in the State of Wisconsin because there have been no vessel arrivals there which required immigration inspection for at least the past three years. The intended effect of this regulation is to close those ports and delete reference to them from the regulations, and eliminate the need for Service personnel to be on 24 hour call to serve these locations.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On June 3, 1977, the Service published a Notice of Proposed Rule Making under the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) in which it was proposed to close the Class C ports of entry located in Algoma, Kewaunee, Port Washington, and Washburn, Wis., and delete reference to those ports from 8 CFR 100.4(c)(2) (42 FR 28547). No representations were received to the notice and the proposed rule will be adopted without change.

The reason these ports are being closed is that Service records indicate that there has been no arrival or inspection of vessels at any of these ports for more than three years, and in the case of Port Washington and Algoma, there have been no arrivals for over 10 years. The port at Kewaunee handles only small pleasure craft. Henceforth, any vessel inspection which is necessary will be handled by the U.S. Customs Service which has concurred in the Service's proposal. Finally, closing of these ports will render it unnecessary for the Service to have personnel on 24-hour call for the purpose of inspecting vessels arriving at these ports.

Therefore, the Class C ports of entry at Algoma, Kewaunee, Port Washington, and Washburn, Wis., will be closed as of the effective date of this order and those ports will be deleted from the listing of Class C ports shown under District 9, in 8 CFR 100.4(c)(2).

In the light of the foregoing, Chapter I of Title 8 of the Code of Federal Regulations is hereby amended as set forth below.

In Part 100, § 100.4(c)(2) is revised by deleting Algoma, Wis., Kewaunee, Wis., Port Washington, Wis., and Washburn, Wis., from the list of Class C ports shown under District No. 9—Chicago, Ill. As revised § 100.4(c)(2) reads in pertinent part as follows:

§ 100.4 **Field service.**

* * * * *

(c) *Suboffices.*

* * * * *

(2) *Ports of entry for aliens arriving by vessel or by land transportation.*

* * * * *

DISTRICT NO. 9—CHICAGO, ILL.

* * * * *

CLASS C

East Chicago, Ind.
Gary, Ind.
Michigan City, Ind.
Ashland, Wis.
Kenosha, Wis.
Manitowoc, Wis.
Marinette, Wis.
Racine, Wis.
Sheboygan, Wis.
Sturgeon Bay, Wis.

* * * * *

(Sec. 103, 66 Stat. 178 (8 U.S.C. 1103).)

Dated: July 25, 1977.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc.77-21811 Filed 7-28-77;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Guidelines for the Allocation of Propane and Other NGLS for Gas Utility and Gas Transmission Company Use

AGENCY: Federal Energy Administration.

ACTION: Issuance of Guidelines, Notice of Public Hearing and Opportunity for Submission of Written Comments.

SUMMARY: The Federal Energy Administration (FEA) is issuing guidelines applicable to the allocation of propane and the other allocated natural gas liquid products (NGLs) for gas utility or gas transmission company use. These guidelines are intended to provide a consistent basis for FEA action with respect to use of such products for the purpose of supplementing pipeline natural gas other than by the manufacture of synthetic natural gas. Public comments on these guidelines are requested at a public hearing and through written submissions.

DATES: Comments by August 30, 1977, 4:30 p.m.; Requests to Speak by August 25, 1977, 4:30 p.m.; Statements by September 2, 1977, 4:30 p.m.; Hearing to be held on September 6, 1977 at 9:30 a.m.

ADDRESSES: Hearing to be held at the Federal Energy Administration, Room 2105, 2000 M Street NW., Washington, D.C.

Written comments and requests to speak to: Executive Communications, Room 3317, Federal Energy Administration, Box OE, Washington, D.C. 20461.

Statements to: Federal Energy Administration, Regulations Management, Room 2214, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Ed Vilade (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461 (202–566–9833).

Gerald P. Emmer (Regulatory Programs), 2000 M Street NW., Room 2304, Washington, D.C. 20461 (202–254–7200).

Finn Neilsen (Regulatory Programs), 2000 M Street NW., Room 6318, Washington, D.C. 20461 (202–254–9730).

Joel Yudson (Office of the General Counsel), 12th and Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461 (202–566–9565).

SUPPLEMENTAL INFORMATION:

I. Background

During the winter of 1976–77, the natural gas shortage increased the demand for propane for gas utility use, and necessitated the enactment of several emergency amendments. During that time, a large number of requests were filed by gas utilities for permission to use propane for peak shaving in excess of the use limitations contained in §§ 211.10(g)(8) and 211.83(c)(v) of the Mandatory Petroleum Allocation Regulations (10 CFR Part 211). On January 18, 1977 (42 FR 4422, January 25, 1977) FEA adopted, on an emergency basis, an amendment authorizing applications to FEA for waivers of the gas utility peak shaving use limitation contained in 10 CFR 211.83(c). Thereafter, FEA issued a number of waivers of its use limitations for propane for gas utility use, which waivers were effective only during the first quarter of 1977.

On January 24, 1977 (42 FR 5033, January 27, 1977), in recognition of the difficulties gas utilities were having in meeting the demand for gas service for essential human needs and property protection, FEA took further emergency action and adopted, for the first quarter of 1977, Special Rule No. 1 to Subpart D of Part 211, which established a temporary propane allocation level for peak shaving by gas utilities for such requirements and created special priorities. However, to the extent relief could be provided, FEA found that the more effective course of action was to waive the use limitations for gas utilities.

II. Emergency Guidelines Adopted

Currently, a number of requests by gas utilities are pending before FEA for waiver of the propane use limitations for new or expanded propane-air facilities to be operated in the last quarter of 1977 and the first quarter of 1978. To permit firms to prepare properly for the 1977–78 winter, FEA believes it imperative to act on these requests at this time, prior to the start of the next heating season.

Because there were no specific standards in effect applicable to waiver requests by gas utilities, FEA considered the last winter's waiver requests on a case-by-case basis, using as broad guidance the provisions of the Emergency Petroleum Allocation Act of 1973, as amended (Pub. L. 93–159, "EPAA"). Such broad standards made it difficult for applicants to determine what information to submit with their requests and what likelihood there was of receiving relief. To provide administrative certainty, FEA is issuing specific guidelines that contain the criteria which FEA will use to evaluate the pending and future gas utility requests for propane to be used for propane air injection into pipelines and for other products to be similarly used. These specific published criteria will be of assistance to affected firms, whether their applications take the form of requests for waivers of the use limitations or for assignments of a base period use. The guidelines, which will be an appendix to Subpart D of Part 211, contain a full discussion of FEA's rationale for selecting such criteria.

Although adequate supplies of natural gas and propane are being delivered to priority customers during the current period of non-peak demand, these guidelines are being issued today on an emergency basis to ensure that pending applications for gas utility and gas transmission company use of propane and other NGLs will be acted on promptly so as to avoid any possible supply problems in the upcoming winter. In this connection, one of the key elements which contributed to the precarious supply situation last winter was the overloading of existing distribution systems for propane. To mitigate the potential strain on the distribution system, FEA has provided that propane and other NGLs for gas utility and gas transmission company use will have to be transported to on-site storage facilities prior to the beginning of the heating season. If these guidelines were not adopted until after notice and a hearing, FEA would be constrained from acting on the applications until after much of the time would have lapsed during which the allocated products should be transported to avoid subsequent distribution problems in peak demand periods. FEA therefore finds that strict compliance with the notice requirements of section 7(i)(1)(B) of the Federal Energy Administration Act of 1974, as amended ("FEAA"), Pub. L. 93–275, Pub. L. 94–385, may well cause serious harm and injury to the public health, safety and welfare, and the notice requirements of that section are hereby waived. To the extent public comments regarding these guidelines raise valid issues as to the standards set forth therein, FEA will endeavor to consider such comments before issuing orders for applications not yet acted upon.

III. Comment Procedure

1. *Written comments.* Interested persons are invited to submit written comments with respect to the guidelines to Executive Communications, FEA, Room 3317, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, Box Number OE. Comments should be identified on the outside of the envelope and on the documents submitted to FEA with the designation "Comments on Gas Utility Guidelines." Fifteen (15) copies should be submitted. All comments and related information should be received by FEA by August 30, 1977, in order to ensure consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only, in accordance with the procedures set forth in 10 CFR 205.9(f). Any material not accompanied by a statement of confidentiality will be considered to be nonconfidential. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

2. *Public Hearing.*—a. *Request procedures.* Because these guidelines are being issued on an emergency basis, an opportunity for oral presentation of views is not possible prior to their implementation. A public hearing on the guidelines, however, will be held at 9:30 a.m., e.d.t., on September 6, 1977, in the Auditorium, Room 2105, 2000 M Street NW., Washington, D.C. to receive oral presentations from interested persons.

Any person who has an interest in the guidelines or who is a representative of a group or class of persons which has an interest in them may make a

written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, Box OE, Room 3317, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.d.t., August 25, 1977. Such a request may be hand-delivered to Room 3317, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give concise summary of the proposed oral presentation and a phone number where he or she may be reached through August 29, 1977. Each person selected to be heard will be notified by FEA before 4:30 p.m., e.d.t., August 29, 1977, and must submit 100 copies of his or her proposed statement to Allocations Regulations Development Office, FEA, Room 2214, 2000 M Street NW., Washington, D.C. 20461 before 4:30 p.m., e.d.t., on September 2, 1977.

b. *Conduct of hearings.* FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, before 4:30 p.m., e.d.t., August 30, 1977. FEA will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of these guidelines have been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact thereof on the quality of the environment. The Administrator had no comments.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332 and Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185; E.O. 11933, 41 FR 36641).

In consideration of the foregoing, Subpart D of Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended by the addition of an Appendix, as set forth below.

Issued in Washington, D.C., July 26, 1977.

J. PETER LUEDTKE,
Acting General Counsel.

Subpart D of Part 211 is amended by adding an Appendix thereto to read as follows:

APPENDIX—GUIDELINES FOR THE ALLOCATION OF PROPANE AND OTHER NGLS FOR GAS UTILITY AND GAS TRANSMISSION COMPANY USE

1. SCOPE

These guidelines are issued to provide a consistent basis for application of FEA regulations with respect to use of allocated natural gas liquid products for the purpose of supplementing, replacing, or displacing pipeline natural gas other than by the manufacture of synthetic natural gas. The guidelines are applicable to: (1) Assignments of base period uses for new propane-air injection facilities (propane-air plants) and similar facilities using any other allocated natural gas liquid product for gas utility use; (2) adjustments to base period uses for existing propane-air plants or similar facilities using any allocated natural gas liquid product; and (3) waivers of the special limitations on acquisition and use of allocated natural gas liquid products for gas utility use or gas transmission company use. These guidelines do not constitute regulations, and the analysis of each application shall accord with applicable regulations, with due regard given these guidelines. However, if emergency relief is needed, or a compelling situation warrants otherwise, FEA will take the action most suitable under the circumstances, notwithstanding any requirements of these guidelines

2. GENERAL

FEA is issuing these guidelines with several considerations in view. FEA recognizes that gas utilities and gas transmission companies need to prepare for the possibility of future natural gas curtailments by securing additional supplies of gaseous fuel to meet high priority demand. The construction or expanded use of propane-air plants by gas utilities or the direct injection of natural gas liquid products into pipelines are, in the near future, two ways of securing additional volumes of gaseous fuel. Other long-term efforts to deal with energy shortages arising from shortages of natural gas probably will not have a significant measurable effect upon either supply or demand during the next heating season. Therefore, FEA believes that the use of propane and other allocated natural gas liquid products will be a necessary part of the short-term effort required to meet peak requirements for gas service to high priority customers resulting from natural gas shortages.

FEA is aware of the problems that could occur if gas utilities and transmission companies were freely permitted to purchase and use propane from domestic or Canadian sources for the purpose of supplementing gas supplies. Permitting increased volumes of domestic price-controlled propane to be utilized by gas utilities could severely impact upon traditional and high priority users, especially in view of declining domestic propane production, dwindling natural gas reserves, and the inability of the existing propane transportation and distribution network to respond adequately to abnormal demand such as that of the 1976-77 winter. FEA believes that if gas utilities and gas transmission companies were permitted access to domestic propane, suppliers of traditional and high priority users would need to supplement their supplies of propane by purchasing imports. Accordingly, FEA has determined that gas utilities or transmission companies should not be given increased access to domestic propane or other allocated natural gas liquid products and will permit only non-Canadian imported propane and other such products to be used for new or expanded gas utility or gas transmission company use.

However, FEA also recognizes the countervailing factor that it may not be in the national interest to significantly increase our reliance upon imports of such products. While the use of additional volumes of imported propane will be needed in the short-term to respond to anticipated natural gas curtailments, the importation of large volumes of propane on a continuing basis might have the undesirable effect of diverting attention and resources away from more appropriate long-term solutions as outlined in the President's National Energy Plan. In addition, FEA is concerned that allowing imports of propane and other allocated natural gas liquid products to meet new gas utility demand could disrupt distribution patterns if such imports would be transported by product pipeline within the United States in large volumes during periods of peak demand.

3. PROCEDURES

Applications for adjustments, assignments or waivers of the use limitation with respect to propane or any other allocated natural gas liquid product for gas utility or gas transmission company use will be acted upon by the National Office of the FEA only. Such applications should be filed in accordance with the provisions of Subparts B, C, and G of 10 CFR Part 205, respectively. FEA requests that affected firms make application for waiver of the use limitations, since FEA does not expect to approve a request for an assignment of or an adjustment to the base period use for gas utility or gas transmission company use of propane or any other allocated natural gas liquid product unless a waiver would be insufficient to provide the necessary relief.

4. SUBSTANTIVE CRITERIA

a. All assignments, adjustments, and waivers granted for the use of propane or any other allocated natural gas liquid product for gas utility or gas transmission company use will be for non-Canadian imported allocated natural gas liquid products only.

b. No assignments, adjustments, or waivers will be granted for the purchase and use of any allocated natural gas liquid product for gas utility or gas transmission company use unless the petitioner can demonstrate a definite requirement for such use of said product and that equipment is or will be in place to supplement supplies for the impending heating season (the heating season means the six month period from October 1 through March 31 of the following year).

c. No such assignment, adjustment or waiver will be in effect for a period of greater than two years.

d. No such assignment, adjustment or waiver will be granted unless the applicant demonstrates that its supplier will incrementally price the requested product to it to the maximum extent permitted under the Mandatory Petroleum Price Regulations.

e. FEA shall not grant any application for an assignment, adjustment, or waiver for the gas utility or transmission company use of propane or any other allocated natural gas liquid product where the granting of such an application would significantly reduce the availability of such product for traditional and high priority users (e.g., by impacting upon the availability of transportation, storage, or terminaling facilities).

f. FEA shall not grant any assignment, adjustment, or waiver for the gas utility or gas transmission company use of propane or any other allocated natural gas liquid product except upon the condition that the applicant shall arrange to take possession of and transport such product to on-site storage in a manner that will not adversely impact upon traditional transportation systems for such product. "On-site storage" means storage located on, or immediately adjacent to, the site of use, or such storage from which product may be withdrawn and transported to the site of use without adversely impacting upon transportation of product for other users (e.g., as by wholly owned transport vehicles or a limited access product pipeline or natural gas pipeline).

g. FEA shall grant assignments, adjustments, and waivers for gas utility or gas transmission company use of propane only to provide gaseous fuel service to customers which would be in Federal Power Commission (FPC) priority of service classification 1 and those customers in priorities 2 and 3 (as specified in FPC Orders 467 B and C) that do not have an alternate fuel capability. For purposes of these guidelines, alternate fuel capability means having equipment in place and storage capability available to use a fuel other than natural gas or an allocated natural gas liquid product on a continuing basis. As otherwise provided in this part, all firms, regardless of FPC priority of service classification, are permitted to acquire non-Canadian imported allocated natural gas liquid products for industrial use and may have gas utilities act as agents in acquiring or delivering such products by displacement through natural gas pipelines.

5. BASIS FOR EVALUATION

In addition to satisfying the filing requirements of the appropriate subpart of Part 205, all applications for an assignment, adjustment, or waiver for the use of an allocated natural gas liquid product for gas utility or gas transmission company use should be accompanied by the following information:

a. *Natural gas supply/demand situation.* i. A description of the design winter model of the gas utility, the character of its firm and interruptible customers by FPC priority classification and/or comparable state PUC classification, and estimated actual supply of pipeline natural gas, including intrastate gas, stored gas, and gas from any other source during the period the requested products would be used.

ii. Projected daily rates of injection into and drawdown from gas storage during the period for which the products are requested.

iii. The existence, character, and effect of any actual natural gas curtailments and/or natural gas curtailment plan affecting the market area(s) served by the gas utility, including the expected natural gas shortfall by FPC category during the period for which the allocated natural gas liquid products are desired.

iv. A description of the availability of all alternate sources of gas supplies including but not limited to liquefied natural gas (LNG), domestic synthetic natural gas (SNG), spot or emergency purchases of natural gas and the efforts made to obtain such alternate supplies, including efforts made to obtain additional supplies of domestic pipeline natural gas through the FPC or a state PUC.

v. The degree to which the gas utility has curtailed or proposed to curtail gas supplies to those customers which have an alternate fuel capability as defined herein.

vi. The degree to which conservation measures have reduced, or could reduce, gaseous fuel requirements of the gas utility's customers, and the utility's current conservation-related programs and plans and an assessment of conservation upon future demand.

vii. A statement as to the estimated growth of the applicant over the previous heating season by FPC category including numbers of new customers and volume of gas required to satisfy such requirements.

b. *Allocated natural gas liquid product supply/demand situation.* i. The volumes of the requested allocated natural gas liquid product (1) purchased or obtained, (2) contracted for delivery, and (3) actually used for each calendar quarter of the period April 1, 1972, through March 31, 1973.

ii. The volumes of the allocated natural gas liquid product for which the request is being made, by calendar quarter, and the basis for the request; i.e., a statement of the volume of the projected deficit for each of the three Federal Power Commission priority classifications for which the use of such product may be authorized.

iii. The volumes of the requested product currently in inventory, by location.

iv. The capacity and location of storage facilities owned, leased, or operated by applicant which would be available to store the requested product.

v. The names of supplier(s), location(s) of supply, price per gallon, and the arrangements made with the supplier(s) to supply product.

vi. Certification from the proposed supplier(s) that the requested product has or will be imported from non-Canadian sources or that the applicant itself will import from non-Canadian sources.

vii. A description of the arrangements for the transportation of the allocated natural gas liquid product to the site of use, or to on-site storage, including monthly volume estimates.

viii. The conversion factor (i.e., the number of gallons of the requested product that are required to produce 1 Mcf of gaseous fuel). Factors above 12.0 must be supported by engineering or system specifications and an appropriate rationale as to the need for the high-BTU propane air or other mixture.

d. *Environmental information.* A specific description of the environmental consequences of FEA granting the requested relief.

e. *Other.* Any other information that FEA may require.

[FR Doc.77-21941 Filed 7-28-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-1013; Amdt. 28]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Disclosure Standards for Lease Transactions

Correction

In FR Doc. 77-20918 appearing at page 37509 in the issue for Thursday, July 21, 1977, in Account 2080 appearing on page 37515, first column, the third line of the text should be completed so that it reads as follows: "* * * capital leases as provided in Section 2-20(a)."

[Reg ER-1014, Amdt 10]

PART 287—EXEMPTION AND APPROVAL OF CERTAIN INTERLOCKING RELATIONSHIPS

Notice of Approval by Comptroller General

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice of approval by the Comptroller General of the reporting requirements contained in a regulation concerning the exemption of direct air carriers with respect to certain interlocking relationships. This approval is required by the Federal Reports Act, and was transmitted to the Civil Aeronautics Board by letter dated June 21, 1977.

DATES: Effective: July 25, 1977. Adopted: July 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202-673-5270).

Accordingly, the Civil Aeronautics Board amends Part 287 of its Economic Regulations (14 CFR Part 287) by adding the following note at the end of Part 287:

NOTE.—The reporting requirements contained in § 287.3a have been approved by the U.S. General Accounting Office under Number B-180226 (R0453).

This amendment is issued by the undersigned pursuant to the delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

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

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-21942 Filed 7-28-77;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Order No. 526-B; Docket No. RM 74-16]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Order on Court Remand Prescribing FPC Form No. 40 With Amendments

AGENCY: Federal Power Commission.

ACTION: Order on court remand prescribing FPC Form No. 40 with amendments.

SUMMARY: The Commission on June 30, 1977, prescribed FPC Form No. 40 after remand from the United States Court of Appeals for the Ninth Circuit. Form 40 is a report of Proved Domestic Gas Reserves with certain exceptions, by persons found to be natural-gas companies within the meaning of the Natural Gas Act. To comply with the Court remand the Commission set forth evidentiary support for its conclusion that (1) the reserve data should be submitted on a reservoir basis, (2) the necessary data was not available from other Federal agencies and (3) the required data could be supplied by the producers. At the suggestion of certain of the producers minor changes in Form No. 40 were made that did not increase or reduce the burden of reporting.

EFFECTIVE DATE: June 30, 1977.

ADDRESS: Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary (275-4166).

NATURAL GAS COMPANIES ANNUAL REPORT OF PROVED DOMESTIC GAS RESERVES: FPC FORM NO. 40

JUNE 30, 1977.

This order arises from the Court's remand in *Union Oil Company of California* v. *F.P.C.*, 542 F. 2d 1036 (CA9-1976), in which the Court found there was not sufficient record evidence to support the Commission's requirement in Order Nos. 526 and 526-A [1] for reserve information on a reservoir basis. By order of February 2, 1977, in accordance with the Court's remand, we reopened the record reciting the Court's finding of (1) a lack of evidentiary support for the reserves data on a reservoir basis rather than some other basis, (2) there was no evidence that the necessary data were not available from other agencies of the Federal Government, and (3) there was no evidence contradicting the statements of the producers that the reserve data were not kept on a reservoir basis, nor could easily become available to them.

[1] —— F.P.C. ——, issued February 25, 1975; and —— F.P.C. ——, issued August 18, 1975.

The Commission required the Staff to file written comments on these questions, granted other parties opportunity to file answering comments, testimony and exhibits, and prescribed a hearing at which all parties, including Staff, could present rebuttal evidence.

Accordingly, on February 10, 1977, the Staff filed its comments, and answers were filed by producers and other parties.[2] The hearing was held on April 4, 1977, and witnesses presented by Superior, Amoco, and Gulf were cross-examined.

Tenneco Oil Co. on March 10, 1977, requested a public conference with regard to the consolidation of reports of natural gas reserves to interested federal agencies. The Commission stated in a notice of May 2, 1977, that this would be considered in the light of the whole record. Tenneco also made an oral motion at the hearing and a written motion on April 8, 1977, requesting that the Staff be required to make a witness available for cross-examination on its comments. Action on the motion was deferred by order of May 6, 1977, pending a determination on the whole record in the reopened proceeding. Gulf Oil Corp. on April 5, 1977, filed a motion requesting that the proceeding be expanded to consider rules concerning confidential reserve information, and action on this motion was deferred by the notice of May 2, 1977.

A petition for late intervention was filed on April 21, 1977, by Senators Hubert Humphrey, John Durkin, and James Abourezk, and by Representatives Herbert Harris, Andrew Maguire, and John Moss, and was granted by Commission Order of May 31, 1977.

THE COMMISSIONS NEED FOR GAS RESERVE DATA

In its comments the Commission Staff notes that the current nationwide approach to new gas wellhead ratemaking is greatly dependent upon productivity in terms of Mcf per successful foot drilled. For this purpose the Commission has had to rely on American Gas Association (AGA) data although serious shortcomings relating to those data have been alleged, and a report entitled "Staff Report on the Undated 31 Lease Investigation" showed significant reporting anomalies and deficiencies regarding field discovery dates and industry compliance with the AGA definition of proved gas reserves. The Staff believes that the Form No. 40 data will provide a more uniform and reliable series for reserve additions upon which the Commission can base its ratemaking determinations.

The Staff notes other needs for the Form 40 data. It will permit adjustment of rates of depletion where necessary in ratemaking. It will enable the Commission to observe what fraction of new gas reserve additions is being dedicated to the interstate market. Further, the data will permit the Commission to make realistic projections of future supplies of natural gas. This will enable energy planning, permit Commission determination of the appropriateness of research and development of supplemental supplies of gas and Commission planning with respect to the depreciation allowance on pipeline facilities.

The Staff is supported by the Congressmen, AGD, APGA, California and the Bureau of FTC. In general they make points similar to those advanced by the Staff. The Congressmen emphasize the inadequacy of the AGA data because the method is ill-defined and lacks known procedural steps. They contend that the members of AGA do not conform to its own definition of proved reserves, there is no standard procedure for determining the exact date of a field discovery and there are no, or only inadequate, audits of AGA data. Also they say that there have been shown substantial inaccuracies in reporting. They conclude that there is a need for an independent data base which can be relied on as an alternate to the AGA data.

APGA cites a "Report to the Secretary of the Interior on Preliminary Investigation-Production Capability and Production Levels at Selected Natural Gas Producing Fields in the Gulf of Mexico Outer Continental Shelf" issued in "February 1977" where it was stated there are "large discrepancies of operator estimates and USGS estimates of proved reserves" (p. 27); a "Report on Indicated Disparity in Reporting of Offshore Louisiana Non-Associated Natural Gas Reserves" issued by the FPC Staff in Docket No. R-389-B on March 21, 1974, where it was stated that reserves added in 1971 and 1972 reported by AGA for Federal Domain leases should have been at least 54 percent higher (p. 7); the "Staff Report on the Updated 31 lease Investigation" issued in Docket No. RM75-14 on June 21, 1976, where it was found that 1971-1972 discoveries were reported by AGA to have been discovered in other years although the estimates in total were reasonable; and the "Staff memorandum to Federal Trade Commission in American Gas Association, et al., File No. 711-0042" issued by the FPC's Bureau of Competition on March 25, 1975, where the AGA procedure was said to be deficient in that access to company data was not available to the members of the subcommittee estimating reserves and it was shown that for certain Southern Louisiana Offshore fields the pipelines stated higher

[2] Amoco Production Co., The People of the State of California and the Public Utilities Commission of the State of California (California), Gulf Oil Corp., Small Producers, Mobil Oil Corp., American Public Gas Association (APGA), Sabine Production Co., Shell, Bureau of Competition of Federal Trade Commission (Bureau of FTC), Associated Gas Distributors (AGD), Getty Oil Co., Marathon Oil Co., Phillips Petroleum Co., Ashland Oil, Inc., Exxon Corp., Amerada Hess Corp., Aminoil USA, Inc., the Rodman Corp., Phillips Petroleum Co., Texaco, Inc., the Superior Oil Company, Tenneco Oil Co., and Pennzoil Co., Pennzoil Producing Co., Pennzoil Offshore Gas Operators, Inc., and Pennzoil Louisiana and Texas Offshore, Inc. (Pennzoil), Dr. Edwin Goebel, Jake L. Hamon, Samedan Oil Co.

reserves than the AGA. APGA concludes that the AGA data are unreliable and information on Form 40 is essential.

APGA requests that all four of these documents be incorporated by reference into the record of these proceedings. We have taken notice of them here, but they are not needed to show discrepancies between AGA reserve estimates and other estimates or the need for reporting on reserve estimates. The Court on remand is concerned with the record support for reporting by reservoirs discussed below, the availability of the data from other agencies and the difficulty of procuring it. For this reason we do not think it is necessary to include these documents in the record.

California notes Opinion No. 770–A [3] as showing the shortcomings of available data and the importance of a reserve estimate in the calculation of a reasonable rate of depreciation for a pipeline.

In our opinion the comments make a clear case that there is a need for the collection of data on an independent basis in order to avoid the deficiencies in the data otherwise available. The Court notes that the producers do not claim that the Commission has no regulatory need for reserve data; they only claim that the Commission does not need that data on a reservoir basis. Likewise, in their comments the producers do not, in general, contest the need for reserve data. Rodman, however, says that it calculates reserves only on occasion and proposes that it be permitted to file only such reserve information as it has in its possession. The Small Producers would like to be exempted.

We think that in the present circumstances as shown by the record it is plain that the Commission needs reserve data as accurate as possible for ratemaking, the issuance of certificates, and reporting to Congress on the state of the industry. The Court in Second National Rate Cases pointed out the deficiencies in the AGA data and said that it expected the Commission to use its own revised procedures to gather data for the next national ratemaking proceeding. As noted below, producers delivering less than 250,000 Mcf each year are exempt. In order to get reliable data all other producers who are "natural-gas companies" subject to our jurisdiction should report their reserves.

Need for Reservoir Data

As noted by the Staff, a reservoir is defined in Form 40 as:

> *Reservoir.*—A porous and permeable underground formation containing an individual and separate accumulation of producible hydrocarbons (oil and/or gas) which is confined by impermeable rock or water barriers and is characterized by a single natural pressure system. In most situations, reservoirs are classified as oil reservoirs and/or gas reservoirs by a regulatory agency. In the absence of regulatory authority, classification is based on natural occurrence of the hydrocarbons in the reservoir and classification and names as determined by the respondent.

The Staff says that the actual data used in calculating proved reserve estimates are derived from many sources and include geophysical data, well logs, and the results of various engineering tests. These data are relevant to a particular well but may be extrapolated to the reservoir area. While well-by-well information is relevant for certain purposes, the Staff says that the smallest meaningful unit of occurrence of natural gas is the reservoir. It is clear from the definition that a reservoir from the standpoint of geology is a definable and coherent unit of gas and/or oil. A well or lease may be only part of a reservoir; a field may involve more than one reservoir separated vertically by impervious strata or laterally by geological barriers. The depth, size, porosity and pressure conditions can, of course, vary from one reservoir to another.

As discussed by the Staff, the use of reservoir data facilitates audit of reserve data by the Staff. Because of the extent of the data only a representative statistical sample can be audited each year. If the data were on a field basis it would be much more difficult for Staff to sample and examine the data in such manner as to simultaneously fulfill multiple audit objectives. With reservoir data the Commission Staff can select a statistically valid sample in advance at a substantial saving of time in company offices. By selecting a unique sample of reservoirs each year, it would be possible over a period of years to audit all significant reservoirs in each field.

Use of reservoir data, the Staff says, in fields which have multiple reservoirs and multiple owners, could help avoid double counting and other unacceptable statistical aberrations. Also reservoir data relate to gas under definable risk conditions and would permit consideration of the option of an improved new gas rate keyed to the level of risk incurred. Further, reservoir reporting permits consideration of the size of newly discovered reservoirs, and would enable the Commission to determine where the Nation is on the "resource exhaustion curve." On an area basis experience has shown that the large reservoirs are usually discovered early and the rate of decline in size of discoveries thereafter is an important matter.

In addition, the Staff observes that reservoir level data are essential in the analysis of shut-in reserves. The data are necessary to determine whether the reservoir is shut-in awaiting well workover, because it is non-economic to produce, or for other reasons. The Staff adds that most producers keep records by lease but these are not on a uniform basis and would present an impossible compilation and auditing task to the Commission.

The Staff is supported by the Congressmen, AGD, APGA, California, and Bureau of FTC. The Congressmen say that if the Commission is to set rates based on adequate data, reservoir level data are necessary, for the reservoir is the building block of the reserve estimates. APGA questions how a producer can know the extent of its reserves in a given lease or field if it does not know the reserves contained in each reservoir within the lease or field. The Bureau of FTC believes that if an efficient auditing procedure is to be established, the collection of reserve estimates on a reservoir basis is necessary. This will identify specific reservoirs in which major changes have occurred and inform the FPC about incentives needed to encourage the drilling of specific types of wells.

On the other hand the producers contend there is no need for reserve information on a reservoir basis. Mobile says that administrative efficiency and economy cannot be viewed as a sustainable basis for compelling reserve reporting on a reservoir basis. It says also that the fact reserves not available to the market are in a non-producing status would seem of marginal informational value. If each producer reports on each reservoir, Mobile says, it will not avoid double counting but will result in multiple counting and an inability to determine which of several reservoir estimates to use. Superior thinks the Commission has no legitimate interest in whether production and gathering take place on uncommitted reservoirs. Also it does not believe the Natural Gas Act sanctions a requirement that it furnish a report solely to satisfy anticipatory unidentified statistical parameters.

Amoco says that it does not make sense to require reservoir-by-reservoir detail for the overwhelming producing portions of reserves just so that the miniscule shut-in part of reserves can also be reported on a reservoir basis. It says that determination of how much of the new gas supply is committed to the intrastate market as compared to the interstate market can be reported on a field-by-field basis without the necessity for reservoir-by-reservoir reporting. Amoco also says that Form 40 does not permit computation of a productivity drilling factor by various types of drilling, e.g., exploratory versus development, as Staff comments claim, and since it covers only non-associated gas, the Commission could not obtain productivity of drilling data on a state or regional basis. Further, Amoco says, because of the loss of historical records it would not be possible to track the volume distribution of newly discovered reservoirs.

Gulf cautions that reserve figures are only estimates and such estimates cannot be improved by making or reporting estimates on a reservoir basis as opposed to a field or lease basis. Gulf thinks that because of the Commission's averaging of productivity figures the Staff is only conjecturing in saying that reporting deficiencies could have an impact on annual new gas additions. Gulf also says that the Staff has not shown why reservoir reporting is necessary to identify new reserves as to their geographic and geologic

[3] *Opinion and Order on Rehearing Modifying in Part Opinion No. 770 and Granting Petitions for Intervention*, ---- F.P.C. ----, Docket No. RM 75–14, November 5, 1976, p. 54; affirmed *The Second National Natural Gas Rates Cases*, ---- F. 2d ---- (CADC–June 16, 1977).

location, commitments and producing status and volume. Gulf adds that the reservoir data are not necessary to determine the status of shut-in reserves and uncommitted reserves which, it says, are beyond the Commission's jurisdiction. Nor, it says, has the Staff shown why it needs the data to determine the fraction of new gas committed to the intrastate market. Gulf also contends that reservoir reporting is not necessary for the Staff's audit, for an audit only requires that a valid sample be chosen.

The other producers make similar arguments. Shell, however, is not challenging the Commission's need for or power to obtain reservoir estimates; it does make a number of suggestions as to the manner of reporting as discussed below. Getty submits that the Commission has an obligation to use the information it obtains to prevent further special, splinter and politically oriented investigations and should use the information to provide incentives for wildcat and deep drilling and other activities which will add to the nation's gas reserves. Phillips says that it has revised its data system to enable it in most cases to retrieve information on a reservoir basis, and does not now contest the proposal to retrieve information on such a basis. Several producers, including Exxon, say that because of lack of records, it is impossible to develop reliable gas reserves estimates by reservoir for their royalty-owned properties or properties acquired prior to the advent of modern record keeping practices.

The record here makes clear that the reservoir is the only unit of gas reserves in which the gas is found in one body, is held under similar conditions of permeability, pressure, porosity and depth, and can be produced as a unit by one or more wells. In estimating the amount of gas reserves it would be impossible to obtain accurate results without estimating the reserves in each reservoir.

Fields, on the other hand, often contain more than one reservoir under varying conditions of depth, pressure, porosity and permeability that will have to be produced by separate wells or separate completions. To make an accurate estimate for the field it would be necessary, in any case, to make an estimate for each reservoir. Fields can involve complicated conditions so that in auditing reports filed it will be necessary to examine a statistical sample of the reservoirs in the field, and this could be difficult without reservoir data being available and filed. The reservoir requirement is thus not just a convenience for a Staff auditing team, but a necessity for an accurate result. Further, as the Staff points out, reservoir data are necessary in determining why any given gas reserve is shut-in. The question must be answered whether the reserve is shut-in for physical reasons or is shut-in pending more favorable market conditions. The reservoir data, which reflect gas reserves held under uniform conditions, will permit comparisons that will assist the Commission in devising regulatory action that will bring about production and increase the flowing gas supply.

Leases, of course, may also overlie several reservoirs or parts of one or more reservoirs. Lease records have a serious defect in that they are not kept on a uniform basis. Certain respondents filed data by lease and it was found that each respondent's records were in a different format. To use the lease data would require inspection of each lease and reconciliation of a large mass of data. Accordingly, data on a lease basis would be difficult to use and would not supply the most accurate physical information necessary to estimate the gas reserves involved.

We do not consider the need for reservoir data of importance just to enable the Staff to plan its time more efficiently, even though this may be true. The Commission needs this data to arrive at an accurate estimate of reserves and to determine what stage the development of the various fields has reached. Some of the reservoirs are being used for the supply of gas to intrastate markets; nevertheless we are concerned with such reserves in considering the state of the industry and the economic relationships between the intrastate and the interstate business.

Availability of the Data to the Producers

In its position paper the Staff states that of the 688 natural gas companies, affiliates, and subsidiaries responding in writing to the issuance of Commission Order 526-A, 333 (52 percent) were required to and did file schedule B, "Proved Domestic Natural Gas Reserves by Natural Gas Company—Field and Reservoir," and, of these, 311 filed their reserve data on a reservoir basis as of December 31, 1974. Of the twenty-six largest petroleum companies, twenty-one filed some form of reserves data. Of these fifteen filed at least part of their data by reservoir, and twelve filed all of their data by reservoir. The Staff is cognizant that the gathering of Form 40 data may require expenditures of time, manpower and money. However, a large part of the cost relates to filling out the form the first time, and this has already been incurred. Staff also points out that pipelines have been filing reserve data on a reservoir basis on Form 15 for some time.

The Producers emphasize the difficulties and expenses they will incur in gathering the information and setting it forth in Form 40. For instance, Gulf says that Form 40 would require the producer to go beyond meaningful and useful records and to create or revise tens of thousands of records. This is because lack of records to estimate the remaining reserves in each sand would require arbitrary allocations of production. Mobil calls for a balance to be struck between the burden on respondents and agency need and relevance. Sabine estimates that 50 percent of the various types of information required for Form 40 would not be obtained by the Company for any other purpose. Getty, on the other hand, says that through its efforts it is possible it may be able to file the report on a reservoir basis within a reasonable period of time. Phillips complains that the instructions now require a reporting company to include estimates which it not only does not have, but cannot make. Amerada Hess says that discussions with the consulting firm of DeGolyer and MacNaughton indicate that attempted reconstruction of onshore reserves on a reservoir-by-reservoir basis would be prohibitively expensive (approximately $60,000 for the services of that firm and a like amount for the expenses of Amerada Hess which would entail a total of 85 man weeks). Texaco also complains of the great expense and loss of productive man hours. The Small Producers feel that they are particularly burdened.

We have considered the comments, the written evidence submitted, and the transcript of the oral cross-examination. It is plain that a large number of producers have already compiled data on a reservoir basis and others could do so with some difficulty and expense. The Commission has lacked audited reserve data for many years and has been criticized for determining rates on the industry compiled AGA data.[4] Audited reserve data, in our opinion, are absolutely essential. Since each reservoir is the largest unit in which gas is found under a given set of conditions, the data must be available on a reservoir basis to permit auditing. It is for this reason that in spite of the expenditure of money and man-hours we are requesting data on a reservoir basis.

We realize, of course, that present data does not permit accurate analysis of some of the old reservoirs, nor those reservoirs which are produced jointly. In these cases allocations and estimates may not be as accurate as full records, but we ask for nothing more than that which is feasible.

Availability of the Data From Government Sources

As the Staff explains, some data regarding part or all of the nation's proved gas and/or oil reserves have been collected by Federal and State authorities as well as by the Congress. The Staff's position that these sources are no substitute for Form 40 is supported by some of the non-producing intervenors, including the Congressmen. Some of the producers express their opposition, Mobil in detail.

Staff notes that the FPC has collected partial reserve data from jurisdictional pipelines annually since 1963 through its Form 15. This Form covers reserve estimates made by the pipelines which are dedicated by producers to interstate pipeline companies, was specifically designed for the purpose of pipeline regulation and is thus limited to only part of the nation's reserves. The Congressmen have pointed out that the Staff in Docket No. RI75-112 have found discrepancies between the reserve esti-

[4] The Court said, "To sum up: We do not approve or embrace the AGA figures; we simply tolerate them for purposes of this proceeding." Second National Rate Cases, supra. (Mimeo p. 62).

mates of the pipelines and the corresponding producer's estimates on a reservoir and field basis. Mobil suggests that if Form 15 is inadequate it could be revised. Since Form 15 is directed towards pipelines and does not cover the reserves that are not dedicated to interstate commerce, which is essential, we do not think this is a valid option. FPC Form No. 64 formerly included reserve information but not after 1974, so that Form No. 64 cannot be used in place of Form 40. Indeed, Form No. 64 was purposefully limited so as to avoid duplication with Form No. 40.

The Conservation Division of the United States Geological Survey (USGS) requires the operators of properties on Federal lands to file forms annually which disclose detailed engineering and reservoir data by lease. No ownership information is collected, and no data as to the cause or type of changes to reserves previously estimated, no reserve dedication data, and no breakout of internal company use of reserves appears. Staff thinks the USGS data may be useful in the audit of Form 40 data but cannot supply the continuing, current reserve reporting information necessary for ratemaking purposes.

Staff notes that Securities and Exchange Commission requests reserve estimates on a national or continental basis and retains the data submitted in its files but compiles no reserve report. The Bureau of Census provides net company interest figures for oil and gas exploration but the data is too aggregate and too out of date for Commission purposes. The Internal Revenue Service data is not available to other agencies.

Staff observes the FTC, FEA and Congressional studies were one time only, special purpose inquiries. It notes that a Senate study was concerned with corporate interrelationships, reserve ownership and production and sales but covered only 63 companies.[5] The FTC inquiry, addressed to only 60 companies was primarily concerned with sales, contract and pricing information. Reserve estimates were required by state for total Federal, state and other lease holdings. It also examined the question of shut-in reserves by field and state. The Staff concludes that the FTC data is too aggregate and obtained from too small a sample. The FEA inquiry addressed 22,000 operating firms and concentrated on production and proved reserves by state, county and field. However, reserve commitment status, ownership, and reserves by reservoir were not investigated. Staff finds that major gas producing states require the reporting of wellhead production, but only three report reserves on anything approaching an annual basis, so that the reserve data collected by the states is not adequate for Commission use.

[5] The Structure of the U.S. Petroleum Industry, A Summary of Survey Data, Special Subcommittee on Integrated Oil Operations of the Committee on Interior and Insular Affairs, United States Senate, June 1976.

The Staff explains that the calculation of proved reserves involves many variables, but the validity of the estimates cannot be ascertained by the Staff since the other surveys were not initially designed with multiple objective auditing in mind. It notes that it is the responsibility of the Commission to assure an adequate supply of gas to the interstate consumer at a just and reasonable rate and says the Commission must have the reserve data and other data from Form 40 to discharge this responsibility.

Congressmen, California and FTC agree with the Staff as to the unavailability of the necessary data from other government agencies. As the Staff suggests, they ask that the data be made available to government agencies, state and Federal, and the public.

Mobil and Superior contend that the pipelines' Form 15 should satisfy the Commission's needs. Mobil says that there are numerous reports prepared by individual producing states, which the Commission could use. As an example, it lists the numerous reports required by Texas (none of which are labelled reserve reports). It contends that from the federal and state reports, it is possible to determine the amount of gas moving in interstate and intrastate commerce by type purchases, the prices paid for the gas, the geographical and lease source of the gas volumes and, through a review of performance data, the amount of reserves located under established producing leases. Tenneco and Aminoil urge that it is in the public interest for the Commission to take the lead in attempting to rationalize the industry reporting of reserve data.

It is apparent that the data available from other federal agencies and from the states, as far as we have found will not provide us with equivalent, uniform data collected from all of the producers required to report on Form 40, either on a uniform basis or on a reservoir basis. Our Staff would be obliged to put together estimates from partial figures that it would gather from several sources utilizing differing proved reserve definitions, and which it is not able to audit. In Second National Rate Cases, the Court said that "we expect by the next biennium the Commission will have put into effect its own procedures for gathering reserves data." The Court noted that we had been prevented from using Form 40 by the Ninth Circuit but thought the objections could be overcome.

Requests to Modify Form 40

A number of changes in Form 40 were requested by one or more producers. Some producers argued that the attestation which states that all estimates are true and correct and that the report is a correct statement of the business and affairs of the respondent is unreasonable because the corporate officer signing the form is relying on others to furnish the information which cannot be precise in any case. We agree with these producers that the phrase "to the best of his knowledge, information and belief" should be inserted in the attestation in the Form.

A number of producers contend that reporting of reserves data should be by the operators rather than by other owners of working interests and royalty owners. They argue that their burden would be greatly reduced because they would not have to file as many reports; the reports would be more accurate because it is the operator which typically possesses the most accurate data; multiple reporting of the same reserves would be eliminated; and there would be a lesser burden on the Staff. We agree that the reporting requirement for purely royalty owners can be eliminated, for companies keep reserves data on the royalty and over-riding royalty properties related to their working interests and multiple reporting would be eliminated.

However, quite often the operator may not be a jurisdictional natural-gas company and therefore would not report data on the reservoir, for which it is an operator, while one or more of the working-interest owners, who are not operators, may be natural-gas companies and so report the reserves in question. Therefore we shall retain the requirement with respect to working interest owners. The reporting instructions shall be so modified.

The small producers contend they should be exempted. The very small ones are exempted, those producing 250,000 Mcf or less gas during the year; the others produce significant amounts of gas and should be required to report, although those producers with 20 Bcf or less of proved reserves need file only schedules A and C.

Gulf Oil contends that the Commission should promulgate regulations to protect confidential information submitted by the producers. In its motion filed April 5, 1977, Gulf asked the Commission to expand the present docket to consider specific rules concerning confidential reserve information. It says that now the producers are uncertain about how the Commission will treat the data and this discourages expenditures to discover and develop new deposits of natural gas. It adds that the Commission should not have discretion about the release of information and should consider the protection of confidential information an integral part of the promulgation of Form 40.

The Union case held that the Freedom of Information Act, 5 U.S.C. § 552 was intended to protect confidential information from disclosure by government agencies. Also it held that in Form 40 the Commission proposed a potentially damaging disclosure of information which fails to consider the degree of harm such disclosure would cause to the reporting companies and that such a rule is without rational basis. The Court said that in the event disclosure of information with potentially damaging specificity would advance the public interest the Commission should determine (1) whether the information is entitled to absolute protection under the Freedom of Information Act and, if not, (2) whether the balance of interests in the

specific case are such as to justify disclosure.

In the present context expanding the proceeding to include a general rulemaking on this matter would lead to substantial delay in the issuance of Form 40. However, we will hold administratively confidential those parts of Form 40 heretofore designated and will not make disclosure as an exercise of discretion on our part without affording the producers opportunity for a hearing. Where we are required by statute or otherwise to make disclosure to some other government body we shall notify the producer involved as much in advance as possible.

Pennzoil argues that Schedule B of Form 40 where reserves are reported on an individual reservoir basis contains no provision to reflect adjustments for performance increases or decreases over time. We are in agreement that such a change would be helpful in understanding the changes occurring from year to year but in the interest of reducing the reporting burden, Staff will request information on significant performance changes directly from the producer.

Shell and other producers object to the term "Shut-In" for wells or reservoirs that are not producing as having the connotation that they are ready to produce but are being held off production by unilateral decision of the operator. We agree that the term "Non-Producing" is a preferable term, and we shall amend the Form accordingly. Shell also would amend slightly and add to the list of numbered codes to be used to justify non-production from a proven reservoir. The present lists contains an Item 9. "Other" which permits further explanation. Nevertheless the additional codes might make the Form easier to prepare and more meaningful. We agree with this reasoning and will add additional reasons.

Phillips argues that since Schedule A is presently the only schedule of Form 40 which the Commission has indicated an intention to make public the data on non-producing reserves in Schedule A that has been carried over from Schedule B should be broken down between the numbered codes of explanation, so that the public that sees Schedule A will not get a distorted picture of why reserves are not being produced. Reformatting of Schedule A is not in our view desirable due to increased filing and processing burden. However, we believe that a report indicating a breakout of non-producing volume by reason for non-production is desirable, and such a report will be made public.

Tenneco believes that the definition of proved reserves should be amended. It points out that for reporting purposes "proved reserves" is limited to reservoirs which have demonstrated the ability to produce by either actual production or a conclusive formation test. Tenneco suggests the definition be modified to require the reporting of reserves as proved also upon the basis of modern advanced and reliable techniques for interpreting well logs. Tenneco also objects to the definition as including the undrilled portion of the reservoir or field. These requests are unreasonable for a number of considerations. No other respondent requested such a change. Comparability with historical AGA (time series) data would be destroyed. The AGA definition, essentially the same as the Form 40 definition was developed by a committee comprised of API, AGA, trade association and government agency representatives. It has been used by industry and government for many years. It allows leeway for professional judgment but is definitive enough to provide reserve estimates on essentially common bases. Tenneco also asks that Form 40 should provide sufficient digits for reporting terminal pressures of over 999 psi. This request is reasonable and will be incorporated in Form 40.

Tenneco filed a petition on March 10, 1977, asking that a conference should be called so that representatives of the producers and the several government agencies involved in collecting producer reserve data could examine the feasibility of reducing individual agency reports to one consolidated reserves report form. Other producers took the same position. We note that an inter-agency conference has already been held, the final report of which took note of the essential fact that data collected for macro-analytical needs of most government agencies contains insufficient detail for use in regulatory processes where micro-analytical analysis is required. The recommendation was that FPC proceed on its own while other agencies consolidated their data requests. After considering this analysis of the needs of the other government agencies, it appears that their needs are different than those of this agency and that another conference would serve little purpose at this time. In any case it would delay the issuance of an effective Form 40 and the collection of data needed for regulatory purposes.

By our order of May 6, 1977, we deferred action on Tenneco's motion to compel the production of Staff witness Gordon K. Zareski for cross-examination on the Staff statement, pending a determination on the whole record in the reopened proceeding. We have now done so and note that the record includes the transcript of April 4, 1977, with the cross-examination of three witnesses and the related exhibits, which include the Staff statement of February 10, 1977, the comments filed by numerous parties, and the prepared testimony of the three witnesses. In our opinion this record contains substantial evidence to sustain the revised Form 40 without a Staff witness. Since this is a rulemaking proceeding the Staff statement and the written comments are acceptable as evidence without the support of a witness. There is no reason why Tenneco, which could have presented a witness but did not do so, should be permitted to make its case by calling a Staff witness.

For the purpose of obtaining complete and adequate data for estimating productivity we shall require those persons who have not done so to file Schedule A data for the calendar years 1974 and 1975.

The Commission further finds: (1) The notice and opportunity to participate in this proceeding with respect to the matters presently before the Commission through the submission in writing and at a public meeting of comments are consistent and in accordance with all procedural requirements as prescribed in Section 553, Title 5 of the United States Code.

(2) The amendment to Part 260 of the Commission's Statements and Reports to revise § 260.13 is necessary and appropriate for the administration of the Natural Gas Act.

(3) The amendment of Part 3 of the Commission's General Rules and § 3.170 of the Regulations under the Natural Gas Act is necessary and appropriate for the administration of the Natural Gas Act.

The Commission orders: (A) We revise § 260.13 to read as follows—

§ 260.13 Form No. 40, natural gas companies annual report of proved domestic reserves, including those of any affiliate (associate) or subsidiary of each person found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act.

(a) The form of Natural Gas Companies Annual Report of Proved Domestic Gas Reserves as F.P.C. Form No. 40 is adopted.

(b) Each person found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act shall prepare and file with the Commission an original and four copies of Schedule A, Natural Gas Companies Annual Report of Proved Domestic Gas Reserves, F.P.C. Form No. 40; shall file one original copy of Schedules B and C; and shall file Schedule D as necessary. Schedule C is not required the first report year. The report for the calendar year ending December 31, 1976, shall be filed by November 1, 1977, and thereafter the report for each calendar year ending December 31 shall be filed by April 1 of the following year.

(c) Each of the persons defined in paragraph (b) of this section who have not filed Schedule A data for the calendar years 1974 and 1975 shall do so by November 1, 1977.

(d) Schedule A shall be made available at the Commission's Offices for public inspection.

(e) Information filed pursuant to this order shall be made under oath.

(B) We revise § 3.170 of Part 3, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations to read as follows:

§ 3.170 Approved forms, etc.

(a) The following is a list of approved forms, statements, and reports under the Natural Gas Act, descriptions of which have been published in Subchapter G, Parts 250 and 260 of this chapter.

(b) Form No. 40, Natural Gas Companies Annual Report of Proved Domestic Gas Reserves, Including Those of Any Affiliate (Associate) or Subsidiary of

Each Person Found By the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act.

(C) The Secretary shall cause copies of FPC Form No. 40, as promulgated by this Order, to be transmitted to the Comptroller General of the United States.

(D) The effective date of this order shall be the date of issuance.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(F) Tenneco's motion of March 10, 1977, requesting a public conference is denied.

(G) Tenneco's motion of April 8, 1977, that a Staff witness be made available is denied.

(H) Gulf's motion of April 5, 1977, requesting that the proceeding be expanded to consider rules on confidential reserves information is denied.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-20025 Filed 7-28-77;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

[Docket No. 77C-0206]

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

Mica

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document "permanently" lists mica for use in externally applied drugs and cosmetics generally, including drugs and cosmetics intended for use in the area of the eye. The Cosmetic, Toiletry and Fragrance Association, Inc., filed a petition for such use. This rule will remove mica from the provisional list of color additives.

DATES: Effective August 29, 1977; objections by August 29, 1977.

ADDRESS: Written objections to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, (202-472-5740).

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of August 6, 1973 (38 FR 21200) stated that a petition (CAP 8C0076) for the "permanent" listing of mica as a color additive for use in externally applied cosmetics, including lipsticks, and those for use in the area of the eye, had been filed by the Cosmetic, Toiletry and Fragrance Association, Inc. (1133 15th St. NW., Washington, DC 20005) c/o Hazleton Laboratories, P.O. Box 30, Falls Church, VA 22046. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376). A notice published in the FEDERAL REGISTER of March 5, 1976 (41 FR 9584) amended the filing of this petition to include the additional use of mica in all types of cosmetics subject to ingestion.

A subsequent notice published in the FEDERAL REGISTER of June 17, 1977 (42 FR 30893) amended the filing of this petition to include the additional use of mica in externally applied drugs.

The Commissioner of Food and Drugs has evaluated the data in the petition and concludes that mica is safe under the conditions set forth below for use in coloring externally applied drugs and cosmetics generally, including those intended for use in the area of the eye, and that certification is not necessary for the protection of the public health. This order "permanently" lists mica for use in externally applied drugs and cosmetics generally, including those for use in the area of the eye, under new §§ 73.1496 and 73.2496 (21 CFR 73.1496 and 73.2496), respectively. The provisional listing of mica for use in cosmetics under § 81.1(g) (21 CFR 81.1(g)), which was extended to July 1, 1977 by regulation published in the FEDERAL REGISTER of February 4, 1977 (42 FR 6992), will be deleted when this order becomes effective on August 29, 1977, unless this order is stayed by the timely filing of objections.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 as amended (21 U.S.C. 376 (b), (c), and (d)) and the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)), and under authority delegated to the Commissioner (21 CFR 5.1), Parts 73 and 81 are amended as follows:

1. Part 73 is amended:

a. By adding new § 73.1496 to Subpart B, to read as follows:

§ 73.1496 Mica.

(a) *Identity.* (1) The color additive mica is a white powder obtained from the naturally occurring mineral, muscovite mica, consisting predominantly of a potassium aluminum silicate, $K_2Al_4(Al_2Si_6O_{20})(OH_4)$ or, alternatively, $H_2KAl_3(SiO_4)_3$. Mica may be identified and semiquantitatively determined by its characteristic X-ray diffraction pattern and by its optical properties.

(2) Color additive mixtures for drug use made with mica may contain only those diluents listed in this subpart as safe and suitable for use in color additive mixtures for coloring drugs.

(b) *Specifications.* Mica shall conform to the following specifications and shall be free from impurities other than those named to the extent that such other impurities may be avoided by good manufacturing practice.

Fineness, 100 percent shall pass through a 100-mesh sieve and 80 percent shall pass through a 200-mesh sieve.

Loss on ignition at 600°-650° C, not more than 2 percent.

Lead (as Pb), not more than 20 parts per million.

Arsenic (as As), not more than 3 parts per million.

Mercury (as Hg), not more than 1 part per million.

(c) *Uses and restrictions.* Mica may be safely used in amounts consistent with good manufacturing practice to color externally applied drugs, including those for use in the area of the eye.

(d) *Labeling requirements.* The label of the color additive and of any mixture prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

b. By adding new § 73.2496 to Subpart C, to read as follows:

§ 73.2496 Mica.

(a) *Identity and specifications.* The color additive mica shall conform in identity and specifications to the requirements of § 73.1496(a)(1) and (b).

(b) *Uses and restrictions.* Mica is safe for use in coloring cosmetics generally, including cosmetics applied to the area of the eye, in amounts consistent with good manufacturing practice.

(c) *Labeling.* The color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall bear, in addition to any information required by law, labeling in accordance with § 70.25 of this chapter.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from certification pursuant to section 706(c) of the act.

§ 81.1 [Amended]

2. Part 81 is amended in § 81.1 Provisional lists of color additives, in paragraph (g) by deleting the entry for "Mica."

Any person who will be adversely affected by the foregoing order may at any time on or before August 29, 1977, file with the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall be filed in accordance with the requirements of § 71.30 (21 CFR 71.30). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in

support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the Hearing Clerk's office, Monday through Friday, between 9 a.m. and 4 p.m.

Effective date: August 29, 1977, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c), (d), 74 Stat. 399-403 as amended (21 U.S.C. 376 (b), (c), (d)); sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note).)

Dated: July 25, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-21792 Filed 7-29-77;8:45 am]

[Docket No. 77C-0208]

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

Ferric Ammonium Ferrocyanide

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document "permanently" lists ferric ammonium ferrocyanide for use in externally applied drugs and cosmetics, including drugs and cosmetics intended for use in the area of the eye. The Cosmetic, Toiletry and Fragrance Association, Inc., petitioned for such use. This rule will remove the color additive from the provisional listing.

DATES: Effective August 29, 1977; objections by August 29, 1977.

ADDRESS: Written objections to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of August 6, 1973 (38 FR 21200) stated that a petition (CAP 8C0082) for the "permanent" listing of ferric ferrocyanide as a color additive for use in externally applied cosmetics, including those for use in the area of the eye, had been filed by the Cosmetic, Toiletry and Fragrance Association, Inc. (1133 15th St. NW., Washington, D.C. 20005), c/o Hazelton Laboratories, Inc., P.O. Box 30, Falls Church, VA 22046. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376). A notice published in the FEDERAL REGISTER of June 17, 1977 (42 FR 30893) amended the filing of this petition to include the additional use of ferric ferrocyanide in externally applied drugs, including those intended for use in the area of the eye.

Ferric ammonium ferrocyanide has been provisionally listed as ferric ferrocyanide for use in cosmetics under § 81.1(g) (21 CFR 81.1(g)). With permanent listing of ferric ammonium ferrocyanide under Part 73, the listing under § 81.1(g) will become obsolete.

The Commissioner of Food and Drugs has evaluated the data in the petition and concludes that ferric ammonium ferrocyanide is safe, under the conditions set forth below, for use in coloring externally applied drugs and cosmetics, including those intended for use in the area of the eye, and that certification is not necessary for the protection of the public health.

The Commissioner notes that there are some references in the literature that indicate oxalic acid may be used to alter the physical characteristics of ferric ammonium ferrocyanide. The Commissioner advises that this is not an appropriate practice for the production of this color additive.

Cosmetic labeling is required, under § 701.3 (21 CFR 701.3), to list the name of each color additive present as an ingredient in the finished cosmetic. Cosmetic labeling listing the color additive ferric ammonium ferrocyanide under its formerly accepted name "ferric ferrocyanide" may be used until current supplies are exhausted or until August 29, 1979. In a previous action published in the FEDERAL REGISTER of September 23, 1976 (41 FR 41855) terminating provisional listing of 10 color additives, the Commissioner concluded that 1 year would be sufficient time to permit the depletion of cosmetic labeling improperly identifying the substances as color additives. The Commissioner has concluded that an additional year should be added to the time period for depletion of existing stocks of labels declaring the color as "ferric ferrocyanide" because of its inclusion as such in the 2d edition of the CTFA Cosmetic Ingredient Dictionary. The presence of the improper terminology in this dictionary, which is used widely as a reference for the declaration of ingredients on cosmetic labeling, may delay the correction of cosmetic labeling. The extended time period will also provide time for correction of the dictionary.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 as amended (21 U.S.C. 376 (b), (c), and (d)), and the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)), and under authority delegated to the Commissioner (21 CFR 5.1), Parts 73 and 81 are amended as follows:

1. Part 73 is amended: a. By adding new § 73.1298 to Subpart B, to read as follows:

§ 73.1298 Ferric ammonium ferrocyanide.

(a) *Identity.* (1) The color additive ferric ammonium ferrocyanide is the blue pigment obtained by oxidizing under acidic conditions with sodium dichromate the acid digested precipitate resulting from mixing solutions of ferrous sulfate and sodium ferrocyanide in the presence of ammonium sulfate. The oxidized product is filtered, washed, and dried. The pigment consists principally of ferric ammonium ferrocyanide with small amounts of ferric ferrocyanide and ferric sodium ferrocyanide.

(2) Color additive mixtures for drug use made with ferric ammonium ferrocyanide may contain only those diluents listed in this subpart as safe and suitable for use in color additive mixtures for coloring drugs.

(b) *Specifications.* Ferric ammonium ferrocyanide shall conform to the following specifications and shall be free from impurities other than those named, to the extent that such other impurities may be avoided by good manufacturing practice:

(Oxalic acid or its salts, not more than 0.1 percent.)
Water soluble matter, not more than 3 percent.
Water soluble cyanide, not more than 0.5 part per million.
Volatile matter, not more than 4 percent.
Lead (as Pb), not more than 20 parts per million.
Arsenic (as As), not more than 3 parts per million.
Nickel (as Ni), not more than 30 parts per million.
Cobalt (as Co), not more than 30 parts per million.
Mercury (as Hg), not more than 1 part per million.
Total iron (Fe), not less than 33 percent and not more than 37 percent.

(c) *Uses and restrictions.* Ferric ammonium ferrocyanide may be safely used in amounts consistent with good manufacturing practice to color externally applied drugs, including those for use in the area of the eye.

(d) *Labeling requirements.* The label of the color additive and of any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

b. By adding new § 73.2298 to Subpart C, to read as follows:

§ 73.2298 Ferric ammonium ferrocyanide.

(a) *Identity and specifications.* The color additive ferric ammonium ferrocyanide shall conform in identity and specifications to the requirements of § 73.1298(a) (1) and (b).

(b) *Uses and restrictions.* Ferric ammonium ferrocyanide is safe for use in coloring cosmetics generally, including cosmetics applied to the area of the eye, in amounts consistent with good manufacturing practice.

(c) *Labeling.* The color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall bear, in addition to any information required by law, labeling in accordance with § 70.25 of this chapter.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from certification pursuant to section 706 (c) of the act.

§ 81.1 [Amended]

2. Part 81 is amended in paragraph (g) of § 81.1 *Provisional lists of color additives,* by deleting the entry for "Ferric ferrocyanide (iron blue)."

Any person who will be adversely affected by the foregoing order may at any time on or before August 29, 1977, file with the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirement of § 71.30 (21 CFR 71.30). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the Hearing Clerk's office, between 9 a.m. and 4 p.m., Monday through Friday, except for holidays.

Effective date: August 29, 1977, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b), (c), and (d), 744 Stat. 399–403 as amended (21 U.S.C. 376(b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note).)

Dated: July 25, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-21794 Filed 7-28-77;8:45 am]

[Docket No. 77C–0209]

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS, FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOOD, DRUGS, AND COSMETICS

Aluminum Powder

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document "permanently" lists aluminum powder for use in externally applied drugs and cosmetics including those intended for use in the area of the eye. The Cosmetic, Toiletry and Fragrance Association, Inc., filed a petition for such use. This rule will remove aluminum powder from the provisional list of color additives.

DATES: Effective August 29, 1977; objections by August 29, 1977.

ADDRESS: Written objections to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs has evaluated the data in the petition filed by the Cosmetic, Toiletry and Fragrance Association Inc., 1130 15th St. NW., Washington, D.C. 20005, and concludes that aluminum powder is safe under the conditions set forth below for use in coloring externally applied drugs and cosmetics including those intended for use in the area of the eye, and that certification is not necessary for the protection of the public health. This order "permanently" lists aluminum powder for use in externally applied drugs and cosmetics, including those for use in the area of the eye, under new §§ 73.1645 and 73.2645, respectively. The provisional listing of aluminum powder for use in cosmetics under § 81.1(g) (21 CFR 81.1 (g)), which was extended to July 1, 1977 by regulation published in the FEDERAL REGISTER of February 4, 1977 (42 FR 6992), will be deleted when this order becomes effective on August 29, 1977, unless this order is stayed by the timely filing of objections.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399–403 as amended (21 U.S.C. 376 (b), (c), and (d))) and the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note)), and under authority delegated to the Commissioner (21 CFR 5.1), Parts 73 and 81 are amended as follows:

1. Part 73 is amended: a. By adding new § 73.1645 to Subpart B, to read as follows:

§ 73.1645 Aluminum powder.

(a) *Identity.* (1) The color additive aluminum powder shall be composed of finely divided particles of aluminum prepared from virgin aluminum. It is free from admixture with other substances.

(2) Color additive mixtures for external drug use made with aluminum powder may contain only those diluents listed in this subpart as safe and suitable in color additive mixtures for coloring externally applied drugs.

(b) *Specifications.* Aluminum powder shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Fineness, 100 percent shall pass through a 200-mesh screen and 95 percent shall pass through a 325-mesh screen.
Mercury, not more than 1 part per million.
Arsenic, not more than 3 parts per million.
Lead, not more than 20 parts per million.
Aluminum, not less than 99 percent.

(c) *Uses and restrictions.* Aluminum powder is safe for use in externally applied drugs, including those intended for use in the area of the eye, in amounts consistent with good manufacturing practice.

(d) *Labeling.* The color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall bear, in addition to any information required by law, labeling in accordance with § 70.25 of this chapter.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from certification pursuant to section 706(c) of the act.

b. By adding new § 73.2645 to Subpart C, to read as follows:

§ 73.2645 Aluminum powder.

(a) *Identity and specifications.* The color additive aluminum powder shall conform in identity and specifications to the requirements of § 73.1645(a) (1) and (b).

(b) *Use and restriction.* Aluminum powder may be safely used in coloring externally applied cosmetics, including cosmetics intended for use in the area of the eye, in amounts consistent with good manufacturing practice.

(c) *Labeling.* The color additive and any mixture prepared therefrom intended solely or in part for coloring pur-

poses shall bear, in addition to any information required by law, labeling in accordance with the provisions of § 70.25 of this chapter.

(d) *Exemption from certification.* Certification of this color additive is not necesary for the protection of the public health, and therefore batches thereof are exempt from certification pursuant to section 706(c) of the act.

§ 81.1 [Amended]

2. Part 81 is amended in paragraph (g) of § 81.1 *Provisional lists of color additives* by deleting the entry for "Aluminum powder."

Any person who will be adversely affected by the foregoing order may at any time on or before August 29, 1977, file with the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of § 71.30 (21 CFR 71.30). If a hearing is requested, the objection shall state the issues for the hearing, be supported by grounds factually and legally sufficient to justify the relief sought, and include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the Hearing Clerk's office between 9 a.m. to 4 p.m. Monday through Friday.

Effective date: August 29, 1977, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c), (d), 74 Stat. 399-403 as amended (21 U.S.C. 376 (b), (c), (d)); sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note).)

Dated: July 25, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-21793 Filed 7-28-77;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 76N-0399]

PART 452—MACROLIDE ANTIBIOTIC DRUGS

Erythromycin pH Determination

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: This document amends the antibiotic drug regulations to revise the sample preparation method used to determine the pH of erythromycin to ensure stability and uniformity. This rule is based on a proposal issued upon request of an antibiotics manufacturer and findings of the FDA National Center for Antibiotics Analysis concerning the need for the revision.

EFFECTIVE DATE: August 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Joan M. Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, (301-443-4292).

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of November 2, 1976 (41 FR 48125), the Commissioner of Food and Drugs proposed that § 452.10 (21 CFR 452.10) be amended to revise the sample preparation method used to determine the pH of erythromycin.

One manufacturer of erythromycin had reported that when the pH of this drug is tested by the method specified in the regulations, the pH drifts downward with time, and levels off after several hours. On further study, the drift in pH was determined to be the result of precipitation of the less soluble erythromycin base dihydrate. The concentration of the drug was determined to have an effect on the crystallization of the insoluble salts and at certain concentrations these salts were found to be soluble in methyl alcohol.

In order to attain a stable pH, the manufacturer requested that the sample preparation method designated in the regulations for erythromycin be revised to specify a definite final concentration of 2 milligrams of erythromycin base per milliliter in the test solution and that methyl alcohol be used to dissolve the drug.

The FDA National Center for Antibiotics Analysis confirmed the drift in pH and also observed that different pH values are obtained depending on whether the solution being tested is stirred or is at rest at the time of measurement. Similar variables were also noted for erythromycin produced by other manufacturers. Therefore, it was also proposed that the regulations for erythromycin be amended to require that the test solution be stirred during the pH determination.

Comments were received from two manufacturers in response to the proposed rule. Both manufacturers objected to that part of the proposal which would require the pH measurement to be taken while the solution is being stirred. Both respondents stated that stirring causes erratic results. One manufacturer submitted results of a study in support of his objection and concluded that some electrodes and pH meters are subject to inductive effects from magnetic or electric stirrers and must be read in a "quiet" solution rather than in a stirred solution.

The Commissioner has considered these comments and concludes that based on new information, the proposed stirring requirement should not be adopted, and the test method should be revised to require that the pH measurement be taken when an equilibrium value has been reached.

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 452 is amended by revising paragraph (b)(4) of § 452.10 to read as follows:

§ 452.10 Erythromycin.

* * * * *

(b) * * *

(4) *pH.* Proceed as directed in § 436.202 of this chapter, except standardize the pH meter with pH 7.0 and pH 10.0 buffers and prepare the sample as follows: Dissolve 200 milligrams of sample in 5 milliliters of reagent grade methyl alcohol. Add 95 milliliters of water and mix. Record the pH when an equilibrium value has been reached.

Effective date: This amendment becomes effective August 29, 1977.

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

Dated: July 22, 1977.

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

[FR Doc.77-21796 Filed 7-28-77;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 526—INTRAMAMMARY DOSAGE FORMS NOT SUBJECT TO CERTIFICATION

Novobiocin Oil Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application filed by The Upjohn Co. for use of a novobiocin infusion for the treatment of mastitis in dry cows.

EFFECTIVE DATE: July 29, 1977.

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: In accordance with section 512(i) of the Federal Food, Drug, and Cosmetic Act, Part 526 (21 CFR 526) is amended to reflect approval of a new animal drug application (NADA 102-511V) filed by The Upjohn Co., Kalamazoo, MI 49001.

In compliance 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 the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers

Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

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 526 is amended by adding a new § 526.1590 to read as follows:

§ 526.1590 Novobiocin oil suspension.

(a) *Specifications.* Each 10 milliliters of oil suspension contains the equivalent of 400 milligrams of novobiocin (present as sodium novobiocin).

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

(c) *Related tolerances.* See § 556.460 of this chapter.

(d) *Conditions of use.*—(1) *Amount.* Ten milliliters (equivalent to 400 milligrams of novobiocin) infused in each quarter.

(2) *Indications for use.* It is used in dry cows for the treatment of mastitis caused by susceptible strains of *Staphylococcus aureus* and *Streptococcus agalactiae.*

(3) *Limitations.* Infuse each quarter at the time of drying off, but not less than 30 days prior to calving. Do not slaughter treated animals for food use for 30 days following udder infusion. For udder installation for the treatment of mastitis in dry cows only.

Effective date. July 29, 1977.

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

Dated: July 23, 1977.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.77-21971 Filed 7-28-77;8:45 am]

PART 548—CERTIFIABLE PEPTIDE ANTIBIOTIC DRUGS FOR ANIMAL USE

Bacitracin Methylene Disalicylate and Streptomycin Sulfate Oral Powder

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a supplemental new animal drug application submitted by Pitman-Moore, Inc., for use of an oral powder for treating dogs for bacterial enteritis and associated diarrhea.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert A. Baldwin, 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: Pitman-Moore, Inc., Washington Crossing, N.J. 08560, filed a supplemental new animal drug application (65-107V) for safe and effective use of an oral powder containing bacitracin methylene disalicylate and streptomycin sulfate with carob flour for treating dogs for bacterial enteritis and associated diarrhea.

The drug has been evaluated by the National Academy of Sciences—National Research Council, Drug Efficacy Study Group (NAS/NRC) and the Food and Drug Administration and classified as probably not effective for the treatment of bacterial diarrhea in dogs and certain other animals (see the FEDERAL REGISTER of August 18, 1970 (35 FR 13155)). Holders of new animal drug applications (NADA's) were requested to submit information to update their applications, including adequate documentation in support of the conditions of use of the products. The firm has submitted safety and efficacy data to substantiate approval of this application.

In addition, certain requirements for certification and tests and methods of assay are being revised to reflect current specifications and procedures.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, 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 (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, during regular working hours.

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 548 is amended by revising § 548.112d to read as follows:

§ 548.112d Bacitracin methylene disalicylate and streptomycin sulfate oral powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacitracin methylene disalicylate and streptomycin sulfate oral powder is composed of bacitracin methylene disalicylate and streptomycin sulfate with carob flour and with or without one or more suitable and harmless diluents, colorings, and flavorings. Each gram contains 200 units of bacitracin methylene disalicylate, streptomycin sulfate equivalent to 20 milligrams of streptomycin, and 850 milligrams of carob flour. Its bacitracin methylene disalicylate content is satisfactory if it is 90 to 165 percent of the amount of bacitracin that it is represented to contain. Its streptomycin sulfate content is satisfactory if it is 90 to 125 percent of the amount of streptomycin that it is represented to contain. Its loss on drying is not more than 7.5 percent. The bacitracin methylene disalicylate used conforms to the standards prescribed by § 539.310(a)(1) of this chapter. The streptomycin sulfate used conforms to the standards prescribed by § 539.170(a)(1) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of paragraph (c) of this section and § 510.55 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 514.50 of this chapter, each such request shall contain:

(i) The results of tests and assays on:

(*a*) The bacitracin methylene disalicylate used in making the batch for potency, safety, loss on drying, and pH.

(*b*) The streptomycin sulfate used in making the batch for potency, safety, loss on drying, and pH.

(*c*) The batch for bacitracin content, streptomycin content, and loss on drying.

(ii) Samples required:

(*a*) The bacitracin methylene disalicylate used in making the batch, 5 packages, each containing approximately 5 grams.

(*b*) The streptomycin sulfate used in making the batch, 5 packages, each containing approximately 1 gram.

(*c*) The batch: a minimum of 6 immediate containers, unless each such container is packaged to contain more than 30 grams, in which case the sample shall consist of 30 grams for each 5,000 containers in the batch, but in no case less than six 30-gram portions.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Bacitracin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed sample of approximately 5 grams into a high-speed glass blender jar. Add sufficient dimethylformamide so that when the sample is diluted to its reference concentration, the concentration of dimethylformamide in the final solution is not more than 20 percent. Blend 3 to 5 minutes. Filter through filter paper immediately. Remove an aliquot of the filtrate at once and dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1) to the reference concentration of 1 unit of bacitracin per milliliter (estimated). Add sufficient dimethylformamide to the working solution of the standard so that the concentration of dimethylformamide is the same as that in the sample being tested. In lieu of the test organisms prescribed in § 436.105(a), use either of the test organisms R or V described in § 436.103(a) of this chapter.

(ii) *Streptomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1 M potassium phosphate buffer, pH 8.0 (solution 3) to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 1.0 microgram of streptomycin per milliliter (estimated).

(2) *Loss on drying.* Using a 1.0-gram sample, proceed as directed in § 436.200 (b) of this chapter.

(c) *Conditions of marketing*—(1) *Specifications.* The drug conforms to the requirements for certification in paragraph (a) of this section.

(2) *Sponsor.* No. 011716 in § 510.600(c) of this chapter.

(3) *Conditions of use*—(i) *Dogs*—(*a*) *Amount.* One level teaspoonful per 10 pounds of body weight, three times daily, in a small quantity of liquid or feed.

(b) *Indications for use.* It is used for the treatment of dogs for bacterial enteritis caused by pathogens susceptible to facitracin and streptomycin, such as *Escherichia coli, Proteus* spp., *Staphylococcus* spp., and *Streptococcus* spp., and for the symptomatic treatment of associated diarrhea.

(c) *Limitations.* If no improvement is noted in 2 to 3 days, diagnosis should be reevaluated. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(ii) [Reserved]

Effective date: This regulation becomes effective on July 29, 1977.

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

Dated: July 23, 1977.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.77-21967 Filed 7-28-77;8:45 am]

PART 548—CERTIFIABLE PEPTIDE ANTIBIOTIC DRUGS FOR ANIMAL USE

Bacitracin Methylene Disalicylate and Streptomycin Sulfate Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect the approval of a supplemental new animal drug application filed by Pitman-Moore, Inc., Washington Crossing, NJ 08560, for use of a tablet containing bacitracin methylene disalicylate and streptomycin sulfate with carob flour for treating dogs for bacterial enteritis and associated diarrhea. In addition, the regulations are amended by revising certain requirements for certification and tests and methods of assay to reflect current specifications and procedures.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert A. Baldwin, 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: Pitman-Moore, Inc., Washington Crossing, NJ 08560, filed a supplemental new animal drug application (65-192V) for safe and effective use of a tablet containing bacitracin methylene disalicylate and streptomycin sulfate with carob flour for treating dogs for bacterial enteritis and associated diarrhea.

This drug has been evaluated by the National Academy of Sciences—National Research Council, Drug Efficacy Study Group and the Food and Drug Administration and classified as probably not effective for the treatment of bacterial diarrhea in dogs and certain other animals (35 FR 13155, Aug. 18, 1970). Holders of new animal drug applications were requested to submit information to update their applications including adequate documentation in support of the conditions of use of the products. The firm has submitted safety and efficacy data to substantiate approval of this application.

In addition, certain requirements for certification and tests and methods of assay are being revised to reflect current specifications and procedures.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, 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 (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

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 548 is amended by revising § 548.112b to read as follows:

§ 548.112b Bacitracin methylene disalicylate and streptomycin sulfate tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Bacitracin methylene disalicylate and streptomycin sulfate tablets are composed of bacitracin methylene disalicylate and streptomycin sulfate with carob flour and with or without one or more suitable and harmless diluents, binders, fillers, lubricants or flavorings. Each tablet contains 150 units of bacitracin methylene disalicylate, streptomycin sulfate equivalent to 15 milligrams of streptomycin, and 675 milligrams of carob flour, or 1.000 units of bacitracin methylene disalicylate, streptomycin sulfate equivalent to 100 milligrams streptomycin, and 2.8 grams of carob flour. Its bacitracin methylene disalicylate content is satisfactory if it is 90 to 145 percent of the amount of bacitracin that it is represented to contain. Its streptomycin sulfate content is satisfactory if it is 90 to 135 percent of the amount of streptomycin that it is represented to contain. Its loss on drying is not more than 5 percent. Tablets not exceeding 15 millimeters in diameter shall disintegrate within 1 hour. The bacitracin methylene disalicylate used conforms to the standards prescribed by § 539.310(a)(1) of this chapter. The streptomycin sulfate used conforms to the standards prescribed by § 539.170(a)(1) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of paragraph (c) of this section and § 510.55 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 514.50 of this chapter, each such request shall contain:

(i) The results of tests and assays on:

(a) The bacitracin methylene disalicylate used in making the batch for potency, safety, loss on drying, and pH.

(b) The streptomycin sulfate used in making the batch for potency, safety, loss on drying, and pH.

(c) The batch for bacitracin content, streptomycin content, and loss on drying.

(ii) Samples required:

(a) The bacitracin methylene disalicylate used in making the batch, 5 packages, each containing approximately 5 grams.

(b) The streptomycin sulfate used in making the batch, 5 packages, each containing approximately 1 gram.

(c) The batch: a minimum of 36 tablets.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Bacitracin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of finely ground tablets in a high-speed glass blender jar. Add sufficient dimethylformamide so that when the sample is diluted to its reference concentration, the concentration of dimethylformamide in the final solution is not more than 20 percent. Blend 3 to 5 minutes. Filter through filter paper immediately. Remove an aliquot of the filtrate at once and dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1) to the reference concentration of 1 unit of bacitracin per milliliter (estimated). Add sufficient dimethylformamide to the working solution of the standard so that the concentration of dimethylformamide is the same as that in the sample being tested. In lieu of the test organisms prescribed by § 436.105(a) of this chapter, use either of the test organisms R or V described in § 436.103(a) of this chapter.

(ii) *Streptomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of finely ground tablets in a high-speed glass blender jar. Add sufficient 0.1 *M* potassium phosphate buffer, pH 8.0 (solution 3) to give a stock solution of convenient concentration. Add 1 milliliter of polysorbate 80 and blend 3 to 5 minutes. Allow to stand at room temperature for 1 hour. Blend again for 3 to 5 minutes. Pour contents of blender jar into a beaker, stir with a magnetic stirrer and while stirring, remove an aliquot and dilute with solution 3 to the reference concentration of 1.0 microgram of streptomycin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter.

(c) *Conditions of marketing—*(1) *Specifications.* The drug conforms to the requirements for certification in paragraph (a) of this section.

(2) *Sponsor.* No. 011716 in § 510.600(c) of this chapter.

(3) *Conditions of use—*(i) *Dogs—*(a) *Amount.* One small tablet per 4 pounds of body weight, or one large tablet per 25 pounds of body weight, 3 times daily.

(b) *Indications for use.* It is used for the treatment of dogs for bacterial enteritis caused by pathogens susceptible to bacitracin and streptomycin such as *Escherichia coli, Proteus spp., Staphyl-*

ococcus spp., and *Streptococcus spp.*, and for the symptomatic treatment of associated diarrhea.

(c) *Limitations.* If no improvement is noted in 2 to 3 days, diagnosis should be reevaluated. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(ii) [Reserved]

EFFECTIVE DATE: This regulation shall be effective July 29, 1977.

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

Dated: July 27, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-21968 Filed 7-28-77;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Bacitracin Methylene Disalicylate; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulations to reflect a change in the sponsor of the antibiotic bacitracin methylene disalicylate from S. B. Penick and Co. to A. L. Laboratories. A supplemental new animal drug application filed by A. L. Laboratories, Inc., provided for this change.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: In accordance with section 512(i) of the Federal Food, Drug, and Cosmetic Act, Part 558 (21 CFR 558) is amended to reflect approval of a supplemental new animal drug application (36-479V) filed by A. L. Laboratories, Inc., a subsidiary of A/S Apothekernes Laboratorium for Special-praeparater, 452 Hudson Terrace, Engelwood Cliffs, NJ 07632, providing for the change in sponsor from S. B. Penick and Co. (sponsor No. 000794), a unit of CPC International, Inc., to A. L. Laboratories (sponsor No. 046573). This intercorporate transfer of an NADA does not involve changes in the manufacturing, packaging, or quality control facilities. The approval does not require a reevaluation of the parent NADA and does not constitute a reaffirmation of the drug's safety or effectiveness.

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), § 558.58 *Amprolium and ethopabate* is amended in paragraph (e)(1)(iii) in the table for bacitracin 20 to 35 plus roxarsone 34 under "Limitations" by deleting the number "000794" and inserting in its place the number "046573".

Effective date: July 29, 1977.

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

Dated: July 27, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-21966 Filed 7-28-77;8:45 am]

[Docket No. 76N-0496]

PART 650—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR DERMAL TEST

Revision of Potency Test Limits for Tuberculin Products Dried on Tines of Multiple Puncture Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule amends the biologics regulations to require the potency assay of tuberculin products dried on tines of multiple puncture devices to be within ±20.0 percent of the number of U.S. Tuberculin Units (TU) claimed by the manufacturer in the license application to the Bureau of Biologics. This action is taken because the Commissioner of Food and Drugs found, based on new data presented to him by a manufacturer, that such a variation could be achieved; it should reduce the incidence of false positive and false negative test results.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Joe Holloway or Al Rothschild, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, Md. 20014, 301-443-1920.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of February 25, 1977 (42 FR 11023), the Commission proposed to amend § 650.14(c)(3) by requiring tuberculin products dried on multiple puncture devices to assay within ±20 percent as opposed to the currently required ±50 percent of the U.S. Tuberculin Units (TU) claimed by the manufacturer in the license application. The Commissioner finds that a variation of ±20 percent of the amount of dried product on the tines can be achieved and should reduce the incidence of false positive and false negative test results. Interested persons were given until March 28, 1977 to submit written comments regarding the proposal.

Only one written comment was received and it supported the proposed change. Accordingly, the Commissioner concludes that the proposal should be adopted.

In addition, since the potency of all tuberculin products listed in § 650.14(c) must now be ±20 percent of the U.S. units claimed by the manufacturer in the license application and in the product labeling, there is no longer a need to separately list the potency requirement for each product, and § 650.14(c) is amended accordingly.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262)), and under authority delegated to the Commissioner (21 CFR 5.1), § 650.14 is amended by deleting paragraph (c)(1), (2), and (3). As revised, paragraph (c) reads as follows:

§ 650.14 Potency test.

* * * * *

(c) *Potency.* The potency of the lot is satisfactory if the results are within ±20 percent of the U.S. units claimed by the manufacturer in the license application and the product labeling.

Effective date: This regulation shall become effective July 29, 1977.

(Sec. 351, 58 Stat. 702, as amended (42 U.S.C 262).)

Dated: July 25, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-21970 Filed 7-28-77;8:45 am]

Title 29—Labor

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

PART 1904—RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Small Employers; Recordkeeping Amendment

AGENCY: Occupational Safety and Health Administration.

ACTION: Final rule.

SUMMARY: This document contains an amendment to occupational safety and health recordkeeping regulations and a conforming amendment to State Plan regulations to exempt employers with ten or fewer employees from the recordkeeping requirements of this part.

This change is made to carry out statutory requirements that the Secretary of Labor obtain information with a minimum burden on employers, especially small employers.

EFFECTIVE DATE: July 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Norman Root, Chief, Division of Record Requirements and Information, Bureau of Labor Statistics, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-9281.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Pursuant to sections 8(c) (1) and (2), 8(g) (1) and (2), and 24(e) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657 and 673) (hereinafter referred to as the Act) and Secretary of Labor's Order No. 8–76 (41 FR 25059) a notice was published on February 18, 1977, in the FEDERAL REGISTER (42 FR 10015) proposing to amend § 1904.15 and proposing a conforming amendment to § 1952.4(a) to exempt employers with ten (10) or fewer employees from the recordkeeping requirements of this part. The notice invited interested persons to submit written data, views, or arguments by March 21, 1977. Comments were received from the following organizations and one individual: Anclote Marine Ways, Tarpon Springs, Florida; College of American Pathologists, Skokie, Illinois; National Association of Broadcasters, Washington, D.C.; National Association of Home Builders, Washington, D.C.; National Electrical Contractors Association, Inc., Richmond, Virginia; National Fertilizer Solutions Association, Peoria, Illinois; National Lumber and Building Material Dealers Association, Washington, D.C.; National Pest Control Association, Inc., Vienna, Virginia; National Tool, Die and Precision Machinery Association, Washington, D.C.; Washington Legal Foundation, Washington, D.C.; Western Temporary Services, Honolulu, Hawaii; and Cynthia L. Mossman, Cincinnati, Ohio. All comments received on the proposed recordkeeping amendment have been favorable, some suggesting, however, that the level for determining the exemption be set higher than ten. There was also a suggestion that the amendment be broadened to supersede State Plan recordkeeping requirements.

ISSUES

The Department of Labor appropriations acts for fiscal years 1975 and 1976 (Pub. L. 93–517 and Pub. L. 94–206) exempted employers with ten or fewer employees, but the appropriations act for fiscal year 1977 (Pub. L. 94–439) did not include the "ten or fewer" recordkeeping exemption. Therefore, this amendment will continue the Congressional intent of generally exempting employers with ten or fewer employees from the recordkeeping requirements, but not from the requirement to report accidents resulting in a fatality or multiple hospitalization nor from the requirement to participate in the Bureau of Labor Statistics' annual statistical survey, if the small employer is selected to participate. This amendment will also carry out the mandate of section 8(d) of the Act which requires that information obtained under the Act be obtained with a minimum burden on employers, especially those operating small businesses (29 U.S.C. 657(d)).

Under Section 18(c)(7) of the Act (29 U.S.C. 667) and 29 CFR 1902.3(k), a State plan is required to provide that "employers in the State maintain records and make reports to the Assistant Secretary of Labor for Occupational Safety and Health in the same manner and to the same extent as if the State plan were not in affect." The primary purpose of this section is to foreclose the States from enlarging the recordkeeping exemption; it does not, however, preclude the States from having stricter recordkeeping requirements; that is, requiring records from employers of any size. Therefore, when obligations of employers arise under State law, the State, for the State's own statistical needs, may require recordkeeping by an employer who would otherwise be exempt from the Federal requirements under this amendment.

While farm employers with ten or fewer employees are also exempted from this recordkeeping requirement, Pub. L. 94–439 provides, in effect, a total exemption to these farm employers from all requirements of the Act including, of course, the reporting of fatalities and multiple hospitalizations as well as participating in the annual survey. More specifically, Title I of the Department of Labor-Department of Health, Education, and Welfare Appropriations Act for Fiscal Year 1977 (Pub. L. 94–439) which became effective October 1, 1976, and will cease to be in effect September 30, 1977, placed a limitation on the expenditure of funds for the Occupational Safety and Health Administration (hereinafter referred to as OSHA) which is applicable to all employers covered by the Act who are engaged in a farming operation and employ ten or fewer employees. Pursuant to that limitation any employer engaged in a farming operation who employs no more than 10 employees is not subject to any standard, rule, regulation, or order under the Act, including any regulation under this part. Therefore, such small employers are not subject to the "ten or fewer" recordkeeping regulations and thereby are not required to report fatalities and multiple hospitalization accidents or participate in the BLS annual statistical survey.

During the 1977 fiscal year the State may enforce any standard, rule, regulation, or order, under State law, which is applicable to any person who is engaged in a farming operation and employing ten or fewer employees. But any State which engages in such activities will not be reimbursed under sections 23(g) and 24(b) of the Act for any share of funds expended by the State for any portion of those activities applicable to the farming operation limitation. States receiving 23(g) and 24(b) grant funds must also be able to demonstrate that no portion of the grant funds has been used for the activities prohibited in the farming operation funding limitation.

After consideration of all relevant material which has been submitted by interested persons, the proposal is hereby adopted. Pursuant to the authority contained in sections 8(g) (1) and (2), and 24(e) of the Act, 29 CFR 1904.15 and 29 CFR 1952.4(a) are amended as follows: The amendments shall be effective July 26, 1977.

1. As amended § 1904.15 would read as follows:

§ 1904.15 Small employers.

An employer who had no more than ten (10) employees at any time during the calendar year immediately preceding the current calendar year need not comply with any of the requirements of this part except the following:

(a) Obligation to report under § 1904.8 concerning fatalities or multiple hospitalization accidents; and

(b) Obligation to maintain a log of occupational injuries and illnesses under § 1904.2 and to make reports under § 1904.21 upon being notified in writing by the Bureau of Labor Statistics that the employer has been selected to participate in a statistical survey of occupational injuries and illnesses.

2. As amended § 1952.4(a) would read as follows:

§ 1952.4 Recordkeeping and reporting requirements.

(a) States must adopt recordkeeping and reporting regulations which are substantially identical to 29 CFR Part 1904 "Recording and Reporting Occupational Injuries and Illnesses" except for § 1904.13 of this chapter, which provides for variances. However, a State is not precluded from imposing stricter recordkeeping requirements; that is, requiring records from employers of any number of employees.

* * * * *

(Secs. 8(c)(1), (2), 8(g)(1), (2), 24(e); Pub. L. 91–596, 84 Stat. 1599, 1600, 1615; (29 U.S.C. 657, 673).)

Signed at Washington, D.C., this 21st day of July 1977.

JULIUS SHISKIN,
Commissioner of Bureau of Labor Statistics.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-21548 Filed 7-28-77;8:45 am]

PART 1928—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

Applicability of General Industry Standards to Agriculture; Correction

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

ACTION: Correction.

SUMMARY: This document makes a minor, non-substantive amendment to the occupational safety and health standards for agriculture. The amendment corrects an error in 29 CFR 1928.21 and clarifies that the OSHA air contaminant standards do not apply to agricultural operations.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Wendell M. Glasier, OSHA, Third Street and Constitution Avenue NW., Room N–3510, Washington, D.C. 20210, 202–523–7198.

SUPPLEMENTARY INFORMATION: On May 28, 1975, OSHA published in the FEDERAL REGISTER (40 FR 23072) a recodification of the air contaminant standards, from §§ 1910.93 through 1910.93q of Subpart G of Part 1910, to §§ 1910.1000 through 1910.1017 in a new Subpart Z of Part 1910. Where various sections in Parts 1910 and 1926 had referenced the air contaminant standards of Subpart G, conforming amendments were made to change the references to the recodified sections of Subpart Z. However, a necessary conforming amendment to Part 1928 was inadvertently omitted from the recodification notice.

Section 1928.21, which specifies the standards in 29 CFR Part 1910 which are applicable to agricultural operations, also states, in paragraph (b), that all other standards contained in Subparts B through T of Part 1910 do not apply to agricultural operations. When the air contaminant standards were recodified from Subpart G to Subpart Z of Part 1910, an amendment to § 1928.21(b) should have been made to insure that the recodified sections would not be applied to agricultural operations. To correct this inadvertent error, paragraph (b) of § 1928.21 is hereby amended to provide that the standards in Subparts B through S and Subpart Z of Part 1910 are not applicable to agricultural operations. Since this amendment makes no substantive change in the standards, it is not necessary to provide notice of proposed rulemaking, opportunity for public participation or delay in the effective date.

Accordingly, paragraph (b) of § 1928.21 is amended to read as follows:

§ 1928.21 Applicable standards in 29 CFR Part 1910.

* * * * *

(b) Except to the extent specified in paragraph (a) of this section, the standards contained in Subparts B through T and Subpart Z of Part 1910 of this title do not apply to agricultural operations.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059).)

Signed at Washington, D.C., this 14th day of June, 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-21549 Filed 7-28-77;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

[ER 1105-2-166]

PART 278—SEPARABLE RECREATION LANDS: COMPLETED LAKE PROJECTS

Planning and Reporting Guidance for Recommendations Concerning Acquisition of Separable Recreation Land

AGENCY: Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: This document presents planning and reporting guidance for recommendations concerning the acquisition of separable recreation land at completed Corps of Engineers lake projects. The OCE Chief Counsel has established that where recreation is not specifically authorized as a project purpose, the 1944 Act (Pub. L. 534, Sec. 4), as amended, does not authorize the Corps to acquire additional land at completed lake projects for the purpose of recreation without additional Congressional authorization. It is intended that this regulation will clarify for field elements the limitations of Corps authority in regard to the acquisition of separable recreation lands at completed lake projects and expedite proper reporting of separable recreation land acquisition proposals for Congressional authorization.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Berton M. MacLean, Chief, Environmental Section, Planning Division, Directorate of Civil Works, telephone 202-693-7290.

NOTE.—The U.S. Army 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.

Dated: 18 July 1977.

JAMES N. ELLIS,
Colonel, Corps of Engineers, Chief of Staff.

Accordingly, Part 278 is added to read as set forth below:

Sec.

278.1 Purpose.
278.2 Applicability.
278.3 Reference.
278.4 Definitions.
278.5 Background.
278.6 Guidance.
278.7 Report requirements and processing.
278.8 Study authority.
278.9 Reallocation of joint costs.
278.10 Responsibilities.

AUTHORITY: Section 4, Pub. L. 534, Flood Control Act of 1944, 22 December 1944, as amended.

§ 278.1 Purpose.

This regulation provides guidance for consideration of the acquisition of land for the separable purpose of recreation at completed Corps of Engineers lake projects.

§ 278.2 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 278.3 References.

(a) Section 4, Public Law 534, Flood Control Act of 1944, 22 December 1944, as amended.

(b) Public Law 89-72, Federal Project Recreation Act of 1965, 9 July 1965.

(c) Public Law 91-190, National Environmental Policy Act of 1969, 1 January 1970.

(d) Section 216, Public Law 91-611, Flood Control Act of 1970.

(e) ER 1105-2-507, Preparation and Coordination of Environmental Statements.

(f) ER 1110-2-1150, Post-authorization Studies.

(g) ER 1120-2-400, Recreation Resources Planning.

(h) 1120-2-404, Federal Participation in Recreational Development.

(i) ER 1165-2-400, Recreational Planning, Development, and Management Policies.

§ 278.4 Definitions.

Pertinent definitions include those given in Appendix II, ER 1165-2-400 and the following:

(a) "Completed Project". For the purpose of this regulation, a project is considered to be completed when all initial project construction general funds have been expended. Appropriation of construction funds under the Code 710 Program are not included within this definition.

(b) "Public Access." The assured free public ingress to and egress from the shores and waters of a Corps of Engineers lake project, including provision for the parking of automobiles and installation of public health and sanitary facilities.

(c) "Separable Recreation Lands." Lands recommended for acquisition at Corps of Engineers projects for the specific purpose of recreation use and facility development that would not otherwise be acquired for the project.

§ 278.5 Background.

(a) As described in paragraph 5, ER 1165-2-400, Section 4 of the Flood Control Act of 1944 authorized the Secretary of the Army, acting through the Chief of Engineers, to construct, maintain, operate and lease public park and recreation facilities at reservoir projects and to assure free public access to their waters. Subsequent legislation added to, modified and constrained this basic authority, but did not replace it. There continues to be no general authority for acquisition of lands for recreation. However, Public Law 89-72 provides for the inclusion of land acquisition for the purpose of recreation to be included in plans recommended for Congressional authorization, with cost-sharing as defined in the Act. Administrative policy selectively extended the application of Public Law 89-72 requirements for cost-sharing of recreation developments to authorized Corps lake projects. The cost-sharing policy was further extended at the beginning of FY 1974 to include any further development of recreation facilities at existing lake projects. The only exception to cost-sharing was the upgrading of sanitary facilities to meet State standards.

(b) At the time of the 1944 Act and during the two decades that followed, the intent and practice was simple accommodation of the recreating public utilizing available project lands acquired for operational purposes. The policy has been to allow acquisition of land at lake projects to assure public access, including the provision of areas for parking of

automobiles, boat launching ramps, and installation of public health and sanitary facilities. In the last 15 years, public recreational use of Corps lake projects has grown at an accelerating rate to the point where serious overuse and resource degradation occurs because of the lack of adequate recreational land and facilities. Responding to this need, Corps planning efforts are restudying completed lake projects with a view toward optimizing project recreation and fish and wildlife potential, as well as taking advantage of opportunities for environmental enhancement. Development of project potential must be in accordance with established law, Congressional authorization, and administrative policy. In this regard, a legal opinion by the OCE Chief Counsel has established that where recreation is not specifically authorized as a project purpose, the 1944 Act, as amended, does not authorize the Corps to acquire additional land at completed lake projects for the purpose of recreation without additional Congressional authorization.

(c) Recommendations for acquisition of separable recreation land at completed Corps lake projects requires a proper reporting vehicle. Undue delays for needed project modifications have occurred as a consequence of improper reporting. This regulation clarifies appropriate reporting requirements for recommended land acquisition for completed projects.

§ 278.6 Guidance.

(a) Planning for modification of completed Corps lake projects, to the extent compatible with other project purposes, shall be fully responsive to existing and projected demand for recreational use of project resources, including consideration of the need for acquisition of additional recreation lands consistent with the objectives of environmental quality.

(b) Acquisition of separable recreation lands at completed lake projects, where recreation was not specifically authorized as a project purpose, requires Congressional authorization.

(c) To achieve the objectives of environmental quality and cost-sharing equity, proposals for the recreational development on project lands at completed projects shall be fully responsive to the intent of Public Law 89–72, and shall comply with the policies in ER 1120–2–404.

(d) Once a project has been fully funded for completion of construction (see § 278.4(a)), additional recreational requirements, if any, would be funded at the appropriate time under the category "Recreation Facilities at Completed Projects" (Code 710 Program).

§ 278.7 Report requirements and processing.

A thorough review of project authorization should be conducted prior to initiating a planning study to determine the proper report requirements, in accordance with paragraphs (a) and (b) of this section. In each case, an environmental assessment should be made to determine the need for an EIS or a supplement to the existing EIS in accordance with guidance furnished in ER 1105–2–507. In addition, reports requesting authority to acquire separable recreation lands will carefully document alternatives in the recreation market area, and shall be coordinated with the Bureau of Outdoor Recreation (BOR).

(a) *Completed Lake Projects—Recreation Not Specifically Authorized.* Before lands may be acquired (directly or indirectly) by the Corps at completed lake projects for recreational purposes, the specific extent of such acquisition shall be set forth, along with required data necessary for justification, in a report to be submitted to Congress for authorization. A letter of intent to cost-share from a non-Federal sponsor is required. Standard procedures for developing and coordinating a survey type report will be followed in the preparation of a report to modify a project to include acquisition of lands for the separable purpose of recreation. This implies application of related regulations on public involvement, coordination with Federal, State and local agencies, environmental impact, cost allocation, etc. The scope of treatment for post-construction planning reports in this category should follow the outline of Appendix B, ER 1120–2–400, as appropriate.

(b) *Completed Lake Projects—Recreation Specifically Authorized.* Where the Congressional authorization and referenced reports for a project clearly includes recreation as a project purpose, recommendations for acquisition of separable recreation lands and facility development requires the Division Engineer's approval. Proposals for recreational development at completed lake projects in this category shall be submitted by a post-construction planning report to the Division Engineer for review and approval. Four copies of the approved post-construction planning report will be furnished to HQDA (DAEN–CWP–P) WASH DC 20314 for comment, in accordance with procedures given in paragraph 21(e), ER 1110–2–1150. As a minimum, information should be presented on project purposes, authority, resource use objectives, demand, recreation attendance, planned development (include conceptual plan drawing), relation to the approved Master Plan, justification (include benefits), extent of land acquisition, cost estimates, alternatives, land use designation and environmental impacts. This information should be in sufficient depth and detail to permit adequate review of and support for recommendations made. Based upon approval of the post-construction planning report, a Real Estate Design Memorandum (REDM) is required for review and approval by HQDA (DAEN–REA) WASH DC 20314, before land can be acquired. Cost-sharing contract submission will follow the requirements of the Code 710 program.

§ 278.8 Study authority.

Studies required to meet the provisions of § 278.7(a) should be funded under General Investigations appropriations utilizing the authority of Section 216, Public Law 91–611. Study efforts and report preparation to comply with the requirements of § 278.7(b) may be accomplished with programmed funds from Operation and Maintenance General appropriations.

§ 278.9 Reallocation of joint costs.

Agreements for cost-sharing recreational development at completed lake projects shall not serve as a basis for reallocation of project joint costs.

§ 278.10 Responsibilities.

This regulation is effective immediately and review of on-going studies for determination of the proper report vehicle and procedure, consistent with the guidance contained herein, will be the responsibility of the reporting officer. Report needs should be developed and evaluated jointly by personnel from the planning, engineering, real estate, and operation elements. In those cases where some doubt arises as to proper report requirements, guidance from HQDA (DAEN–CWP–E, C or W) WASH DC 20314 should be sought before completion of planning studies.

[FR Doc.77–21680 Filed 7–28–77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20586; FCC 77–508]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Footnote US222 Added to Frequency Allocation Table Permitting Three Government Earth Stations in the Space Research and Earth Exploration-Satellite Service To Operate on a Coequal Basis in the 2025–2035 Band

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: FCC amends Part 2, § 2.106 of its Rules and Regulations by adding a new footnote, US222, to the Table of Frequency Allocations. This change is in response to a request from the Interdepartment Radio Advisory Committee which proposed to make the band 2025–2035 MHz available on a coequal basis for Government earth stations in the Space Research and Earth Exploration-Satellite Service. Under the terms of the new footnote, the Department of Commerce will conduct earth-to-space transmissions for tracking, telemetry, and telecommand at Wallops, Virginia, Seattle, Washington, and Honolulu, Hawaii.

EFFECTIVE DATE: August 29, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Joseph Cesaitis, Spectrum Allocations Division, Office of Chief Engineer, 202–632–6350.

SUPPLEMENTARY INFORMATION:

Adopted: July 14, 1977.

Released: July 25, 1977.

In the matter of amendment of Part 2 of the Commission's rules and regulations to add a new US footnote to the Table of Frequency Allocations permitting the use of the frequency band 2025–2035 MHz by Government earth stations for earth-to-space transmissions for tracking, telemetry and telecommand at Wallops Island, Virginia; Seattle, Washington; and Honolulu, Hawaii (Docket No. 20586). Report and order.

1. On September 5, 1975, the Commission adopted a Notice of Proposed Rulemaking (NPRM), in response to a request from the Interdepartment Radio Advisory Committee (IRAC) of the Office of Telecommunications Policy (OTP), to amend the Commission's Rules as stated in the caption. The NPRM was published in the FEDERAL REGISTER on September 24, 1975 (40 FR 43924). Comments were received from the National Association of Broadcasters (NAB), the American Broadcasting Companies, Inc. (ABC), GTE Service Corporation (GTESC) and Fisher's Blend Station, Inc. No reply comments were received.

2. In the Notice the Commission proposed to make the band 2025–2035 MHz available to Government earth stations for earth-to-space transmissions in connection with the operational requirements of the Geostationary Operational Environmental Satellite (GOES) system. This system is used in short-range forecasting and warning of weather, ocean and solar hazards, providing nearly continuous observations of developing hazards in remote areas. The Department of Commerce (Commerce) will be responsible for operating the three earth stations located at Wallops Island, Virginia; Seattle, Washington; and Honolulu, Hawaii.

3. Those commenting on the Notice were concerned about potential harmful interference to existing broadcasters, potential harmonic interference to common carriers and depletion of scarce remote pickup channels by Government users. ABC was concerned that should the Government be allowed to use the 2025–2035 MHz band at the three sites previously mentioned, that this action would have the dual effect of limiting remaining spectrum availability, as well as creating potential interference to existing and future authorizations in this band for broadcast use. NAB opposed the adoption of the proposed rules on the same grounds as ABC. Fisher's Blend Station, Inc. opposed the proposal because it had an application pending for a license in the subject band. GTESC was concerned that if high power levels were utilized in this band, second and third order harmonics could interfere with present common carrier operations in the 4 and 6 GHz bands.

4. To determine the probability of harmful interference to existing broadcast auxiliary authorizations, the Department of Commerce ran tests in each of the three cities to determine if harmful interference would result. These tests were conducted in early 1975 with the approval of the Commission. No interference was encountered during the test period. Moreover, under the proposed footnote Commerce would protect existing broadcast auxiliary stations from harmful interference. With regard to the comment of GTESC regarding potential harmonic interference to common carrier facilities in Seattle and Honolulu, we note that harmonic emissions from the Commerce earth stations are attenuated at least 60dB, which is consistent with the existing requirement set forth in § 21.106 of the Commission's Rules. Moreover, the operating parameters of the earth station antennas, namely, narrow beam-width and elevated at least 32.7 degrees above the horizon further minimize potential interference to other stations.

5. With regard to ABC's comments concerning the future impact of the commerce authorizations on remote pickup broadcast development in the 2025–2035 MHz band, we note first of all, that none of the Government earth stations are in the large markets of Chicago, Detroit, Los Angeles, New York, San Francisco or Washington, D.C. (mentioned in ABC's comments), and therefore would not have an impact on ABC's facilities. Further, the possible future requirement of ABC or other broadcasters temporarily relocating their facilities into Wallops Island, Seattle or Honolulu can be accommodated in the 6 or 13 GHz bands which are also allocated for remote pickup stations. Moreover, the nature of the transmissions of the earth stations are such that in a 4 hour period only 10 minutes of actual transmission occurs. Therefore, there is little probability that the earth stations will interfere with broadcasters. Finally, we do not anticipate more than the three Government earth stations included in the proposed footnote because this configuration provides the necessary coverage of the satellites in orbit.

6. Fisher's Blend generally opposes the proposal on the grounds that it should include protection of all existing and future non-Government licensees in the subject band, which it contends has been the case with other Government stations operating under the authority of US90. However, the provisions of footnote US90 do not require this. The provisions of US90 do require that such authorizations in the 2025–2120 MHz band be "subject to such conditions as may be applied on a case-by-case basis". The conditions which have been proposed in US222 include protection of the non-Government stations in the three areas of Honolulu, Seattle and Wallops Island in existence at the time the Commerce facilities were authorized. However, future non-Government stations in these areas will not be protected. This provision is necessary because the Commerce earth stations cannot change their locations or their operating frequencies without adversely affecting the overall performance of the GOES system. Therefore, protection of the Commerce facilities, we believe, is consistent with the public interest and in consonance with the terms of footnote US90.

7. Fisher's Blend further argues that since it had an application pending for a remote TV pickup station in the 2025–2042 MHz band prior to the issuance of our NPRM, it should be protected from interference and, in fact, should have been considered in the coordination conducted by the Commerce Department. However, with regard to the latter point, we note that Commerce had completed its coordination activities in February 1975 which is 5 months before Fisher's Blend filed its application with the Commission. Therefore, there is no validity to Fisher's Blend's statement that it was overlooked in the process of coordinating the Commerce facility.

8. With regard to the question of whether Fisher's Blend should be protected against future interference, we do not agree that such protection would be in the best interest of the public. As mentioned, the Commerce facilities were coordinated with the Commission through normal OTP/FCC channels early in 1975 and provisions were made to protect non-Government stations in existence at that time. Based on that coordination, the Commerce stations were authorized by the Office of Telecommunication Policy (OTP) and commenced operation in February 1975 at the three sites in question. Because of the national importance of the GOES program and the extreme difficulty that would be encountered in modifying these earth stations once in operation, it was our intent that subsequently authorized non-Government stations would not be protected from interference from these Commerce facilities. Fisher's Blend filed its application in August 1975 and was authorized in December 1975. Consistent with our intent, as stated above, Fisher's Blend's license should have been conditioned that its operation would not be protected from interference from the Commerce earth station in Seattle. However, the fact that Fisher's Blend's license was not so conditioned does not alter our basic public interest finding with regard to the need to protect the Commerce earth stations. Therefore, we place Fisher's Blend on notice, that if it wishes to renew its license to operate in this band, its new license will contain the condition that its operation will not be protected against interference from the Commerce Seattle earth station. If interference occurs in the interim, we may find it necessary to initiate a modification proceeding which would resolve this problem in the best interest of the public. As a practical matter the Commission does not believe that Fisher's Blend will be adversely affected by this action for two reasons. First, the probability of Fisher's Blend receiving interference from the Commerce's earth station is remote and second, there are alternative frequencies which Fisher's Blend can use should interference become a problem in the 2025–2042 MHz band.

9. Because of the many benefits which the GOES system will provide to the public as summarized in the Notice in this proceeding the Commission believes adoption of the proposed rules as shown in the Appendix to be in the public interest. Authority for these rule amendments is contained in Section 4(i), 303(r) of the Communications Act of 1934, as amended.

10. Accordingly, *It is ordered*, That effective August 29, 1977, Part 2 of the Commission's Rules is amended as set forth below. *It is further ordered*, That this proceeding is terminated.

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

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

In Part 2 of Chapter I of Title 47 of the Code of Federal Regulations, Section 2.106 is amended as follows:

1. The Table of Frequency Allocations (47 CFR 2.106) is amended by adding a new footnote designator, US222, to the band 2025–2035 MHz and by adding in proper numerical sequence the text of footnote US222, following the Table, as shown below:

§ 2.106 Table of frequency allocations.

* * * * *

UNITED STATES

Band (MHz):	Allocations
5	6
* * *	* * *
1850–2200	NG (US90) (US111) (US219) (US222)
* * *	* * *

* * * * *

US222. In the band 2025–2120 MHz Geostationary Operational Environmental Satellite Earth stations in the Space Research and Earth Exploration-Satellite Services may be authorized on a coequal basis to use the frequency band 2025–2035 MHz for earth-to-space transmissions for tracking, telemetry, and telecommand at the sites listed below:

Wallops Island, Virginia, 37°50'48" N., 75°27'33" W.

Seattle, Washington, 47°34'15" N., 122°-33'10" W.

Honolulu, Hawaii, 21°21'12" N., 157°52'36" W.

[FR Doc.77-21863 Filed 7-28-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1084; Amdt. 11]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co., W. M. Gibbons, Trustee. Authorized To Operate Over Tracks of Chicago and North Western Transportation Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 11 to Service Order No. 1084).

SUMMARY: Service Order No. 1084 authorized the Chicago, Rock Island and Pacific to operate over a track abandoned by the Chicago and North Western Transportation Company at McClelland, Iowa, for the purpose of continuing railroad service to a shipper located adjacent to that track. Amendment No. 11 extends Service Order No. 1084 until January 31, 1978.

DATES: Effective 11:59 p.m., July 31, 1977. Expires 11:59 p.m., January 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of July 1977.

Upon further consideration of Service Order No. 1084 (36 FR 22063; 37 FR 12726, 28059; 38 FR 20840; 39 FR 3827, 27672; 40 FR 5162, 31939; 41 FR 4929, 31381; and 42 FR 6371), and good cause appearing therefor:

It is ordered, That: § 1033.1084 *Service Order No. 1084* (Chicago, Rock Island and Pacific Railroad Company, W. M. Gibbons, Trustee, authorized to operate over tracks of Chicago and North Western Transportation Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., July 31, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of 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; and that notice of this amendment 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 it 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.,
Acting Secretary.

[FR Doc.77-21937 Filed 7-28-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER III—INTERNATIONAL REGULATORY AGENCIES (FISHING AND WHALING)

SUBCHAPTER C—INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION

PART 371—FRASER RIVER SOCKEYE AND PINK SALMON FISHERY

Fraser River Sockeye and Pink Salmon Regulations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Amendment to Appendix A of emergency regulations.

SUMMARY: This document amends Appendix A of the emergency regulations published on June 17, 1977, in the FEDERAL REGISTER (42 FR 30841) by adding under item 5 the adoption by the Commission of the sockeye or pink salmon regulations issued under the authority of the Convention between Canada and the United States.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald Johnson, Northwest Regional Director, National Marine Fisheries Service, Seattle, Washington 98109 (206–442–7575).

SUPPLEMENTARY INFORMATION: Under the authority of the Convention between the United States and Canada, for the protection, preservation and extension of the sockeye salmon fisheries of the Fraser River System, the International Pacific Salmon Fisheries Commission hereby makes and adopts the following Orders and Regulations by the affirmative votes of two of the Commissioners on the part of the United States of America and three of the Commissioners on the part of the Dominion of Canada.

Appendix A, Part 371 is amended by adding new paragraph 5 as follows:

APPENDIX A—INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION REGULATIONS

* * * * *

5. The following regulations adopted by the International Pacific Salmon Fisheries Commission on March 13, 1970, remain in effect for 1977:

(1) It is hereby ordered that no sockeye or pink salmon shall be fished for, or taken, at any time on the High Seas described in paragraph numbered 1 of Article I of the said Convention by any national or inhabitant or vessel or boat of the Dominion of Canada or the United States of America by any means other than by trolling gear consisting of a line, hook and lure drawn by a boat or vessel; and said gear is hereby approved for such use on the High Seas abovementioned.

(2) It is hereby further ordered that the taking of sockeye or pink salmon in respect of the said High Seas is hereby limited by and in accordance with the said Orders and Regulations above set forth.

(3) All previous regulations made and adopted by the International Pacific Salmon Fisheries Commission relating to the High Seas described in paragraph numbered 1 of Article I of said Convention are hereby repealed.

(4) Nothing in the above Orders or Regulations shall be construed to limit the means of taking of sockeye or pink salmon for investigation purposes by the International Pacific Salmon Fisheries Commission or its duly authorized representative.

Issued Washington, D.C., and dated July 26, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-21938 Filed 7-28-77;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 201—FEDERAL SEED ACT REGULATIONS

Amendments to Standards for Certified Seed

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action is being taken to promulgate amendments to the regulations. Modifications of standards were recommended by the Association of Official Seed Certifying Agencies. This action will change the standards for certified seed.

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Clyde R. Edwards, Chief, Seed Branch, Grain and Seed Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250, 202-447-9340.

SUPPLEMENTARY INFORMATION: On May 19, 1977, there was published in the FEDERAL REGISTER (42 FR 25738) a notice of proposed amendment of Part 201 regulations (7 CFR 201) under the Federal Seed Act to change certain standards for certified seed. Interested persons were given an opportunity to present views orally or in writing at a public hearing on June 10, 1977, or submit written comments to the Department's Hearing Clerk. Copies of the proposals were distributed to the seed trade and to State regulatory and certifying agencies. No oral or written comments were received at the hearing. Four written comments submitted to the Hearing Clerk supported the amendments as proposed.

The proposed amendments are hereby adopted without change as set forth below:

§ 201.76 [Amended]

1. Section 201.76, Table 5 is amended as follows:

(a) Under land requirements for all three classes of cowpea, field pea, and mung bean, delete superscript "7" and add superscript "8."

(b) Under isolation for all three classes of cowpea, delete "10" and insert "0" in lieu thereof, and add superscript "23" for all three classes.

(c) Under isolation for the Registered and Certified classes of crambe add the superscript "24."

(d) Under isolation for all three classes of milkvetch, delete superscript "4" and add superscript "47."

(e) Under field standards for cowpea and mung bean delete "1,000," "500," and "200" for the three classes, respectively, and insert in lieu thereof, "2,000," "1,000," and "500" for the three classes, respectively.

(f) Footnote 20 is reworded as follows:

[20] These distances apply when there is no border removal. Border removal applies only to fields of 5 acres or more. Removal of a 9-foot border (after flowering) decreases the required distance for Foundation, Registered and Certified seed to 600, 225, and 100 feet respectively, for cross-pollinated species, and to 30, 15, and 15 feet respectively for apomictic and self-pollinated species. Removal of a 15-foot border (after flowering) allows a further decrease to 450, 150, and 75 feet respectively, for cross-pollinated species.

(g) Footnote 40 is reworded as follows:

[40] Isolation between varieties shall be 100 feet if aerial seeded and 50 feet if ground broadcast.

Dated: July 25, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-21836 Filed 7-28-77;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

[Amdt. 2]

PART 226—CHILD CARE FOOD PROGRAM

Elimination of Deadline for Obtaining Tax-Exempt Status

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment removes the twelve month time period within which institutions not having tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1954 may participate in the Child Care Food Program in a "moving toward compliance" status. FNS has been made aware of specific situations in which participants have allegedly, through circumstances beyond their control, been unable to obtain tax-exempt status within the required period of time. This amendment is made for the purpose of allowing these participants to remain in the Program until an equitable method of dealing with their situation can be proposed.

EFFECTIVE DATE: July 27, 1977.

FOR FURTHER INFORMATION CONTACT:

William G. Boling, Manager, Child Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250, 202-447-8130.

SUPPLEMENTARY INFORMATION: Section 17 of the National School Lunch Act, as amended, provides that an institution may be approved for participation in the Child Care Food Program if, under conditions established by the Secretary, it is moving toward compliance with the requirements for tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1954. Final regulations for the Child Care Food Program (7 CFR Part 226), effective July 1, 1976 (41 F.R. 26179, June 25, 1976), require that institutions may participate for a period of twelve months while "moving toward compliance." By this amendment to section 226.9(b), FNS is deleting the twelve month restriction and making the "moving toward" provision open ended for the present. FNS will issue proposed rulemaking in the near future which will require a reasonable amount of time within which tax-exempt status should be obtained but will recognize that there are possible situations in which this is not the case. In these latter situations, participants will be provided an opportunity to present evidence that circumstances beyond their control have prevented them from meeting the mandatory deadline.

This amendment is made without proposed rulemaking and a public participation procedure because FNS believes that such procedures could adversely affect some Program participants and that no participant or member of the public will be harmed by its issuance. Accordingly, FNS finds that public participation is impractical, unnecessary and contrary to the public interest.

Accordingly, § 226.9(b) is amended to read as follows:

§ 226.9 General provisions.

* * * * *

(b) In order to participate in the Program, child care centers and sponsoring organizations shall have tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1954, as amended, or be moving toward compliance with the requirements for tax-exempt status (i.e., have filed a letter or application with IRS) or be participating in another Federal program which requires nonprofit status. Institutions that are moving toward compliance with the requirements for tax-exempt status may receive reimbursement for meals served under this part until such time as IRS certification is denied. The nonprofit status of family and group day care homes may be based on the tax-exempt status of the sponsoring organization.

* * * * *

Dated: July 27, 1977.

SYDNEY J. BUTLER,
Acting Assistant Secretary for Food and Consumer Services.

[FR Doc.77-22080 Filed 7-28-77;8:45 am]

PART 226—CHILD CARE FOOD PROGRAM

Appendix—Second Apportionment of Fiscal Year 1977 Child Care Nonfood Assistance Funds Pursuant to the National School Lunch Act

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This action reapportions child care nonfood assistance funds released by States among those States requesting additional funds. The purpose of this action is to effect maximum utilization of such funds.

EFFECTIVE DATE: July 21, 1977.

FOR FURTHER INFORMATION:

William G. Boling, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8130.

Pursuant to section 17 of the National School Lunch Act, as amended by Pub. L. 94-105, child care nonfood assistance funds available for the fiscal year ending September 30, 1977, are reapportioned among the States as follows:

State:	*Total reapportionment*
Connecticut	$4,650
Massachusetts	11,589
Rhode Island	2,523
Subtotal	18,762
Delaware	1,335
District of Columbia	4,416
New Jersey	14,585
New York	49,214
Virginia	21,688
West Virginia	9,936
Subtotal	101,174
Indiana	8,349
Louisiana	23,582
Oklahoma	13,010
Subtotal	36,592
Colorado	7,250
Iowa	7,724
Kansas	7,328
South Dakota	5,123
Wyoming	1,809
Subtotal	29,234
Alaska	862
Hawaii	3,144
Idaho	1,258
Trust Territory	384
Subtotal	5,648
Total	199,759

NOTE.—The Food and Nutrition Service 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.

Dated: July 21, 1977.

LEWIS B. STRAUS,
Administrator.

[FR Doc.77-21641 Filed 7-28-77;8:45 am]

[Amdt. No. 106]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program; Addendum to Appendices A-F

AGENCY: Food and Nutrition Service, USDA.

ACTION: Addendum to Appendices A-F.

SUMMARY: This document is for the purpose of adding a sentence at the end of the note on the Economic Impact Statement which appeared at pages 22357, and 26003-26007 in the FEDERAL REGISTERS of May 3, and May 20, 1977. This action is taken because through inadvertence, the Economic Impact Statement had not received final approval as of the date of issuance of these final rules.

EFFECTIVE DATE: July 26, 1977.

SUPPLEMENTARY INFORMATION: On May 3, 1977, (42 FR 22356-57), the Department published a final rule revising the maximum eligibility standards and basis of coupon issuance for the 48 States and the District of Columbia, effective July 1, 1977. Similar amendments were published on May 20, 1977, (42 FR 26002-26007), for Alaska, Hawaii, Puerto Rico, the Virgin Islands and Guam.

Because all of these amendments were inadvertently published before the Economic Impact Statement was approved, the following sentence should be added at the end of the note regarding the Economic Impact Statement on each of the listed Appendices: "This Economic Impact Statement was approved on May 27, 1977. The Appendices are: Appendix A, FSP Notice No. 1977-1.2; Amendment 105; Appendix B, FSP Notice No. 1977-2.2, Amendment 107; Appendix C, FSP Notice No. 1977-3.2, Amendment 108; Appendix D, FSP Notice No. 1977-4.2, Amendment 109; Appendix E, FSP Notice No. 1977-5.2, Amendment 110; and Appendix F, FSP Notice No. 1977-6.2, Amendment 111.

FOR FURTHER INFORMATION CONTACT:

Grant Tolley, Chief, Program Development Branch, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 (447-8325).

Dated: July 22, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77-21554 Filed 7-28-77;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER VIII—BUREAU OF ECONOMIC ANALYSIS, DEPARTMENT OF COMMERCE

PART 807—PUBLIC INFORMATION

Public Reference Facility

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

SUMMARY: As a result of economy measures undertaken by the Department of Commerce, the Bureau of Economic Analysis was required to discontinue its use of the Department of Commerce Freedom of Information Public Reference Facility and to establish a facility of its own. The Public Reference Facility of the Bureau of Economic Analysis has been operating consistently within the Freedom of Information rules of the Department of Commerce (See 15 CFR Part 4—Public Information); therefore, it has been determined to adopt the Department of Commerce Public Information Regulations insofar as they apply to the Bureau of Economic Analysis. Because this is an adoption of existing rules, no period for comment is provided.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Harry J. Hurrle, Bureau of Economic Analysis, Room 705-A, 1401 K Street NW., Washington, D.C. (202-523-0893).

In consideration of the above, Part 807 of Title 15, Code of Federal Regulations, is established as set forth below.

Sec.
807.1 Public Reference Facility.
807.2 Department of Commerce rules applicable.

AUTHORITY: 5 U.S.C. 552 as amended by Pub. L. 93-502; 5 U.S.C. 553; 5 U.S.C. 301; Reorganization Plan No. 5 of 1950; and 15 CFR Part 4 of Subtitle A.

§ 807.1 Public Reference Facility.

The Public Reference Facility of the Bureau of Economic Analysis is located in Room B7 of the Tower Building, 1401 K Street NW., Washington, D.C. 20230. The telephone number is 202-523-0595. The facility is open to the public from 8:30 a.m. to 5 p.m., Monday through Friday, except legal holidays.

§ 807.2 Department of Commerce rules applicable.

The rules applicable to the services provided in the facility and procedures to be followed for public inspection and copying of materials are found in Part 4 of Subtitle A of Title 15 CFR.

Effective date: July 29, 1977.

Approved: July 12, 1977.

ALLAN H. YOUNG,
Deputy Director,
Bureau of Economic Analysis.

[FR Doc.77-21927 Filed 7-28-77;8:45 am]

Title 7—Agriculture

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

[Lemon Reg. 103]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period July 31–August 6, 1977. This regulation is needed to provide for orderly marketing of fresh lemons for the regulation period because of the production and marketing situation confronting the lemon industry.

EFFECTIVE DATE: July 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Market Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such lemons, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the specified week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation for the quantity of lemons it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for lemons is similar to last week, with size 140's and smaller strong. Average f.o.b. price was $6.82 per carton the week ended July 23, 1977, compared to $6.44 per carton the previous week. Track and rolling supplies at 250 cars were up 35 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be established as provided in this regulation.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for lemons and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of lemons. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on July 26, 1977.

§ 910.403 Lemon Regulation 103.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 31, 1977, through August 6, 1977, is established at 300,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: July 28, 1977.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-22115 Filed 7-28-77;11:38 am]

[Peach Reg. 17]

PART 919—PEACHES GROWN IN MESA COUNTY, COLORADO

Regulation by Grade and Size

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets minimum grade and size requirements for shipments of fresh peaches from Mesa County, Colorado during the 1977 season. These requirements are needed to provide for orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202–447–3545).

SUPPLEMENTARY INFORMATION: *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in the county of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that this regulation will tend to effectuate the declared policy of the act.

(2) This regulation is based on the Department's appraisal of the crop and current and prospective market conditions for Colorado peaches. These grade and size requirements are necessary to prevent the handling, on and after August 1, 1977, of any peaches which do not comply with the requirements, so as to provide good quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted for preparation for the effective time, and good cause exists for making the regulation effective as specified. The committee held an open meeting July 11, 1977, after giving due notice, to consider supply and market conditions for peaches and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of peaches. Shipments of peaches are expected to begin August 1, 1977, and this regulation should apply to all shipments of peaches in order to effectuate the declared policy of the act. Compliance with this regulation will not require of handlers any preparation which cannot be completed by August 1, 1977. It is necessary to make this regulation effective as specified, to effectuate the declared policy of the act.

§ 919.318 Peach Regulation 17.

Order. (a) During the period August 1, 1977, through September 30, 1977, no handler shall ship:

(1) Any peaches of any variety which do not grade at least U.S. No. 1;

(2) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter if (i) not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter, and (ii) not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(b) *Definitions.* When used herein, the terms "peaches", "handler", "ship", and "variety' shall have the same meaning as when used in the amended marketing agreement and order, and "U.S. No. 1", "diameter", and "count" shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.1210–51.1223).

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: July 26, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-21929 Filed 7-28-77;8:45 am]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Washington Cherry Marketing Committee Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of $29,424 and a rate of assessment of $0.60 per ton of cherries handled for the functioning of the Washington Cherry Marketing Committee for the 1977–78 fiscal period. The committee is established under a Federal marketing order program regulating the handling of sweet cherries grown in designated counties in Washington. The regulation will enable the committee to collect assessments from first handlers on all assessable cherries handled and to use the resulting funds for its expenses.

DATES: Effective for the period April 1, 1977, through March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: On June 23, 1977, notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 31797), and a correction with respect to the date by which written comments must be received was published on July 7, 1977 (42 FR 34887), regarding proposed expenses and rate of assessment, under the marketing agreement, as amended, and Order No. 923, as amended (7 CFR Part 923), regulating the handling of cherries grown in designated counties in Washington. The notice, as corrected, allowed interested persons until July 22, 1977, to submit written comments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including the proposals set forth in the notice, which were submitted by the Washington Cherry Marketing Committee, (established under the marketing agreement and order), it is found and determined that:

§ 923.217 Expenses and rate of assessment.

(a) *Expenses:* Expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee during the period April 1, 1977, through March 31, 1978, will amount to $29,424.

(b) *Rate of Assessment:* The rate of assessment for said period, payable by each first handler in accordance with § 923.41, is fixed at $0.60 per ton of sweet cherries handled.

(c) *Reserve:* Unexpended assessment funds in excess of expenses incurred during the fiscal period ended March 31, 1977, are hereby carried over as a reserve in accordance with § 923.42.

(d) *Terms:* Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of sweet cherries grown in the designated counties in Washington are now underway; (2) provisions of the marketing agreement and this part require that the rate of assessment shall apply to all assessable cherries handled during the fiscal period; and (3) the fiscal period began April 1, 1977, and the rate of assessment will automatically apply to all cherries handled during the period.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674).)

Dated: July 25, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-21835 Filed 7-28-77;8:45 am]

[Prune Reg. 15]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Limitation of Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation prescribes minimum grade and size requirements for shipment of Washington-Oregon fresh prunes during the 1977 season. It is consistent with the quality and size composition of the estimated crop of Washington-Oregon prunes, and is designed to promote orderly marketing conditions in the interest of producers and consumers.

EFFECTIVE DATE: August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: *Findings.* (1) On June 28, 1977, notice of proposed rule making was published in the FEDERAL REGISTER (42 FR 32802), regarding a proposed regulation to be made effective pursuant to the marketing agreement and Order No. 924, as amended (7 CFR Part 924), regulating the handling of prunes grown in designated counties in Washington and in Umatilla County, Oregon. This notice allowed interested persons until July 12, 1977, to file written data, views, or arguments pertaining thereto. None were submitted. The proposed regulation was recommended by the Washington-Oregon Fresh Prune Marketing Committee established pursuant to the said amended marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

(2) This regulation is based upon an appraisal of the crop and current and prospective market conditions. Fresh shipments of Washington-Oregon Prunes are expected to start on or about August 1, 1977, and total 19,500 tons, compared with 24,471 tons last season. The regulation is designed to prevent the handling of low quality and small size prunes which do not provide consumer satisfaction and to promote orderly marketing in the interest of producers and consumers consistent with the objectives of the act.

(3) The provision which excepts the Brooks variety of prunes from the requirements of this regulation recognizes the fact that prunes of this variety are primarily consumed locally, that they do not withstand shipment well, and the amount of prunes of this variety produced is insignificant compared to

the total supply. Individual shipments, not exceeding 500 pounds of the Stanley or Merton varieties of prunes, subject to necessary safeguards, are excepted from these requirements because the production of these varieties is relatively small and those few which are produced are primarily consumed locally or are sold for home use and not for resale. Individual shipments, not exceeding 150 pounds, of any variety other than Stanley or Merton varieties of prunes sold for home use and not resale, subject to necessary safeguards, are excepted from these requirements in that the quantity of prunes so handled is relatively inconsequential when compared with the total quantity handled, and because it would be administratively impracticable to regulate the handling of such shipments due to the nearness of the source of supply.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Washington-Oregon Fresh Prune Marketing Committee, and other available information, it is hereby found and determined that the regulation as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

(4) It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (42 FR 32802), and no objection to this regulation or such effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipments of the current crop of such prunes are expected to begin on or about the effective date hereof and this regulation should be applicable insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act. Therefore, a new § 924.315 is added which reads as follows:

§ 924.315 Prune Regulation 15.

(a) Prune Regulation 14 (41 FR 30585) is hereby terminated on August 1, 1977.

(b) During the period August 1, 1977, through August 31, 1978, no handler shall handle any lot of prunes, except prunes of the Brooks variety, unless:

(1) Such prunes grade U.S. No. 1, except that only two-thirds of the surface of the prune is required to be purplish color; and such prunes measure not less than 1¼ inches in diameter as measured by a rigid ring: *Provided*, That the following tolerances, by count, of the prunes in any lot shall apply in lieu of the tolerance for defects provided in the United States Standards for Grades of Fresh Plums and Prunes: A total of not more than 15 percent for defects, including therein not more than the following percentage for the defects listed:

(i) 10 percent for prunes which fail to meet the color requirement;

(ii) 10 percent for prunes which fail to meet the minimum diameter requirement;

(iii) 10 percent for prunes which fail to meet the remaining requirements of the grade; *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in the latter amount not more than 1 percent for decay; or

(2) Such prunes are handled in accordance with paragraph (c) of this section.

(c) Notwithstanding any other provision of this regulation, any individual shipment which, in the aggregate, does not exceed 500 pounds net weight of prunes of the Stanley or Merton varieties or 150 pounds net weight of prunes of any variety other than Stanley or Merton which meets each of the following requirements may be handled without regard to the provisions of paragraph (b) of this section and of §§ 924.41 and 924.55:

(1) The shipment consists of prunes sold for home use and not for resale, and

(2) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(d) The term "U.S. No. 1" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (7 CFR 51.1520–51.1538); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (June 5, 1972) and in the Oregon State Department of Agriculture Standards for Italian Prunes (July 15, 1972); the term "diameter" means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: July 25, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-21933 Filed 7-28-77;8:45 am]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA AND MARYLAND

Cherry Administrative Board Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of $88,900 and a rate of assessment of $1.00 per ton of cherries handled for the functioning of the Cherry Administrative Board for the 1977–78 fiscal period. The committee is established under a Federal marketing order program regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland. The regulation will enable the committee to collect assessments from first handlers on all assessable cherries handled and to use the resulting funds for its expenses.

DATES: Effective for the period May 1, 1977, through April 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: On July 7, 1977, notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 34887) regarding proposed expenses and rate of assessment, under the marketing Order No. 930 (7 CFR Part 930) regulating the handling of cherries grown in 8 designated states. This notice allowed interested persons to submit written comments pertaining to these proposals until July 22, 1977. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including the proposals set forth in the notice, which were submitted by the Cherry Administrative Board (established under the marketing order), it is found and determined that:

§ 930.207 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Cherry Administrative Board during the fiscal period May 1, 1977, through April 30, 1978, will amount to $88,900.

(b) *Rate of Assessment.* The rate of assessment for the fiscal period payable by each handler in accordance with § 930.41 is fixed at $1.00 per ton of cherries handled.

(c) *Terms.* Terms used in this section shall have the same meaning as when used in the marketing order, and "ton of cherries" shall mean 2,000 pounds of raw unpitted cherries.

It is further found that good cause exists for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) handling of the current crop of cherries grown in the production area is now underway; (2) provisions of the marketing order require that the rate of assessment shall apply to all assessable cherries handled during the fiscal period; and (3) the fiscal period began

May 1, 1977, and the rate of assessment will automatically apply to all cherries handled during the period.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated: July 25, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-21934 Filed 7-28-77;8:45 am]

[Bartlett Pear Reg. 12]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Minimum Grade, Size and Container Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets minimum grade, size and container requirements for fresh shipments of Bartlett pears grown in Oregon (except the Medford District) and Washington during the period August 1 through September 15, 1977. This action is necessary to assure that the pears shipped will be of suitable quality and size in the interest of consumers and producers. Several containers and packs are authorized to reflect trade preferences and needs.

EFFECTIVE DATE: August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-3545.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued pursuant to the applicable provisions of the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The regulation was recommended by the Northwest Fresh Bartlett Pear Marketing Committee established under the said marketing agreement and order. It is hereby found that the regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

This action reflects the Department's appraisal of the crop and the need for regulation based on current and prospective market conditions. Committee reports indicate that fresh shipments of Washington-Oregon Bartlett pears from the 1977 crop will total about 2.4 million standard box equivalents compared to 1.9 million standard box equivalents in 1976. The regulation, as hereinafter set forth, is designed to prevent the handling during the aforesaid period of lower quality and smaller size Bartlett pears so as to provide good quality fruit in the interest of producers and consumers consistent with the objectives of the act.

The regulation provides appropriate requirements applicable to Bartlett pears affected by hail and frost damage and the exclusion from regulation of pears produced in the Medford District due to the severity of such damage in that district. The provisions which provide for less stringent regulations for certain containers recognize the fact that (1) pears packed in the "western lug" are sold primarily to markets in the Northwestern states mostly for home canning, and (2) pears packed in "14 to 15 pound containers" are sold primarily in markets in the Midwestern states mostly for home canning. Conversely, the application of more stringent regulations for pears packed in the "standard western pear box", the "L. A. lug", or their carton equivalents, the half-carton, the master container containing overwrapped consumer packages of pears, or in "tight-filled" containers recognizes the fact that pears packed in these containers are primarily sold in supermarkets throughout the country for fresh consumption to be eaten out of hand. The special inspection requirement for minimum quantities, which exempts shipments up to an equivalent of 200 "standard western pear boxes" on any single conveyance from inspection requirements, except for spot check inspection, if certain reporting requirements are met, reflects the fact that such minimum quantity shipments are often shipped on the same conveyance as apples; that mandatory inspection of such minimum quantities would be unduly expensive and in some instances difficult to obtain; and that the total of such shipments is relatively inconsequential when compared with the total supply handled. The exemption of pears in gift packages from assessment, inspection, and certification reflects the fact that pears so handled are generally of high quality because they are sold in a market which demands high quality fruit. The exemption for individual shipments of 500 pounds or less of Bartlett pears sold for home use and not for resale and for pears in gift packages follows the custom and pattern of prior years. The quantity of pears so handled is relatively inconsequential when compared with the total quantity handled, and it would be administratively impracticable to regulate the handling of such shipments due to the nearness of markets to the source of supply.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 1, 1977. The committee held an open meeting on July 8, 1977, after giving due notice thereof, to consider supply and market conditions for fresh Bartlett pears grown in Oregon and Washington, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting; the provisions of this regulation are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such pears. Shipments of Bartlett pears of the current crop are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to shipments of such Bartlett pears during the effective period hereof in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

Therefore, a new § 931.312 is added which reads as follows:

§ 931.312 Bartlett Pear Regulation 12.

(a) During the period August 1, 1977, through September 15, 1977, no handler shall handle any lot of Bartlett pears, except Bartlett pears grown in the Medford District, unless such pears meet the following applicable requirements or are handled in accordance with subparagraph (4) or (5) of this paragraph:

(1) *Minimum Grade and Size.* (i) Bartlett pears of varieties other than Red Bartletts, when packed in the standard western pear box, the "L.A. lug", or their carton equivalents, in halfcartons (containers with inside dimensions of 19¼ x 11½ x 5½ inches), in master containers containing overwrapped consumer packages of pears, or in "tight-filled" containers shall be of a size not smaller than 165 size and shall grade at least U.S. No. 1: *Provided*, That Bartlett pears of such varieties may be handled in such containers if they grade at least U.S. No. 2 and are of a size not smaller than 150 size. Red Bartlett variety pears, when packed in any of the containers specified in this subdivision, shall be of a size not smaller than 180 size and shall grade at least U.S. No. 1: *Provided*, That pears of such variety may be handled in such containers if they grade at least U.S. No. 2 and are of a size not smaller than 165 size;

(ii) Bartlett pears of any variety, when packed in the "western lug", shall grade at least U.S. No. 2 and be not less than 2¼ inches in diameter: *Provided*, That such pears of any variety which fail to meet the requirements of U.S. No. 2 grade only because of serious, but not very serious, damage caused by hail marks and/or frost may be shipped if

the shape of the pear is such that it will cut at least one good half; and

(iii) Bartlett pears of any variety, when packed in containers containing at least 14 pounds but not more than 15 pounds net weight, shall grade at least U.S. No. 2 grade and measure not less than 2⅛ inches in diameter: *Provided*, That such pears may be handled in such containers if they meet the minimum requirements of Washington C Grade and are not less than 2⅜ inches in diameter.

(2) *Pack or Container Requirements.* Bartlett pears of any variety shall be packed in one of the following types of containers:

(i) "Standard western pear box" or "L.A. lug" or their carton equivalents;

(ii) "Western lug" or containers having a capacity equal to or greater than said lug;

(iii) "Half-carton" containers;

(iv) Containers of at least 14 pounds but not more than 15 pounds net weight;

(v) "Tight-filled" containers; or

(vi) Master containers containing overwrapped consumer packages.

(3) *Special inspection requirements for minimum quantities.* During the aforesaid period any handler may ship on any conveyance up to, but not in excess of, an amount equivalent to 200 "standard western pear boxes" of pears without regard to the inspection requirements of § 931.55 under the following conditions: (i) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee on forms furnished by the committee for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and (ii) on the basis of such individual reports, the committee shall require spot check inspection of such shipments.

(4) *Special purpose shipments.* Notwithstanding any other provision of this section, any shipment of pears in gift packages may be handled without regard to the provisions of this paragraph and of §§ 931.41 and 931.55.

(5) Notwithstanding any other provision of this section, any individual shipment of pears which meets each of the following requirements may be handled without regard to the provisions of this paragraph and of §§ 931.41 and 931.55:

(i) The shipment consists of pears sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds net weight of pears; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 1", "U.S. No. 2", and "size" shall have the same meaning as when used in the United States Standards for Summer and Fall Pears (7 CFR 51.1260–51.1280); "150 size", "165 size", and "180 size" shall mean that the pears are of a size which pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 150, 165, or 180 pears, as the case may be, in a standard western pear box (inside dimensions 18 inches by 11½ by 8½ inches); the term "tight-filled" shall mean that the pears in any container shall have been well settled by vibration according to approved and recognized methods; the term "master container" shall mean those containers containing overwrapped consumer packages of pears; the term "very serious damage" shall mean any injury or defect which very seriously affects the appearance or the edible or shipping quality of the pears, "Washington C Grade" shall have the same meaning as when used in the State of Washington Department of Agriculture Permanent Order 103 (Effective November 10, 1966); the term "Western lug" shall mean a container with inside dimensions of 18 by 11½ by 7 inches and the term "L.A. lug" shall mean a container with inside dimensions of 16⅛ by 13½ by 5¾ inches.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674).)

Dated: July 25, 1977, to become effective August 1, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-21834 Filed 7-28-77;8:45 am]

PART 948—IRISH POTATOES GROWN IN COLORADO

Area No. 3; Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of $2,389 and establishes a rate of assessment of one-half cent per hundredweight on potatoes for the functioning of the Colorado Area No. 3 Potato Committee for the 1977–78 fiscal period. The regulation enables the committee to collect assessments from first handlers on all assessable potatoes handled and to use the resulting funds for its expenses.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3545.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 97 and Order No. 948, both as amended, regulate the handling of potatoes grown in designated counties of Colorado. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Area No. 3 Committee, established under the order, is responsible for its local administration in Area 3, consisting of certain counties in Northern Colorado.

Notice was published in the July 7 FEDERAL REGISTER (42 FR 34889) inviting written comments by July 22, 1977. None was filed.

Findings: After consideration of all relevant matters, including the proposals in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular fiscal period shall apply to all assessable potatoes from the beginning of such period.

The regulation is as follows:

§ 948.277 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1978, by the Area No. 3 Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $2,389.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one-half cent ($0.005) per hundredweight or equivalent quantity of assessable potatoes handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 948.78.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: July 26, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-21930 Filed 7-28-77;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 30; Docket No. AO-361-A17]

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final order amends the Chicago Regional Federal milk order by revising performance standards for

pool plants and the rates used to adjust milk prices for different plant locations. It is based on proposals considered at a public hearing in June 1976. The amended order will aid the efficient handling of milk and reflect recent increases in hauling costs.

EFFECTIVE DATE: August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Services, United States Department of Agriculture, Washington, D.C. 20240, 202-447-6273.

SUPPLEMENTAL INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued May 25, 1976; published May 28, 1976 (41 FR 21787).

Notice of Recommended Decision. Issued May 26, 1977; published June 1, 1977 (42 FR 27921).

Final Decision. Issued July 15, 1977; published July 20, 1977 (42 FR 37388).

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago Regional marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1977. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Acting Administrator, was issued June 1, 1977, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued July 15, 1977. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1977, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559)

(c) *Determinations.* It is hereby determined that: (1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective data hereof, the handling of milk in the Chicago Regional marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1030.4 is revised to read as follows:

§ 1030.4 Plant.

"Plant" means a building together with its facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment: (a) that has facilities adequate for cleaning tank trucks, is approved by an appropriate health authority, and at which milk moved from the farm is transferred and commingled in another tank truck with other milk and is transshipped in such other tank truck to another plant, (b) At which milk is received from dairy farmers, or (c) At which milk is processed and packaged or manufactured.

2. Section 1030.7 is revised to read as follows:

§ 1030.7 Pool plant.

Except as provided in paragraph (e) of this section, "pool plant" means:

(a) A distributing plant or unit described in paragraph (a)(4) of this section from which during the month the disposition of fluid milk products specified in paragraph (a)(2) of this section is not less than 10 percent of the receipts specified in paragraph (a)(1) of this section and from which the disposition of fluid milk products specified in paragraph (a)(3) of this section as a percent of the receipts specified in paragraph (a)(1) of this section is not less than 45 percent in each of the months of September, October, November, and December, 35 percent in each of the months of January, February, March, and August, and 30 percent in all other months.

(1) The total Grade A fluid milk products, except filled milk, received during the month at such plant, including producer milk diverted to nonpool plants and to pool supply plants pursuant to § 1030.13, but excluding producer milk diverted to other pool distributing plants, receipts of fluid milk products in exempt milk, packaged fluid milk products and bulk fluid milk products by agreement for Class II and Class III uses from other pool distributing plants, and receipts from other order plants and unregulated supply plants which are assigned pursuant to § 1030.44(a)(8)(i)(a) and (ii) and the corresponding step of § 1030.44(b).

(2) Packaged fluid milk products, except filled milk, disposed of as either route disposition in the marketing area or moved to other plants from which it is disposed of as route disposition in the marketing area. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(3) Packaged fluid milk products, except filled milk, disposed of as either route disposition or moved to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(4) A unit consisting of at least one distributing plant and one or more additional plants of a handler at which milk is processed and packaged or manufactured shall be considered as one plant for the purpose of meeting the requirements of this paragraph if all such plants are located within the State of Wisconsin or that portion of the marketing area within the State of Illinois, and if, prior to the first day of the month, the handler operating such plants has filed a written request for such plants to be considered a unit with the market administrator.

(b) A supply plant or unit of supply plants described in paragraph (b)(6) of this section from which the quantity of fluid milk products (except filled milk) and condensed skim milk shipped or transhipped and physically unloaded into plants described in paragraph (b)(2) as a percent of the Grade A milk received at the plant(s) from dairy

farmers (except dairy farmers described in § 1030.12(b)) and handlers described in § 1030.9(c), including producer milk diverted pursuant to § 1030.13 but excluding packaged fluid milk products that are disposed of from such plant(s) as route disposition, is not less than 30 percent for September, 35 percent for each of the months of October and November, 25 percent for December, and 20 percent for all other months, subject to the following additional conditions:

(1) A plant that was a pool plant pursuant to this paragraph during each of the months of September through March (or during six such months and was an other order plant during one such month) shall be a pool plant for each of the following months of April through August unless written application is filed with the market administrator by the plant operator on or before the first day of any such month (April–August) requesting the plant be designated a nonpool plant for such month and any subsequent month through August: *Provided*, The plant does not otherwise qualify as a pool plant.

(2) Qualifying shipments pursuant to this paragraph may be made to the following plants:

(i) Pool plants described in paragraph (a) of this section;

(ii) Plants of producer-handlers;

(iii) Partially regulated distributing plants, except that credit for such shipments shall be limited to the amount of such milk which receives a Class I classification at the transferee plant; and

(iv) Distributing plants fully regulated under other Federal orders, except that credit for shipments to such plants shall be limited to the quantity of milk shipped to pool distributing plants during the month. Shipments to other order plants may not be made on the basis of agreed-upon Class II or Class III utilization.

(3) The operator of a supply plant may include as qualifying shipments deliveries to pool distributing plants directly from farms of producers pursuant to § 1030.13(d).

(4) The quantity of condensed skim milk and fluid milk products moved (including milk diverted) from supply plants to each pool plant described in paragraphs (a) or (d) of this section that shall count towards meeting the shipping requirements of this paragraph shall be a net quantity assignable at each such pool plant pro rata to supply plants in accordance with total receipts from such plants. The net quantity shall be computed by subtracting from the quantity of fluid milk products and condensed skim milk received from supply plants the following:

(i) The quantity of condensed skim milk not disposed of in a fluid milk product and the quantity of fluid milk products in the form of bulk milk and skim milk moved from the pool distributing plant to pool supply plants plus any such bulk shipments to nonpool plants as Class II or Class III milk, other than:

(a) Transfers or diversions classified pursuant to § 1030.40(b)(3); and

(b) Transfers or diversions on New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving, Christmas, and on any Saturday if no milk is received at the pool distributing plant from a supply plant, in an amount not in excess of 120 percent of the average daily receipts of producer milk pursuant to § 1030.13(a) at the plant during the prior month, less the quantity of producer milk diverted pursuant to § 1030.13(d) on such day. If no producer milk was received in the distributing plant during the prior month, the average daily receipts during the current month shall be used for this purpose; and

(ii) If milk is diverted from the pool distributing plant on the date of the receipts from the supply plant, the the quantity so diverted, except any diversion of milk (not to exceed 3 days' production of any individual producer) made because of any emergency situation such as a breakdown of trucking equipment or hazardous road conditions if such emergency is reported to the market administrator.

(5) The shipping requirements of this paragraph applicable during the months of September through March and the diversion allowances specified in § 1030.13(d)(3) applicable during the same months may be increased or decreased by up to 10 percentage points by the Director of the Dairy Division if he finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding, the Director shall investigate the need for revision either on his own initiative or at the request of interested persons and if his investigation shows that a revision might be appropriate he shall issue a notice stating that revision is being considered and inviting data, views, and arguments. If a plant which would not otherwise qualify as a pool plant during the month does qualify as a pool plant because of a reduction in shipping requirements pursuant to this paragraph, such plant shall be a nonpool plant for such month if the operator of the plant files a written request for nonpool status with the market administrator.

(6) Two or more plants shall be considered a unit for the purpose of meeting the requirements of this paragraph if the following conditions are met:

(i) The plants are located within the State of Wisconsin or within that portion of the State of Illinois within the marketing area;

(ii) The plants included in the unit are owned or fully leased and operated by the handler establishing the unit and such plants were pool plants during the month prior to being included in a unit. In the case of plants operated by cooperative associations, two or more cooperative associations may establish a unit of designated plants by filing with the market administrator a written contractual agreement obligating each plant of the unit to ship milk as directed by such cooperatives; and

(iii) The handler or cooperatives establishing the unit submits a written request to the market administrator prior to the first day of September requesting that such plants qualify as a unit for the period September through August of the following year. The request shall list the plants in the sequence in which they shall be excluded from the unit if the minimum performance standards are not met. If the entire unit does not meet the minimum performance for the month, the handler or cooperatives establishing the unit may specify which plant or plants shall be excluded from the unit until the minimum performance standards are met. If a handler or cooperative declines to identify the plants to be excluded, then the market administrator shall exclude the plant first on the list followed by the plant second on the list, and continuing in this sequence until the remaining plants on the list have met the minimum performance standards. Each plant that qualifies as a pool plant within a unit shall continue each month as a plant in the unit through the following August unless the plant fails subsequently to qualify for pooling or the handler (or cooperative associations) establishing the unit submits a written request to the market administrator that the plant be deleted from the unit or that the unit be discontinued. Any plant that has been so deleted from the unit, or that has failed to qualify in any month, will not be part of the unit for the remaining months through August. No plant may be added in any subsequent month through the following August to a unit that qualifies in September.

(c) A plant which is operated by a cooperative association and which is not a pool plant pursuant to paragraph (a), (b), or (d) of this section shall be a pool plant if at least 50 percent of the Grade A milk of producer members of such cooperative association is received at pool plants of other handlers described in paragraph (a) of this section during the month and written application for pool plant status is filed with the market administrator on or before the first day of such month.

(d) Any plant other than a supply plant pooled in a unit that qualifies as a pool plant in each of the immediately preceding three months pursuant to paragraph (a) of this section or the shipping percentages in paragraphs (b) or (c) of this section that is unable to meet such performance standards because of unavoidable circumstances determined by the market administrator to be beyond the control of the handler operating the plant, such as a natural disaster (ice storm, wind storm, flood), fire, breakdown of equipment, or work stoppage, shall be considered to have met the minimum performance standards during the period of such unavoidable circumstances, but such relief shall not be granted for more than 2 consecutive months.

(e) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant or exempt distributing plant;

(2) A plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless it is qualified as a pool plant pursuant to paragraph (a), (b), (c) or (d) of this section and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area as route disposition and to pool plants qualified on the basis of route disposition in this marketing area than is so disposed of in the marketing area regulated pursuant to such other order; and

(3) That portion of a plant that is physically separated from the Grade A portion of such plant, and is not approved by any regulatory agency for the receiving, processing, or packaging of any fluid milk product for Grade A disposition.

§ 1030.9 [Amended]

3. In § 1030.9, paragraph (h) is revoked, the word "or" is added after the semicolon at the end of paragraph (f), and the semicolon and word "or" at the end of paragraph (g) are replaced with a period.

3a. In § 1030.12 paragraph (b)(5) is revised to read as follows:

§ 1030.12 Producer.

* * * * *

(b) * * *

(5) A dairy farmer with respect to milk produced by him that is received at a handler's pool plant during the months of January through July if any milk from the same farm operated by such dairy farmer was a receipt of producer milk in any "payback" month during the preceding year under another order that provided for a seasonal incentive payment plan whereby funds previously withheld in the computation of the uniform price to producers were paid back to producers through the uniform price computation in subsequent months of the year.

4. Section 1030.13 is revised to read as follows:

§ 1030.13 Producer milk.

"Producer milk" means the skim milk and butterfat in milk of a producer that is:

(a) Received at a pool plant directly from producers by being physically unloaded into processing facilities, a storage tank, or, in the case of a reload facility, another tank truck, as further provided below:

(1) Any shrinkage of milk received from producers' farms which was not unloaded in a pool plant shall also be producer milk under this paragraph; and;

(2) In the event that part of a load of milk is first received at another plant(s) and the remaining part is then unloaded in the pool plant, the quantity of milk so received at each such plant shall be prorated over the total quantity of milk picked up at each producer's farm.

(b) Received at a pool plant from a handler described in § 1030.9(c).

(c) Received by a handler described in § 1030.9(c) to the extent of the shrinkage of skim milk and butterfat received from producers' farms which was not received in a pool plant pursuant to paragraph (b) of this section. In applying §§ 1030.52 and 1030.75, such skim milk and butterfat shall be deemed to have been received at the location of the pool plant to which delivery is normally made.

(d) Diverted by the operator of a pool plant, or by a handler described in § 1030.9(b), to another pool plant or to a nonpool plant (that is not a producer-handler plant), subject to the following conditions:

(1) Milk from a dairy farmer shall not be eligible for diversion unless during the period of September through March at least one day's production is physically received during the month at the pool plant from which diverted;

(2) Milk from a dairy farmer who was not a producer during the previous month shall not be eligible for diversion until at least one day's production is received at the pool plant from which diverted;

(3) Milk diverted to a nonpool plant(s) for the account of the operator of a pool plant, or a handler described in § 1030.9(b), may not exceed 65 percent during the months of September, October and November, and 80 percent during the months of December through March, of the total quantity of producer milk for which it is the handler (or, in the case of a cooperative, the producer milk that the cooperative association causes to be delivered to or diverted from pool plants) subject to temporary revision of the specified percentages pursuant to § 1030.7(b)(5);

(4) The quantity of each producer's milk to be considered as diverted milk when a portion of a tank load of milk, picked up at the farms of two or more producers, is unloaded at another plant, shall be determined by prorating the total quantity unloaded at such other plant over the total quantity of milk picked up at each producer's farm;

(5) To the extent that milk diverted by a cooperative association as a handler described in § 1030.9(b) during any month would result in a plant failing to qualify as a pool plant under § 1030.7, such diverted milk shall not be producer milk;

(6) Any milk diverted in excess of the limits prescribed in paragraph (d)(2) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk. Otherwise the milk last diverted—in lots of an entire day's production—shall be excluded first in determining which dairy farmer's milk should not be producer milk; and

(7) Diverted milk shall be priced at the location of the plant to which diverted, except that, in the case of a distributing plant, if during the month not more than 4 days' production of a producer is diverted from such plant or if the diverted milk is part of a tank truck load of milk that exceeds the milk storage capacity of such distributing plant, such milk shall be priced at the location of the plant from which diverted.

5. In § 1030.30, the introductory text of paragraph (a) and paragraph (a)(3) are revised to read as follows:

§ 1030.30 Reports and receipts and utilization.

* * * * *

(a) Each handler, with respect to each of his pool plants (except that if a handler so requests and the request is approved by the market administrator, a single report for supply plants and a single report for distributing plants may be filed), shall report the quantities of skim milk and butterfat contained in or represented by:

(1) * * *

(2) * * *

(3) Receipts of fluid milk products and bulk fluid cream products from pool plants of other handlers (or other pool plants, as applicable) including a separate statement of the net receipts from each supply plant computed pursuant to § 1030.7(b)(4), except that during the months of April through August no such separate statement need be made if receipts from supply plants are only from plants that were pool plants during the prior months of September through March.

* * * * *

6. Section 1030.32 is revised to read as follows:

§ 1030.32 Other reports.

(a) Each handler described in § 1030.9 (a), (b), and (g) shall report to the market administrator on or before the 10th day after the end of the month in detail and on forms prescribed by the market administrator as follows:

(1) Each handler described in § 1030.9(g) shall report the quantities of skim milk and butterfat in fluid milk products and fluid cream products moved for his account from each pool plant and received at each pool plant or partially regulated distributing plant during the month; and

(2) Each handler pursuant to § 1030.9 (a) and (b) shall report for each load of milk diverted for his account:

(i) The quantity of each producer's milk so diverted;

(ii) The date(s) of pickup of each producer's milk; and

(iii) The name and location of the plants to which and from which the milk was diverted; and

(3) Each handler who, during the month, received milk from a dairy farmer from whom he had not received milk during the previous calendar month shall report the name and address of the dairy farmer and the plant to which each such person previously delivered milk. Each handler who discontinues receiving milk from a producer during the month shall report each such producer's name, address, and the plant to which such person transferred.

(b) In addition to the reports required pursuant to paragraph (a) of this sec-

tion and §§ 1030.30 and 1030.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

7. In § 1030.41, the introductory text of paragraph (a) and paragraph (b)(2) are revised to read as follows:

§ 1030.41 Shrinkage.

* * * * *

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant (or at all of a handler's supply plants combined or at all of a handler's distributing plants combined if such reports are filed pursuant to § 1030.30) to the respective quantities of skim milk and butterfat:

* * * * *

(b) * * *

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1030.9(c) and in milk diverted to such plant from another pool plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph shall be 2 percent;

* * * * *

8. In § 1030.42, paragraph (a) is revised to read as follows:

§ 1030.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant (or to the pool plant of another handler if a combined report is filed pursuant to § 1030.30 by the transferor-handler) shall be classified as Class I milk unless the operators of both plants request the same classification in another class. The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1030.44(a)(12) and the corresponding step of § 1030.44(b).

* * * * *

8(a). In § 1030.40, paragraph (b)(1) and (4)(v) are revised to read as follows:

§ 1030.40 Classes of utilization.

* * * * *

(b) * * *

(1) Disposed of in the form of a fluid cream product, eggnog, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product or eggnog, except as otherwise provided in paragraph (c) of this section.

* * * * *

(4) * * *

(v) Custards, puddings, pancake mixes, and yogurt; and

* * * * *

9. Section 1030.43 is revised to read as follows:

§ 1030.43 General classification rules.

In determining the classification of producer milk pursuant to § 1030.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1030.30 and shall compute separately for each pool plant (or plants, if applicable) and for each cooperative association with respect to milk for which it is the handler pursuant to § 1030.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1030.40, 1030.41, and 1030.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1030.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative.

10. In § 1030.44, the introductory text is revised to read as follows:

§ 1030.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1030.9 (a), (b), and (c) by allocating the handler's receipts of skim milk and butterfat to his utilization pursuant to paragraphs (a) through (c) of this section. For this purpose only, a handler described in § 1030.9(a) who operates more than one pool plant may elect to have his receipts allocated for each of his pool plants separately or for all of his pool plants combined, except that, if he has receipts that would be allocated pursuant to paragraph (a)(11) or (12) of this section or the corresponding steps of paragraph (b) of this section, his total receipts shall be allocated for all of his pool plants combined.

* * * * *

11. Section 1030.52 is revised to read as follows:

§ 1030.52 Plant location adjustments for handlers.

A location adjustment for each handler shall be computed by the market administrator as follows:

(a) The market administrator shall determine the location adjustment rate for each plant at which milk is to be priced under this part pursuant to the following schedule, except that in no event shall the adjustment result in a price less than the Class III price for the month:

Zone	Distance in miles from city hall in Chicago	Location adjustment rate (cents per hundredweight)
1	0–40	0
2	41–55	−3.0
3	56–70	−6.0
4	[1] 71–85	−9.0
5	[2] 86–100	−12.0
6	101–115	−14.3
7	116–130	−16.6
8	131–145	−18.9
9	146–160	−21.2
10	161–175	−23.5
11	176–190	−25.8
12	191–205	−28.1
13	206–220	−30.4
14	221–235	−32.7
15	236–250	−35.0
16	[3]	−36.0

[1] Including Milwaukee County, Wis., and Winnebago County, Ill.
[2] Excluding Milwaukee County, Wis., and Winnebago County, Ill.
[3] Beyond 250.

(b) The mileages applicable pursuant to this section and § 1030.75 shall be determined by the market administrator on the basis of the shortest highway distance between the handler's plant and the city hall in Chicago—with fractions rounded up to the next whole mile. The market administrator shall notify each handler of the zone or mileage determination, which shall be subject to redetermination at all times. In the event a handler requests a redetermination of the mileage pertaining to any plant, the market administrator shall notify the handler of his findings within 30 days after the receipt of such request. Any financial obligations resulting from a change in mileage shall not be retroactive for any period prior to the redetermination announced by the market administrator.

(c) A handler who operates a pool distributing plant (or plants) shall receive a location adjustment credit computed as follows:

(1) Determine the aggregate quantity of Class I milk at such plant (or at all pool plants of such handler for which his total receipts are allocated for all his pool plants combined pursuant to § 1030.44, after eliminating duplication for transfers between such plants);

(2) Subtract the receipts of exempt milk and the quantity of packaged fluid milk products received at the handler's pool plant(s) from the pool plants of other handlers (or other pool plants, if applicable) and from nonpool plants if assigned to Class I milk;

(3) Subtract the quantity of bulk fluid milk products shipped from the handler's pool plant(s) to pool plants of other handlers (or other pool plants, if applicable) and to nonpool plants that are classified as Class I;

(4) Subtract the Class I milk packaged by pool supply plants and disposed of as route disposition or to other plants;

(5) Subtract the quantity of bulk fluid milk products received at the handler's pool plant(s) from other order plants and unregulated supply plants that are assigned to Class I pursuant to § 1030.44;

(6) Assign the remaining quantity pro rata to receipts during the month from each source as specified in paragraph (c)(6)(i) and (ii) of this section:

(i) Receipts at the handler's pool distributing plant(s) of producer milk and milk diverted from other pool plants, except that if the quantity prorated to any distributing plant exceeds the Class I disposition from such plant, such quantity shall be reduced to the amount of such Class I disposition and the quantity of milk represented in such reduction shall be prorated to receipts of producer milk at other distributing plants of the handler (limited in each instance to the amount of Class I disposition at each such plant) and receipts of bulk fluid milk products at such distributing plants from other pool plants; and

(ii) Receipts of bulk fluid milk products at such distributing plants from each other pool plant according to the quantity of such receipts from each such source;

(7) If, during the month, receipts at such distributing plants of producer milk, milk diverted from other pool plants, and bulk fluid milk products from other pool plants are less than the quantity to be assigned pursuant to paragraph (c)(6) of this section, prorate the amount of such excess in the same manner over such receipts in the next prior month in which there were receipts in excess of those assigned in that month pursuant to paragraph (c)(7) of this section;

(8) Multiply by the location adjustment rates applicable at the transferor plants, the quantity assigned to receipts of producer milk and milk diverted from other pool plants at such distributing plant pursuant to paragraph (c)(6)(i) and (7) of this section;

(9) Multiply by the location adjustment rates applicable at the transferor plant, the lesser of:

(i) 110 percent of the quantities assigned to receipts from each other pool plant pursuant to paragraph (c)(6)(ii) of this section; or

(ii) Receipts specified in paragraph (c)(6)(ii) of this section;

(10) Multiply by the location adjustment rates applicable at the transferor plants, the quantities assigned pursuant to paragraph (c)(7) of this section to receipts from other pool plants in prior months;

(11) Multiply the quantity of bulk fluid milk products shipped from the handler's pool plant(s) to nonpool plants and classified as Class I by the location adjustment rate applicable at the shipping plant;

(12) Multiply the quantity of Class I milk packaged by pool supply plants and disposed of as route disposition or to other plants by the location adjustment rates applicable at the pool supply plants from which disposition is made; and

(13) Add together the minus amounts obtained pursuant to paragraph (c)(8), (9), (10), (11), and (12) of this section.

(d) A handler (other than one described in paragraph (c) of this section) who operates a pool supply plant shall receive a location adjustment credit on receipts at such plant of producer milk and milk diverted from other pool plants that is classified as Class I but is not shipped as a bulk fluid milk product to a pool distributing plant.

(e) The Class I price applicable to other source milk shall be reduced at the rates set forth in paragraph (a) of this section.

12. Section 1030.53 is revised to read as follows:

§ 1030.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

13. In § 1030.60, the introductory text is revised to read as follows:

§ 1030.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler described in § 1030.9 (a), (b), and (c) as follows:

* * * * *

§ 1030.71 [Amended]

14. In § 1030.71(b)(2), the words "(but not to be less than the Class III price)" are deleted.

§ 1030.76 [Amended]

15. In § 1030.76(a)(4) and (5), the words "(but not to be less than the Class III price)" are deleted.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Effective date: August 1, 1977.

Signed at Washington, D.C., on: July 26, 1977.

JERRY C. HILL,
Deputy Assistant Secretary for Marketing Services.

[FR Doc.77-21935 Filed 7-28-77;8:45 am]

[Milk Order No. 40; Docket No. AO-225-A32]

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the present order based on industry proposals considered at a pubic hearing held January 4–5, 1977. The principal amendments proposed relate to the rates used to adjust milk prices for different plant locations and to the performance standards for pooling distributing plants. The proposed amendments are needed to reflect recent increases in hauling cost and to aid the orderly marketing of milk by dairy farmers.

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Irving E. Sutin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–4829).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of hearing, issued November 11, 1976; published November 16, 1976 (41 FR 50453).

Emergency final decision (partial), issued February 9, 1977; published February 14, 1977 (42 FR 9027).

Final order, issued February 16, 1977; published February 23, 1977 (42 FR 10680).

Recommended decision, issued June 6, 1977; published June 10, 1977 (42 FR 29881).

Final decision, issued July 18, 1977; published July 22, 1977 (42 FR 37562).

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Michigan marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only

to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Southern Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1040.7, paragraph (c) is revised to read as follows:

§ 1040.7 Pool plant.

* * * * *

(c) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) An exempt plant;

(3) A distributing plant from which the Secretary determines there is a greater proportion of route disposition (except filled milk) in another marketing area regulated by another order issued pursuant to the Act than in the Southern Michigan marketing area and such plant is fully subject to regulation of such other order: *Provided,* That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which it has a greater proportion of its route disposition (except filled milk) in such other marketing area, unless, notwithstanding the provisions of this subparagraph, it is regulated by such other order;

(4) A distributing plant which meets the requirements of paragraph (a) of this section which also meets the pooling requirements of another order on the basis of its route disposition in such other marketing area and from which the Secretary determines there is a greater quantity of route disposition (except filled milk) during the month in this marketing area than in such other marketing area but which plant is nevertheless fully regulated under such other order; and

(5) A supply plant which during the month is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to paragraph (b) of this section and a greater volume of fluid milk products (except filled milk) is moved to pool distributing plants than is moved to plants qualified as fully regulated plants under such other order on the basis of route disposition in the other marketing area.

2. In § 1040.40, paragraph (c)(1)(iv) is revised to read as follows:

§ 1040.40 Classes of utilization.

* * * * *

(c) * * *

(1) * * *

(iv) Milk shake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts (including frozen yogurt), and frozen dessert mixes (including frozen yogurt mixes);

* * * * *

§ 1040.50 [Amended]

3. In § 1040.50, paragraph (a)(1) is amended by changing "Zone II, 3 cents", "Zone III, 5 cents", "Zone IV, 7 cents", "Zone V, 9 cents", "Zone VI, 12 cents" and "Zone VII, 15 cents" to "Zone II, 5 cents", "Zone III, 7 cents", "Zone IV, 9 cents", "Zone V, 11 cents", "Zone VI, 14 cents" and "Zone VII, 17 cents", respectively.

§ 1040.75 [Amended]

4. In § 1040.75, paragraph (a)(3) is amended by changing "8 cents" to "10 cents".

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Effective date: September 1, 1977.

Signed at Washington, D.C., on July 26, 1977.

JERRY C. HILL,
Deputy Assistant Secretary for Marketing Services.

[FR Doc.77-21936 Filed 7-28-77;8:45 am]

CHAPTER XXVIII—FOOD SAFETY AND QUALITY SERVICE, DEPARTMENT OF AGRICULTURE

PART 2852—PROCESSED FRUITS, VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Ripe Olives [1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This rule changes the grade standards for canned ripe olives. The action was taken at the request of members of the olive industry. The effect of the change is to improve the U.S. Standards for Grades of Canned Ripe Olives.

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Dale C. Dunham, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202–447–4693).

SUPPLEMENTARY INFORMATION: On pages 40152 through 40156 of the FEDERAL REGISTER of September 17, 1976 (41 FR 40152), there was published a notice of proposed rulemaking to revise the United States Standards for Grades of Canned Ripe Olives.

The changes proposed included:

1. Reducing the number of sizes incorporated in the standards from ten (10) to five (5).

2. Redesignating the olive sizes to eliminate confusing descriptive terms.

3. Changing the method of determining sizes of olives from a count per pound to a diameter criteria.

4. Providing more accurate methodology for determining drained weights of canned ripe olives.

5. Designating the grades as U.S. Grade A, U.S. Grade B, U.S. Grade C and Substandard, and dropping the descriptive names of Fancy, Choice and Standard.

6. Editorial changes such as the elimination of text where graphic tables will reduce misunderstanding.

Interested persons were given until March 1, 1977, to submit data, views, or arguments regarding the proposed revision.

Thirty-five (35) comments were received as a result of the notice of proposed rulemaking. Of this number, fourteen (14) were from consumers supporting the proposal.

Fifteen (15) olive growers, canners, brokers or buyers commented in support of the proposed reduction in sizes, citing savings that could accrue to the consumer as a result of potential cost reductions in processing plants, and in reduced costs for labelling, storage and warehousing, and inventory control.

Three (3) canners and one (1) grower objected to reduction in number of sizes on the basis that it would mean less shelf space therefore less sales, less product movement and less in return to growers.

No substantial evidence, such as test market results, was offered to support or refute either savings or sales loss as a result of the reduction in the number sizes.

The canners contended that pitting equipment requires sorting into 10 sizes. Nothing in the proposal prohibits this practice. They also contend that growers will lose their incentive to produce quality (large) olives. Again nothing in the proposal prohibits incentive payments to growers to continue on the current basis.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act, or with applicable State laws and regulations.

Three (3) canners have stated their opposition as well to changing the method of determining size from an average count per pound to diameter measurement.

The Olive Administrative Committee, in a letter dated January 3, 1977, stated that the Committee had unanimously voted the following:

> The Olive Administrative Committee recommends that the proposed U.S. Standards for Grades of Canned Ripe Olives relative to the size determination by diameter and all references thereto be deleted and urges that the U.S. Department of Agriculture maintain size determination by count per pound until the industry can complete sufficient study of size by diameter so proper evaluation of this method can be made.

Again, in a letter dated February 24, 1977, the Olive Administrative Committee reiterated its position on the method of determining the size of olives. In addition, the committee pointed out several editorial changes or additions that would enhance the usability or application of the standards.

One (1) canner has indicated full support of the proposal, without change.

Several comments suggested additional revisions for the betterment of the proposal.

After considering all of the relevant data, views and arguments presented, including the proposal set forth in the aforesaid notice, the Department has concluded that:

1. The number of sizes will be reduced from ten (10) to five (5) as proposed.

2. The names of the five (5) sizes will be: "Small," "Medium," "Large," "Extra Large" and "Colossal" as proposed.

3. Additional time and more supportive data is needed before determining if changing the size determination criteria for whole olives to diameter measurement is feasible. The current method of determining size on the basis of an average count per pound will be retained. The size of pitted olives must be based on diameter since the weight loss in pitting is not proportional to size. The revised standards provide pictures representative of the new size classifications and associated diameter criteria.

4. The proposed methodology for determining drained weight will be retained.

5. The grades will be designated as U.S. Grade A, U.S. Grade B, U.S. Grade C and Substandard.

6. Editorial changes that will enhance the understanding of the standards and suggested minor adjustments in tolerances for defects will be incorporated into the standards.

The proposed revision to the U.S. Standards for Grades of Canned Ripe Olives is adopted as set forth below.

Effective date. The revised U.S. Standards for Grades of Canned Ripe Olives shall become effective on September 1, 1977.

Sec.

2852.3751 Product description.
2852.3752 Types of canned ripe olives.
2852.3753 Styles of canned ripe olives.
2852.3754 Size designation for whole and pitted styles.
2852.3755 Minimum drained weights.
2852.3756 Grades of canned ripe olives.
2852.3757 Standard sample unit size.
2852.3758 Determining the grade of a sample unit.
2852.3759 Determining the rating for the factors which are scored.
2852.3760 Color.
2852.3761 Defects.
2852.3762 Character.
2852.3763 Determining the grade of a lot.
2852.3764 Score sheet for canned ripe olives.

AUTHORITY: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended (7 U.S.C. 1622, 1624).

§ 2852.3751 Product description.

Canned ripe olives are prepared from properly matured olives which have first been properly treated to remove the characteristic bitterness; are packed in a solution of sodium chloride, with or without spices and are sufficiently processed by heat in hermetically sealed containers. Canned olives which are not oxidized in processing and which possess a tan to light bronze color indicative of preparation from olives of advanced maturity and commonly referred to as "tree-ripened" or "home-cured" are not covered by the standards in this subpart.

§ 2852.3752 Types of canned ripe olives.

Canned ripe olives are processed as two distinct types. Unless a specific type is stated in this subpart, "canned ripe olives" refers to olives of either "ripe-type" or "green-ripe type."

(a) *Ripe type.* "Ripe-type" olives are those which have been treated and oxidized in processing to produce a typical dark brown to black color.

(b) *Green-ripe type.* "Green-ripe type" olives are those which have not been oxidized in processing; which range in color from yellow- green, green-yellow or other greenish casts; and which may be mottled.

§ 2852.3753 Styles of canned ripe olives.

(a) *Whole.* "Whole" olives are those which have not been pitted.

(b) *Pitted.* "Pitted" olives are those from which pits have been removed.

(c) *Halved.* "Halved" olives are pitted olives in which each olive is cut lengthwise into two approximately equal parts.

(d) *Segmented.* "Segmented" olives are pitted olives in which each olive is cut lengthwise into three or more approximately equal parts.

(e) *Sliced.* "Sliced" olives consist of parallel slices of fairly uniform thickness prepared from pitted olives.

(f) *Chopped.* "Chopped" olives are random-size cut pieces or cut bits prepared from pitted olives.

(g) *Broken pitted.* "Broken pitted" olives consist substantially of large pieces that may have been broken in pitting but have not been sliced or cut.

§ 2852.3754 Size designations for whole and pitted style.

(a) *General.* (1) "Average count" for canned whole ripe olives is determined from all containers in the sample and is calculated on the basis of the drained weight of the olives.

(2) Diameters of canned whole and pitted ripe olives are determined by measuring the smallest diameters at the largest circumferences at right angles to the longitudinal axes of the olives. The longitudinal axis is a line running from the stem to the apex of the olive.

(b) *Determining compliance.* (1) Single size. Canned whole or pitted olives shall be considered of a single size if the olives are at least as uniform in size as defined for U.S. Grade C in § 52.3756 of this subpart and conform with the applicable count per pound range indicated in Table I in the case of whole olives, or conform closely to the applicable illustration in Table I in the case of pitted olives.

(2) Mixed sizes. Canned whole or pitted ripe olives shall be considered "mixed sizes" when the olives do not meet the requirements of a single size.

TABLE I
SIZE - CANNED WHOLE AND PITTED RIPE OLIVES

DESIGNATION	COUNT PER POUND	ILLUSTRATION	DIAMETER RANGE ILLUSTRATED (cm)
Small	106 - 140		16 - 18
Medium	80 - 108		18 - 20
Large	60 - 79		20 - 22
Extra Large	44 - 59		22 - 24
Colossal	43 or less		24 and over

§ 2852.3755 Minimum drained weights.

(a) *General.* (1) The minimum drained weights for the various applicable styles in Table II and III are not incorporated in the grade of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The minimum drained weights are based on equalization of the product 30 days or more after the product has been canned.

(b) *Method for determining drained weight.* The drained weight of canned ripe olives is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing eight meshes to the inch (2.3 mm (0.0937 inch), ±3 percent, square openings) so as to distribute the product evenly over the sieve. Without shifting the product, incline the sieve at an angle of 17 degrees to 20 degrees to facilitate drainage and allow to drain for two minutes. The weight of drained olives is the weight of the sieve and product less the weight of the dry sieve. A sieve 20 mm (8 inches) in diameter is used for containers with total contents of 1.5 kg (3.3 lbs) and less, and a sieve 30 mm (12 inches) in diameter is used for containers with total contents greater than 1.5 kg (3.3 lbs).

(c) *Compliance with minimum drained weights.* A lot of canned ripe olives is considered as meeting the minimum drained weights if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample is equal to or greater than the acceptance value for drained weights for the size (designated as "X_d" in Tables II and III); and

(2) The number of sample units which fail to meet the acceptance value for drained weight lower limit for individual containers (designated as "LL" in Tables II and III) does not exceed the applicable acceptance number specified in the sampling plan contained in "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products."

TABLE II
ACCEPTANCE VALUES FOR DRAINED WEIGHTS (OUNCES)
WHOLE

	Small		Medium		Large		Extra Large		Colossal	
	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL
305 X 109	3.7	3.2	3.5	3.0	3.5	3.0	3.5	2.9	3.2	2.6
307 X 113	3.7	3.2	3.5	3.0	3.5	3.0	3.5	2.9	3.2	2.6
8 Z (211 X 304)	4.5	4.0	4.3	3.8	4.2	3.7	4.1	3.5	4.0	3.4
No 300 (300 X 407)	7.8	7.1	7.7	6.9	7.4	6.6	7.3	6.5	7.2	6.3
No. 1 T (301 X 411)	9.0	8.3	9.0	8.2	8.7	7.9	8.5	7.7	8.0	7.1
No. 10 (603 X 700)	66.0	64.1	65.0	63.0	64.0	62.0	64.0	61.9	64.0	61.8

PITTED

305 X 109	2.8	2.3	3.0	2.5	3.0	2.5	3.0	2.5	2.7	2.1
307 X 113	2.8	2.3	3.0	2.5	3.0	2.5	3.0	2.5	2.7	2.1
8 Z (211 X 304)	3.3	2.8	3.5	3.0	3.4	2.9	3.3	2.7	3.2	2.6
No 300 (300 X 407)	6.0	5.3	6.0	5.2	5.8	5.0	5.7	4.9	5.6	4.7
No 1 T (301 X 411)	7.0	6.3	7.5	6.7	7.2	6.4	7.0	6.2	6.5	5.6
No. 10 (603 X 700)	51.0	49.1	51.0	49.0	51.0	49.0	51.0	48.9	51.0	48.8

TABLE II
ACCEPTANCE VALUES FOR DRAINED WEIGHTS (GRAMS)
WHOLE

	Small		Medium		Large		Extra Large		Colossal	
	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL
305 X 109	104.9	90.7	99.2	85.0	99.2	85.0	99.2	32.2	90.7	73.7
307 X 113	104.9	90.7	99.2	85.0	99.2	85.0	99.2	82.2	90.7	73.7
8 Z (211 X 304)	127.6	113.4	121.9	107.7	119.1	104.9	116.2	99.2	113.4	96.4
No 300 (300 X 407)	221.1	201.3	218.3	195.6	209.8	187.1	206.9	184.3	204.1	178.6
No. 1 T (301 X 411)	255.1	235.3	255.1	232.5	246.6	224.0	241.0	218.3	226.8	201.3
No. 10 (603 X 700)	1871.0	1817.2	1842.7	1786.0	1814.3	1757.6	1814.3	1754.8	1814.3	1752.0

PITTED

305 X 109	79.4	65.2	85.0	70.9	85.0	70.9	85.0	70.9	76.5	59.5
307 X 113	79.4	65.2	85.0	70.9	85.0	70.9	85.0	70.9	76.5	59.5
8 Z (211 X 304)	93.5	79.4	99.2	85.0	96.4	82.2	93.5	76.5	90.7	73.7
No 300 (300 X 407)	170.0	150.2	170.0	147.4	164.4	141.7	161.6	138.9	158.7	133.2
No 1 T (301 X 411)	198.4	178.6	212.6	189.9	204.1	181.4	198.4	175.8	184.2	158.7
No. 10 (603 X 700)	1445.8	1391.9	1445.8	1389.1	1445.8	1389.1	1445.8	1386.2	1445.8	1383.4

TABLE III

ACCEPTANCE VALUE FOR DRAINED WEIGHTS (OUNCES)

	Water Capacity Oz. Avdp.	Halved, Segmented, Sliced		Chopped	
		$\bar{X}_d$	LL	$\bar{X}_d$	LL
200 X 214	---	2.3	1.9	4.2	3.9
211 X 200	4.9	2.3	1.9	4.2	3.9
305 X 109	---	3.0	2.6	5.5	5.2
307 X 113	---	3.0	2.6	5.5	5.2
211 X 304	8.65	3.8	3.4	7.6	7.2
No. 300 (300 X 407)	15.2	6.5	6.1	13.3	12.7
No. 10 (603 X 700)	109.45	55.0	53.4	90.0	87.8
No. 10 (brine pack)	---	---	---	64.0	62.4
BROKEN PITTED					
No. 300 (300 X 407)	15.2	6.5	4.7		
No. 10 (603 X 700)	109.45	51.0	59.0		

TABLE III

ACCEPTANCE VALUE FOR DRAINED WEIGHTS (GRAMS)

	Water Capacity	Halved, Segmented, Sliced		Chopped	
		$\bar{X}_d$	LL	$\bar{X}_d$	LL
200 X 214	---	65.2	53.9	119.1	110.6
211 X 200	138.9	65.2	53.9	119.1	110.6
305 X 109	---	85.0	73.7	155.9	147.4
307 X 113	---	85.0	73.7	155.9	147.4
211 X 304	245.2	107.7	96.4	215.4	204.1
No. 300 (300 X 407)	430.9	184.2	172.9	377.0	360.0
No. 10 (603 X 700)	3102.8	1559.2	1513.8	2551.4	2489.0
No. 10 (brine pack)	---	---	---	1814.3	1769.0
BROKEN PITTED					
No. 300 (300 X 407)	430.9	184.2	133.2		
No. 10 (603 X 700)	3102.8	1445.8	1672.6		

§ 2852.3756 Grades of canned ripe olives.

(a) "U.S. Grade A" is the quality of canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles that has a good flavor, that has a good color, that is practically free from defects, that has a good character; and that for those factors which are rated in accordance with the scoring system outlined in the subpart, the total score is not less than 90 points: *Provided*, That such canned ripe olives may have a reasonably good color if the total score is not less than 90 points; and, further, *Provided*, That in the styles of whole and pitted olives that are declared to be of single size, the variation in diameters does not exceed 4 mm, and of the 90 percent, by count, of the most uniform in size, the diameter of the largest does not exceed the diameter of the smallest by more than 3 mm.

(b) "U.S. Grade B" is the quality of canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles that has a good flavor, that has a reasonably good color, that is reasonably free from defects, that has a reasonably good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 80 points: *Provided*, That for the styles of whole and pitted olives that are declared to be of a single size, the variation in diameters does not exceed 8 mm, and of the 80 percent, by count, of the most uniform in size, the diameter of the largest does not exceed the diameter of the smallest by more than 4 mm.

(c) "U.S. Grade C" is the quality of canned ripe olives of whole, pitted, halved, segmented, sliced, chopped, and broken pitted styles that has a reasonably good flavor, that has a fairly good color, that is fairly free from defects, that has a fairly good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 70 points; and *Provided*, That for the styles of whole and pitted olives that are declared to be of a single size, of the 60 percent, by count, of the most uniform in size, the diameter of the largest does not exceed the diameter of the smallest by more than 4 mm.

(d) "Substandard" is the quality of canned ripe olives of any style that fail to meet the applicable requirements for U.S. Grade C.

§ 2852.3757 Standard sample unit size.

Compliance with requirements for the various quality factors except "size designation" is based on the following standard sample unit size for the applicable style:

(a) *Whole and pitted*—50 olives.

(b) *Halved*—100 units.

(c) *All other styles*—255 g (9 ounces).

§ 2852.3758 Determining the grade of a sample unit.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.* (i) Flavor; (ii) Uniformity of size (styles of whole and pitted only).

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	30
(ii) Absence of defects	40
(iii) Character	30
Total score	100

(b) *Definition of flavor.*—(1) *Good flavor.* (i) "Good flavor" in ripe type means a distinctive flavor characteristic of ripe type olives (including that of properly spiced olives) which have been properly prepared and processed and which are free from objectionable flavors of any kind.

(ii) "Good Flavor" in green-ripe type means a distinctive mellow flavor characteristic of green-ripe type olives which have been properly prepared and processed and which are free from objectionable flavors of any kind.

(2) *Reasonably good flavor.* "Reasonably good flavor" in either ripe type or green-ripe type (including that of properly spiced olives) means that the flavor may be slightly lacking in distinctly characteristic flavor for the respective type but the olives are free from objectionable flavors of any kind.

§ 2852.3759 Determining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "27 to 30 points" means 27, 28, 29, and 30 points).

§ 2852.3760 Color.

(a) *General.* The evaluation of color shall be determined within five minutes after the olives are removed from the container and is based upon the uniformity of the exterior color or general appearance as to color of the olives within the container. The evaluation of color in "halved" style is based on the uncut surfaces.

(b) *Color measurement of ripe type.* The color of ripe type is determined by comparison with a spinning disc of variations in percentages of the following Munsell color discs: Red (5R 4/14), Yellow (2.5Y 8/12), and Black (N/1 Glossy).

(c) *Composite color standards.* Composite USDA Color Standards for Canned Ripe Olives are available and are comparable to the colors produced by the spinning discs.

(d) *Color appearance of green-ripe type.* Normal color for green-ripe type olives is yellow-green, green-yellow, or other greenish casts, any of which may have a mottled appearance that is typical of green-ripe type olives. Off-color means dark brown, dark purple or black olives.

(e) The USDA spinning color discs and the USDA composite color standards cited in paragraphs (b) and (c) of this section are available from the USDA licensed supplier:

Munsell Color Company, Inc., 2441 North Calvert Street, Baltimore, Md. 21218.

(f) *Grade A.* Canned ripe olives that have a good color may be given a score of 27 to 30 points. "Good color" has the following meanings with respect to the applicable type and style:

(1) *Ripe type.*—(i) *Whole; pitted; halved.* The olives or units have a practically uniform black or dark brown color. Not less than 90 percent, by count, of the olives or units have a color equal to or darker than the appropriate USDA Composite Color Standard or that produced by spinning the Munsell discs specified in paragraph (b) of this section in the following combination: 3½ percent Red, 3½ percent Yellow, and 93 percent Black.

(ii) *Segmented; sliced, chopped.* The general color impression of the olive as a mass is normal and typical of these styles prepared from olives with good color.

(2) *Green-ripe type.* The general color appearance of the olives shall be normal. Not less than 90 percent, by count, shall be practically uniform in such normal color for the type, and no off-color olives may be present.

(g) *Grade B.* If the canned ripe olives have a reasonably good color, a score of 24 to 26 points may be given. "Reasonably good color" has the following meanings with respect to the applicable type and style:

(1) *Ripe type.*—(i) *Whole; pitted; halved.* The olives or units have a reasonably uniform black, dark brown or reddish-brown color. Not less than 80 percent, by count, of the olives or units have a color equal to or darker than the appropriate USDA Composite Color Standard or that produced by spinning the Munsell color discs specified in paragraph (b) of this section in the following combination: 6 percent Red, 6 percent Yellow, and 88 percent Black.

(ii) *Segmented; sliced; chopped.* The general color impression of the olives as a mass is normal and typical of these styles prepared from olives with reasonably good color.

(2) *Green-ripe type.* The general color appearance of the olives shall be normal. Not less than 80 percent, by count, shall be reasonably uniform in such normal color for the type, and no off-color olives may be present.

(h) *Grade C.* If the ripe olives have a fairly good color, a score of 21 to 23 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule). "Fairly good color" has the following meanings with respect to the applicable type and style:

(1) *Ripe type.*—(i) *Whole; pitted; halved.* The olives or units have a fairly

uniform black, dark brown or reddish-brown color. Not less than 60 percent, by count, of the olives or units have a color equal to or darker than the appropriate USDA Composite Color Standard or that produced by spinning the Munsell color discs specified in paragraph (b) of this section in the following combination: 6 percent Red, 6 percent Yellow, and 88 percent Black.

(ii) *Segmented; sliced; chopped.* The general color impression of the olives as a mass is normal and typical of these styles prepared from olives of fairly good color.

(iii) *Broken pitted.* The general color impression of the olives as a mass is normal and may be variable, but is typical of this style prepared from olives of good, reasonably good, or fairly good color.

(2) *Green-ripe type.* The general color impression of the olives shall be normal but may vary markedly for the type. Not more than 10 percent, by count, of off-color olives may be present.

(i) *Substandard (SStd.).* Canned ripe olives that are abnormal in color for any reason or that fail to meet the requirements of paragraph (h) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 2852.3761 **Defects.**

(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous vegetable material, stems and portions thereof, blemishes, wrinkles, mutilated olives, and from any other defects which affect the appearance or edibility of the product.

(b) *Definition of defects.*—(1) *Blemishes.* "Blemishes" means dark-colored surface marks in either ripe type or green-ripe type which may or may not penetrate into the flesh. Olives or pieces of olives affected by blemishes are classified as follows:

(i) "Minor blemishes" are olives or pieces of olives with surface blemishes which individually or collectively materially affect the appearance of the unit.

(ii) "Major blemishes" are olives or pieces of olives with black flesh (oxidized) or with surface blemishes which may or may not be associated with a soft texture below the skin and which individually or collectively seriously affect the appearance or edibility of the unit.

(iii) "Severe blemishes" are olives or pieces of olives of the green-ripe type with dark brown, dark purple, or black surface areas; or any other blemishes, whether or not specifically defined, which severely affect the appearance or edibility of the unit.

(2) *Blowout.* A soft pitted olive in which the pit has been pushed out instead of cut out leaving an irregular ring of flesh that materially affects its appearance.

(3) *Broken piece.* A "broken piece" in halved, segmented and sliced style olives is any piece of olive flesh that appears to be less than three-fourths of a full unit. Also included are poorly cut slices and end slices less than one-half the average size slice.

(4) *Cross pitted.* Olives pitted along an axis other than the stem-flower axis. A defect is a unit where the angle of these two axes exceeds 45 degrees.

(5) *Harmless extraneous vegetable material.* "Harmless extraneous vegetable material" means any vegetable substance that is harmless.

(6) *Mechanically damaged.* A mechanically damaged unit in whole, pitted and halved styles means a unit that is punctured, cut or damaged by other means so that its appearance is materially affected.

(7) *Mutilated.* A "mutilated" olive in whole or pitted styles means an olive that is so pitter-torn or damaged by other means that the entire pit cavity is exposed or the appearance of the olive is seriously affected.

(8) *Pitter damage.* A pitted olive with a loss of skin and flesh from the pitter on the cut end exceeding the area of a circle 3 mm in diameter but is not mutilated.

(9) *Plunger damage.* A pitted olive with a loss of skin and flesh equal to or exceeding the area of a circle 5 mm in diameter.

(10) *Stem.* An attached stem is a defect when it measures 3 mm or more from the shoulder of the olive. Stems are classified as follows:

(i) A "Minor stem" is an attached stem that measures more than 3 mm but not more than 4 mm from the shoulder of the olives.

(ii) A "Major stem" is an attached stem that measures more than 4 mm from the shoulder of the olive.

(iii) A "Detached stem" is a defect when it measures 4 mm or more, and will be scored as a "minor stem" for the purposes of this subpart.

(11) *Wrinkles.* "Wrinkles" are grooves 0.5 mm or more in width. Classification of wrinkles shall be determined immediately after removing surface moisture and any increase in wrinkles due to dehydration after removing from the container shall not be considered. Olives or pieces of olives affected by wrinkles are classified as follows:

(i) "Minor wrinkles" are wrinkles which collectively do not more than materially affect the appearance or edibility of the unit.

(ii) "Major wrinkles" are wrinkles which collectively more than materially affect the appearance or edibility of the unit.

(c) *Grade A.* Canned ripe olives of whole, pitted, halved, segmented, sliced and chopped styles that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that any defects present, but not specifically limited in Table IV, may not more than slightly affect the appearance or edibility of the olives; and, in addition: specified defects may be present in all other styles except "broken pitted" not to exceed the allowances for grade A provided in Table IV.

(d) *Grade B.* If canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles are reasonably free from defects, a score of 32 to 35 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any defects present but not specifically limited in Table V may not materially affect the appearance or edibility of the olives; and in addition; specified defects may be present in all other styles except "broken pitted" not to exceed the allowances for grade B provided in Table V.

(e) *Grade C.* If canned ripe olives of whole, pitted, halved, segmented, sliced, chopped and broken pitted styles are fairly free from defects, a score of 28 to 31 points may be given. Canned ripe olives that fall into this classification shall not be granted above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that any defects present but not specifically limited in Table VI may not seriously affect the appearance and edibility of the olives; and, in addition; specified defects may be present in all other styles not to exceed the allowances for Grade C provided in Table VI.

(f) *Substandard (SStd).* Canned ripe olives that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE IV

LIMITS FOR DEFECTS IN GRADE A

	Whole per 100 olives	Pitted per 100 olives	Halved per 200 halves	Segmented per 255 gm (9oz)	Sliced per 255 gm (9oz)	Chopped per 255 gm (9oz)
HEM or EVM	1	1	1	1	1	1
Stems						
Minor and Major stems incl.	4	4	4	2	2	2
Major stems	1	1	1	1	1	1
Blemishes - Wrinkles, Mutilated and Mechanically damaged	10	10	20	26 g	26 g 1/	—
Provided: Major Blemishes Major Wrinkles Mutilated and Mechanical Damage do not exceed	5	5	10	13 g	13 g 1/	13 g 1/
Further Provided: Mutilated do not exceed	2	2	—	—	—	—
Broken Pieces	—	—	16	20 g	26 g	—
Blowouts, Cross Pitted, Plunger and Pitter Damage	—	10	—	—	—	—
Obvious Split-Pit or Misshapen	5	—	—	—	—	—
Severe Blemishes (Green-ripe type only)	0	0	0	—	—	—

1/ Blemishes only - sliced and chopped styles

TABLE V

LIMITS FOR DEFECTS IN GRADE B

	Whole per 100 olives	Pitted per 100 olives	Halved per 200 halves	Segmented per 255 gm (9oz)	Sliced per 255 gm (9oz)	Chopped per 255 gm (9oz)
HEM or EVM	2	2	2	2	2	2
Stems						
Minor and major stems incl.	6	6	6	3	3	3
Major stems	3	3	3	2	2	2
Blemishes, Wrinkles, Mutilated and Mechanically Damaged	20	20	40	50 g	50 g 1/	—
Provided: Major Blemishes Major Wrinkles Mutilated and Mechanical Damage do not exceed	10	10	20	25 g	26 g 1/	26 g 1/
Further Provided: Mutilated do not exceed	5	5	10	10 g	—	—
Broken Pieces	—	—	30	40 g	51 g	—
Blowouts, Cross Pitted, Plunger and Pitter Damaged	—	20	—	—	—	—
Obvious Split-Pit or Misshapen	10	—	—	—	—	—
Severe Blemishes (Green-ripe type only)	0	0	0	—	—	—

1/ Blemishes only, sliced and chopped styles only.

TABLE VI

LIMITS FOR DEFECTS IN GRADE C

	Whole per 100 olives	Pitted per 100 olives	Halves per 200 halves	Segmented per 255 g (9oz)	Sliced per 255 g (9oz)	Chopped per 255 g (9oz)	Broken Pitted per 255 g (9oz)
REM	2	2	2	2	2	2	2
Stems							
Minor and Major stems incl.	8	8	8	—	—	4	4
Major stems	4	4	4	3	3	4	4
Blemishes, Wrinkles, Mutilated and Mechanically Damaged	No limit	No limit	No limit	No limit	No limit	No limit	No limit
Provided: Major Blemishes, Major Wrinkles, Mutilated and Mechanical Damage do not exceed	25	25	50	65 g	51 g 1/	51 g 1/	51 g 1/
Further Provided: Mutilated do not exceed	10	10	10	13 g	13 g	No limit	No limit
Broken Pieces	—	—	50	65 g	85 g	No limit	No limit
Blowouts, Cross Pitted, Plunger and Pitter Damaged	—	30	—	—	—	No limit	No limit
Severe Blemishes (green-ripe type only)	5	5	5	0	0	0	—

1/ Blemishes only, sliced and chopped styles only.

§ 2852.3762 Character.

(a) *General.* The factor of character refers to the firmness, tenderness, and texture characteristic for the variety and type.

(b) *Grade A.* Canned ripe olives of whole, pitted, halved, segmented, sliced, and chopped styles that have a good character may be given a score of 27 to 30 points. "Good character" means that, for the type, the olives have a fleshy texture characteristic for the variety and size; that not less than 95 percent, by count, of whole, pitted and halved olives and by weight of other style olives are practically uniform in texture and are tender but not soft. The remaining 5 percent may be soft but not excessively soft.

(c) *Grade B.* If canned ripe olives of whole, pitted, halved, segmented, sliced and chopped styles have a reasonably good character, a score of 24 to 26 points may be given. Canned ripe olives that fall into this classification shall not be grade above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that, for the type, the olives generally have a fleshy texture characteristic for the variety and size; that not less than 90 percent, by count, of whole, pitted and halved olives, and by weight of other style olives are practically uniform in texture and are tender but not soft. The 10 percent may be soft but not more than ½, or 5 percent, may be excessively soft.

(d) *Grade C.* If canned ripe olives of whole, pitted, halved, segmented, sliced, chopped and broken pitted styles have a fairly good character, a score of 21 to 23 points may be given. Canned ripe olives that fall into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the olives generally have a fleshy texture characteristic for the variety and size; that not less than 80 percent, by count, of whole, pitted and halved olives and by weight of other style olives are practically uniform in texture and are tender but not soft. The remaining 20 percent may be soft but not more than ½, or 10 percent, may be excessively soft.

(e) *Substandard (SStd).* Canned ripe olives that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 2852.3763 Determining the grade of a lot.

The grade of a lot of canned ripe olives covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 2852.1 through 2852.83).

§ 2852.3764 Score sheet.

Number, size and kind of container -
Label (including size declaration) -
Container mark or identification -
Net weight (ounces) -
Vacuum (inches) -
Drained weight (ounces) -
Size -
Style -
Average count per pound (whole style) -

FACTORS		SCORE POINTS		
Color - - - - - - - - - - - -	30	(A)	27 - 30	
		(B)	24 - 26	
		(C)	21 - 23	1/
		(SStd.)	0 - 20	1/
Absence of defects - - - -	40	(A)	36 - 40	
		(B)	32 - 35	1/
		(C)	28 - 31	1/
		(SStd.)	0 - 27	1/
Character - - - - - - - - - -	30	(A)	27 - 30	
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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.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1430]

PRICE SUPPORT PROGRAM FOR MILK

Terms and Conditions of 1977–78 Price Support Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal announces that the Secretary of Agriculture is considering whether an adjustment should be made in the support price for milk, effective October 1, 1977. This proposed rule is being issued pursuant to the announcement appearing in the Federal Register on May 2, 1977, (42 FR 22126) which stated that the support price for milk would be reviewed before October 1, 1977, to determine whether or not an adjustment to the support price was needed.

The Secretary of Agriculture is also considering changing the milk marketing year from April 1–March 31 to October 1–September 30, effective October 1, 1977. This change would enable the Secretary to determine the level of support at the end of the feed grain crop year. At this time information would be available on feed supplies for a full year ahead, thus facilitating a determination of the appropriate level of support. The Secretary is also considering the terms and conditions of the milk price support program that would accompany the proposed change in the marketing year, including the general level of prices to producers for milk and the prices for and terms of purchase by Commodity Credit Corporation of butter, nonfat dry milk and cheese.

DATE: Comments must be received on or before August 29, 1977, to be sure of consideration.

ADDRESS: Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 5768 South Building, P O Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT

Sidney Cohen (ASCS), 202–447–4037.

SUPPLEMENTARY INFORMATION: Section 201(c) of the Agricultural Act of 1949, as amended, provides as follows: "The price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs. Such price support shall be provided through purchases of milk and the products of milk."

Section 401(d) of the Agricultural Act of 1949, as amended, provides as follows: "The level of price support for any commodity shall be determined upon the basis of its parity price as of the beginning of the marketing year or season in the case of any commodity marketed on a marketing year or season basis and as of January 1 in the case of any other commodity."

Section 408(i) of the Agricultural Act of 1949, as amended, provides as follows: " 'Marketing year' for any nonbasic agricultural commodity means any period determined by the Secretary during which substantially all of the crop or production of such commodity is normally marketed by the producers thereof."

In April, May and June, the first 3 months of the marketing year, milk production was 33.1 billion pounds, up 2.3 percent from a year ago. Purchases of dairy products under the support program during April through June 1977 totaled 104 million pounds of butter, 44 million pounds of cheese and 179 million pounds of nonfat dry milk compared to purchases of 0.4 million pounds of butter, 5 million pounds of cheese and 77 million pounds of nonfat dry milk during the same period a year earlier.

If the present support price of $9.00 per hundredweight is continued on October 1, 1977, milk production for the year ending March 31, 1978 is projected at 123.4 billion pounds, 2.4 billion pounds greater than a year earlier. Commodity Credit Corporation net purchases (purchases less sales) under the support program are projected at 255 million pounds of butter, 180 million pounds of cheese and 390 million pounds of nonfat dry milk. These purchases are equivalent to 7.1 billion pounds of milk. Dairy products acquired under the support program are made available for foreign and domestic donation programs.

The parity price for milk is determined under the statute as of the beginning of the marketing year. If the marketing year were changed, as proposed, it would be determined as of October 1 instead of April 1. Thus, the support would be set at a time when the total feed supply for the coming year could be estimated with a reasonable degree of certainty.

The April 1–March 31 marketing year for milk has been in effect since April 1, 1951.

If the marketing year is changed to begin on October 1, and the present level of support of $9.00 per hundredweight were to be continued, milk production is projected at 123.3 billion pounds and commercial use at 116.4 billion pounds. CCC purchases of dairy products under the support program are projected at 215 million pounds of butter, 170 million pounds of cheese and 325 million pounds of nonfat dry milk. This is equivalent to 6.2 billion pounds of milk.

The support price of $9.00 per hundredweight is estimated to be 79 percent of parity as of October 1, 1977.

PROPOSED RULE

Notice is hereby given that the Secretary of Agriculture is considering two courses of action and is soliciting comments from the public on the two proposed courses of action. First, the Secretary is considering whether or not an adjustment should be made in the support price for milk, for the second half of the 1977–78 marketing year which began April 1, effective October 1, 1977. Second, the Secretary is considering changing the milk marketing year from April 1–March 31 to October 1–September 30. The Secretary will consider the terms and conditions of the milk price support program that would accompany a change in the milk marketing year, including the general level of prices to producers for milk and the prices and terms of purchase by Commodity Credit Corporation of butter, nonfat dry milk and cheese. The public is invited to submit written data, views and recommendations to the Director, Commodity Operations Division.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Room 5768, South Building, during regular business hours (8:15 a.m.–4:45 p.m.).

This notice of proposed rulemaking is issued under authority of Section 201 (c), Section 401 (d) and Section 408 (i), of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1446; 7 U.S.C. 1421 (d) and 7 U.S.C. 1428 (i)); and Sections 4 and 5 of the Commodity Credit Corporation Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b and 714c).

Signed at Washington, D.C., on July 26, 1977.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.77-21831 Filed 7-28-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

ENTITLEMENTS PROGRAM

Proposed Amendments to Include Oil Shale Crude Oil as an Eligible Feedstock; Public Hearing

AGENCY: Federal Energy Administration.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Federal Energy Administration (FEA) hereby gives notice of a proposal to amend the domestic crude oil allocation program (the "entitlements" program) so as to permit refiners to include in their crude oil runs to stills (and thereby earn entitlements for) those volumes of synthetic crude oil processed from oil shale found within the United States that they utilize as a refinery feedstock. Adoption of this amendment is proposed to avoid the imposition of de facto price controls on oil shale crude oil, and is consistent with the determination set forth in FEA's Ruling 1976–4 that such crude oil substitutes are exempt from the ceiling price rules applicable to most domestically produced crude oil.

DATES: Comments by August 24, 1977, 4:30 p.m.; Requests to speak by August 17, 1977, 4:30 p.m.; Hearing date: August 29, 1977, 9:30 a.m.

ADDRESSES: Comments and requests to speak to: Executive Communications, Room 3317, Federal Energy Administration, Box NP, Washington, D.C. 20461; Hearing Location: Room 2214, 2000 M Street NW., Washington D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), 2000 M Street NW., Room 2214B, Washington, D.C. 20461 (202–254–5201).

Ed Vilade (Media Relations), 12th & Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461 (202–566–9833).

Doug McIver (Entitlements Program Office), 2000 M Street NW., Room 6128I, Washington, D.C. 20461 (202–254–8660).

Nancy Williams (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 7134, Washington, D.C. 20461 (202–566–2454).

SUPPLEMENTARY INFORMATION:

I. Background
II. Proposed Amendment
III. Specific Comments Requested
IV. Comment Procedures.

I. Background

In Ruling 1976–4 (41 FR 25886, June 23, 1976) FEA set forth its determination that the so-called synthetic fuels (or crude oil substitutes) processed from oil shale, tar sands, coal, and other natural deposits that must be mined before the crude oil substitute can be extracted did not fall within the purview of FEA's authority to establish mandatory petroleum allocation and price regulations. Ruling 1976–4 was based on the conclusion that it was not the intent of Congress that crude oil substitutes should be subject to the regulation required by section 4(a) of the Emergency Petroleum Allocation Act of 1973 (EPAA), since the EPAA was enacted to provide authority to impose allocation and price controls as to only those petroleum resources on which refiners were dependent and which in late 1973 were actually or threatened to be in short supply. In late 1973, crude oil substitutes were not available in commercial quantities for use as refinery or petrochemical feedstocks, and were not expected to become commercially available for several years.

FEA has recently received inquiries from refiners that are currently purchasing or contemplating the purchase of crude oil processed from oil shale for use as a refinery feedstock as to the status of such oil shale crude oil under the entitlements program. Crude oil processed from oil shale is now, in fact, commercially available in the United States in limited quantities.

FEA believed that publication of its statement of position with reference to crude oil substitutes, in Ruling 1976–4, would permit such crude substitutes, when they became available, to sell in the market at levels competitive with price-exempt refinery and petrochemical feedstocks, such as imported and stripper well crude oil. However, based on the recent refiner inquiries, FEA has determined that the crude oil substitutes are not likely to sell at exempt or world market level prices unless refiners receive entitlement issuances for processing such feedstocks under the entitlements program on the same basis as is in effect for all other crude oils. Generally speaking, if refiners do not receive entitlement issuances for the use of this type of feedstock, they will only be willing to pay a price at or about the level of their effective cost (after entitlements) for other feedstocks which they utilize. A refiner's effective cost for a feedstock is calculated by adjusting the price paid for the feedstock by the benefits or obligations the refiner receives or incurs under the entitlements program for use of that feedstock. If refiners will only be willing to pay a price for the crude oil substitutes comparable to their cost (after entitlements) for other feedstocks, the crude substitutes will only sell at that level and will effectively be under a form of price controls. It is apparent that this result would be contrary to FEA's determination, as set forth in Ruling 1976–4, that Congress did not intend for price controls to be imposed on crude oil substitutes.

To avoid this result, FEA proposes to amend the entitlements program so that crude oil processed from oil shale will be treated the same under the program as are all crude oils which are exempt from price controls. To this end, refiners would be allowed to include the volumes of crude oil substitute processed from oil shale deposits that they utilize as a refinery feedstock within their crude oil runs to stills reported under the entitlements program. Since the proposed amendment will allow refiners who utilize oil shale crude oil to receive the cost-equalization benefits of the entitlements program, the amendment will serve to permit the oil shale crude oil to be marketed at a level equivalent to that of exempt and imported crude oils.

This proposal is consistent with the policy objective expressed by Congress in section (2)(3) of the Energy Policy and Conservation Act, i.e., "to increase the supply of fossil fuels in the United States, through price incentives. * * *" It should be noted that synthetic crude oil made from tar sands and imported from Canada was previously made eligible for entitlement issuances effective August 1, 1975 (40 FR 39847, August 29, 1975).

FEA believes the proposed amendment of the entitlements program will also serve to effectuate one of the purposes of the Federal Energy Administration Act of 1974, stated in section 2(a) of that Act:

> * * * to promote the expansion of readily usable energy sources, and to assist in developing policies and plans to meet the energy needs of the Nation * * *.

Based on reports submitted by firms which are conducting research on methods of recovering crude oil substitutes from oil shale, tar sands, and coal, FEA believes that crude oil substitutes have the potential to provide an important supplement to the nation's requirements for liquid fuels in the future. Extensive deposits of the requisite source materials are known to exist within the continental United States, and processes currently exist or are being developed which appear to render economically feasible the recovery of liquid fuels from these sources.

II. Proposed Amendments

To implement this amendment, FEA proposes to add a definition of "oil shale crude oil" to 10 CFR 211.62, which will define the crude oil substitute proposed to be included as an eligible feedstock under the entitlements program as the initial liquid hydrocarbons which are produced from deposits of oil shale located within the United States. The term "oil shale" will be further defined as: "A fine-grained sedimentary rock containing insoluble organic matter that yields substantial amounts of crude oil by destructive distillation."

FEA also proposes to amend 10 CFR 211.67(d) by adding a subparagraph (8). This will permit domestic refiners to include in their crude oil runs to stills in a particular month the total volume of oil shale crude oil which they utilize in that month as a feedstock in their distillation units. The effect of this amendment will be to allow refiners to be issued entitlements for the volumes of synthetic fuel from oil shale which they use as a feedstock in the same manner as they

currently receive entitlements on the volumes of all other crude oils which they process. In addition, a refiner will incur no entitlement obligations under 10 CFR 211.67(b) with respect to the inclusion of oil shale crude oil in its crude oil receipts. The treatment of oil shale crude oil under the entitlements program will thus be analogous to the treatment thereunder of the exempt and imported crude oils.

The amendment is proposed to be made effective for crude oil runs to stills in August 1977, for which entitlement transactions take place in October 1977.

III. Specific Comments Requested

FEA is informed that processes are currently in the developmental stage for recovering synthetic liquid fuels from sources other than oil shale. FEA is not aware that any such other synthetic fuels are currently available in commercial quantites and for this reason is not including these other synthetic fuels in this proposed rulemaking. However, in addition to requesting comments on the proposed rule, FEA also requests comments as to whether any other domestically produced synthetic liquid fuels should be made eligible for inclusion in the entitlements program for the same reasons as the above proposal with respect to oil shale crude oil.

IV. Comment Procedures

A. Written Comments

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposal set forth in this notice. Comments should be submitted to the address indicated in the addresses section of this preamble and should be identified on the outside envelope with the designation "Inclusion of Oil Shale Crude Oil as a Feedstock Under the Entitlements Program." Fifteen copies should be submitted. All comments received by FEA will be available for public inspection in the FEA Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. Public Hearing

1. *Request procedure.* The time and place for the hearing is indicated in the dates section of this preamble. If necessary to present all testimony, the hearing will be continued to 9:30 a.m. of the first business day following the date of the hearing shown above.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make an oral presentation. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through the day before the hearing.

Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., August 19, 1977 and must submit 100 copies of his or her statement to Regulations Management, Room 2214, 2000 M Street NW., Washington, D.C., before 4:30 p.m., e.d.t. on August 25, 1977.

2. *Conduct of the hearing.* The FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing, to Executive Communications before 4:30 p.m., e.d.t., August 24, 1977. Any person who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

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

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is proposed to be amended as set forth below.

Issued in Washington, D.C., July 26, 1977.

J. Peter Luedtke,
Acting General Counsel.

1. Section 211.62 is amended by adding a new definition of "oil shale crude oil" in appropriate alphabetical order to read as follows:

§ 211.62 Definitions.

* * * * *

"Oil shale crude oil" means the initial liquid hydrocarbons produced from deposits of oil shale located within the United States. For the purposes of this definition, the term "oil shale" means a fine-grained sedimentary rock containing insoluble organic matter that yields substantial amounts of crude oil by destructive distillation.

* * * * *

2. Section 211.67 is amended in paragraph (d) to add a new subparagraph (8) to read as follows:

§ 211.67 Allocation of domestic crude oil.

* * * * *

(d) *Adjustments to volume of crude oil runs to stills.* * * *

(8) The volume of a refiner's crude oil runs to stills in a particular month for purposes of the calculations in subparagraph (1) of paragraph (a) of this section and the calculations for the national domestic crude oil supply ratio shall include the total number of barrels of oil shale crude oil which are utilized in that month as inputs to distillation units by a refiner, measured in accordance with the Bureau of Mines Form 6-1300-M.

[FR Doc.77-21939 Filed 7-28-77;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 296]

[EDR-330; Docket No. 30362; Dated: July 26, 1977]

INTERNATIONAL AIR FREIGHT SHIPMENTS

Advance Notice Concerning Commissions or Other Payments

AGENCY: Civil Aeronautics Board.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This advance notice invites comments from international air freight forwarders, international air freight agents, shippers, direct air carriers, the Department of Justice, the Federal Trade Commission, and other governmental agencies, private entities, and interested persons, concerning the Board's policies on the payment by direct air carriers of commissions or other fees in connection with international air freight shipments. This proceeding is being instituted in response to a rulemaking petition filed by the Air Freight Forwarders Association.

DATES: Comments by: September 12, 1977. Reply comments by: October 3, 1977. Requests to be placed on the Service List by: August 8, 1977.

ADDRESSES: Comments should be sent to Docket 30362, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Comments may be examined at the Docket Section, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Direct air carriers carrying air freight in foreign air transportation outbound from the United States now receive most of that freight from three types of entities: Shippers, international air freight agents [1] and air freight forwarders, both international air freight forwarders (U.S. citizens) and foreign air freight forwarders (foreign citizens) holding operating authorizations or certificates issued by the Board. Shippers, who typically are owners, buyers, or sellers of the freight that they tender, must pay the direct carrier's full tariff rate when they tender freight to the carrier. When shippers tender freight to an IATA agent, the shippers also pay the direct carrier's full tariff rate, and the agent receives a commission (currently, 5 percent of the price of the shipment) from the air carrier. When a shipment is tendered to an international air freight forwarder, however, the shipper is charged the rate established in the forwarder's own tariff, and the direct carrier's charges, which the forwarder in turn must pay, have no necessary connection to the charges that the shipper has paid to the forwarder. Therefore, because the forwarder consolidates a number of shipments into one lot and pays the direct carrier's volume rate for the larger shipment so assembled, while at the same time charging the shipper his own charge for the small shipment, the forwarder's financial return is made from the difference between the two charges.[2] The forwarder may not lawfully receive a commission from the direct carrier, the Board having historically held that a forwarder cannot be both an agent for a direct carrier and an indirect carrier in its own right with respect to the same shipment.[3]

It should be emphasized that the general rules regarding commissions outlined above apply only to international transportation outbound from the United States. Historically, the Board has not actively regulated the indirect air transportation of property in foreign air transportation inbound to the United States, and, in keeping with that policy, amended its rules in 1958 to exempt international air freight forwarders from sections 403 and 404 of the Act in regard to property inbound to the United States.[4] A second fact that should be noted is that the same person or firm may be both an authorized international air freight forwarder and an IATA agent, and the Board's rules (14 CFR 296.4) permit a forwarder to accept a shipment for transportation first, and then to decide whether to ship it as an IATA agent on a direct carrier's bill of lading, or to handle the shipment on its own airbill in its own forwarder service.

The Air Freight Forwarders Association (AFFA) has now filed a petition for rulemaking requesting either the modification of our Economic Regulations (14 CFR § 296.11) to permit payment of commissions to forwarders for consolidated shipments moving from the United States, or, in the alternative the issuance of a Policy Statement recognizing that freight forwarders may be compensated for delivering freight shipments to the direct carriers "ready for carriage."[5] AFFA argues that U.S. forwarders are placed at a competitive disadvantage vis-a-vis freight forwarders in other countries, since the international cargo rate structure of the direct carriers is based on payment of commissions to forwarders for consolidated shipments, as well as on agency traffic. Petitioner stresses that in no other country except the United States are forwarders prohibited from receiving commissions on consolidated shipments.

According to AFFA, the air freight rates established by the direct carrier members of IATA do not provide adequate incentives for the forwarder to solicit or tender consolidated shipments: The general commodity rate structure allows an insufficient spread in weight-breaks to compensate the forwarder; while the specific commodity rates begin at a weight level too high for the volume of traffic normally generated by the forwarder. The IATA rate structure is thus said to be oriented primarily toward individual shipments and large shippers.

AFFA also argues that if forwarders were allowed to receive commissions on outbound consolidated shipments, the status of the forwarders would not be converted from indirect carriers to agents of the direct carriers, as claimed by the opponents of the proposal, since the forwarder would remain a carrier with respect to the underlying shipper. AFFA argues that objections to its proposal on the grounds that commissions would constitute a rebate to the forwarder as a shipper are "merely semantic."

If the Board is unwilling to adopt the proposed amendment to Part 296, AFFA asks, as an alternative, that it adopt a Policy Statement to the effect that the direct carriers may compensate forwarders for their services in providing shipments which are "ready for carriage." These services include such things as containerizing shipments and preparing airbills, manfests, and other documentaton, and the fee would be compensation for those services performed by the forwarders which are otherwise performed by the direct carriers themselves upon receipt of a shipment. AFFA argues that forwarders are not now compensated for these "ready for carriage" services, thereby providing the direct carriers with such services free of charge.

In its answer in support of the AFFA petition, AEI argues that conditions in the international freight forwarding industry have materially changed since the Board denied a similar request by AEI for commissions in 1969.[6] AEI states that the forwarders' operating costs have greatly increased in the past five years alone. For example, labor costs in New York City have increased 77 percent. AEI also cites several other tariff developments that have restricted the forwarders' compensation and have reduced their incentive to consolidate shipments. AEI states that these problems cannot be realistically solved by modifications in the IATA rate structure, and that the relief requested should be granted.

The remaining forwarders answering the petition also strongly support the requested relief. Only one respondent, American Airlines, opposes the request, on the grounds that no inadequacy in

[1] These agents are so designated by International Air Transport Association members, and hence are commonly referred to as "IATA agents."

[2] Even if the forwarder does not consolidate the shipment, the charges might not be the same, since the rate established in the forwarder's tariff for a particular shipment need not be the same as that established by the direct carrier for the same shipment.

[3] Air Freight Forwarders Case (International); 11 C.A.B. 182, 189 (1949).

[4] International Airfreight Forwarder Investigation, 27 C.A.B. 658, 721-22 (1958).

[5] Answers in general support of the petition were filed by Air Express International (AEI), Pan American World Airways, W. R. Zanes & Co. of La., William H. Masson, Inc., DCI International, Target Air Freight, International Customs Service, Globe Shipping, National Customs Brokers and Forwarders Association, and Behring International. American Airlines answered in opposition, and the International Airfreight Agents Association answered in partial support.

[6] See letter from the Secretary of the Board, to counsel for AEI, dated April 18, 1969, Docket 20428.

compensation has been shown, that discrimination is not present since all forwarders are treated similarly on outbound U.S. shipments, and that the "ready for carriage" fees are not true "additional services" justifying increased compensation.

Upon consideration of the petition, the answers, and all relevant matters, we have decided that there has been a sufficient persuasive showing to lead us to give further consideration to the general question of whether the Board should adopt new regulations or policies concerning the payment of commissions or other compensation to intermediaries such as international forwarders or IATA agents, or to underlying shippers themselves.

It appears that the commission which IATA agents now receive is given because of their performance of services of value to the direct carriers. The services characterized by petitioner as "ready for carriage" services are allegedly also services of value, but are performed for the carriers by international air freight forwarders without compensation. These services are said to include "preparation and rating of the direct air carrier airwaybill; the preparing of the air cargo manifest; compliance with all United States Department of Commerce Regulations, including the preparation of shipper export declarations or their equivalent; preparation and affixing of proper labels on all pieces of freight which include airline airbill number, destination airport, piece count and compliance with, and furnishing the individual shipper's certificate of compliance for, restricted articles procedures; and the providing of terminal handling facilities located on forwarder terminal premises for containerization of small shipments and delivering the loaded container to the IATA carrier." (Petition, at p. 7)

There is, therefore, an apparent disparity in the Board's regulatory treatment of the two similarly situated classes of intermediaries, and we thus wish to solicit the views of the public in order to better inform ourselves on the general question of what kinds and amounts of compensation, if any, should be paid to what classes of agents, forwarders or shippers, for services performed in connection with outbound U.S. air freight transportation. While the issue as phrased here is broader than that proposed by the petitioners, we believe that this broadening is necessary if we are to examine all aspects of the problem with a view to adopting rules that would treat all types of entities tendering freight to the direct carriers equitably.[7]

While we will carefully review all comments relevant to the general issue set forth in the preceding paragraph, we are particularly inviting the views of interested persons to focus on the following questions:

1. What precise kinds of sales, accessorial, "ready for carriage," or other similar services are now usually performed by IATA agents, by international air freight forwarders, by shippers and by the direct carriers?

2. What are the typical costs of each of the services described in answer to question 1, above, to the person or firm performing the service?

3. Identify any differences in costs which would result if the services were performed by a person or firm other than that now performing it (e.g., what net savings results if a particular service is performed by direct carriers, rather than by shippers themselves)?

4. What are, and what should be, the forwarder and direct carrier tariff provisions relating to each of the services identified in answer to question 1, above?

5. Should a system of fees other than the existing percentage commissions be devised?

6. What classes of persons or firms should be eligible to receive those fees?

7. What commission or fee regulations would be most compatible with the purposes of the Federal anti-trust and trade regulation laws?*

REQUEST FOR COMMENTS

Interested persons may participate in this proceeding by submitting 20 copies of written data views or arguments addressed to: Docket 30362, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All comments received by September 12, 1977, and reply comments received by October 3, 1977, will be considered by the Board before taking further action.

Those persons planning to participate who wish to be served with the comments of others, and who are willing to serve their own comments and reply comments on others, may, on or before August 8, 1977, request the Docket Section to place them on the Service List. The Service List will be prepared by the Docket Section and mailed to those named on it. Persons filing responsive comments should serve any person whose comment is dealt with in their responsive comment, whether or not either party is on the Service List.

Individual members of the general public who wish to express their interest as consumers may do so by submitting comments in letter form, in the manner and by the dates indicated above, without the necessity of filing additional copies.

(Secs. 204, 401, 403, 404(b), 72 Stat. 743, 754 (as amended), 758 (as amended), 760; (49 U.S.C. 1324, 1371, 1373, 1374).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-21943 Filed 7-28-77;8:45 am]

[7] The scope of this rulemaking shall be limited to overseas and foreign air transportation, however, in keeping with the scope of the authority to act as agent for a direct carrier contained in 14 CFR 296.4.

* The Board particularly invites the comments of the Federal Trade Commission and the Department of Justice on this question.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 4]

[Notice No. 304 amended]

LABELING AND ADVERTISING OF WINE

Appellation of Origin, Grape Type Designation, Etc.; Postponement of Hearings

AGENCY: Bureau of Alcohol, Tobacco and Firearms.

ACTION: Proposed rules; postponement of hearings.

SUMMARY: This notice changes the dates of the previously scheduled public hearings as published in the FEDERAL REGISTER on June 15, 1977 (42 FR 30517).

DATES: Submit written comments by December 3, 1977.

WASHINGTON, D.C. HEARING

Submit requests to present oral testimony by September 20, 1977. The hearing will be held on September 27 at 10 a.m. with an evening session commencing at 7:30 p.m.; and on September 28 at 10 a.m.

SAN FRANCISCO HEARING

Submit requests to present oral testimony by October 18, 1977. The hearing will be held on November 1–3 commencing at 10 a.m. with an evening session at 7:30 p.m. on November 1.

The hearing record will close at 5 p.m., December 3, 1977.

ADDRESS: Send comments and requests to testify to Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226.

The Washington, D.C. hearing will be held in Room 5041, Federal Building, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226.

The San Francisco hearing site has been changed to the Sheraton Palace Hotel, 639 Market Street at New Montgomery Street, in the Comstock Room, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT:

The principal author, D. R. Royce, Coordinator, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226, (202–566–7626).

Signed: July 27, 1977.

REX D. DAVIS,
Director.

[FR Doc.77-22010 Filed 7-28-77;8:45 am]

Fiscal Service

[31 CFR Part 214]

FEDERAL RESERVE BANKS AS FEDERAL TAX DEPOSITARIES

Proposed Rulemaking

AGENCY: Fiscal Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Treasury Department is proposing to amend its regulations

governing the use of Federal Reserve Banks as depositaries of Federal taxes, to increase the efficiency of that segment of the Federal Tax Deposit System.

DATES: Comments on this proposal must be received on or before August 29, 1977. The Treasury intends to issue a final rule to be effective on January 1, 1978.

ADDRESSES: Comments or inquiries should be sent to the Fiscal Assistant Secretary, Office of the Secretary, Department of the Treasury, Room 2112, Washington, D.C. 20220.

FOR FURTHER INFORMATION CONTACT:

Mr. John Kilcoyne, Assistant Fiscal Assistant Secretary (Banking), Office of the Secretary, U.S. Treasury Department, Washington, D.C. 20220, 202-566-2553.

SUPPLEMENTARY INFORMATION: Under the proposed amendments, a taxpayer who mails or delivers a payment of Federal taxes to a Federal Reserve Bank or Branch other than the Bank or Branch servicing the territory from which the payment is mailed or delivered, or who does not make payment in the form of cash, a postal money order, certain Treasury Bills or an immediate credit item, will no longer be able to benefit from the standard of timeliness of payment set forth in 31 CFR § 214.6(b)(3) (date of receipt of the payment at the Federal Reserve Bank), but will be held to a stricter standard, to be set forth in a new paragraph § 214.6(b)(4), (date of actual collection of funds of the payment). An immediate credit item is a check or other payment instrument for which immediate credit is given in accordance with the check collection schedule of the receiving Federal Reserve Bank or Branch.

To give further guidance and background information to the public, the Treasury is setting forth herein an explanation of the tax deposit system of 31 CFR Part 214, and the amendments it is proposing to enhance the efficiency of the system. The Federal Tax Deposit System and the Treasury Tax and Loan Account System provide an efficient collection system for most (approximately 70%) of the Federal Government's revenues. This collection system, which has evolved during the past 30 years and is instituted on the basis of Part 214, is designed to enable tax depositors to make tax deposits, payable under the Federal Tax Deposit System, through the commercial banks with which they maintain their checking accounts. Thus, not only does this system benefit the Government by making possible the efficient inflow of most of its revenues but it also benefits the tax depositor by providing him the convenience of using his own commercial bank. The preferred and most efficient method of deposit is with the tax depositor's commercial bank.

Part 214 also permits—as a secondary place of deposit under the Federal Tax Deposit System—deposits of Federal taxes at Federal Reserve Banks or Branches. Currently, when these deposits are made by check, they may be made at any Federal Reserve Bank with a check drawn on any commercial bank. As compared to a deposit at an authorized commercial bank, the current provisions permit and generally result in a slower availability of funds to the Treasury. Accordingly, the Treasury Department proposes to revise the procedure for depositing Federal taxes directly with Federal Reserve Banks to increase the efficiency of that segment of the collection process.

Specifically, the Treasury proposes to amend 31 CFR 214.6(b)(1) so that Federal Reserve Banks are required to accept only tax deposits (a) mailed or delivered by a taxpayer located within the territorial boundaries of the receiving Federal Reserve Bank (local Federal Reserve Bank) and (b) made in the form of cash, postal money order, certain Treasury Bills, or an immediate credit item. (An immediate credit item is a check or other payment instrument for which immediate credit is given in accordance with the check collection schedule of the receiving Federal Reserve Bank or Branch.)

The Treasury also proposes to amend 31 CFR 214.6(b)(3) to set the date of receipt by the local Federal Reserve Bank of a tax payment made in accordance with (b)(1) as the date of payment. However, if a payment to a local Federal Reserve Bank is made by mail the provisions of 26 U.S.C. 7502 may be applicable. Those provisions credit a taxpayer with payment as of the date a payment is mailed if the deposit is received after the due date but the depositor can prove it was mailed at least two days before the payment was due.

The Treasury also proposes to add a new paragraph (b)(4) to 31 CFR § 214.6. The new paragraph provides that a deposit of Federal taxes which is not made in accordance with (b)(1) will nevertheless be processed by the receiving bank rather than returned to the taxpayer. However, such a tax payment will be credited as paid based upon the date of actual collection of the proceeds of the payment. If such deposit is made by mail, the provision of 26 U.S.C. 7502 will not apply.

In addition, the Treasury proposes an editorial amendment to 31 CFR 214.6(b), which contains the introduction to these deposit requirements, to smooth the transition from the introduction to the four paragraphs of requirements, and to include the definition of an immediate credit item in § 214.2.

The Treasury Department has determined that this proposed rulemaking is not a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OBM Circular A-107.

These amendments are proposed under the authority of Sec. 10, Act of June 11, 1942, Chapter 404, 56 Stat. 356, as amend, (12 U.S.C. 265); Sec. 15, Act of December 23, 1913, Chapter 6, 38 Stat. 265 (12 U.S.C. 391); Sec. 8, Act of September 24, 1917, Chapter 56, 40 Stat. 291, as amended, (31 U.S.C. 771), and § 6302(c), Internal Revenue Code of 1954; and 5 U.S.C. 553.

Accordingly, the Treasury Department proposes to amend 31 CFR Part 214 as follows:

§ 214.2 [Amended]

1. By adding the definition for an "immediate credit item" to § 214.2 to read as follows: "Immediate credit item" means a check or other payment instrument for which immediate credit is given in accordance with the check collection schedule of the receiving Federal Reserve Bank or Branch.

2. By revising paragraphs (b) introductory text, (b)(1), and (b)(3) of § 214.6 to read as follows:

§ 214.6 Handling of deposits of Federal taxes.

* * * * *

(b) *Deposits with Federal Reserve Banks.* When handling Federal tax deposits, a Federal Reserve Bank, through any of its offices, shall comply with the following requirements:

(1) A Federal Reserve Bank shall accept a tax deposit directly from a taxpayer when such tax deposit is:

(i) Mailed or delivered by a taxpayer located within that Bank's territorial boundaries and,

(ii) In the form of cash, a check drawn to the order of that Bank and considered to be an immediate credit item by that Bank, a postal money order drawn to the order of that Bank, or Treasury Bills, as authorized in Part 309 of this Chapter, covering an amount to be deposited as Federal taxes and,

(iii) Accompanied by a Federal tax deposit form on which the amount of the tax deposit has been properly entered in the space provided.

* * * * *

(3) When a deposit of Federal taxes is made in accordance with the requirements of paragraph (b)(1) of this section, a Bank shall place in the space provided on the face of each Federal tax deposit form accepted directly from a taxpayer, a stamp impression reflecting the name of the Bank and the date on which the tax deposit was received by the Bank so that the timeliness of the Federal tax payment can be determined. However, if such a deposit is mailed to a Bank, it is subject to the "Timely mailing treated as timely filing and paying" clause of section 7502 of the Internal Revenue Code (26 U.S.C. 7502).

3. By adding a new paragrah (b)(4) to § 214.6 to read as follows:

§ 214.6 Handling of deposits of Federal taxes.

* * * * *

(b) * * *

(4) When a deposit of Federal taxes is not in accordance with the requirements governing form of payment set forth in paragraph (b)(1) of this section, a Bank shall place in the space provided on the

face of each Federal tax deposit form a stamp impression reflecting the name of the Bank and the date on which the proceeds of the accompanying payment instrument are collected by the Bank. This date shall be used for the purpose of determining the timeliness of the Federal tax payment.

Dated: July 22, 1977.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.77-21865 Filed 7-28-77;8:45 am]

DEPARTMENT OF DEFENSE

Defense Intelligence Agency

[32 CFR Part 292a]

[DIA Reg. No. 12-12]

PART 292a—PRIVACY ACT OF 1974

Proposed Rule Amendment

AGENCY: Defense Intelligence Agency (DIA).

ACTION: Proposed rule amendment.

SUMMARY: This proposed rule amendment is intended to improve the clarity of existing exemption rules under the Privacy Act of 1974. The present rules are duplicative as to the specific exemption authority (para (k)(1), 5 U.S.C. 552a). The present general exemption rule, as written, is not applicable to any particular identfiable system of records (para (j)(2), 5 U.S.C. 552a). Certain deletions and changes will eliminate the obscurity.

DATES: Comments must be received on or before August 29, 1977.

ADDRESS: Office of the General Counsel, Defense Intelligence Agency, The Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT:

Mr. John R. Brock, address as above, or telephone 202-697-3945.

SUPPLEMENTARY INFORMATION: This proposed rule amendment would change § 292a.22 by modifying existing paragraph (a) and deleting existing paragraphs (b) and (d). Existing paragraph (c) contents remain unchanged and will be reidentified as (b). § 292a.23 would be changed by deleting existing specific exemptions of record systems identified in paragraphs (a), (b) and (c) as these record systems are exempted under authority of 5 U.S.C. 552a(k)(1) which is already provided for under existing paragraph (e) which will be redesignated paragraph (b) in § 292a.22. The (k)(1) authority for exemption for record systems in existing paragraphs (d) and (e) are deleted for the same reason.

It is therefore proposed to amend § 292a.22 and § 292a.23 to read as follows:

§ 292a.22 General information.

(a) The Director, Defense Intelligence Agency designates the following systems of records listed in § 292a.23 which are maintained by the DIA for exemptions under the specified provisions of the Privacy Act of 1974 (Pub. L. 93-579).

(b) All systems of records maintained by the DIA will be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k)(1) to the extent that the system contains any information properly classified under Executive Order 11652, "Classification and Declassification of National Security Information and Material," 8 March 1972 (37 FR 10053, 19 May 1972), and which is required by the Executive Order to be kept secret in the interest of national defense or foreign policy. This exemption, which may be applicable to parts of all systems of records, is necessary because certain record systems not otherwise specifically designated for exemptions herein may contain isolated items of information which have been properly classified.

§ 292a.23 Specific exemptions.

(a) *ID:* L DIA 0271.

(1) *System name:* Investigations.

(2) *Exemption:* This system of records is exempt from the following provisions of Title 5, U.S.C., Section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)4)(I) and (f).

(3) *Authority:* 5 U.S.C. 552a(k)(2).

(4) *Reasons.* Granting individuals access to information collected and maintained by this Component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in the concealment, destruction, or fabrication of evidence and jeopardize the safety and well being of informants, witnesses and their families, and law enforcement personnel and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources and methods used by this component and could result in the invasion of the privacy of individuals only incidentally related to an investigation. The exemption of the individual's right of access to the complete record and the reasons therefore necessitate the exemption of this system of records from the requirements of the other cited provisions. However, the individual may have access only to that information provided by himself. The files contain properly classified information under Executive Order 11652 and are required by the Executive Order to be kept secret in the interest of national defense.

(b) *ID:* L DIA 0272.

(1) *System name:* Complaints.

(2) *Exemption.* This system of records is exempt from the following provisions of Title 5, U.S.C., Section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f).

(3) *Authority.* 5 U.S.C. 552a(k)(2).

(4) *Reasons.* Granting individuals access to information collected and maintained by this Component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in the concealment, destruction or fabrication of evidence and jeopardize the safety and well-being of informants, witnesses and their families, and law enforcement personnel and their families. Disclosure of this information could also reveal and render ineffective investigative techniques, sources and methods used by this component and could result in the invasion of the privacy of idnividuals only incidentally related to an investigation. The exemption of the individual's right of access to the complete record and the reasons therefore necessitate the exemption of this system of records from the requirements of the other cited provisions. However, the individual may have access only to that information provided by himself. The files contain properly classified information under Executive Order 11652 and are required by the Executive Order to be kept secret in the interest of national defense.

JOHN B. BROCK,
General Counsel,
Defense Intelligence Agency.

JULY 26, 1977.

MAURICE W. ROCHE,
Director, Correspondence and Directives OACD (Comptroller).

[FR Doc.77-21940 Filed 7-28-77;8:45 am]

POSTAL SERVICE

[39 CFR Part 111]

IDENTIFICATION STATEMENTS IN SECOND-CLASS AND CONTROLLED CIRCULATION PUBLICATIONS

Proposed Requirements

AGENCY: United States Postal Service.

ACTION: Proposed rule.

SUMMARY: This notice presents for comment a proposed amendment to Postal Service regulations to modify the requirements concerning the wrapper information and identification statements furnished by the publishers of second-class and controlled circulation publications. The proposed amendment would require the wrapper of each publication to bear the number assigned to that publication by the Director of the Office of Mail Classification, and would specify a location for the publisher's identification statement which must appear in each publication. These provisions would enable the Postal Service to collect more accurate revenue and cost data, and facilitate address correction services.

DATES: Comments must be received on or before August 29, 1977.

ADDRESSES: Director, Office of Mail Classification, Rates and Classification Department, United States Postal Service, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Clent Crocker, 202-245-4394.

SUPPLEMENTAL INFORMATION: Under existing postal regulations, Postal Service Manual § 125.26, the wrapper of a second-class publication must bear the publication's notice of entry, the name of the publication, and the address to which undeliverable copies or change of address notices are to be sent. Because a number of publications have similar names, the Postal Service often directs change of address notices to the wrong publishers, and collects erroneous revenue and cost data. In order to alleviate this problem, the Postal Service proposes to require the sender of a second-class publication to include on the publication wrapper the number assigned to the publication by the Director of the Office of Mail Classification of the Rates and Classification Department. In addition, the Postal Service proposes to amend Postal Service Manual § 133.3 to remedy a similar problem regarding controlled circulation publications by requiring each publication's number to appear in the notice of payment of postage printed or handstamped on its wrapper.

Existing postal regulations, Postal Service Manual §§ 132.25 and 133.3, require a publisher's identification statement to be printed on one of the first five pages of each copy in a position where it "may be easily located by postal employees and other interested persons." In practice, postal employees have experienced difficulty in locating identification statements in some publications. This has increased the costs of providing address correction services and of collecting cost data. In an attempt to correct this situation, the Postal Service proposes to require the publishers' identification statement to be printed in type no smaller than the normal text type in one of the following locations: (1) On one of the first five pages (preferably in the masthead) or (2) in the masthead on the editorial page (provided the location of the editorial page is shown on the front page of the publication in the table of contents).

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed amendments of the Postal Service Manual:

PART 125—SECOND-CLASS BULK MAILINGS

1. Section 125.26 of the Postal Service Manual is revised to read as follows:

.26 Sealed or unsealed envelopes used as wrappers and sealed wrappers or other sealed covers must show in the upper right corner a notice of entry and the publication number assigned to the publication by the Director, Office of Mail Classification (for example, Second-Class Postage Paid at Cleveland, Ohio: Publication Number 000000). The upper left corner must show the name of the publication and the mailing address to which undeliverable copies or change of address notices are to be sent. See 132.25f and 159.224 for additional instructions.

PART 132—SECOND CLASS

2. Section 132.25 of the Postal Service Manual is revised to read as follows:

.25 Identification Statements in Copies. Copies of publications entered as second-class mail and copies of publications awaiting approval of their Application For Second-Class Mail Privileges must have an identification statement conspicuously shown in type no smaller than the normal text type in one of the following locations: (1) On one of the first five pages (preferably in the masthead) or (2) in the masthead on the editorial page (Provided, The location of the editorial page is shown on the front page of the publication in the table of contents.) The identification statement must contain all of the following items:

a. *Name of publication.* In addition to being included in the identification statements, the name of the publication must also be shown on the front in a position and in a style and size of type that makes it clearly distinguishable from the name of the publisher or other items on the front.

b. *Date of issue.*

c. *Statement of frequency.*

d. *Issue number.* The issues of each publication must be numbered consecutively. The consecutive numbering of published issues may not be broken by assigning numbers to issues unavoidably omitted.

e. *Subscription price,* if the publication has one.

f. *Name of known office of publication and ZIP Code,* including street and number if there is letter carrier service, must be printed in a position or in a style and size of type or with a designation that makes it clearly distinguishable from the names of other offices of the publication. If there is no United States Post Office at the place where published (foreign publication) the name of the post office where mailed must be shown as the office of publication.

g. *Second-class imprint and publication number,* which reads "Second-Class Postage Paid at _____; Publication Number _____". If a publication is mailed at two or more offices, the imprint must read "Second-Class Postage Paid at _____ and at additional mailing offices; Publication Number _____".

OR

Notice of pending application. If copies are mailed while an application is pending, a notice must be included which reads "Application To Mail At Second-Class Postage Rates Is Pending At _____".

h. *Mailing address for change of address orders.* A statement, indicating where change of address orders are to be sent, which reads: "POSTMASTER: Publication ID No. _____. Send change of address orders to (*Publication name and mailing address*)." See 125.26 regarding publications which are wrapped.

PART 133—CONTROLLED CIRCULATION PUBLICATIONS

3. Section 133.3 of the Postal Service Manual is revised to read as follows:

133.3 Identification Statements. Copies of publications entered as controlled circulation mail must have an identification statement conspicuously shown in type no smaller than the normal text type in one of the following locations: (1) On one of the first five pages (preferably in the masthead) or (2) in the masthead on the editorial page (provided the location of the editorial page is shown on the front page of the publication in the table of contents). The identification statement must contain all of the following items:

a. *Name of publication.* In addition to being included in the identification statements, the name of the publication must also be shown on the front in a position and in a style and size of type that makes it clearly distinguishable from the name of the publisher or other items on the front.

b. *Date of issue.*

c. *Frequency of issue.*

d. *Address of publisher,* including street and number if there is letter carrier service and the ZIP Code.

e. *Subscription price,* if the publication has one.

f. *Controlled circulation imprint and publication number,* reading: "Controlled Circulation Postage Paid at _____; Publication Number _____." If a publisher has filed applications at more than one post office, and has received authorizations at each office, the imprint must read: "Controlled Circulation Postage Paid at _____; Publication Number _____ and at _____; Publication Number _____".

OR

Notice of pending application. If copies are mailed under deposits of money, a statement must be included which reads: "Application To Mail At Controlled Circulation Rates is Pending at _____" A notice must be printed or handstamped on the envelopes or wrappers in which copies are mailed, reading: "Controlled Circulation Postage Paid at _____; Publication Number _____". If a publisher has filed applications at more than one post office and has received authorizations at each office, the notice must read: "Controlled Circulation Postage Paid at _____; Publication Number _____ and at _____; Publication Number _____".

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401, 404, 3626, 3685.)

W. ALLEN SANDERS,
Assistant General Counsel, Legislative Division.

[FR Doc.77-21824 Filed 7-28-77;8:45 am]

[39 CFR Part 111]

BUSINESS REPLY MAIL

Handling Business Reply Mail With Postage Affixed

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The proposed rule would specify that business reply mail (BRM) bearing postage will be handled the same way as all other BRM, i.e., applicable business reply postage and fees will be charged without deducting the amount of any postage stamps affixed. However until March 15, 1978 customers may apply for a refund of the postage affixed upon presenting to the postmaster appropriate evidence of the amount of excess postage paid. The business reply fee will not be refunded.

The relatively recent practice of some business reply permit holders in encouraging their correspondents to place stamps on BRM has created difficulties for the Postal Service. Post offices across the country have responded in various ways to the practice. It is the purpose of this proposed rule to discourage the practice and to clarify the response of postal employees handling such mail.

DATE: Comments must be received on or before September 1, 1977.

ADDRESS: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Clent Crocker, 202-245-4394.

SUPPLEMENTARY INFORMATION:

Under 131.231 of the Postal Service Manual business reply is a unique service whereby a postal customer may choose to distribute specially printed business reply cards, envelopes, cartons and labels for use by mailers in sending mail to the distributor without prepayment of postage. The Manual also provides that the address side of BRM must be prepared both as to style and content in the particular forms shown. PSM 131.234. The business reply format enables postal employees promptly to recognize BRM so that postage and fees will be collected before delivery. Any use of this format for a purpose other than identifying BRM would tend to defeat the purpose of the distinctive format and would not be authorized by existing postal regulations.

A number of users of BRM have been encouraging their correspondents to place postage stamps on BRM pieces. Placing postage stamps on BRM is basically inconsistent with the concept of postage payment for BRM, which is to authorize mailing without prepaying postage. In addition, if prepayment of postage on BRM were permitted this would render pointless the distinctive format of BRM, which is to identify postage due mail. If BRM with stamps affixed were to be handled like prepaid mail postal employees could no longer automatically associate the business reply format with postage due mail, and regular BRM would mix with the prepaid mail thereby bypassing the postage due unit and getting a free ride to the detriment of postal revenues. On the other hand, if BRM with stamps affixed were to be processed as postage due mail, additional handling would be necessary if the pieces with stamps affixed were to be separated from the regular postage due BRM. However, the cost of any such additional handling would not be covered by the customary business reply postage and fees.

Post offices are now receiving such quantities of BRM with postage stamps affixed that it is necessary to amend postal regulations to specifically prohibit this practice, to collect and retain BRM fees on such mail, and to end refunds for postage affixed to BRM. It is the purpose of the proposed rule to discourage the practice of putting postage on BRM and to explain the procedure for handling any such mail in the future.

Accordingly, although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking, 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revision of the Postal Service Manual:

PART 131—FIRST CLASS

In 131.23 of the Postal Service Manual add new .233g reading as follows:

131.23 **Business Reply Mail.**

* * * * *

.233 Postage and Fees

* * * * *

g. Mailers shall not affix postage to BRM pieces and business reply permit holders must not encourage the practice. Any BRM having postage affixed shall be handled the same as all other BRM. No effort will be made to identify or separate such pieces. Applicable BRM postage and fees will be charged without deducting the amount of any postage stamps affixed. However, until March 15, 1978 customers may request a credit or refund as provided in 147.22, for the amount of postage affixed to BRM pieces by submitting a completed Form 3533, Application and Voucher for Refund of Postage and Fees to the postmaster along with evidence of payment of the amount of excess postage for which a credit or refund is desired.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

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

W. ALLEN SANDERS,
Assistant General Counsel, Legislative Division.

[FR Doc.77-21845 Filed 7-28-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21323; 77-477]

TELEVISION TRANSMITTERS

Use of Subcarrier Frequencies in the Aural Baseband

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: Notice was issued as a result of a petition from Boston Broadcasters, Inc., to amend the Commission's Rules to permit use of subcarriers on TV aural transmitters for purposes of cuing and telemetry. An inquiry was instituted to investigate other possible uses for the aural baseband such as stereo TV, foreign language translation, augmented audio for the blind, etc., and to determine the degree of interest there may be in such uses. Additionally, questions were asked concerning technical specifications, costs for equipment, degradation of present service, and equipment considerations.

DATES: Comments must be received on or before August 18, 1977, and Reply comments on or before August 29, 1977.

ADDRESS: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Stanley Schmulewitz, Broadcast Bureau, 202-632-9660.

SUPPLEMENTARY INFORMATION: In the matter of the use of subcarrier frequencies in the aural baseband of television transmitters (Docket No. 21323, RM-2836). Notice of inquiry.

Adopted: July 1, 1977.

Released: July 15, 1977.

INTRODUCTION

1. This Inquiry is being instituted as a result of a petition received from Boston Broadcasters, Inc., ("BBI"), licensee of television Station WCVB-TV, Channel 5, Boston, Massachusetts. BBI has petitioned the Commission to amend Part 73 of its Rules to permit television stations to use subcarriers on their aural transmitters for the purposes of cuing and corrdinating electronic news gathering (ENG) crews in the field.

2. In support of its petition, BBI calls attention to the burgeoning utilization of ENG in news programming by television stations, a utilization shared by BBI. Further, the petitioner states that in connection with ENG it is vital that

television stations have a means of communicating with the crews in the field for the purposes of cuing, coordinating, etc. In lieu of employing auxiliary broadcast facilities for these purposes (and the consequent use of scarce spectrum space allocated to auxiliary broadcast services) BBI proposes use of subcarriers on the aural transmitters of television stations for accomplishing these communications. Subparagraph 73.682(a)(23) of the FCC Rules presently permits multiplexing of the aural carrier for the puprose of transmitting telemetry and alterting signals from the transmitter site to the control point of a television broadcast station authorized to operate by remote control.

3. For more than a year, WCVB-TV, pursuant to special authority from the Commission, has been testing the use of a 67 kHz subcarrier on its aural transmitter for the purposes of cuing and coordinating its ENG crews. This has been done with the simultaneous use of a 39 kHz telemetry subcarrier. The 39 kHz and 67 kHz subcarriers modulated the main carrier (injection levels) 5 percent and 10 percent respectively. In its test reports, BBI submits that the subcarriers do not interfere with each other nor cause interference to the aural or vissual portions of the television broadcast.[1] The National Broadcasting Company ("NBC"), American Broadcasting Companies, Inc., ("ABC"), and National Association of Broadcasters ("NAB") filed comments supporting the petition. ABC cited tests, similar to those of BBI, carried out by its owned and operated Station, WABC-TV, New York City with similarly favorable results. The NAB stated:

> Although the Association fully supports the instant proposal, the NAB believes that any Rules and Regulations or technical standards which may be established for the use of the television aural subcarrier for remote pickup purposes should be considered in view of potential future utilization of the audio portion of the television signal. For example there has been some interest in suggesting changes to the television preemphasis curve and some thought of increasing the aural deviation to permit higher fidelity sound and more transmission bandwidth for ancillary signals.

Further Applications

4. Since the type of subcarriers proposed by BBI may have additional applications and since there may be other uses for the aural baseband which could be affected by standards developed, it is appropriate that we investigate such applications and uses at this time.

5. *Multi-channel Audio Transmission*—Interest may be developing for stereophonic television sound broadcasting. A Notice of Inquiry, Docket No. 15697, FCC-64-1057, released by the Federal Communications Commission on November 13, 1964, regarding TV stereo elicited few favorable comments and no comments from television broadcasters or their organizations. A Memorandum Opinion and Order, FCC-67803, released July 17, 1967, denied the petitions for rule making that had prompted the Notice, and terminated the proceeding. In its Memorandum Opinion and Order the Commission stated:

> EIA submits that in order to obtain the answers to the technical questions raised by its Broadcast Television System Committee it would take 18 months part time effort of about 100 engineering and scientific personnel and that there is not sufficient interest in the industry to warrant such further study. It urges therefore that the present inquiry be closed without prejudice or deferred to a later date. Among the technical problems which EIA lists for necessary study are compatibility, spectrum utilization, FM carrier deviation, monophonic reception characteristics, receiver and transmitter considerations, transmission effects and field testing * * *

In its concluding remarks the Commission also stated:

> Based upon the character of the responses to our Notice of Inquiry we are convinced that there is no urgent need or demand for adoption of specifications for stereophonic sound for television broadcasting. Not one TV broadcast station or organization of such stations filed any comments. EIA, the representative of most of the TV transmitter and receiver manufacturers, urges us to close the proceeding or defer it to a later date. The Inquiry has, however, served to emphasize the problems that must be solved before material benefits can be derived from the proposed addition of stereo sound. It appears, therefore, that no useful purpose would be served by continuing the present proceeding at this time. In the event that the industry or other interested parties feel that there is sufficient ultimate prospect of TV program improvement through the use of sound stereo, efforts can be directed to the problems referred to above for consideration at a later date.

We are aware that several proposals have been developed through the years for multi-channel TV audio transmission. In the ten years since Docket No. 15697 was terminated, it is possible that technical changes as well as interest by the public and broadcasters in stereo television sound may have occurred. For example, we have noted that recent video tape and videodisc playback equipment has provision for multi-channel sound.

6. *Foreign Language Translation.* Due to the increasing concern with the provision of entertainment and information to minority groups, it appears that there may be an interest in providing a foreign language translation of various telecasts through use of a subcarrier. While the most obvious application is the use of the Spanish language in some parts of the country, other languages may also be desired.

7. *Augmented Audio for the Blind.* Radio dramas were at one time a great source of entertainment which did not involve the use of the visual sense. Since the advent of television, this newer medium has become the primary vehicle for broadcast drama. Since television involves both the visual and aural senses, a person who must depend only upon the aural sense may not be able to completely follow the development of the story. It may, therefore, be useful to the blind to have a subcarrier channel which could augment the information carried by the usual audio portion of the program. The same could apply to sportcasts carried by TV but not radio.

Implementation Considerations

8. The implementation of any of the above applications of TV aural transmitters subcarriers will involve the making of technical evaluations and decisions concerning the feasibility of each application and the most practical method for its implementation. Some of the necessary considerations are listed herein.

9. *Degradation of Service.* It must be determined whether the use of a subcarrier for any purpose will cause degradation of audio or visual transmission or cause interference to adjacent TV channels or other radio services. It is also important to consider the effect that use of aural channel subcarriers will have upon the service area of a TV station: specifically, since modulation of the main aural channel must be reduced to accommodate modulation of the subchannels, to what extent, if any, will aural coverage of the station be affected?

10. *SCA Specifications.* For the use of subcarriers as proposed by BBI. What should the restrictions be for the use of such subcarriers? Also, what should the technical standards be? For example:

(a) To what part of the baseband should such subcarriers be restricted?

(b) What modulation (injection) levels should be authorized?

(c) How many subcarriers may be authorized without causing deterioration of normal television service?

(d) Should we adopt interim standards for the use of subcarriers as proposed by BBI while considering other uses?

11. *Stereo Interest.* We also wish to identify the present interest in stereophonic sound for television as follows:

(a) Is the public interested in stereo TV? Is is sufficiently interested that it would be willing to bear the additional costs involved?

(b) Are broadcasters interested in such transmissions and if so would they make the necessary expenditures to make it a reality?

(c) What system proposals are there that are feasible for implementing stereo TV sound?

(d) What studio-transmitter transmission techniques are now available for local and network programming?

(e) Would such systems lend themselves to quadraphonic sound (such as matrix encoding techniques) to encrease the realism of programs?

(f) If there is a desire for television stereophonic sound, can both stereo as well as subcarriers for other uses be accommodated?

12. *Foreign Language and Augmented Audio Interest*—Is there a need and interest for an aural sub-channel for implementing bi-lingual telecasts and augmented audio for the blind? If so:

What is the best way of accomplishing this? Is there a multi-channel sound scheme that would lend itself to this type of service in a way compatible with stereo transmission?

[1] BBI submitted test reports and data with its petition.

13. *Other Uses*—What other uses are there for the aural baseband or subcarriers which we have not addressed here? Presently, there is a proceeding pending before the Commission under Docket No. 18877 (FCC 73-1313) which concerns the possible adoption of a rule which would permit the inclusion in the aural transmission of broadcast stations of coded information intended to be received and used in a system for the automatic identification of program segments which include such information. After reviewing that proceeding, it has been concluded that it will have no impact upon this Inquiry.

14. *Equipment Considerations.* If the use of stereophonic audio is adopted for television, what difficulties may be encountered in designing and manufacturing receivers for the reception of such programs? In the interim, is it likely that manufacturers would produce television receivers or special television aural receivers which have output jacks for connection to external stereophonic or quadrophonic equipment? Could similar outputs also be provided for subcarriers used in foreign language transmissions and augmented sound for the blind? Comments on these and other equipment considerations are requested.

INQUIRY

15. In view of the foregoing, we seek to obtain information, views, and recommendations from manufacturers, broadcasters, members of the public, and all other interested parties, in order to assist the Commission in resolving the regulatory and policy questions presented by these new applications of broadcast technology.

16. Pursuant to the applicable procedures set forth in Section 1.415 of the Commission's Rules interested persons may file comments on or before August 18, 1977; and reply comments on or before August 29, 1977. All relevant and timely comments will be considered by the Commission before final action is taken 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.

17. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, an original and 5 copies of all comments, replies, or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required copies who also wish each Commissioner to have a personal copy of the comments may file an additional 6 copies. Members of the general public who wish to express their interest by participating informally in this proceeding may do so by submitting one copy of their comments, without regard to form, provided that the Docket Number is specified in the heading. Such informal participants who wish responsible members of the staff to have a personal copy and to have an extra copy available for the Commissioners may file an additional 5 copies. Responses will be available for public inspection during regular business hours in the Commission's Dockets Reference Room (Room 239) at its headquarters in Washington, D.C. (1919 M Street, N.W.).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-21864 Filed 7-28-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 108]

[Docket No. 75N-0332]

PICKLED, FERMENTED, AND ACIDIFIED FOODS

Emergency Permit Control; Reopening of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Reopening of comment period.

SUMMARY: The comment period for an emergency permit control regulation for pickled, fermented and acidified foods is reopened. This action is taken in response to a request by the National Canners Association.

DATES: The comment period closes October 3, 1977.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Melvin R. Johnston, Bureau of Foods (HFF-414), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202-245-1514).

SUPPLEMENTARY INFORMATION: The Food and Drug Administration issued a proposal in the FEDERAL REGISTER of July 23, 1976 (41 FR 30442) under § 108.25 (formerly § 90.22 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) to establish an emergency permit control for pickled, fermented, and acidified foods. Comments were to be filed on or before September 21, 1976. By notice published in the FEDERAL REGISTER of September 22, 1976 (41 FR 41436), the comment period was extended to November 20, 1976.

The Commissioner received a request to reopen the comment period from the National Canners Association (NCA). Since the close of the previous comment period, questions have arisen concerning the need for pH requirements for certain acid products and on the time for acidified foods to equilibriate at a pH of 4.6 or lower. To gather information on these matters, NCA requested that the comment period be reopened until October 3, 1977.

The Commissioner hereby reopens the period for filing comments on the subject proposal to close of business October 3, 1977.

Interested persons may submit to the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments (preferably four copies and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding the proposal. Received comments may be seen in the Hearing Clerk's office, between 9 a.m. and 4 p.m., Monday through Friday.

This action is taken under the Federal Food, Drug, and Cosmetic Act (secs. 402(a) (3) and (4), 404, 701(a), 52 Stat. 1046, 1048-49, 1055, (21 U.S.C. 342(a) (3) and (4), 344, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: July 21, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-21797 Filed 7-28-77;8:45 am]

[21 CFR Part 113]

[Docket No. 75N-0333]

THERMALLY PROCESSED LOW-ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS

Good Manufacturing Practice Regulations; Reopening of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Reopening of comment period.

SUMMARY: The comment period for a good manufacturing practice regulation for thermally processed low-acid foods packaged in hermetically sealed containers is reopened. This action is taken in response to a request by the National Canners Association.

DATES: The comment period closes October 3, 1977.

ADDRESSES: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Melvin R. Johnston, Bureau of Foods HFF-414), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202-245-1514).

SUPPLEMENTARY INFORMATION: The Food and Drug Administration issued a proposal in the FEDERAL REGISTER of July 23, 1976 (41 FR 30444) under Part 113 (formerly Part 128b prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) to ensure safe manufacturing, processing, and packing procedures for

thermally processed low-acid foods packaged in hermetically sealed containers. Comments were to be filed on or before September 21, 1976. By notice published in the FEDERAL REGISTER of September 22, 1976 (41 FR 41436), the comment period was extended to November 20, 1976.

The Commissioner received a request to reopen the comment period from the National Canners Association (NCA). Since the end of the previous comment period, questions have arisen concerning the need of a flow diversion valve for aseptic canning and on the pH requirements for certain unacidified products.

To gather information on these matters, NCA has requested that the comment period be reopened until October 3, 1977.

The Commissioner hereby reopens the period for filing comments on the subject proposal to close of business October 3, 1977.

Interested persons may submit to the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments (preferably four copies and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding the proposal. Received comments may be seen in the Hearing Clerk's office, between 9 a.m. and 4 p.m., Monday through Friday.

This action is taken under the Federal Food, Drug, and Cosmetic Act (secs. 402 (a) (3) and (4), 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 342(a) (3) and (4), 371 (a))) and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: July 21, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-21821 Filed 7-28-77;8:45 am]

[21 CFR Part 114]

[Docket No. 75N-0334]

PICKLED, FERMENTED, AND ACIDIFIED FOODS

Good Manufacturing Practice Regulations; Reopening of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Reopening of comment period.

SUMMARY: The comment period for a good manufacturing practice regulation for pickled, fermented and acidified foods is reopened. This action was taken in response to a request by the National Canners Association.

DATES: The comment period closes October 3, 1977.

ADDRESSES: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Melvin R. Johnston, Bureau of Foods (HFF-414), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1514.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration issued a proposal in the FEDERAL REGISTER of July 23, 1976 (41 FR 30457) under Part 114 (formerly Part 128g prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) to ensure safe manufacturing, processing, and packing procedures for pickled, fermented, and acidified foods. Comments were to be filed on or before September 21, 1976. By notice published in the FEDERAL REGISTER of September 22, 1976 (41 FR 41436), the comment period was extended to November 20, 1976.

The Commissioner received a request to reopen the comment period on the proposed good manufacturing practice regulation from the National Canners Association (NCA). Since the close of the previous comment period, questions have arisen concerning the need for pH requirements for certain acid products and on the time for acidified foods to equilibrate at a pH of 4.6 or lower. To gather information on these matters, NCA requested that the comment period be reopened until October 3, 1977.

The Commissioner hereby reopens the period for filing comments on the subject proposal to close of business October 3, 1977.

Interested persons may submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding the proposal. Received comments may be seen in the Hearing Clerk's office, between 9 a.m. and 4 p.m., Monday through Friday.

This action is taken under the Federal Food, Drug, and Cosmetic Act (secs. 402 (a) (3) and (4), 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 342(a) (3) and (4), 371 (a))) and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: July 21, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-21809 Filed 7-28-77;8:45 am]

[21 CFR Parts 145, 150, 172, 180, 189, 310, 430, 510, 589, and 700]

[Docket No. 77N-0085]

SACCHARIN AND ITS SALTS

Proposed Rule Making; Extension of Comment Period

Correction

In FR Doc. 77-18666 appearing in the issue of Friday, July 1, 1977 on page 33768, the last paragraph, the 1st sentence, the citation should read, "* * * FEDERAL REGISTER of April 15, 1977 (42 FR 19996) * * *.".

[21 CFR Parts 172, 182, 184]

[Docket No. 77N-0131]

BEESWAX

Affirmation of GRAS Status as a Direct Human Food Ingredient

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm the generally recognized as safe (GRAS) status of beeswax (yellow or white) as a direct human food ingredient. The safety of this ingredient has been evaluated pursuant to a comprehensive safety review being conducted by the agency. The proposal would list the ingredient as a direct food substance affirmed as GRAS.

DATE: Comments by September 27, 1977.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204 (202-472-4750).

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) is conducting a comprehensive safety review of direct and indirect human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposed regulations published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20040) initiating this review. Pursuant to this review, the safety of beeswax (yellow or white) has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35, formerly 21 CFR 121.40 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), the Commissioner proposes to affirm the GRAS status of this ingredient.

Beeswax is a secretory product of honeybees that is used as a structural material in honeycombs. Beeswax generally refers to wax of the domesticated honey bee, *Apis mellifica*, also referred to as *A. mellifera*, but other species found in Asia—*A. dorsata*, *A. flora*, and *A. indica*—are also sources of commercial beeswax. The Asiatic waxes are known as East Indian beeswax or Ghedda wax. Beeswax is produced domestically and also is imported from Latin America, Africa, Europe, and Asia.

Crude beeswax is prepared from honeycombs emptied of honey by draining or centrifuging. The combs are melted in hot water or steam, or with solar heat, and strained to remove bee

and cocoon fragments and other foreign material. The crude wax is refined by melting in hot water to which sulfuric acid or alkali may be added to extract impurities. The resulting wax is referred to as yellow beeswax. White beeswax is produced by bleaching the constituent pigments, principally carotenes, of yellow beeswax with peroxides, or preferably it is bleached by sunlight.

Beeswax (yellow) and bleach beeswax (white) are listed in §§ 182.1973 and 182.1975 respectively (formerly, both sections were provided for under § 121.101 (d)(8) (21 CFR 121.101(d)(8)) prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), for use as multiple purpose GRAS food substances pursuant to a regulation published in the FEDERAL REGISTER of January 31, 1961 (26 FR 940). Beeswax, white (*Cire d'abeille*) is listed in § 172.510 (21 CFR 172.510, formerly 21 CFR 121.1163 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) as a natural flavoring substance and adjuvant pursuant to a regulation published in the FEDERAL REGISTER of January 30, 1965 (30 FR 992).

A representative cross section of food manufacturers was surveyed to determine the specific foods in which beeswax (yellow or white) was used and the levels of usage. Information from surveys of consumer consumption was obtained and combined with the manufacturing information to obtain an estimate of consumer exposure to beeswax. The total amount used in food in 1970 was reported to be 27,000 pounds.

Beeswax has been subject of a search of the scientific literature from 1920 to the present; subject matter included: (1) Chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavorial effects, (12) detection, and (13) processing. A total of 129 abstracts on beeswax was reviewed, and 11 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (hereinafter referred to as the Select Committee) selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

> Beeswax is considered indigestible in mammals due to the structure of its component compounds which are not susceptible to hydrolysis by enzymes of the alimentary tract and to its insolubility and high melting point which prevent dissolution at body temperature. However, it has been reported that an avian species found in Africa eats beeswax as part of its natural diet and can digest the wax through the action of microflora found in this species and also present in wild African honeycomb.

Solutions of beeswax in oils such as peanut and sesame have been used as vehicles for injection of drugs. Finely powdered heparin was suspended in a 10 percent solution of beeswax in sesame oil and the mixture was injected intramuscularly into 13 dogs. The beeswax was readily phagocytized. One week after injection the beeswax could be easily recognized on dissection of the muscle. Two months later, however, when numerous sections of the muscle were examined to find the site of injection, the beeswax could seldom be positively identified. The areas of injection had become small nodules composed largely of disintegrating phagocytic cells surrounded by a thin capsule.

In a similar study, penicillin suspended in 0.05 to 0.1 ml of 3 percent beeswax in peanut oil was given to 10 hamsters intramuscularly twice daily for 5 days. Typical response was inflammation without necrosis and invasion by polymorphonuclear lymphocytes with progressive removal of beeswax particles by phagocytosis. The mixture was injected into the buttocks of 12 patients without reaction to the vehicle.

Penicillin suspended in corn or cottonseed oil was mixed with 5 percent beeswax and placed in gelatin capsules. No untoward reactions were observed in patients to whom these capusules were administered orally.

Beeswax contaminated with pollen has been presumed to be antigenic. Beeswax shown by microscopic examination to be pollen-free elicited no response in scratch or intracutaneous tests in known pollen-sensitive patients. Beeswax to which pollen extract had been added produced typical allergenic responses in susceptible patients.

The Select Committee is not aware of any reports demonstrating carcinogenicity of beeswax that has resulted from its use as a vehicle for other substances tested as carcinogens. No carcinogenic effects developed in male Donryn rats in which beeswax was immobilized in contact with the mucosa of the glandular stomach for 3 to 4 weeks when the rats were examined after 45 weeks. Implantation of 0.05 ml of a 1:1 beeswax tricaprylic mixture in the lungs of 105 Osborne-Mendel female rats resulted, during a period of 1 year after treatment, in the development of a bland granulomatous infiltrate limited to the surface of the solidified pellets except for two rats in which keratinizing squamous metaplasia were observed. In contrast, 101 rats injected with the wax mixture containing 0.05 mg 3-methylcholanthrene had a 13 percent incidence of keratinizing squamous metaplasia, and 6 percent incidence of keratinizing squamous dysplasia with localized extension, over squamous cell carcinoma and undifferentiated neoplasms. In a study of the carcinogenicity of tobacco and cigarette smoke condensate by the same technique, 66 female Osborne-Mendel rats (controls) that were injected with 0.05 ml of 1:1 beeswax-tricaprylin mixture developed no metaplastic epithelium surrounding the pellet after periods up to 107 weeks whereas 77 of 96 positive controls injected with 0.05 ml wax mixture containing 0.05 mg 3-methylcholanthrene developed keratinizing squamous metaplasia and 16 developed epidermoid carcinomas during the 55-week period after treatment. Threads impregnated with beeswax implanted into the cervical canal and the uterine horns of 35 six-week-old control mice showed the development of invasive squamous carcinoma in one animal after 4 to 6 weeks whereas 59 of 102 mice developed this type carcinoma after implantation of threads impregnated with beeswax containing 20-methylcholanthrene. No observation has been reported of a tumor developing in thousands of instances of injection of beeswax intramuscularly or subcutaneously when beeswax was used as a vehicle for the administration of drugs in human patients.

White beeswax at 0.5 and 1.0 percent concentration was not mutagenic to *Salmonella typhimurium* strains TA–1535, –1537 or –1538 or to *Saccharomyces cerevisiae*, strain D–4, in plate and suspension tests with or without the addition of mouse, rat, or monkey tissue metabolic activation preparations.

No reports on the teratogenicity of beeswax were available to the Select Committee.

All the available safety information on beeswax has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

> There is a paucity of experimental data on the digestion, absorption, metabolism, and short-term or long-term toxicity of beeswax after oral intake by humans or animals; but as a component of comb honey, beeswax has been ingested since ancient times without evidence of harm. Although the composition of beeswax is complex, present knowledge of the processes of digestion suggests that beeswax is not digested or absorbed from the alimentary tract in most animals or man.
>
> Beeswax-containing pollens or oleoresins may be allergenic to sensitive individuals but beeswax alone has not been reported to be allergenic. No studies designed to show teratogenic effects of beeswax have been reported. Numerous injections of beeswax as a vehicle for drugs have not led to reports of tumors at the injection site.
>
> Relatively little comb honey is used as a food in the United States. The use of beeswax in processed food products decreased fourfold in the decade from 1960 to 1970 and presently is very small, amounting to an average estimated per capita daily intake of about 0.16 mg.

It is the conclusion of the Select Committee that there is no evidence in the available information on beeswax (yellow or white) that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.

Based upon his own evaluation of all available information on beeswax, the Commissioner concurs with this conclusion. The Commissioner therefore concludes that no change in the current GRAS status of beeswax is justified.

The Commissioner also concludes that the information generated for this safety review forms a sound scientific basis for affirming the GRAS status of beeswax, white (Cire d'abeille) as a natural flavoring agent and adjuvant. Authority for this use now appears in § 172.510. Therefore, the Commissioner proposes to delete the entry for this substance from that section, as it would be superfluous. He also proposes to delete the entries (21 CFR 182.1973 and 182.1975) for beeswax as a multiple purpose food substance, as these sections would also be superfluous.

Copies of the scientific literature review on beeswax, the mutagenic evaluation, and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857, and may be purchased from the National Technical Information Service 5285 Port Royal Rd., Springfield, Va. 22151, as follows:

Title	Order No.	Price code	Price [1]
Beeswax (scientific literature review)	PB-223-654/AS	A03	$4.00
Beeswax, white (mutagenic evaluation)	PB-245-493/AS	A03	4.00
Beeswax (Select Committee report)	PB-262-656/AS	A02	3.50

[1] Price subject to change.

This proposed action does not affect the present use of beeswax for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Parts 172, 182, and 184 be amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

§ 172.510 [Amended]

1. In Part 172, § 172.510 Natural flavoring substances and natural substances used in conjunction with flavors is amended by deleting the entry for "Beeswax, white (Cire d'abeille)" from the list of substances in paragraph (b).

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§§ 182.1973, 182.1975 [Deleted]

2. In Part 182, by deleting § 182.1973 Beeswax and § 182.1975 Bleached beeswax.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. In Part 184, by adding new § 184.1973 to Subpart B, to read as follows:

§ 184.1973 Beeswax (yellow and white).

(a) Beeswax [CAS Registry No. MX 8012–89–3 and MX 8006–40–4] is a secretory product of honey bees used as a structural material in honeycombs. Beeswax is prepared from honeycombs after the removal of honey by draining or centrifuging. The combs are melted in hot water or steam, or with solar heat, and strained. The wax is refined by melting in hot water to which sulfuric acid or alkali may be added to extract impurities. The resulting wax is referred to as yellow beeswax. White beeswax is produced by bleaching the constituent pigments of yellow beeswax with peroxides, or preferably it is bleached by sun light.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. 1972.[1]

(c) The ingredient is used as a flavoring agent and adjuvant as defined in § 170.3(o)(12) of this chapter, lubricant as defined in § 170.3(o)(18) of this chapter, and surface-finishing agent as defined in § 170.3(o)(30) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice. Current good manufacturing pratcice results in a maximum level, as served, of 0.063 percent for chewing gum as defined in § 170.3(n)(6) of this chapter, .005 percent for confections and frosting as defined in § 170.3(n)(9) of this chapter, 0.04 percent for hard candy as defined in § 170.3(n)(25) of this chapter, 0.1 percent for soft candy as defined in § 170,3(n)(38) of this chapter, and 0.002 percent or less for all other food categories.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in foods under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act (21 U.S.C. 342), and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181 (21 CFR Part 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before September 27, 1977, submit to the Hearing Clerk (HFC–20), 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.

NOTE.—The Food and Drug Administration 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.

Dated: July 22, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

NOTE.—Incorporation by reference provisions approved by the Director of the Office of the Federal Register on July 10, 1973. Copies are on file at the Federal Register's library.

[FR Doc.77–21795 Filed 7–28–77;8:45 am]

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

[21 CFR Parts 176, 182, 186]

[Docket No. 77N–0044]

SORBOSE

Proposed Affirmation of GRAS Status As Indirect Human Food Ingredient

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm the generally recognized as safe (GRAS) status of sorbose as an indirect human food ingredient. The safety of these ingredients has been evaluated pursuant to the comprehensive safety review being conducted by the agency. The proposal would list the ingredient as an indirect food substance affirmed as GRAS.

DATE: Comments by September 27, 1977.

ADDRESSES: Written comments to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin Miles, Bureau of Foods (HFF–335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202–472–4750.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration is conducting a comprehensive safety review of direct and indirect human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20040), initiating this review. Pursuant to this review, the safety of sorbose has been evaluated. In accordance with the provisions of § 170.35 (formerly § 121.40, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), the Commissioner proposes to affirm the GRAS status of this ingredient.

Sorbose is an orthorhombic, bisphenoidal crystalline hetohexose which occurs naturally in plants as the result of microbial oxidation of sorbitol. It can be synthesized by catalytic hydrogenation of glucose to D-sorbitol. The resulting sorbitol can then be oxidized by either *Acetobacter suboxydans* or by *Acetobacter xylinum*. It is listed in § 182.70 (formerly § 121.101(i), prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), as a GRAS substance migrating to food from cotton and cotton fabrics used in dry food packaging, pursuant to a regulation published in the FEDERAL REGISTER of June 10, 1961 (26 FR 5224), and subsequently

recodified. It is also listed in § 176.180 (formerly § 121.2571, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), for use as a component of paper and paperboard in contact with dry food, pursuant to a regulation published in the FEDERAL REGISTER of May 8, 1963 (28 FR 4615), and subsequently recodified.

There are no data available indicating the amounts of sorbose in packaging materials (cotton, paper, or paperboard) or as an ingredient in the treatment of packaging materials. However, it is believed that the total amount of sorbose consumed as a result of its migration from dry food packages is extremely small.

Sorbose has been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection and (13) processing. A total of 96 abstracts on sorbose was reviewed and 11 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (hereinafter referred to as the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

> No studies have been directed primarily toward determining the health aspects of the long term use of sorbose as a food ingredient. Inferences on the health aspects of sorbose consumption at its present level may be drawn from reports on its absorption and metabolism by animals and men.
>
> Although certain sugars, such as glucose and galactose, are transported through the hamster's small intestine in vitro against a concentration gradient, sorbose and such sugars as fructose and mannose are not so transported. In isolated guinea pig small intestine, sorbose enters the intestine by diffusion. As determined in dogs via fistulas in the small intestine, the rate of absorption is directly proportional to the lumen concentration. The decrease in serum inorganic phosphate exhibited in dogs following intravenous injection of 1 ml per kg of a 3 molar solution of L-sorbose (about 540 mg per kg of body weight), was similar to the decrease observed when D-glucose was injected.
>
> In a series of ten tests ancillary to biochemical experiments, rats fed a single dose of 13 g of sorbose per kg showed no toxic symptoms. Sorbose was converted to glycogen in the liver when fed to fasted rats for 120 hours at 33 percent of a basal fat diet. Studies on the biosynthesis of ascorbic acid indicated that sorbose is not a direct intermediate as suggested by molecular structure, but is first converted to glucose, then to ascorbic acid. A ketokinase with a high affinity for sorbose has been identified in rat intestine and beef liver. When fed in drinking water, sorbose did not sustain the weight of hypophysectomized rats as did glucose, and it was not absorbed as rapidly from the intestine.
>
> Both healthy and diabetic human subjects absorbed sorbose from the gastrointestinal canal as rapidly as glucose. Sorbose excretion in the urine after 50 g per os in 500 ml of water was nearly complete after six hours and amounted to 14 percent of the dose. At an increased intake (100 g per os in 500 ml) approximately 12 percent of the dose was excreted in six hours. A study of the resorption and net metabolism of D-fructose, L-sorbose and sorbitol in healthy and in hereditary fructose intolerant infants showed that the utilization of sorbose was significantly reduced in the intolerant infants.
>
> No studies have come to the Select Committee's attention on carcinogenicity related to orally administered sorbose. However, in one study, designed to test the carcinogenicity of eight hypertonic sugar solutions including sorbose, the subcutaneous injection of 60 C57BL mice and 60 Bethesda rats with 0.5 and 2.0 ml, respectively, of a 25 percent solution of sorbose (250 mg per ml) in the nape of the neck two or three times a week for up to two years resulted in two rats developing sarcomas at the site of injection after 21 months. The author and a subsequent reviewer, concluded that sorbose and presumably other sugars should not be regarded as carcinogenic on the basis of this experiment.

All of the available safety information on sorbose has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

> The results of sorbose feeding tests with fasted rats showed no acute toxic effects for sorbose given in excess of potential human dietary exposure. The metabolic products of sorbose metabolism in animals do not appear to include toxic substances and the chemical structure of sorbose does not suggest potential hazards. The results of the only study of the carcinogenicity of sorbose, involving parenteral administration in rats, have been judged by the investigators and reviewers to be negative.

It is the conclusion of the Select Committee that there is no evidence in the available information on sorbose that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future. Based upon his own evaluation of all available information on sorbose the Commissioner concurs with this conclusion. He also believes that the information generated for this safety review indicates that the regulated use of sorbose, listed in § 176.180 as a component of paper and paperboard in contact with dry food, would not present a health hazard and should also be considered safe for its intended use. The Commissioner therefore concludes that no change in the current GRAS status of sorbose is justified. The use of sorbose in § 176.180 is therefore proposed for affirmation as GRAS, and its entry in § 176.180(b)(2) proposed for deletion.

Copies of the scientific literature review on sorbose and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22151, as follows:

Title	Order No.	Cost
Sorbose (scientific literature review).	PB-223-853/AS	$2.75
Sorbose (Select Committee report).	PB-254-525/AS	4.00

This proposed action does not affect the present use of sorbose for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Parts 176, 182 and 186 be amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

§ 176.180 [Amended]

1. In § 176.180 *Components of paper and paperboard in contact with dry food*, paragraph (b)(2) is amended by deleting the entry for "Sorbose" from the list of substances.

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.70 [Amended]

2. In § 182.70 *Substances migrating from cotton and cotton fabrics used in dry food packaging* by deleting the entry for "Sorbose" from the list of substances.

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. By adding new § 186.1839 to read as follows:

§ 186.1839 Sorbose.

(a) Sorbose (L-sorbose, sorbinose) ($C_6H_{12}O_6$, CAS Reg. No. 000087-79-6) is an orthorhombic, bisphenoidal crystalline ketohexose. It was originally identified in the juice of mature berries from the mountain ash (*Sorbus aucuparia*) where it occurs as the result of microbial oxidation of sorbitol. It also occurs naturally in other plants. Sorbose can be synthesized by the catalytic hydrogenation of glucose to D-sorbitol. The resulting sorbitol can be oxidized by *Acetobacter xylinum* or by *Acetobacter suboxydans*.

(b) The following specifications are recognized by the Food and Drug Administration as suitable for sorbose when permitted for indirect food use:

Assay, not less than 95 percent.
Melting point, 165° C±2°.
Optical rotation, between −42.9° and −43.2° at 20° C.
Density, between 1.650 and 1.654 at 15° C.
Total heavy metals (as lead, Pb), not more than 40 ppm.

Arsenic (as As), not more than 3 ppm.

(c) The ingredient is used or intended for indirect food use as a constituent of cotton, cotton fabrics, paper and paperboard in contact with dry food.

(d) The ingredient migrates to food at levels not to exceed good manufacturing practice.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in foods under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181 (21 CFR Part 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before September 27, 1977, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably in quadruplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration 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.

Dated: July 20, 1977.

JOSEPH P. HILE,
Associated Commissioner for Compliance.

[FR Doc.77-21706 Filed 7-28-77;8:45 am]

[21 CFR Parts 182 and 184]

[Docket No. 77N-0040]

CLOVES AND THEIR DERIVATIVES

Proposed Affirmation of GRAS Status as Direct Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: This is a proposal to affirm as generally recognized as safe (GRAS) cloves and their derivatives as direct human food ingredients. The safety of these ingredients has been evaluated pursuant to the comprehensive safety review being conducted by the agency. The proposal would list the ingredients as direct food substances affirmed as GRAS.

DATES: Comments by September 27, 1977.

ADDRESSES: Written comments to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin Miles, Bureau of Foods (HFF–335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204 (202–472–4750).

SUPPLEMENTARY INFORMATION: The Food and Drug Administration is conducting a comprehensive safety review of direct and indirect human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20040), initiating this review. Pursuant to this review, the safety of cloves and its derivatives has been evaluated. In accordance with the provisions of § 170.35 (formerly § 121.40, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), the Commissioner proposes to affirm the GRAS status of these ingredients.

Cloves are the dried, unopened flower buds and twig tips of the clove tree, *Eugenia caryophyllata* Thunberg, native to tropical Asia. High grade dried buds are usually marketed as whole cloves. The lower quality buds, stems, and leaves are usually used in production of the essential oils. The buds, stems, and leaves are steam distilled to produce their respective oils. The yields from each component vary from 18 percent for clove buds, to 5 percent for clove stems, and to 2 percent for clove leaves. There are differences in composition of these three essential oils.

Clove bud oil contains 70 to 90 percent eugenol, 2 to 17 percent eugenyl acetate, 5 to 12 percent α- and β-caryophyllene, and traces of numerous other compounds. The stem and leaf essential oils contain a higher proportion of free eugenol and little or no eugenyl acetate. Many of the trace compounds in the bud oil are absent or present in much smaller quantities in the stem and leaf oils. Also found in trace amounts in the stem and leaf oils are naphthalene and a sesquiterpene alcohol, which are not present in the bud oil. Two other products of cloves are the bud extract, obtained by solvent extraction, and the bud oleoresin, which contains triglycerides and other lipids in addition to the essential oil.

Cloves are listed in § 182.10 (formerly § 121.101(e)(1), prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), as GRAS for use as natural seasonings and flavorings, pursuant to a regulation published in the FEDERAL REGISTER of January 19, 1960 (25 FR 404), and subsequently recodified. Clove bud, clove leaf, and clove stem are listed in § 182.20 (formerly § 121.101(e)(2), prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), as GRAS for use as essential oils, oleoresins (solvent free), and natural extractives, pursuant to a regulation published in the FEDERAL REGISTER of January 19, 1960 (25 FR 404), and subsequently recodified. Eugenol is listed in § 182.60 (formerly § 121.101(g), prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), as GRAS for use as a synthetic flavoring substance and adjuvant, pursuant to a regulation published in the FEDERAL REGISTER of May 9, 1961 (26 FR 3991), and subsequently recodified.

A representative cross section of food manufacturers was surveyed to determine the specific foods in which cloves and its derivatives were used and the levels of usage. Information from surveys of consumer consumption was obtained and combined with the manufacturing information to obtain an estimate of consumer exposure to cloves and its derivatives. The total amount of cloves, oils and extractives, and eugenol used in food in 1970 was reported to be approximately 866 thousand pounds, 273 thousand pounds, and 96 thousand pounds, respectively.

Cloves, clove oils, oleoresins and extracts have been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 195 abstracts on cloves and oil of cloves was reviewed and 36 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (hereinafter referred to as the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biololgy:

Oral toxicity studies on cloves or the essential oils derived from them and from clove stems and leaves have not been reported but animal studies have been conducted on their major constiuent eugenol.

Within 24 hours, 44 to 90 percent of the eugenol (1500 to 2500 mg) fed was absorbed, depending on the dose. It was detectable in the blood, lungs, kidneys, and liver of both rabbits and rats for up to several hours after ingestion and was excreted principally in the urine.

The oral LD_{50} of eugenol for fasted rats has been reported to be 1930 mg per kg and 2680 mg per kg; for fasted mice 3000 mg per kg, for fasted guinea pigs 2150 mg per

kg, and for the dog > 200 mg per kg. An oral LD_{50} of 500 mg per kg for the rat has also been reported.

Short-term (less than half of the life span) oral administration of 10 doses of 200 mg eugenol per kg over a three week period to dogs revealed no observable changes in their activity and behavior, suggesting no cumulative effects of the compound.

Daily oral doses of 895 mg eugenol per kg given to rats over four days produced mild liver lesions, with slight discoloration and blunting of the edges of the lobes. In another study, daily doses of increasing amounts of eugenol, beginning at 1400 mg per kg for 34 days, were orally administered to 20 male rats. Fifteen lived to receive the maximum 4000 mg per kg and eight survived the full term of the study. Pathological studies showed "coalescent areas" in the mucosa of the forestomach with thick flaky white material and minute ulcers at these very high levels. Microscopically, there was a moderately severe degree of hyperkeratosis of the stratified squamous epithelium. A slight degree of osteoporosis was also noted in the bone. In a longer term study, at a level of 10,000 ppm of eugenol in the diet over a nineteen week period, no effect was noted in 10 male and 10 female weanling rats.

Five percent emulsions of clove oil or eugenol stimulate alkaline secretion of the gastric mucosa, often destroying the mucous barrier through desquamatory action. However, the mucosa was completely resurfaced with new squamous cells 36 hours after removal of the eugenol although additional time was needed to restore normal physiological function. In another study, eugenol was reported to inhibit glucosiduronic acid conjugation, indicating to the investigators, an interference with mucopolysaccharide formation in tissues with possible gastric ulcer formation. Intraperitoneally injected eugenol and isoeugenol were inactive in inhibiting mouse hepatic microsomal enzyme function in contrast to active compounds such as safrole. Both eugenol methyl ether and safrole as well as their isomers, fed to rats at a level of 10,000 ppm in the diet for 15 days, increased the activity of hepatic microsomal hydroxylating enzymes, with the methylenedioxy compounds being the more active. The significance of this enzyme enhancement is unknown.

Despite their irritating effect when applied to the shaved dorsal skin of mice, preliminary studies indicate that clove oil and eugenol were not active as tumor-inducing agents.

No studies have been reported on the mutagenicity, teratogenicity, or carcinogenicity of orally administered cloves or related substances. However, guaiacol, of which eugenol is the allyl derivative, administered subcutaneously in repeated doses of up to 0.4 cc of a 4 percent solution in olive oil, failed to produce tumors in rats in 17 to 19 months.

All the available safety information on cloves and clove oils has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

The available information indicates that orally administered eugenol, the principal ingredient of cloves and products derived from them, is readily absorbed and excreted without accumulation. Eugenol exhibits a low degree of toxicity for the several animal species tested, and only at levels far greater than those occurring in foods, does it appear to be able under some conditions to produce irritation of the squamous epithelium of the gastrointestinal tract. It is to be noted that cloves, clove oils and eugenol have long been used topically as analgesics, germicides, and for other purposes.

It is the conclusion of the Select Committee that there is no evidence in the available information on cloves, clove oils and their principal constituent, eugenol, that demonstrates or suggests reasonable grounds to suspect a hazard to the public when they are used at levels that are now current or at levels that might reasonably be expected in the future. Based upon his own evaluation of all available information on cloves, clove oils and eugenol (including reports of mutagenic and teratogenic tests on clove oil which were not available when Select Committee formed its conclusion), the Commissioner concurs with this conclusion. The Commissioner therefore concludes that no change in the current GRAS status of cloves is justified. He also concludes that the safety data for cloves, eugenol and clove oils form a sound scientific basis for affirming the GRAS status of other derivatives of cloves, provided good manufacturing practices are observed when they are used in foods.

Copies of the scientific literature review on cloves and clove oils, reports of teratogenic and mutagenic tests on oil of cloves, and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Md. 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22151, as follows:

Title	Order No.	Price code	Price[1]
Oil of cloves (scientific literature review)	PB-221-221	A03	$4.00
Oil of cloves (teratology tests)	PB-223-811/AS	A04	4.50
Oil of cloves (mutagenic tests)	PB-245-442/AS	A07	6.00
Oil of cloves (Select Committee report)	PB-238-792/AS	A02	3.50

[1] Price subject to change.

This proposed action does not affect the present use of cloves and its derivatives for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.10 [Amended]

1a. In § 182.10 *Spices and other natural seasonings and flavorings* by deleting the entry for "cloves."

§ 182.20 [Amended]

b. In § 182.20 *Essential oils, oleoresins (solvent free), and natural extractives (including distillates)* by deleting the entries for "Clove bud," "Clove leaf," and "Clove stem."

§ 182.60 [Amended]

c. In § 182.60 *Synthetic flavoring substances and adjuvants* by deleting the entry for "Eugenol."

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. By adding new § 184.1257 to read as follows:

§ 184.1257 Cloves and their derivatives.

(a) Cloves are the dried unopened flavor buds and twig tips, harvested before the flowers have opened, of the clove tree *Eugenia caryophyllata* Thunberg, native to tropical Asia. Their derivatives include essential oils (cloves, CAS Reg. No. MX8000–34–8; buds; leaves, CAS Reg. No. MX8015–97–2; stems, CAS Reg. No. MX8015–98–3; and eugenol, CAS Reg. No. 000097–53–0), oleoresins and natural extractives obtained from clove buds, leaves, and stems.

(b) Clove bud oil, clove leaf oil, clove stem oil and eugenol meet the specifications of the Food Chemicals Codex (FCC), 2d Ed. (1972).[1] Additionally, solvent-free clove bud extract and clove bud oleoresin should have the following specifications:

(1) The assay for phenols, as eugenol, by the FCC test (p. 898) or the volatile oils content by the FCC test (p. 901) should conform to the representation of the vendor;

(2) Specific gravity between 1.038 and 1.060 at 25°/25° C;

(3) Angular rotation between 0 and −1°30′;

(4) Refractive index between 1.527 and 1.533 at 20° C;

(5) Residual solvent free; and

(6) Heavy metals (as Pb), not more than 40 ppm.

(c) Cloves and their derivatives are used as flavoring agents and adjuvants as defined in § 170.3(o)(12) of this chapter.

(d) The ingredients are used in foods at levels not to exceed good manufacturing practices. Current good manufacturing practice results in the following maximum levels, as served:

(1) Cloves, 0.37 percent for baked goods as defined in § 170.3(n)(1) of this chapter, 0.66 percent for condiments and relishes as defined in § 170.3(n)(8) of this chapter, 0.33 percent for meat products as defined in § 170.3(n)(29) of this chapter, and 0.15 percent or less for all other food categories;

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[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, D.C. 20037.

(2) Clove stem oil and clove leaf oil 0.3 percent for hard candy as defined in § 170.3(n)(25) of this chapter, and 0.1 percent or less for all other food categories;

(3) Clove bud oil, 1.0 percent for chewing gum as defined in § 170.3(n)(6) of this chapter, and 0.15 percent or less for all other food categories;

(4) Clove bud oleoresin, 0.085 percent or less for all food categories;

(5) Clove bud extract, 0.035 percent or less for all food categories; and

(6) Eugenol, 0.15 percent or less for all food categories.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of these ingredients in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181 (21 CFR Part 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before September 27, 1977, submit to the Hearing Clerk (HFC–20), Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration 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.

Dated: July 9, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

NOTE.—Incorporation by reference approved by the Director of the Office of the Federal Register on July 10, 1973. Reference material is on file at the Federal Register library.

[FR Doc.77–21705 Filed 7–28–77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[PPQ 639]

SOIL SAMPLES

List of Approved Laboratories for Receipt of Certain Soil Samples

Purpose: To revise the list of laboratories which are approved to receive interstate shipments of soil samples for processing, testing, or analysis, and also shipments of soil samples from foreign countries under permit for research or analytical purposes.

This doucment lists certain laboratories as indicated herein which are approved by the Deputy Administrator for receipt in interstate commerce of soil samples for processing, testing, or analysis pursuant to §§ 301.48–3, 301.80–3, 301.81–3, 301.85–3, of the Japanese beetle, witchweed, imported fire ant, and golden nematode regulations (7 CFR 301.48–3, 301.80–3, 301.81–3, 301.85–3).

Also, in connection with the regulations relating to the movement into or through the United States of soil from foreign countries or Territories or posessions of the United States (7 CFR 330.-300 et seq.), this document lists certain laboratories as indicated herein which the Deputy Administrator has approved for receipt, under permit, of soil samples for research or analytical purposes in accordance with safeguards and other conditions specified in the permits.

The list is revised by deletions, additions, and changes to read as follows:

LABORATORY AND ADDRESS

A

A & H Corp., Consulting Engineers, Carbondale, IL.
A & H Corp., Consulting Engineers, Champaign, IL.
A & H Corp., Consulting Engineers, Chicago, IL.
A & H Corp., Consulting Engineers, Peoria, IL.
A & H Engineering Corp., Springfield, IL.
A & L Laboratory, Memphis, TN [2] (6–30–79).[3]
A & L Midwest Agriculture Laboratory, Inc., Omaha, NE [2] (2–28–78).
Abbott Laboratories, North Chicago, IL [2] (6–30–81).
Ackenheil, A. C., & Associates, Inc., Nitro, WV.
Ackenheil, A. C., & Associates, Inc., Pittsburgh, PA.
Agrico Chemical Co., Washington Courthouse, OH.
Agricultural Environmental Systems, Inc., Raleigh, NC [2] (6–30–81).
Agricultural Service Laboratories, Pharr, TX.
Agricultural Technical Service (ATS), Bakersfield, CA [2] (5–31–79).
Agrimanagment, Yakima, WA.
Alaska, University of, Agriculture Experiment Station, Palmer, AK [2] (8–31–78).
Alfred Agricultural and Technical Institute, State University of New York, Department of Agronomy, Alfred, NY.
Allied Chemical Corp., Morristown, NJ.
Allis-Chalmers Corporation, Process Research & Test Center, Oak Creek, WI [2] (1–31–79).
Alum-A-Therm, Westminister, CA.
Ambric Testing & Engineering Associates, Inc., Testing Laboratories, Arlington, VA.
Amchem Products, Inc., Ambler, PA [2] (12–31–77).
American Bio Testing Laboratory, Manville, NJ.
American Cyanamid Co., Princeton, NJ [2] (6–30–80).
American Oil Co., Soil Laboratories, Holland, TX.
American Oil Co., Soil Testing Laboratory, Yoder, IN.
American Testing Engineering Corporation, ATEC Associates, Inc., Indianapolis, IN.
American Testing Engineering Corporation, ATEC Associates, Inc., Atlanta, GA.
American Testing Institute, San Diego, CA [2] (9–30–77).
American Testing Laboratories, Inc., Lancaster, PA.
Ameron, South Gate, CA.
Amoco, Soil Guide Laboratory, Rochelle, GA.
Anaerobe Laboratory, Virginia Polytechnic Institute and State University, Blacksburg, VA.
Analysis Laboratories, Inc., Metairie, LA.
Analytical Biochemistry Laboratories, Inc., Columbia, MO.
Analytical Development Corp., Monument, CO [2] (6–30–79).
Analytical Research Labs., Inc., Monrovia, CA [2] (11–30–78).
Anco Testing Laboratory, Inc., St. Louis, MO.
Applied Agricultural Research, Inc., Lakeland, FL [2] (5–31–79).
Applied Research Laboratories of Florida, Inc., Dade County, FL [2] (5–31–79).
Arizona State University, Tempe, AZ.
Arizona State University, Department of Anthropology, Tempe, AZ [2] (6–30–79).
Arizona Testing Laboratory, Phoenix, AZ.
Arizona, University of, Department of Geosciences, Tucson, AZ [2] (6–30–81).
Department of Plant Pathology, Tucson, AZ.
Arizona, University of, Department of Soils, Water, and Engineering, Tucson, AZ [2] (6–30–80).
Arkansas, University of, Experiment Station, Fayetteville, AR.
Arkansas Highway Department, Materials and Testing Laboratory, Little Rock, AR.
Arkansas Laboratories, Inc., Fort Smith, AR.
Armac Engineering, Inc., Tampa, FL [2] (12–31–77).
Asphalt Institute, College Park, MD [2] (5–31–78).
Astrotech, Inc., Harrisburg, PA.
Atkins Farmlab, Chico, CA.
Atlanta Testing & Engineering Co., Norcross, GA [2] (6–30–81).
Auburn University, Soil Testing Laboratory, Auburn, AL.

B

Babcock, Edward S. & Sons, Riverside, CA.
Baker, Michael, Inc., Rochester, PA.
Barbot, D. C. & Associates, Inc., Florence, SC.
Barringer Research, Inc., Englewood, CO [2] (12–31–78).
Barrow-Agee, Memphis, TN.
Barrow-Agee, Greenville, MS.
Barrow-Agee, Greenwood, MS.
Barrow-Agee, Jackson, MS.
Battelle Northwest Laboratory, Richland, WA [2] (4–30–78).
B. C. Laboratories, Inc., Bakerfield, CA [2] (4–30–78).
Bechtel Corp., San Francisco, CA.
Beckman, Inc., Microbics Operations, La Habra, CA.
Belleville Area College Agricultural Club (Dust Kickers), Belleville, IL.
Benedict, Bowman, Craig and Moos, Columbus, OH.
Bethany Laboratory of Uni-Royal Chemical, Division of Uni-Royal, Inc., Bethany, CT.
Biological Testing and Research Laboratory, Lindsay, CA.
Bio/dynamics Inc., East Millstone, NJ [2] (3–31–79).
Biospherics, Inc., Rockville, MD [2] (12–31–79).
Boring Soils & Testing Co., Inc., Harrisburg, PA.
Boswell, J. G., Co., Corcoran, CA [2] (12–31–80).
Bowes & Associates, Steamboat Springs, CO.
Bowes, William A., Steamboat Springs, CO [2] (7–31–78).
Bowser-Morner Testing Laboratories, Inc., Dayton, OH.
Boyce Thompson Institute, Yonkers, NY [2] (7–31–78).
Brandley, Reinard W., Sacramento, CA.
Braun Engineering Testing, Minneapolis, MN.
Braun, Skaggs, and Kevorkian Engineering, Inc., Fresno, CA.
Brigham Young University, Department of Anthropology and Archeology, Provo, UT [2] (6–30–81).
Bristol Laboratories, Syracuse, NY.
Broeman, F. C., & Co., Cincinnati, OH.
Brookhaven National Laboratory, Safety and Environmental Protection Division, Upton, NY [2] (4–30–78).
Brookside Farms Laboratory Association, Inc., New Knoxville, OH [2] (6–30–81).
Brown University, Division of Biological and Medical Sciences, Providence, RI [2] (6–30–78).
Brucker & Associates, St. Louis, MO.
Burton, Joe C., Milwaukee, WI [2] (10–30–77).

C

CIBA-Geigy Corp., Agriculture Division, Greensboro, N.C.
CPC International, Inc., Argo, IL.
Cal-Brea, Brea, CA [2] (12–31–77).
California Department of Food & Agriculture, Chemistry Laboratories, Sacramento, CA.
California Department of Public Works, Division of Highways Materials and Research, Sacramento, CA.
California State Polytechnic College, Department of Biological Sciences, Pomona, CA [2] (6–30–77).
California Testing Laboratories, South El Monte, CA.
California, University of, Agricultural Extension Service, Riverside, CA.
California, University of, Department of Civil Engineering, Davis, CA [2] (6–30–77).
California, University of, Department of Food Science and Technology, Davis, CA [2] (6–30–77).

See footnotes at end of document.

California, University of, Department of Forestry and Resource Management, Berkeley, CA [2] (10-31-78).
California, University of, Department of Geography, Berkeley, CA [2] (6-30-80).
California, University of, Department of Near Eastern Studies, Berkeley, CA [2] (5-31-78).
California, University of, Latin American Center, Los Angeles, CA [2] (4-30-79).
California, University of, Lawrence Livermore Laboratory, Livermore, CA [2] (12-31-78).
California, University of, Museum of Cultural History, Los Angeles, CA [2] (10-31-78).
California, University of (Los Angeles), Laboratory of Nuclear Medicine and Radiation Biology, Los Angeles, CA.
California, University of, School of Engineering and Applied Science, Mechanics and Structures Department, Los Angeles, CA [2] (1-31-79).
California State University, Department of Plant Sciences, School of Agricultural Sciences, Fresno, CA [2] (12-31-81).
Calspan Corp., Buffalo, NY.
Campbell Institute for Agricultural Research, Riverton, NJ [2] (6-30-79).
Cannon Laboratories, Reading, PA.
Capozzoli, Louis J., & Associates, Inc., Baton Rouge, LA.
Carpenter Construction Co., Inc., Virginia Beach, VA.
Carpco, Inc., Jacksonville, FL [2] (2-28-78).
Cascade Agricultural Service Co., Mt. Vernon, WA.
CELPRIL Industries, Inc., Bioagricultural Laboratory, Manteca, CA.
Center for Climatic Research, Madison, WI [2] (6-30-77).
Central Michigan University, Department of Biology, Mount Pleasant, MI [2] (6-30-81).
CH²M Hill, California, Inc., Redding, CA.
CH²M Hill, Inc., Corvallis, OR [2] (4-30-79).
Chemagro, Mobay Chemical Corp., Vero Beach Laboratories, Vero Beach, FL.
Chemagro Corp., Kansas City, MO.
Chembac Laboratories, Charlotte, NC.
CHEM-CRETE Corp., Menlo Park, CA.
Chemical Service Laboratory, Inc., Jeffersonville, IN [2] (3-31-79).
Chemonics Industries, Phoenix, AZ [2] (6-30-78).
Chevron Asphalt Co., Eastern Laboratory, Baltimore, MD [2] (7-31-78).
Chevron Chemical Co., Richmond, CA.
Chevron Oil Field Research Co., La Habra, CA.
Chicago, University of, Oriental Institute, Chicago, IL [2] (4-30-78).
Christian Testing Laboratories, Inc., Montgomery, AL.
Citizens National Bank of Paris Soil Testing Laboratory, Paris, IL.
Clarkson Laboratory & Supply, Inc., San Diego, CA [2] (6-30-80).
C. L. C., Columbus, OH.
Clemson University, Clemson, SC.
Clinton Corn Processing Company, Clinton, IA [2] (6-30-79).
Coenen and Associates—Engineers, Newport News, VA.
Coleman Engineering Laboratories, Inc., Augusta, GA.
Colorado State University, Department of Agronomy, Fort Collins, CO [2] (6-30-81).
Colorado State University, Department of Earth Resources, Fort Collins, CO [2] (6-30-81).
Colorado State University, Department of Economics, Fort Collins, CO.
Colorado State University, Department of Microbiology, Ft. Collins, CO [2] (6-30-80).
Colorado, University of, Department of Geological Sciences, Boulder, CO [2] (6-30-80).
Colorado, University of, Institute of Arctic and Alpine Research, Boulder, CO [2] (5-31-78).
Colorado School of Mines, Research Institute, Golden, CO [2] (6-30-80).

Columbia Glass Company, Inc., Baltimore, MD [2] (11-30-78).
Columbia Research Corporation, Irradiation Service Division, Gaithersburg, MD [2] (9-30-77).
Commercial Testing & Engineering Co., Norfolk, VA.
Commonwealth Laboratory, Inc., Greenville, SC.
Commonwealth Laboratory, Inc., Richmond, VA.
Connecticut, University of, Department of Plant Science, Storrs, CT [2] (6-30-81).
Connecticut, University of, Soil Testing Laboratory, Plant Science Department, College of Agriculture and Natural Resources, Storrs, CT.
Consolidated Cigar Corp., Glastonbury, CT.
Construction Aggregates Corp., Ferrysburg, MI.
Contractors & Engineers Service, Inc., Fayetteville, NC.
Contractors & Engineers Service, Inc., Goldsboro, NC.
Cook Research Laboratories, Inc., Menlo Park, CA.
Cook Associates, Oroville, GA.
Cookwell Strainer, Cincinnati, OH.
Cooper-Clark & Associates, Palo Alto, CA
Coors Spectro-Chemical Laboratory, Denver, CO.
Core Laboratories, Inc., Aurora, CO.
Core Laboratories, Inc., Houma, LA.
Core Laboratories, Inc., Lafayette, LA.
Core Laboratories, Inc., New Orleans, LA.
Core Laboratories, Inc., Shreveport, LA.
Core Laboratories, Inc., Farmington, NM.
Core Laboratories, Inc., Hobbs, NM.
Core Laboratories, Inc., Houston, TX.
Core Laboratories, Inc., Dallas, TX.
Core Laboratories, Inc., Casper, WY.
Cornell University, Department of Agronomy, Ithaca, NY [2] (6-30-79).
Cornell University, Department of Floriculture and Oranmental Horticulture, Ithaca, NY [2] (6-30-81).
Craig Testing Laboratories, Mays Landing, NJ.
Craven Laboratories, Austin, TX.
Crobaugh Laboratories, Cleveland, OH.
Crop Chemical Testing Services, Inc., Arcola, IL.

D

Dade County Soils Laboratory, Homestead, FL.
Dames & Moore, Denver, CO.
Dames & Moore, Los Angeles, CA [2] (6-30-81).
Dames & Moore, San Francisco, CA [2] (6-30-82).
Dames & Moore, Atlanta, GA [2] (6-30-81).
Dames & Moore, Cincinnati, OH [2] (6-30-81).
Dames & Moore, Portland, OR [2] (3-31-79).
Dames & Moore, Houston, TX [2] (6-30-80).
Dames & Moore, Park Ridge, IL [2] (6-30-78).
Dames & Moore, Cranford, NJ [2] (6-30-80).
Dames & Moore, Seattle, WA [2] (6-30-79).
D'Appolonia, E., Consulting Engineers, Inc., Pittsburgh, PA [2] (6-30-81).
Davey Tree Expert Co., Kent, OH.
Daylin Laboratories, Inc., Los Angeles, CA.
Delaware, University of, Department of Geology, Newark, DE [2] (9-30-82).
Del Monte Corp., San Leandro, CA.
Del Monte Corp., Walnut Creek, CA.
Delta Testing and Inspection, Inc., Baton Rouge, LA.
Delta Testing and Inspection, Inc., Lafayette, LA.
Delta Testing and Inspection, Inc., New Orleans, LA.
Denver, University of, Department of Geography, Denver, CO.
Diamond Shamrock Corp., Painesville, OH.
Dickinson Laboratories, Inc., El Paso, TX [2] (8-31-78).
Dickinson Laboratories, Inc., Mobile, AL.
Dixie Laboratories, Inc., Mobile, AL.

Dow Chemical Co., Walnut Creek, CA.
Dow Chemical Co., Midland, MI [2] (6-30-81).
Duke University, Durham, NC [2] (6-30-80).
Duke University, Department of Botany, Durham, NC.
Duke University, Department of Zoology, Durham, NC [2] (6-30-81).

E

EFCO Laboratories, Tucson, AZ [2] (6-30-78).
Eagle Iron Works, Des Moines, IA.
Eastern Michigan University, Mycology Labs Biology, Ypsilanti, MI [2] (6-30-81).
Ecology Consultants Inc., Ft. Collins, CO.
Effingham Equity, Effingham, IL.
E. I. du Pont de Nemours & Co., Inc., Industrial and Biochemicals Department, Foreign Sales, Wilmington, DE [2] (6-30-81).
E. I. du Pont de Nemours & Co., Inc., Plant Research Laboratory, Wilmington, DE [2] (5-31-79).
Eisenhauer Laboratories, Covina, CA.
Ellerbe Architect, Bloomington, MN.
Elmira College, Department of Biology, Elmira, NY [2] (6-30-80).
El Paso Chemical Laboratories, El Paso, TX [2] (6-30-78).
Emcon Associates, San Jose, CA.
Empire Soils Investigations, Groton, NY.
Engineering, Surveys, and Services, Columbia, MO.
Engineers Laboratories, Inc., Jackson, MS.
Engineers Testing Laboratories, Phoenix, AZ.
Environmental Engineering, Watchung, NJ [2] (11-30-77).
Environmental Science & Engineering Corp., Mt. Juliet, TN.
Environmental Statement Project, Argonne National Laboratory, Argonne, IL.
Eustis Engineering Co., Metairie, LA.
Evans, L. T., Inc., Los Angeles, CA.
Exxon Production Research Company, Houston, TX [2] (6-30-78).

F

Farm Clinic, West Lafayette, IN.
Fayette County Farm Bureau, Vandalia, IL.
Federal Chemical Co., Columbus, OH.
Fertilizers, John Taylor, Rio Linda, CA.
Florida State University, Department of Geology, Tallahassee, FL.
Florida Testing Laboratories, Inc., St. Petersburg, FL.
Florida, University of, Agricultural Research and Education Center, Lake Alfred, FL.
Florida, University of, Agricultural Extension Service, Soil Testing Laboratory, McCarty Hall, Gainesville, FL.
Florida, University of, Department of Geology, Floyd Hall, Gainesville, FL [2] (6-30-79).
Florida, University of, Florida State Museum, Gainesville, FL [2] (2-28-79).
Florida, University of, Soil Science Department, Gainesville, FL [2] (12-31-78).
Flowers Chemical Laboratories, Altamonte Springs, FL.
FMC Corporation, Agricultural Chemical Division, Middleport, NY [2] (5-31-78).
FMC Corporation, Agricultural Chemical Division, Richmond, CA.
Foley, Hubert L., Jr., New Albany, MS.
Foundation Engineering Consultants, Inc., Columbia, SC.
Foundation Service Company, Harrisburg, PA.
Foundation Test Services, Inc., Bethesda, MD.
Frederick Cancer Research Center, Chemotherapy Fermentation Laboratory, Frederick, MD [2] (6-30-78).
Froehling & Robertson, Inc., Richmond, VA.
Fruco & Associates, St. Louis, MO.
Fruco Enginering Co., St. Louis, MO.
Fruin-Colnon Corp., St. Louis, MO.
F. S. Royster Guano Co., Toledo, OH.
Fugro, Inc., Long Beach, CA [2] (12-31-78).

See footnotes at end of document.

FUGRO Gulf, Inc., Houston, TX[2] (5-31-79).
Fuller Company, Catasauqua, PA[2] (6-30-80).

G

GREFCO, Inc., Torrance, CA[2] (6-30-78).
GREFCO, Inc., Lompoc, CA[2] (6-30-79).
GX Laboratories, Inc., Golden, CO[2] (6-30-82).
General Foods Corp., Food Products Division, Woodburn, OR[2] (6-30-80).
General Testing Laboratory, Kansas City, MO.
Geochemical Surveys, Dallas, TX.
Geodata International, Inc., Dallas, TX[2] (4-30-79).
Geo-Engineering and Testing, Agana, Guam[2] (4-30-79).
Geologic Associates, Franklin, TN.
Geologic Associates, Knoxville, TN.
Georesearch Laboratories, Inc., Salt Lake City, UT[2] (4-30-79).
Georgia State Department of Transportation, Office of Material and Test, Forest Park, GA.[1]
Georgia Testing Laboratory, Lithonia, GA.
Georgia, University of, Cooperative Extension Service, Plant Pathology, Athens, GA.
Georgia, University of, Department of Agronomy, Athens, GA[2] (6-30-81).
Georgia, University of, Department of Plant Pathology, Nematology Laboratory, Athens, GA.
Georgia, University of, Institute of Ecology, Athens, GA[2] (6-30-80).
Geo-Survey, Inc., Camp Hill, PA.
Geotechnical Consultants, Inc., Burbank, CA.
Geotechnical Engineering-Testing, Inc., Mobile, AL.
Geotechnical Engineers, Inc., Winchester, MA[2] (10-31-78).
Geotek Consultants, Inc., Denver, CO[2] (11-30-78).
Geo-Testing, Inc., San Rafael, CA[2] (6-30-79).
Gillen Engineering Co., Inc., Metairie, LA.
Girdler Foundation & Exploration Co., Lenexa, VA.
Glassmire, S. H., & Associates, Metairie, LA.
Gooch, George W., Laboratory, Ltd., Los Angeles, CA.
Gore Engineering, Inc., Metairie, LA.
Grace, W. R., & Co., Columbia, MD[2] (6-30-82).
Grace, W. R., & Co., Fort Pierce, FL.
Grace, W. R., & Co., Nashville, TN.
Green Engineering Co., Sewickley, PA.
Green Giant Co., Agricultural Research Department, Le Sueur, MN[2] (6-30-82).
Green Thumb Corp., Apopka, FL[2] (6-30-79).
Grimes, Walter B., & Assoicates, Chico, CA.
Growers Chemical Corp., Milan, OH.
Grubbs Consulting Engineers, Little Rock, AR.
Gulf Coast Testing Laboratory, Inc., Corpus Christi, TX.
Gulf Oil Chemicals Company, Crop Protection Products, Merriam, KS[2] (2-28-79).
Gulf South Research Institute, Baton Rouge, LA.
Gulf South Research Institute, New Orleans, LA.

H

Hales Testing Laboratories, Santa Clara, CA.
Halpert, Neyer, & Associates, Consulting Soil and Foundation Engineers, Farmington, MI.
Hanson Engineers, Inc., Springfield, IL[2] (6-30-82).
Harding-Lawson Associates, Houston, TX[2] (10-31-78).
Harding-Lawson Associates, San Rafael, CA[2] (6-30-80).
Harlan, R. C., and Associates, San Francisco, CA.
Harris Laboratories, Inc., Lincoln, NE[2] (7-31-78).
Harris, Frederic R. Inc., Woodbridge, NJ[2] (6-30-81).
Harvard University, Peabody Museum, Cambridge, MA[2] (6-30-78).
Harvard University, Herbaria, Cambridge, MA[2] (6-30-80).
Harza Engineering Co., Chicago, IL[2] (5-31-82).
Hawley & Hawley, Division of Skyline Labs, Inc., Tucson, AZ[2] (3-31-79).
Haynes, John H., Consulting Engineer, Dallas, TX.
Hazen Research Inc., Golden, CO[2] (6-30-78).
Hazelton Laboratories, Inc., Falls Church, VA.
Hector Agricultural Export Co., Miami, FL[2] (6-30-79).
Heinrichs Geoexploration Co., Tuscon, AZ.
Hemphill Corp., Tulsa, OK.
Herbert & Associates, Virginia Beach, VA.
Hercules, Inc., Wilmington, DE.
Herner Analytics, Inc., Rockville, MD[2] (6-30 78).
Hess, John D., Testing Corp., El Centro, CA[2] (5-31-78).
Hoffman-LaRoche, Inc., Nutley, NJ[2] (6-30-78).
Hollywood Testing Laboratories, Hollywood, CA.
Horvitz Research Laboratories, Houston, TX.
Hughes Aircraft Co., Culver City, CA[2] (12-31-77).
Hunt, Robert W., Co., Chicago, IL.
Hunter College, Department of Anthropology, New York, NY.
Hurst-Rosche Engineers, Inc., Hillsboro, IL.

I

IIT Research Institute, Chicago, IL.
IRI Research Institute, Inc., New York, NY.
Illinois Division of Highways, Bureau of Materials, Chicago, IL.
Illinois Division of Highways, Bureau of Materials, Dixon, IL.
Illinois Division of Highways, Bureau of Materials, Effingham, IL.
Illinois Division of Highways, Bureau of Materials, Elgin, IL.
Illinois Division of Highways, Bureau of Materials, Paris, IL.
Illinois Division of Highways, Bureau of Materials, Springfield, IL.
Illinois Division of Highways, Carbondale, IL.
Illinois Division of Highways, East St. Louis, IL.
Illinois Division of Highways, Ottawa, IL.
Illinois Division of Highways, Peoria, IL.
Illinois University of, Department of Agronomy, Urbana, IL.
Illinois, University of, Department of Anthropology, Urbana, IL[2] (6-30-80).
Illinois, University of, at Chicago Circle, Department of Geography, Chicago, IL[2] (6-30-78).
Illinois, University of, at Chicago Circle, Department of Materials Engineering, Geotechnical Engineering Laboratory, Chicago, IL[2] (6-30-81).
Independent Testing Laboratories, Greensboro, NC.
Indiana Farm Bureau Co-op, Indianapolis, IN.
Indiana State Highway Commission, Division of Materials and Testing, Indianapolis, IN.
Indiana University, Department of Geology, Bloomington, IN[2] (6-30-78).
Industrial Laboratories Co., Denver, CO.
Insect and Plant Disease Clinic, Raleigh, NC.
Institute for Research, Inc., Houston, TX.
International Fertilizer Development Center, Muscle Shoals, AL.
International Flavors and Fragrances (R. & D.), Union Beach, NJ[2] (3-31-78).
International Mineral & Chemical Corp., Libertyville, IL.
International Mineral & Chemical Corp., Mulberry, FL.
International Mineral Engineers, Inc., Golden, CO.
International Research Corp., Mattawan, MI.
Iowa State University, Department of Agronomy, Ames, IA.[2] (6-30-80).
Iowa State University, Engineering Research Institute, Ames, IA.[2] (6-30-80).
Iowa Testing Laboratories, Inc., Eagle Grove, IA[2] (4-30-79).

J

Jennings Laboratories, Virginia Beach, VA.
Jersey Testing Laboratories, Atco, NJ.
Jersey Testing Laboratories, Newark, NJ.
Johns Hopkins University, Department of Geography and Environmental Engineering, Baltimore, MD[2] (6-30-77).
Johnson Soil Engineering Laboratory, Palisades Park, NJ.
Jones Ferro Magnetics, Inc., Jacksonville, FL[2] (1-31-78).
Joy Manufacturing Co., Denver Equipment Division, Denver, CO.

K

Kaiser Agricultural Chemical Co., Sullivan, IL.
Kaiser Agricultural Chemicals Corp., Savannah, GA.
Kaiser Aluminum and Chemical Corp., Center for Technology, Pleasanton, GA[2] (6-30-80).
Kalo Laboratories, Inc., Quincy, IL.
Kansas City Testing Laboratory, Inc., Kansas City, MO.
Kansas City Testing Laboratory, Inc., Leawood, KS.
Kansas, University of, Department of Geography-Meteorology, Lawrence, KS.
Kearney Field Station, University of California, Division of Agricultural Sciences, Parlier, CA.
Kelco Co., San Diego, CA[2] (6-30-81).
Kennecott Exploration, Inc., Salt Lake City, UT[2] (2-28-78).
Kentucky, University of, Department of Agronomy, Lexington, KY[2] (1-31-78).
Kentucky, University of, Division of Regulatory Services, Lexington, KY.
Kinlab, Inc., Cincinnati, OH.
Kleinfelder, J. H., & Assocoiates, Fresno, CA.
Kleinfelder, J. H., & Associates, Merced, CA.
Kleinfelder, J. H. & Associates, Sacramento, CA.
Kleinfelder, J. H., & Associates, Stockton, CA[2] (6-30-81).

L

LFE Environmental Analysis Laboratory, Richmond, CA.
Lake Ontario Environmental Laboratory, Oswego, NY.
Langan Engineering Associates, Clifton, NJ.
Langford & Meredith Laboratories, Division of The Analysts, Inc., New Orleans, LA.
Larsen, Herluf T., Enola, PA.
La Salle County Bureau, Soil Testing Laboratory, Ottawa, IL.
Law Engineering Testing Co., Atlanta, GA[1][2] (6-30-78).
Law Engineering Testing Co., Birmingham, AL[2] (4-30-78).
Law Engineering Testing Co., Charlotte, NC[2] (5-31-78).
Law Enigneering Testing Co., Houston, TX[2] (5-31-78).
Law Engineering Testing Co., Marietta, GA[2] (5-31-78).
Law Engineering Testing Co., McLean, VA[2] (6-30-79).
Law Engineering Testing Co., Tampa, FL[2] (5-31-78).
Layne-Western Co., Kansas City, MO.

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Layne-Western Co., Kirkwood, MO.
Lederle Laboratories, Pearl River, NY[2] (6-30-80).
Lerch Brothers Inc., Hibbing, MN[2] (6-30-80).
Lewin, David W., Corp., Geotechnical Engineering, The Arcade, Cleveland, OH.
Libby, McNeill, & Libby, Janesville, WI[2] (6-30-81).
Lilly, Eli, & Co. Greenfield, IN[2] (6-30-79).
Lilly, Eli, & Co., Lilly Research Laboratories, Indianapolis, IN[2] (6-30-80).
Lockwood Corp., Lionel Harris Laboratory, Mitchell, NE[2] (10-31-78).
Louisiana Department of Highways, Baton Rouge, LA.
Louisiana State University, Sedberry, Joe E. Jr., Department of Agronomy, Soil Testing, Laboratory, Baton Rouge, LA[2] (6-30-80).
Louisiana State University, (Caldwell, Dr. A. G.) Department of Agronomy, Baton Rouge, LA[2] (6-30-81).
Louisiana State University, Coastal Studies Institute, Baton Rouge, LA.
Louisiana State University, New Orleans, LA.
Lowney/Kaldveer Associates, Palo Alto, CA.
Lubbock Labs, Lubbock, TX.

M

M&T Chemicals, Inc., Rahway, NJ.
Maine State Highway Commission, Bangor, ME.
Maine, University of, Orono, ME.
Manchester College, Biology Department, North Manchester, IN.
Mapco, Inc., Indiana Point Division, Athens, IL.
Marathon Oil Co., Littleton, CO.
Maryland, University of, Botany Department, College Park, MD[2] (6-30-78).
Maryland, University of, Department of Microbiology, College Park, MD[2] (5-31-78).
Mason-Johnson & Associates, Inc., Dallas, TX[2] (6-30-80).
Massachusetts Department of Public Works, Wellesley Hills, MA.
Massachusetts Institute of Technology, Soil Mechanics Division, Cambridge, MA.
Massachusetts, University of, Department of Anthropology, Amherst, MA[2] (10-31-77).
Massachusetts, University of, Department of Plant and Soil Sciences, Amherst, MA.
Materials Consultants International, Inc., Charlotte, NC[2] (4-30-79).
McBride-Ratcliff and Associates, Houston, TX[2] (2-28-79).
McCallum Inspection Co., Chesapeake, VA[2]
McClelland Engineers, Clayton, MO
McClelland Engineers, Inc., Houston, TX[2] (6-30-79)
McGauthy, Marshall, and McMillian, Norfolk, VA
Medall, S. E. and Associates, Inc., Santa Ana, CA[2] (6-30-77)
Memphis State University, Department of Biology, Memphis, TN
Memphis State University, Department of Civil Engineering, Memphis, TN
Merck Institute for Therapeutic Research, Rahway, NJ[2] (6-30-78)
Merck & Co., Inc., Agri Chemical Development, Rahway, NJ
Miami, University of, IMCE, Coral Gables, FL[2] (6-30-78)
Miami, University of, Institute of Marine Science, Miami Beach, FL[2] (8-31-78).
Michigan Department of Public Health, Bureau of Laboratories, Division of Antibiotics and Fermentation, Lansing, MI[2] 6-30-78).
Michigan State University, Department of Botany and Plant Pathology, East Lansing, MI[2] (6-30-77).
Michigan State University, Crop and Soil Science Department, Soil Testing Laboratory, East Lansing, MI[2] (6-30-81).
Michigan, University of, Botany Department, Ann Arbor, MI[2] (6-30-79).
Michigan, University of, Department of Geology and Mineralogy, Ann Arbor, MI[2] (6-30-81).
Michigan, University of, Department of Zoology, Ann Arbor, MI[2] (3-31-79).
Michigan, University of, Ethnobotanical Laboratory, Ann Arbor, MI[2] (10-31-78).
Michigan Testing Engineers, Inc., Michigan Drilling Division, Detroit, MI.
Midwest Research Institute, Kansas City, MO.
Midwest Soil Testing Service, Danforth, IL.
Mier, Ezra, Raleigh, NC.
Miles Laboratories, Inc., Marschall Division, Elkhart, IN[2] (6-30-82).
Miles Laboratories, Inc., Film Laboratory Division, West Haven, CT[2] (6-30-82).
Milwaukee, City of, Sewage Commission, Milwaukee, WI.
Minnesota Department of Highways, Office of Materials, St. Paul, MN.
Minnesota Mining and Manufacturing Co., Agrichemical Laboratories, St. Paul, MN[2] (4-30-78).
Minnesota, University of, Department of Geology and Geophysics, Minneapolis, MN[2] (6-30-80).
Minnesota, University of, Department of Plant Pathology, St. Paul, MN[2] (6-30-80).
Minnesota, University of, Department of Soil Science, St. Paul, MN[2] (6-30-80).
Minnesota, University of, Department of Zoology, Minneapolis, MN[2] (6-30-81).
Mississippi State University, State College, MS.
Mississippi, University of, University, MS.
Missouri Highway Commission, Jefferson City, MO.
Missouri, University of, Department of Agronomy, Columbia, MO[2] (6-30-78).
Missouri, University of, Department of Anthropology, Columbia, MO[2] (6-30-81).
Missouri, University of, Department of Food Sciences and Nutrition, Columbia, MO.
Missouri, University of, Department of Geology, Columbia, MO[2] (6-30-81).
Mobil Chemical Co., Central Research Lab., Edison, NJ[2] (7-31-78).
Monarch Laboratory, Chico, CA.
Monsanto Co., Agricultural Division, St. Louis, MO[2] (6-30-78).
Montana, University of, Department of Plant and Soil Science, Bozeman, MT[2] (6-30-81).
Moore, George, Columbus, OH.
Moran, Douglas E., Tustin, CA.
Morse Laboratories, Sacramento, CA.
Mountain States Research and Development, Tucson, AZ[2] (6-30-80).
Multi-Tech Laboratories, Ukiah, CA.
Mueser, Rutledge, Wentworth, and Johnston, New York, NY[2] (6-30-80).

N

Na-Churs Plant Food Co., Forrest City, AR.
Na-Churs Plant Food Co., Marion, OH[2] (6-30-80).
Na-Churs, Red Oak, IA.
National Aeronautics and Space Administration, Ames Research Center, Moffett Field, CA[2] (4-30-79).
National Soil Services, Inc., Dallas, TX.
National Soil Services, Inc., Houston, TX[2] (3-31-79).
National Spectographic, Division of Shiller Industries, Warrenville Heights, OH.
Natural Resources Laboratory, Golden, CO.
Naval Underseas Center, San Diego, CA[2] (11-30-78).
Nebraska Department of Roads, Soil Testing Laboratory, Lincoln, NE.
Nebraska, University of, Department of Agronomy, Keim Hall, Lincoln, NE[2] (6-30-78).
Nebraska, University of, Department of Agronomy, Wheat Studies Laboratory, Lincoln, NE[2] (10-30-77).
Nelson Laboratories, Stockton, CA[2] (6-30-80).
Nevada State Highway Department Laboratory, Carson City, NV.
New Jersey Department of Transportation, Trenton, NJ.
New Mexico State Highway Department, Sante Fe, NM.
New Mexico State University, Soil and Water Testing Laboratory, Las Cruces, NM[2] (5-31-78).
New York Botanical Garden, Cryptogamic Herbarium, Bronx, NY[2] (3-31-78).
New York State, University of, College of Environmental Sciences and Forestry, Department of Forest Botany and Pathology, Syracuse, NY[2] (6-30-80).
Niagara Chemical Division of FMC Corp., Middleport, NY.
NL Industries, Inc., Baroid Division, Channelview, TX[2] (3-31-78).
NL Industries, Inc., Baroid Division, Malvern, AR[2] (3-31-78).
North American Exploration, Inc., Charlottesville, VA[2] (6-30-78).
North Carolina Department of Agriculture, Raleigh, NC.
North Carolina Department of Geology, Raleigh, NC.
North Carolina State University, Department of Plant Pathology, Raleigh, NC[2] (8-31-78).
North Carolina State University, Department of Soil Science, Raleigh, NC[2] (5-31-79).
North Carolina State University, Department of Soil Science, International Soil Testing Project, Raleigh, NC[2] (6-30-81).
North Carolina, University of, Department of Botany, Chapel Hill, NC (Dr. J. N. Couch).
North Carolina, University of, Department of Botany, Chapel Hill, NC (Dr. N. G. Miller)[2] (6-30-80).
North Carolina, University of, Department of Botany, Chapel Hill, NC (Dr. Edward G. Barry).
North Dakota State Highway Department, State Highway Department Laboratory, Bismarck, ND.
Northrop Services, Inc., Houston, TX.
Norvell Plowman Laboratories, Little Rock, AR.
Nu-ag Laboratory, Inc., Rochelle, IL.
NUS Corporation, Rockville, MD[2] (9-30-78).
Nutting, H. C., Co., Cincinnati, OH.

O

Oak Ridge National Laboratory, Environmental Sciences Division, Oak Ridge, TN[2] (3-31-78).
Ohio Florist Association, Columbus, OH.
Ohio State University, Botany Department, Columbus, OH[2] (6-30-81).
Ohio State University, Department of Agronomy, Columbus, OH[2] (6-30-80).
Ohio State University, Department of Pathology, Columbus, OH.
Ohio State University, Institute of Polar Studies, Columbus, OH[2] (6-30-81).
Ohio State University, Ohio Extension Service, Columbus, OH.
Ohio State University, Soil Testing Laboratory, Columbus, OH[2] (6-30-78).
Oklahoma State Highway Department, Materials Division, Oklahoma City, OK.
Oklahoma State University, Stillwater, OK.
Oklahoma State University, Department of Agronomy, Stillwater, OK[2] (5-31-79).
Oklahoma State University, School of Civil Engineering, Stillwater, OK.
Oklahoma Soil Testing Laboratories, Oklahoma City, OK.
Oklahoma, University of, School of Civil Engineering and Environmental Science, Norman, OK.
Old Dominion University, Norfolk, VA.
Olson-Dykeman Laboratories, Freeport, IL.
Onondaga Soil Testing, Inc., East Syracuse, NY.
Oregon State Highway Department, Salem, OR.[1]

See footnotes at end of document.

Osborne Laboratories, Inc., Santa Fe Springs, CA.
Owens-Illinois Inc., Technical Center, Toledo, OH [2] (4-30-78).

P

Pacific Spectro Chemical Laboratory, Los Angeles, CA.
Pan American Laboratories, Brownsville, TX [2] (6-30-80).
Parke, Davis, & Co., Res. & Med. Affairs, Biol. R. & D., Detroit, MI [2] (6-30-81).
Parrill, Irwin H., Edwardsville, IL.
Pattison's Laboratories, Inc., Harlingen, TX [2] (6-30-80).
Patzig Testing Laboratories, Inc., Des Moines, IA.
Peabody Testing Services, Memphis, TN.[1]
Pembroke Laboratory, Pembroke, FL.
Penniman & Browne, Inc., Baltimore, MD.
Pennsylvania State University, Department of Agronomy, University Park, PA [2] (6-30-81).
Pennsylvania, University of, Dept. of Geology, Philadelphia, PA [2] (6-30-78).
Perry Laboratory, Los Gatos, CA [2] (6-30-81).
Peters, Robert B., Co., Allentown, PA.
Pfeiffer Foundation, Inc., Threefold Farm, Spring Valley, NY [2] (6-30-78).
Pfizer, Charles, & Co., Inc., Groton, CT [2] (6-30-81).
Phillips Petroleum Co., Phillips Research Center, Bartlesville, OK [2] (8-31-78).
Pickett, Ray, and Silver, St. Peters, MO.
Pioneer Testing Laboratory, Inc., Redlands, CA.
Pittsburgh Testing Laboratory, Pittsburgh, PA.[1]
Plains Laboratory, Lubbock, TX.
Polkowski, George R., NASA Ames Research Center, Moffett Field, CA [2] (6-30-78).
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R

Raba and Associates Consulting Engineers, Inc., San Antonio, TX [2] (1-31-78).
Raba Soil Testing Laboratory, San Antonio, TX.
Radiation Management Corporation, Philadelphia, PA.
Raymond International, St. Louis, MO.
RDS Laboratories, Inc., Exeter, CA [2] (12-31-80).
Reitz and Jens, Clayton, MO.
Resources International, Fresno, CA [2] (6-30-79).
Richfield Oil Corp., Carson, CA.
Ringle and Associates, Chico, CA.
Rochester, University of, Department of Biology, Rochester, NY [2] (6-30-79).
Rocky Mountain Geochemical Corp., Midvale, UT.
Rocky Mountain Geochemical Corp., Prescott, AZ.
Rocky Mountain Geochemical Corp., West Jordan, UT [2] (6-30-80).
Rocky Mountain Technology, Inc., Golden, CO.
Rohm & Haas Corporation, Philadelphia, PA.
Rosner-Hixon Laboratories, Chicago, IL.
Royster Co., Norfolk, VA.[1]
Rummel, Klepper, & Kahl, Lansdowne, MD.
Rutgers, the State University, Department of Microbiology, New Brunswick, NJ [2] (6-30-81).
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Rutgers, the State University, Soils Extension Specialist, New Brunswick, NJ.

S

San Fernando Valley State College, Department of Biology, Northridge, CA.
Sayre & Sutherland, Inc., Richmond, VA.
Schering Corp., Bloomfield, NJ [2] (6-30-79).
Scientific Agricultural Services, Visalia, CA [2] (9-30-77).
Scientific Associates, Inc., St. Louis, MO [2] (6-30-78).
Scott, O. M., & Sons, Seed Co., Marysville, OH.
Scottland Soil Laboratory, Chrisman, IL.
Seabrook Farms, Seabrook, NJ.
Shankman, Laboratories, Los Angeles, CA.
Shannon & Wilson, Inc., Burlingame, CA.
Shannon & Wilson, Inc., Portland, OR.
Shannon & Wilson, Inc., Seattle, WA [2] (6-30-81).
Shannon & Wilson, Inc., St. Louis, MO.
Shell Development Co., Biological Sciences Research Center, Modesto, CA.
Shilstone Testing Laboratory, Inc., Baton Rouge, LA.
Shilstone Testing Laboratory, Inc., Freeport, TX.
Shilstone Testing Laboratory, Inc., Houston, TX.
Shilstone Testing Laboratory, Inc., Lafayette, LA.
Shilstone Testing Laboratory, Inc., Monroe, LA.
Shilstone Testing Laboratory, Inc., New Orleans, LA.
Skyline Laboratories, Inc., Wheat Ridge, CO [2] (6-30-82).
Skyline Labs, Inc., Hawley & Hawley, Assayers and Chemists Division, Tucson, AZ [2] (4-30-79.
Smith-Douglas, Chesapeake, VA.
Smith-Douglas Co., Division of Borden, Inc., Columbus, OH.
Smith, Kline, & French Laboratories, Swedeland, PA [2] (6-30-79).
Snohomish Farm Veterinary Service, Snohomish, WA.
Soil and Materials Engineers, Detroit, MI.
Soil and Plant Laboratory, Inc., Santa Clara, CA [2] (6-30-80).
Soil Consultants, Inc., Charleston, SC.
Soil Consultants, Inc., Merrifield, VA.
Soil Control Laboratory, Watsonville, CA.
Soil Engineering Services, Decatur, IL.
Soil Exploration Co., St. Paul, MN.
Soil Services, Inc., Mountain View, CA [2] (6-30-78).
Soil Systems, Inc., Marietta, GA.
Soil Test, Moorestown, NJ.
Soil Testing, Burlington, WA
Soil Testing Engineers, Inc., Baton Rouge, LA [2] (11-30-77).
Soil Testing Services, Inc., Northbrook, IL [2] (6-30-81).
South Alabama, University of, Department of Geology, Mobile, AL [2] (6-30-78).
South Carolina, University of, Department of Engineering, Columbia, SC.
South Dakota State Highway Department, Materials and Testing Department, Pierre, SD.
Southern California Testing Lab., Inc., San Diego, CA [2] (5-31-78).
Scuthern Laboratories, Mobile, AL.
Southern Methodist University, Department of Anthropology, Dallas, TX [2] (6-30-81).
Southern Technical Services, Inc., Jackson, MS.
Southern Testing and Research Laboratories, Wilson, NC.
Southern Testing Laboratory, Montgomery, AL.
Southern Turf Nurseries, Tifton, GA [2] (6-30-79).
Southwestern Assayers & Chemists, Inc., Tucson, AZ [2] (6-30-79)
Southwestern Irrigation Field Station, Brawley, CA.
Southwestern Laboratories, Inc., Houston, TX.[1]
Spectograph Laboratory, Hayden, CO.
Squibb, E.R., & Sons, Dept. of Microbiology, Lawrenceville, NJ [2] (6-30-79).
Standard Laboratories, Goodfield, IL.
Stanford University, Department of Civil Engineering, Stanford, CA [2] (12-31-78).
State University of New York at Buffalo, Department of Civil Engineering, Buffalo, NY [2] (6-30-80).
Stauffer Chemical Co., Mountain View, CA.
Stauffer Chemical Co., Richmond, CA.
Stilwell & Gladding, Inc., New York, NY.
Stoner Laboratories, Inc., Santa Clara, CA.
Strawinsky Laboratory Long Beach, CA.
Sverdrup and Parcel & Associates, Inc., St. Louis, MO.
Superior Oil Company, Geophysical Laboratory, Houston, TX [2] (6-30-79).
Syracuse University Research Corp., Syracuse, NY.

T

T-M-T Chemical Co., Inc., Five Points, CA [2] (12-31-78).
Technological Resources, Inc., Camden, NJ.
Tennessee, University of, Department of Geological Sciences, Knoxville, TN [2] (3-31-78).
Tennessee, University of, Soil Testing Laboratory, Nashville, TN.
Tennessee Valley Authority, Materials Engineering Laboratory, Knoxville, TN.
Terrasearch, Inc., San Jose, CA.
Terratech, Inc., San Jose, CA.
Test, Inc., Memphis, TN.
Testing Engineers-San Diego, San Diego, CA [2] (3-31-79).
Testing Engineers, Inc., Oakland, CA.
Testing Engineers, Inc., Santa Clara, CA.
Testing Service Corp., Wheaton, IL.
Tetco, Trinity Engineering Testing Corp., Austin, TX.
Tetco, Trinity Engineering Testing Corp., Corpus Christi, TX.
Texas A & M University, Department of Sociology and Anthropology, College Station, TX [2] (6-30-80).
Texas A & M University, Department of Soil and Crop Sciences, Texas Agricultural Experiment Station, College Station, TX [2] (6-30-80).
Texas A & M University, Soil Testing Laboratory, Agricultural Extension Service and Experiment Station, College Station, TX [2] (6-30-81).
Texasgulf Inc., Golden, CO.
Texas Highway Department, Materials and Tests Engineering Division, Austin, TX.
Texas Soil Laboratory, McAllen, TX [2] (6-30-78).
Texas Tech University, Lubbock, TX [2] (6-30-78).
Texas Tech University, Department of Plant and Soil Science, Lubbock, TX [2] (6-30-82).
Texas Testing Laboratories, Dallas, TX.
Texas, University of, Radiocarbon Laboratory, Balcones Research Center, Austin, TX [2] (6-30-79).
Thompson, Vester J., Jr., Inc., Mobile, AL.
Thornton Laboratories, Inc., Tampa, FL [2] (3-31-79).
Tidewater Testing Laboratory, Inc., Virginia Beach, VA.
Tippetts-Abbett-McCarthy-Stratton, New York, NY [2] (6-30-81).
Tri-County Agricultural Laboratory, Hamilton City, CA.
Trinity Testing Laboratories, Inc., Corpus Christi, TX.
Triple S Laboratory, Inc., Loveland, CO [2] (6-30-79).
Truesdale Laboratories, Inc., Los Angeles, CA.
Tulane University, Department of Geology, New Orleans, LA [2] (5-31-78).
Tulsa, University of, Department of Geology, Tulsa, OK.

See footnotes at end of document.

Twin City Testing and Engineering Laboratory, Inc., St. Paul, MN.
Twining Laboratories, Inc., Fresno, CA[2] (6-30-79).
Twining Laboratory of Southern California, Long Beach, CA.

U

U.S. Agricultural Consultants Laboratories, San Gabriel, CA.
U.S. Borax Research Corp., Anaheim, CA.
U.S. Plant, Soil, and Nutrition Laboratory, Ithaca, NY.
U.S. Sugar Corporation, Research Department, Clewiston, FL.
U.S. Terrestrial Plants Laboratory, Hanover, NH.
U.S. Testing Co., Inc., Los Angeles, CA.
U.S. Testing Co., Inc., Hoboken, NJ.
U.S. Testing Co., Memphis Laboratory, Memphis, TN[2] (6-30-79).
U.S. Testing Laboratory, Richland, WA.
USS Agri-Chemicals, Belmond, IA.
USS Agri-Chemicals, Decatur, GA.
Union Carbide Corp., Grand Junction, CO[2] (6-30-80).
Union Carbide Corp., Niagara Falls, NY[2] (6-30-80).
Union Carbide Corp., South Charleston, WV.
Union Oil Company of California, Brea, CA.
United Rice Growers and Millers, Maxwell, CA.
Upjohn Co., Pharmaceutical Division, Kalamazoo, MI[2] (6-30-80).
Urban Testing and Construction Engineers, Inc., Atlanta, GA.
Utah State University, College of Engineering, Agriculture and Irrigation Engineering, Logan, UT.
Utah State University, Department of Biology, Logan, UT[2] (6-30-79).
Utah State University, Soil Laboratory, Logan, UT[2] (6-30-81).
Utah State University, Soil and Water Conservation Research, Mechanic Arts, Logan, UT.
Utah State University, Crops Research Laboratory, Logan, UT.
Utah, University of, Department of Anthropology, Salt Lake City, UT[2] (6-30-81).

U.S. GOVERNMENT

U.S. Department of Agriculture, APHIS, Environmental Quality Laboratory, Gulfport, MS.
U.S. Department of Agriculture, APHIS, Westhampton Golden Nematode Facility, Riverhead, NY.
U.S. Department of Agriculture, APHIS, Gypsy Moth Laboratory, Otis AFB, MA.
U.S. Department of Agriculture, APHIS, Southern Methods Development Laboratory, Gulfport, MS.
U.S. Department of Agriculture, ARS, Washington, DC.[1]
U.S. Department of Agriculture, ARS, Southern Piedmont Conservation Research Laboratory, Watkinsville, GA[2] (6-30-78).
U.S. Department of Agriculture, ARS, Subtropical Texas Area, Brownsville, TX[2] (12-31-78).
U.S. Department of Agriculture, ARS, U.S. Water Conservation Lab, Phoenix, AZ[2] (6-30-79).
U.S. Department of Agriculture, FS, Washington, DC.[1]
U.S. Department of Agriculture, SCS, Washington, D.C.[1]
U.S. Department of Agriculture, SCS, Soil Mechanics Laboratory, Lincoln, NE[2] (6-30-81).
U.S. Department of Agriculture, SCS, Soil Survey Investigations Unit, Lincoln, NE[2] (6-30-78).
U.S. Department of Commerce, National Bureau of Standards, Health Physics Section, Gaithersburg, MD[2] (6-30-80).
U.S. Department of Defense, U.S. Air Force, AFCES/DL Civil Engineering Center, Tyndall AFB, Panama City, FL[2] (6-30-78).
U.S. Department of Defense, U.S. Air Force, Environmental Health Laboratory, Kelly AFB, TX[2] (10-31-78).
U.S. Department of Defense, U.S. Air Force, Radiological Health Laboratory, Wright-Patterson AFB, OH[2] (6-30-81).
U.S. Department of Defense, U.S. Air Force, Air Force Weapons Laboratory, Kirkland AFB, Albuquerque, NM.
U.S. Department of Defense, U.S. Air Force, Technical Operations Squadron, McClellan AFB, CA[2] (5-31-78).
U.S. Department of Defense, U.S. Army, Cold Regions Research and Engineering Laboratory, Hanover, NH[2] (9-30-78).
U.S. Department of Defense, U.S. Army Corps of Engineers, Washington, D.C.[1]
U.S. Department of Defense, U.S. Army Corps of Engineers, South Atlantic Division Laboratory, Marietta, GA[2] (6-30-81).
U.S. Department of Defense, U.S. Army Corps of Engineers, Engineer Waterways Experiment Station, Vicksburg, MS[2] (4-30-78).
U.S. Department of Defense, U.S. Army, Electronics Command, Institute for Exploratory Research, Fort Monmouth, NJ.
U.S. Department of Defense, U.S. Army Environmental Hygiene Agency, Aberdeen Proving Ground, MD[2] (6-30-80).
U.S. Department of Defense, U.S. Army Facility Engineering Support Agency, Engineering Division, Nuclear Branch, Fort Belvoir, VA[2] (6-30-79).
U.S. Department of Defense, U.S. Army Mobile Equipment Research Development Center, Countermine/Counter Intrusion Dept., Fort Belvoir, VA[2] (6-30-79).
U.S. Department of Defense, U.S. Army, South Pacific Corps of Engineers, Engineering Division Laboratory, Sausalito, CA[2] (6-30-78).
U.S. Department of Defense, U.S. Navy, Naval Facilities Engineering Command, Soil Mechanics and Paving Branch, Norfolk, VA.
U.S. Department of Health, Education, and Welfare, National Communicable Disease Center, Mycology Branch, Atlanta, GA[2] (6-30-78).
U.S. Department of the Interior, Bureau of Indian Affairs, Soil Testing Laboratory, Gallup, NM.
U.S. Department of the Interior, Engineering and Research Center, Bureau of Reclamation, Denver, CO[2] (12-31-77).
U.S. Department of the Interior, Fish and Wildlife Service, Denver Wildlife Research Center, Denver, CO[2] (6-30-78).
U.S. Department of the Interior, Geological Survey, Washington, DC.[1]
U.S. Department of the Interior, U.S. Geological Survey, Denver, CO[2] (3-31-79).
U.S. Department of the Interior, U.S. Geological Survey, Branch of Analytical Laboratories, Reston, VA[2] (5-31-78).
U.S. Department of the Interior, Geological Survey, Branch of Exploration Research, Denver, CO.
U.S. Department of Interior, Geological Survey, Denver, CO[2] (6-30-78).
U.S. Department of the Interior, U.S. Geological Survey, Hydrologic Laboratory, Lakewood, CO[2] (3-31-78).
U.S. Department of the Interior, National Park Service, Ecological Services Division, Bay St. Louis, MS.
U.S. Department of Transportation, Federal Highway Administration, Washington, DC.[1]
U.S. Department of Transportation, Federal Highway Administration, Regional Materials Testing Laboratory, Denver, CO[2] (6-30-81).
U.S. Department of Transportation, Federal Highway Administration, Sevier County Industrial Park, Sevierville, TN[2] (12-31-78).
U.S. Environmental Protection Agency, Pesticides Monitoring Laboratory, Bay St. Louis, MS.
U.S. Environmental Protection Agency, Robert Kerr Laboratories, Ada, OK.

V

Valmont Industries, Inc., Valley, NE.
Value Engineering Company, Alexandria, VA.
Velsicol Chemical Corp., Chicago, IL[2] (6-30-80).
Vermilion Co., Farm Bureau, Danville, IL.
Vermont, University of, Burlington, VT.
Virginia Department of Highways, Richmond, VA.
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Virginia Polytechnic Institute and State University, Department of Agronomy, Soil, and Plant Analysis, Blacksburg, VA[2] (6-30-81).
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Virginia Truck Experiment Station, Painter, VA.
Virginia Truck Experiment Station, Virginia Beach, VA.
Virginia, Unversity of, Department of Environmental Sciences, Charlottesville, VA[2] (5-31-79).
Vistron Company, Lima, OH.
Voss International Corp., St. Louis, MO.
Vulcan Materials Company, Birmingham, AL[2] (1-31-79).

W

Waddoups, Marr and Associates, Inc., Kennewick, WA.
Wahler, W. A., & Associates, Palo Alto, CA[2] (4-30-79).
Walker Laboratories, Columbia, SC.
Walker Laboratories, Florence, SC.
Ward Engineering Testing, Inc., Atlanta, GA.
Ward, Joseph S. and Associates, Caldwell, NJ[2] (6-30-81).
Ward Lind Engineers, Inc., Jackson, MS.
Warf Institute, Inc., Madison, WI.
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Washington, University of, Center for the Biology of Natural Systems, St. Louis, MO[2] 6-30-81).
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Washington, University of, Department of Anthropology, St. Louis, MO[2] (12-31-77).
Washington, University of, Laboratory of Radiation Ecology, Seattle, WA.[2] (6-30-80).
Water's Agricultural Laboratory and Consulting Co., Camilla, GA.
Weber State College, Department of Microbiology, Ogden, UT.
Weck, Frederick J., Laboratories, Industry, CA.
Western Agricultural Laboratory, Redlands, CA[2] (12-31-79).
Westfall Engineers, Saratoga, CA.
West Virginia Department of Highways, Charleston, WV.
West Virginia, University of, Soil Testing Laboratory, Morgantown, WV.
Westvaco Corp., Laurel Research Laboratory, Laurel, MD.
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Whitaker Laboratories, Inc., Savannah, GA.
Whittaker Corp., San Diego, CA.
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See footnotes at end of document.

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Woodward Research Corp., Herndon, VA.
Woodson-Tenent Laboratories, Memphis, TN [3] (6-30-80).
Woodward-Clyde Consultants, San Francisco, CA.[1]
Woodward-Clyde Consultants, Clifton, NJ [3] (6-30-81).
Woodward-Clyde Consultants, Orange, CA [3] (12-31-80).
Woodward-Clyde Consultants, Plymouth Meeting, PA [3] (6-30-78).
Woodward-Clyde Consultants, San Diego, CA [3] (6-30-80).
Woodward-Clyde Consultants, Houston, TX [3] (6-30-78).
Woodville Lime Products, Woodville, OH.
Wyoming, University of, Department of Botany, Laramie, WY [3] (6-30-81).

Y

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Yale University, Department of Geology and Geophysics, New Haven, CT [3] (6-30-78).
Yale University, Greeley Laboratories, New Haven, CT.
Yeshiva University, New York, NY.
Yule, Jordan, and Associates, Camp Hill, PA.

Z

Zoecon Corp., Palo Alto, CA.

NOTE.—The Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs 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.

Done at Washington, D.C., this 25th day of July 1977.

T. G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

FOOTNOTES

[1] Approval includes all branch laboratories in conterminous United States.

[2] Approved to receive soil samples pursuant to Subpart-Movement of Soil, Stone, and Quarry Products (7 CFR 330.300 et seq.) only.

[3] Approved to receive soil samples pursuant to Subpart—Movement of Soil, Stone, and Quarry Products (7 CFR 330.300 et seq.) and pursuant to sections 301.48-3, 301.80-3, 301.81-3, and 301.85-3, of the Japanese beetle, witchweed, imported fire ant, and golden nematode regulations (7 CFR 301.48-3, 301.80-3, 301.81-3, 301.85-3).

NOTE.—All laboratories not designated by footnote [3] are approved to receive soil samples pursuant to sections 301.48-3, 301.80-3, 301.81-3, and 301.85-3, of the Japanese beetle, witchweed, imported fire ant, and golden nematode regulations (7 CFR 301.48-3, 301.80-3, 301.81-3, 301.85-3). A date after a name indicates when approval to receive soil samples pursuant to Subpart—Movement of Soil, Stone, and Quarry Products (7 CFR 330.300 et seq.) expires.

[FR Doc.77-21830 Filed 7-28-77;8:45 am]

Federal Grain Inspection Service

GRAIN STANDARDS

Arizona Grain Inspection Point

State of considerations. On June 3, 1977, there was published in the FEDERAL REGISTER (42 FR 28563) a notice announcing the request of the Hutson Laboratories, that effective June 1, 1977, its designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79 (f)) to operate as an official agency at Yuma, Ariz., be canceled because of its determination that there is not presently sufficient demand for official inspection services to warrant continuation of those inspection services. Interested persons were given until July 5, 1977, to make application for designation to operate as an official agency at Yuma, Ariz., and to submit written views and comments with respect to the proposed cancellation.

No comments were received with respect to the June 3, 1977, notice in the FEDERAL REGISTER. Therefore, the designation of the Hutson Laboratories to operate as an official agency at Yuma, Ariz., is canceled. No person is now designated under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official agency at Yuma, Ariz. This notice does not preclude interested persons from making application later for designation to operate as an official agency at Yuma, Ariz., in accordance with the requirements in section 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act.

(Sec. 7, 82 Stat. 764, as amended 90 Stat. 2872, 7 U.S.C. 79(f)(2); Sec. 3A, 90 Stat. 2868; 7 U.S.C. 75a.)

Effective date: This notice shall become effective July 29, 1977.

Done in Washington, D.C., on July 25, 1977.

L. E. BARTELT,
Administrator.

[FR Doc.77-21920 Filed 7-28-77;8:45 am]

GRAIN STANDARDS

Iowa Grain Inspection Points

Statement of considerations. On June 1, 1977, a notice was published in the Federal Register (42 FR 27976) announcing that (1) the Des Moines Grain Exchange, Inc., the official agency designated pursuant to section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79 (f)) for Des Moines and Iowa Falls, Iowa, requested that its designation be transferred jointly to Messrs. James A. Tuttle and Andy E. McComb, and (2) Messrs. James A. Tuttle and Andy E. McComb applied for designation in accordance with the Act and section 26.96 of the regulations (7 CFR 26.96) to operate the official agency at Des Moines and Iowa Falls, Iowa.

Interested persons were given until July 1, 1977, to submit written views and comments on the requested transfer and/or to make application to become the official agency at Des Moines and/or Iowa Falls, Iowa.

Three written comments were received supporting the requested transfer. No other written views, comments, or additional applications have been received in response to the above notice.

After due consideration of all relevant matters, the official agency designation of the Des Moines Grain Exchange, Inc., Des Moines, Iowa, is hereby transferred to Messrs. James A. Tuttle and Andy E. McComb to operate as the Des Moines Grain Exchange, Inc., 125 Southeast 18th Street, Des Moines, Iowa 50317.

As a point of clarification, it should be noted that the United States Grain Standards Act (7 U.S.C. 71 et seq.), hereinafter referred to as the "Act," has been amended by Pub. L. 94-582, effective November 20, 1976, to extensively modify the official inspection system. The amended Act provides that the Administrator of the newly created Federal Grain Inspection Service (FGIS), after conducting investigations and other studies, will designate official agencies at the various interior points. In implementing these provisions, FGIS is currently in the process of reviewing the designations of all agencies or persons presently designated to provide official inspection services. The amended Act further provides that existing agencies may continue to operate without a designation under the new law until the Administrator either grants or denies such designation to them or sets a period of time for their termination, not to exceed two years from the effective date of the amended Act, provided such agencies pay any required fees to FGIS.

Accordingly, the transfer of designation, which is the subject of this notice, is on an interim basis and will continue until the Administrator of FGIS either grants or denies an official designation under the amended Act to the recipient or sets a period of time for its termination.

(Sec. 7, 82 Stat. 764, as amended 90 Stat. 2870, 7 U.S.C. 79; sec. 3A, 90 Stat. 2868, 7 U.S.C. 75a.)

Effective date: This notice shall become effective July 29, 1977.

Done in Washington, D.C., on July 25, 1977.

L. E. BARTELT,
Administrator.

[FR Doc.77-21919 Filed 7-28-77;8:45 am]

Forest Service

WESTERN SPRUCE BUDWORM MANAGEMENT PLAN

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of

1969 the Forest Service, Department of Agriculture, has prepared a final environmental statement on the Western Spruce Budworm Management Plan for the Northern Region, Forest Service Report Number USDA–FS–R1–FESADM–77–9.

The environmental statement concerns the proposal by the Forest Service to manage western spruce budworm by long-term silvicultural treatments on 934,019 acres out of a total infestation of 3,151,985 acres. This management decision is based on entomological, biological and economic considerations arrived at in cooperation with the Idaho Department of Public Lands and the Montana Department of Natural Resources and Conservation.

This final environmental statement was transmitted to CEQ on July 20, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service,
South Agriculture Building,
12th Street & Independence Avenue SW.,
Washington, D.C. 20250.
USDA, Forest Service,
Northern Region,
Federal Building,
Missoula, Montana 59801.
USDA, Forest Service,
Beaverhead National Forest,
Box 1258,
Dillon, Montana 59725.
USDA, Forest Service,
Bitterroot National Forest,
316 North Third Street,
Hamilton, Montana 59840.
USDA, Forest Service,
Idaho Panhandle National Forests,
Box 310,
Coeur d'Alene, Idaho 83814.
USDA, Forest Service,
Clearwater National Forest,
Route 4,
Orofino, Idaho 83544.
USDA, Forest Service,
Custer National Forest,
Box 2556,
Billings, Montana 59103.
USDA, Forest Service,
Deerlodge National Forest,
Federal Building,
Box 400,
Butte, Montana 59701.
USDA, Forest Service,
Flathead National Forest,
Box 147,
290 North Main,
Kalispell, Montana 59901.
Gallatin National Forest,
Federal Building,
Box 130,
Bozeman, Montana 59715.
USDA, Forest Service, Helena National Forest, Steamboat Block Building, 616 Helena Avenue, Helena, Montana 59601.
USDA, Forest Service, Kootenai National Forest, 418 Mineral Avenue, Libby, Montana 59923.
USDA, Forest Service, Lewis and Clark National Forest, Federal Building, Great Falls, Montana 59403.
USDA, Forest Service, Lolo National Forest, Building 24, Fort Missoula, Missoula, Montana 59801.
USDA, Forest Service, Nezperce National Forest, 319 East Main Street, Grangeville, Idaho 83530.

A limited number of single copies are available upon request to:

USDA, Forest Service, Forest Insect and Disease Management, Federal Building, Missoula, Montana 59801.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

KEITH M. THOMPSON,
Acting Regional Forester,
Northern Region Forest Service.

JULY 20, 1977.

[FR Doc.77-21816 Filed 7-28-77;8:45 am]

Office of the Secretary

NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that the National Advisory Council on Child Nutrition, which was established to make a continuing study of the child nutrition programs of the Department of Agriculture, is scheduled to hold a meeting on August 22 and 23, 1977, in Room 645 GHI Building, 500 12th Street SW., Washington, D.C. The meeting will be held from 8:45 a.m. to 4:30 p.m. The meeting will include a review of legislation currently under consideration in Congress, discussion of a comprehensive evaluation of child nutrition programs in preparation for further legislation, nutrition education plans for 1978, an update on Surveys and Studies, and other related matters. The meeting will be open to the public. Additional information can be obtained by contacting the vice chairman, Mr. Lewis B. Straus at 202–447–8384.

Dated: July 27, 1977.

SYDNEY J. BUTLER,
Acting Assistant Secretary
for Food and Consumer Services.

[FR Doc.77-22079 Filed 7-28-77;8:45 am]

PACIFIC CREST NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Intent To Reestablish

The Department of Agriculture proposes to reestablish the Pacific Crest National Scenic Trail Advisory Council for a 2-year period.

This Council was orignally established in 1970, under the National Trails System Act (Pub. L. 90–543), then reestablished under the Secretary's own authority in 1975.

The purpose of this Council is to advise the Secretary of Agriculture on matters pertaining to the development and management of the Pacific Crest Trail. The trail provides for the ever-increasing outdoor recreation needs of our expanding population. It promotes access to, travel within, and enjoyment and appreciation of our great outdoor areas by all users of these areas.

The Secretary has determined that continuation of the Council is necessary and in the public interest in connection with the duties imposed on the Department of Agriculture and the Forest Service by Law.

Comments of interested persons concerning the reestablishment of this council may be submitted to the Forest Service, USDA, Recreation Management Staff, Room 4243–S, P.O. Box 2417, Washington, D.C. 20013, on or before August 29, 1977.

All written submissions made pursuant to this notice will be available for public inspection in the Recreation Management Staff during regular business hours (7 CFR 1.27(b)).

JOHN C. WHITE,
Deputy Secretary.

JULY 25, 1977.

[FR Doc.77-21829 Filed 7-28-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 30503]

TIGER INTERNATIONAL, INC., ET AL.

Proposed Approval

Correction

In FR Doc. 77–21668, appearing at page 38199 in the issue of Wednesday, July 27, 1977, on page 38200, in the first column, delete the words "on the 21st day of July, 1977" from the first paragraph.

COMMISSION ON CIVIL RIGHTS

CALIFORNIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California Advisory Committee (SAC) of the Commission will convene at 10:30 a.m. and will end at 2 p.m. on August 19, 1977, in the Airport Marina Hotel, 8601 Lincoln Boulevard, Los Angeles, California.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015, Los Angeles, California 90012.

The purpose of this meeting is for additional planning and research discussion relative to the immigration project. In addition, assignments will be made in preparation for the planning seminar to be held in early fall 1977.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 25, 1977.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc.77-21772 Filed 7-28-77;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Executive Assistant for Transition Planning, Immediate Office, Office of the Secretary.

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

[FR Doc.77-21695 Filed 7-28-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Assistant to the Secretary, Office of the Secretary.

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

[FR Doc.77-21696 Filed 7-28-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Assistant Secretary—Energy and Minerals (Minerals), Office of the Secretary.

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

[FR Doc.77-21697 Filed 7-28-77;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Closed Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, August 18, 1977.
Thursday, August 25, 1977.
Thursday, September 1, 1977.

The meetings will convene at 10 a.m., and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership on the Committee is provided for in section 5347 of the Prevailing Rate Act of 1972 (Pub. L. 92-392).

The Committee's primary responsibility is to review the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the Committee will consider proposed plans for implementation of the Prevailing Rate Act of 1972 (Pub. L. 92-392), which Law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination made by the Chairman of the Civil Service Commission under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552b(c)(9)(B), that the closing is necessary in order to provide this labor-management Committee with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

Summary minutes of these meetings will be made available to the public, upon written request to the Committee Secretary, after the pay policy issues discussed at these meetings have been finalized by Civil Service Commission action. Annually, the Committee publishes for the Civil Service Commission, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1338, 1900 E Street NW., Washington, D.C. 20415 (202-632-9710).

JEROME H. ROSS,
Chairman, Federal Prevailing Rate Advisory Committee.

JULY 25, 1977.

[FR Doc.77-21699 Filed 7-28-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

Grant of Authority To Make A Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Director of Public Affairs, Office of the Administrator.

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

[FR Doc.77-21698 Filed 7-28-77;8:45 am]

RENEGOTIATION BOARD

Grant of Authority To Make A Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Renegotiation Board to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Chairman, Office of the Chairman.

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

[FR Doc.77-21694 Filed 7-28-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Wednesday, August 17, 1977, at 9:00 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to numerically controlled machine tools, including technical data or other information related threto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Committee Chairman.

(2) Presentation of papers or comments by the public. Comments, from builders of industrial robots, control units for industrial robots, and related equipment, are specifically desired to evaluate the current types of industrial robots and the need for establishing controls on particular types of industrial robots. Such comments should be as brief as possible, consistent with clarity, and restricted to the technical aspects of the problem. It would be most helpful if they were repeated in a paper that would be left with the Committee.

(3) Comments on the review of the Export Administration Regulations.

(4) Discussion on availability within the Eastern Bloc of NC computer programs for part programming support.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

upon written request to the Freedom of Information Officer, Domestic and Inter-

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230. Telephone 202-377-4196.

The complete Notice of Determination to close meetings or portions of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 1, 1977, (42 FR 5991).

Dated: July 26, 1977.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.77-21838 Filed 7-28-77;8:45 am]

National Oceanic and Atmospheric Administration

PRELIMINARY MANAGEMENT PLAN FOR ATLANTIC FOREIGN PELAGIC LONGLINE FISHERY

Public Hearing

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Oceanic and Atmospheric Administration, Department of Commerce, has prepared a draft environmental impact statement for the proposed implementation of a preliminary management plan (DEIS/PMP) for the Atlantic Foreign Pelagic Longline Fishery. In accordance with provisions of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), this plan will remain in effect until such time as the appropriate Regional Fishery Management Councils develop a fishery management plan for approval and implementation by the Secretary of Commerce.

The environmental statement concerns a proposal to adopt and implement a preliminary management plan for the Atlantic Foreign Pelagic Longline Fishery pursuant to the Fishery Conservation and Management Act of 1976, which extends U.S. jurisdiction over marine fishery resources to 200 nautical miles and established a program for their management. Upon approval, the plan will serve as the basis for regulation of pelagic fishery resources in the western Atlantic Ocean, Gulf of Mexico and Caribbean Sea for optimum yield; and for determination of foreign surplus. The plan recommends certain conservation measures designed to prevent overfishing and to maintain an orderly fishery.

Individuals or organizations wishing to comment on the DEIS/PMP may do so at public meetings to be held in conjunction with the Mid-Atlantic and Caribbean Fishery Management Councils, which are currently working on the fishery management plan for this fishery. The times and locations are listed below:

AUGUST 15, 1977—ST. THOMAS, VI

Game Fishing Club, Red Hook, St. Thomas, VI, 7:30 to 10:00 p.m.

AUGUST 16, 1977—MONTAUK, NEW YORK

Montauk Fire House, Montauk, N.Y. 11954, 7:30 to 10:00 p.m.

AUGUST 17, 1977—ASBURY PARK, NEW JERSEY

Asbury Park Pavillion, Asbury and Ocean Avenue, Asbury Park, N.J. 07712, 7:30 to 10:00 p.m.

AUGUST 18, 1977—OCEAN CITY, MARYLAND

Sheraton Fontainebleau Inn, 10400 Ocean Highway, Ocean City, Maryland 21842, 7:30 to 10:00 p.m.

AUGUST 18, 1977—ST. CROIX, VI

Public Library, Christiansted, St. Croix, VI, 7:30 to 10:00 p.m.

AUGUST 19, 1977—NORFOLK, VIRGINIA

Omni International Hotel, 777 Waterfront Drive, Norfolk, VA 23510, 7:30 to 10:00 p.m.

AUGUST 19, 1977—MAYAGUEZ, PR

Marine Science Auditorium, College of Agriculture, University of Puerto Rico, Mayaguez, PR, 7:30 to 10:00 p.m.

AUGUST 26, 1977—SAN JUAN, PR

Club Nautico, San Juan, PR, 4:00 to 7:00 p.m.

Copies of the DEIS/PMP are available for inspection from the Regional Director, National Marine Fisheries Service, 9450 Gandy Blvd., St. Petersburg, Florida 33702 (Telephone: 813-893-3141). Written comments on the DEIS/PMP from the public may be submitted to the Regional Director not later than September 1, 1977 at the above address.

Dated this 26th day of July 1977, at Washington, D.C.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-21825 Filed 7-28-77;8:45 am]

Maritime Administration

[Docket No. S-565]

POLK TANKER CORP.

Amended Notice of Application

In FR Doc. 77-20791, appearing in the FEDERAL REGISTER on July 20, 1977 (42 FR 37229) notice was given that Polk Tanker Corporation, on its behalf and that of any successor in interest, as owner of bareboat charterer, had requested approval of the Assistant Secretary for Maritime Affairs of a time charter with The Standard Oil Company, an Ohio Corporation (SOHIO), for the operation of the VLCC STUYVESANT in the Alaska (domestic) trade for a continuous period of three years from date of delivery of the vessel. Interested parties were given until close of business on July 28, 1977 to offer views and comments thereon for consideration by the Maritime Subsidy Board and the Assistant Secretary for Maritime Affairs.

Upon request made and good cause shown by counsel for Shell Oil Company and counsel for Sun Shipbuilding and Dry Dock Co., the date for submission of comments is hereby extended to close of business on August 8, 1977.

(Catalog of Federal Domestic Assistant Program No. 11.500 Construction Differential Subsidies (CDS).)

By Order of the Maritime Subsidy Board/Assistant Secretary for Maritime Affairs.

Dated: July 26, 1977.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-21850 Filed 7-28-77;8:45 am]

PRACTICAL FIREFIGHTING FACILITY

Notice of Public Meetings

Open meetings are to be held in Toledo, Ohio and New Orleans, Louisiana, concerning selection of site and participation and development of a proposed Maritime Administration Practical Firefighting Facility in the Great Lakes and Gulf areas. Interested representatives of the maritime industry (management, labor and industry associations), officials of State, City and County/Parish (education and port fire department) and federal agencies are invited.

The first meeting is scheduled to begin at 9:30 a.m., August 30, 1977 at the Maritime Administration Region Radar Training Center, 927 Summit Street, Toledo, Ohio. There will be a five dollar ($5.00) registration fee to cover the cost of a noonday luncheon. The second meeting is scheduled for 9:30 a.m., September 9, 1977 in the Board Room of the Executive Suite of the International Trade Mart, 29th Floor, 2 Canal Street, New Orleans, Louisiana. There will be no registration fee for this meeting.

Further information may be obtained by contacting the Office of Maritime Manpower, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone A/C 202-377-5379.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: July 25, 1977.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-21851 Filed 7-28-77;8:45 am]

CONSTRUCTION OF ONE RO/RO VESSEL, MA DESIGN C9-S-95a OR ONE LASH TYPE VESSEL, MA DESIGN C9-S-81f; COMPUTATION OF FOREIGN COST

Notice of Intent

Notice is hereby given of the intent of the Maritime Subsidy Board pursuant to the provisions of Section 501(a) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost of the construction of one RO/RO vessel, MA Design C7-S-95a or one LASH type vessel, MA Design C9-S-81f.

Any person, firm or corporation having any interest (within the meaning of Section 501(a)) in such computations may file written statements by the close of business on September 30, 1977, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

Dated: July 26, 1977.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-21852 Filed 7-28-77;8:45 am]

National Oceanic and Atmospheric Administration

PACIFIC FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of a meeting of the Pacific Fishery Management Council's Scientific and Statistical Committee established under section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Pacific Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone seaward of the States of California, Oregon, and Washington. The Council will, among other things, prepare and submit to the Secretary of Commerce, fishery management plans with respect to the fisheries within its area of authority, prepare comments on foreign fishing applications, and conduct public hearings.

The Scientific and Statistical Committee assists the Council in the development, collection, and evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of fishery management plans.

The meeting of the Scientific and Statistical Committee will be held August 18-19, 1977, in Room 369 of the Northwest and Alaska Fisheries Center, National Marine Fisheries Service, 2725 Montlake Boulevard East, Seattle, Wash. The meeting on August 18, will convene at 10 a.m. and adjourn at 5 p.m., and reconvene at 8 a.m. and adjourn about 5 p.m. on August 19, 1977. The meeting may be extended or shortened depending on progress on the plan.

The purpose of the meeting will be to review and discuss an early draft of the 1978 Fishery Management Plan for "Commercial Troll and Recreational Salmon Fisheries off the coasts of Washington, Oregon, and California."

This meeting will be open to the public and there will be seating for approximately 25 public members, on a first-come, first-served basis.

Members of the public having an interest in this plan for discussion are advised that changes are, at times, made prior to the meeting. To receive information on changes, if any, made to this plan, interested members of the public should contact on or about August 8, 1977:

Mr. Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill, Street, Portland, Oreg. 97201 (503-221-6352).

At the discretion of the Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of business. Interested members of the public who may wish to submit written statements should do so by addressing Lorry Nakatsu at the above address. To receive due consideration and to facilitate inclusion of these comments in the record of the meetings, typewritten statements should be received within 10 days after the close of the meeting.

Dated: July 27, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-22082 Filed 7-28-77;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1977 commodities to be produced by and services to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: September 1, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47 (a) (2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 7110

Tables, Steel, 7110-00-113-0448, 7110-00-113-0454, 7110-00-149-2044, 7110-00-149-2045, 7110-00-149-2046, 7110-00-149-2047.

SIC 7349

Janitorial/Custodial Services, K I. Sawyer Air Force Base, Michigan.

For the following areas:
Bldg. 104, Bomber Alert.
Bldg. 108, Readiness Alert.
Bldg. 400, Alert Hangar.
Bldg. 426, Ready Crew.
Bldg. 708, Post Office.
Bldg. 112, Alert Crew Family Visitation Center.

NO SIC

Public Tax Form Order Fulfillment Services.
Internal Revenue Service.
District of Buffalo, New York.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.77-21841 Filed 7-28-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

The following is a list of environmental impact statements received by the Council on Environmental Quality from July 18 through July 22, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (September 12, 1977) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Draft

Waterville Unit Plan, White Mountain National Forest, Grafton, Carroll Counties, N.H., July 19: Proposed is a land use plan for 57,000 acres of National Forest land located in Grafton and Carroll Counties, New Hampshire. Major points under the proposed action include: no recommendation for Wilderness Study, MAIV designation of 4,500 acres, timber sales producing approximately 3.4 million board feet per year, 1,700 acres of timber stand improvement, 15 miles of new hiking trails—deletion of 1.5 miles, and construction of 21 miles of timber access roads. Major impacts include production and harvest of wood fiber on approximately 6,100 acres, and construction of 24 miles of permanent roads. (ELR Order No. 70880).

Final

U.S. Borax Mining Access Rd., Quartz Hill Prospect, Alaska, July 18: Proposed, by the United States Borax & Chemical Corporation (in behalf of Pacific Coast Mines, Inc.), is the development of a mining exploration road due east of Ketchikan on the mainland of southeast Alaska. This road is to be used for intensive development drilling of the prospect to depths below 600 feet and for the extraction of about 5000 tons of ore for pilot testing (bulk sampling). The greatest adverse impact will be a major development in an otherwise undeveloped area of the Tongass National Forest. Greater pressure will be put on fish and other aquatic life. Comments made by: DOC, DOI, EPA, HUD, and State and local agencies, and concerned citizens. (ELR Order No. 70876.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Susquehanna Steam Station, 500 kV line, several counties, Pa., July 19: The proposed action is a loan guarantee commitment to the Allegheny Electric Cooperative, Inc., to finance a ten percent ownership interest in the Susquehanna Steam Electric Station in Salem Township, Luzerne County, Pennsylvania. Plans also include the financing of 42.3 miles of 500 kV transmission line associated with this station. This statement covers the 128 miles of associated 500 kV transmission facilities located in Luzerne, Lackawana, Columbia, Montour, Northumberland, Snyder, Carbon and Northampton Counties in Pennsylvania. Forested areas will be disturbed with the potential for soil erosion and wildlife disturbance. (ELR Order No. 70892.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-4335.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Gulf of Alaska Groundfish, FMP, 1978, Alaska, July 18: The proposed action is to adopt and implement a fishery management plan for the groundfish fishery of The Gulf of Alaska. The purpose of the management plan is to manage the groundfish fishery in the Gulf for the optimum yield, and to allocate harvest between domestic and foreign fishermen. No significant adverse effects are anticipated as a result of the proposed action. (ELR Order No. 70877.)

Tanner Crab off Alaska, FMP, Alaska, July 18: Proposed is the adoption and implementation of a fishery management plan for domestic and foreign commercial fisheries for Tanner Crab in the North Pacific Ocean off the coast of Alaska. The plan recommends restriction of foreign harvest in the U.S. Conservation Zone to the area of the eastern Bering Sea north of 58 degrees 00 minutes N. latitute and west of 164 minutes degrees 00 minutes West longitude. This action would effectively eliminate foreign harvest of "C. bairdi", the larger of the two species primarily harvested and the one currently in demand by the U.S. industry, and would remove foreign gear from conflicting areas. (ELR Order No. 70878.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Supplement

Duluth-Superior Harbor, O&M (S-2), Minnesota, July 22: This statement supplements a final EIS filed with CEQ in February 1975. The FEIS proposed two diked dredge disposal facilities to contain in all polluted material dredged from the harbor during the next ten years, in Duluth, Minnesota. Due to concern over the recommended sites, it is now proposed to construct a single dike dredged disposal facility at the Erie Pier Site in Duluth, Minnesota, for polluted dredged material from the entire harbor. (St. Paul District.) (ELR Order No. 70895.)

DELAWARE RIVER BASIN COMMISSION

Draft

Bulk Chemical Storage and Distribution, Bordentown, Bordentown County, N.J., July 19: Proposed, by the Dow Chemical Company, is the construction and operation of a bulk chemical storage terminal along the Delaware River in Bordentown Township, New Jersey. Construction would involve dredging 307,000 cubic yards of river sediment to provide access from the channel and to provide a berthing area. Dredge spoil disposal would be to reverine (8 acres) and upland areas. Ocean-going tankers (30 per year) up to 700 feet in length and smaller barges (24 per year) would service the facility. Adverse effects include the slight reduction of air quality around Bordentown Township, and elimination of pre- ---------- (ELR Order No. 70882.)

ENVIRONMENTAL PROTECTION AGENCY

Contact Ms. Rebecca W. Hanmer, Director, Office of Federal Activities, Room WSMW 537, 401 M Street SW., Washington, D.C. 20460, 202-755-0777.

Draft

Greensboro-Guildford Co., 201 Wastewater System, Greensboro, Guilford Counties, N.C., July 22: The proposed project consists of construction of the necessary facilities to process and treat approximately 36 million gallons per day of wastewater for the Greensboro-Guilford County area in North Carolina. Plans call for the upgrading of the existing North Buffalo Creek Treatment Plant to tertiary treatment at 16 MGD, abandonment of the South Buffalo Creek Treatment Plant, and construction of a 60-inch diameter outfall from that plant location to a new 20 MGD plant located 26,000 feet downstream on South Buffalo Creek. Important adverse secondary impacts include increased flooding and the necessity for poetntially unsound flood control. (Region IV.) (ELR Order No. 70894).

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Highlands North Subdivision, Lincoln County, Nebr., July 20: Proposed is the approval of the Highlands North Subdivision in Lincoln, Nebraska for FHA/HUD home mortgage insurance. Plans call for the development of 1085 acres into single-family lots, apartments, industrial parks, commercial facilities, office park, and public service areas. Major adverse effects include loss of agricultural land, alteration of the biotic community, increased demands on city facilities and services, and increased levels of air and noise pollution. (ELR Order No. 70888.)

Final

Vista Verde Subdivision, Dade County, Fla., July 20: Proposed is the development of a subdivision project, Vista Verde, located 14 miles northwest of Miami, Florida. The 240-acre project will include 142 single family detached residences, 306 cluster residences, 833 townhouse units, and a 12-acre school-park site. The completion of the development will create additional demand on utilities, and municipal and community services and facilities. Other impacts include increases in surface water run-off, congestion of traffic, and increases in air and noise

pollution. Comments made by: USDA, FPC, DOD, AHP, GSA, DOT, State and local agencies and concerned citizens. (ELR Order No. 70890.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

Section 104(h)

Draft

Lehi City, Utah, Sewer Sys. Improvements, Utah County, Utah, July 20: The proposed project is construction of a sewer collection system and transmission line on the west side of Lehi City to serve approximately 120 homes presently using septic tanks. A high groundwater level in the area has caused many of the septic systems to fail and a serious health hazard now exists. Short term adverse effects will be generated by the construction of the project and land use changes will take place as agricultural land is used for development projects. (ELR Order No. 70891.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF INDIAN AFFAIRS

Final

Tesuque Indian Pueblo, Santa Fe County, N. Mex., July 18: Proposed is the approval by the Secretary of the Interior of a 99-year lease for 1,342 acres and an option to lease an additional 4,060 acres between Sangre De Cristo Development Co., Inc., and the Tesuque Indian Pueblo. A residential community will be developed for approximately 16,000 people. Impacts will consist of developing a population in an area having none, increased use of water, emissions from home heating systems, sewage discharges, and increased traffic exhaust emissions. Comments made by: DOI, EPA, DOT, State and county agencies and interested parties. (ELR Order No. 70875.)

BONNEVILLE POWER ADMINISTRATION

Draft

BPA Role in Pacific NW Power Supply System, July 2: This programmatic DEIS discusses continued participation by BPA in regional inter-utility cooperation. This includes such functions as providing bulk power transmission, peak resources from hydro, load growth and forced outage reserves, and leadership in energy conservation. Also analyzed is BPA's participation in the integration of thermal plants, provision of forced outage reserves, and provision of transmission services. (ELR Order No. 70896.)

NATIONAL AERONAUTICS AND SPACE ADMIN.

Contact: Mr. Nathaniel Cohen, Director, Office of Policy Analysis, National Aeronautics and Space Administration, 400 Maryland Avenue, Washington, D.C. 20546.

Supplement

Langley Research Center (S-1), Virginia, July 19: This statement supplements a final EIS filed with CEQ in August 1971. The proposed action is the construction and operation at the NASA Langley Research Center of a steam-generating facility fueled by refuse. The facility will conserve fossil fuels by burning refuse instead of fuel oil and will provide a means of disposing of refuse while reducing requirements for sanitary landfill areas. An area of 3.6 acres of sweet gum-dominated forest will be cleared and construction activities will cause short term impacts. (ELR Order No. 70883.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Final

Pikeville-Wmsville Rd., U.S. 119, U.S. 23 to Caney B, Pike County, Ky., July 19: The proposed action is the construction of a section of highway to connect the cities of Pikeville and Zebulon in Kentucky. The 3.55-mile segment of U.S. 119 will be a 4-lane, partial controlled access section of Appalachian Development Highway Corridor "G". Known as the "Buckley Creek Corridor," it will begin at U.S. 23 and extend to Caney Branch. Negative effects include loss of land suitable for wildlife habitat, development, and agricultural uses; displacement of families and businesses; and construction impacts. (Region 4.) Comments made by: EPA, DOI, USDA, FPC, AHP, State and local agencies and concerned citizens. (ELR Order No. 70885.)

State Highway 641, U.S. 61 to I-10, St. James Parish, St. James County, La., July 20: The proposed action involves the construction of a 3.06 mile extension of State Highway 641 from U.S. 61 (Airline Highway) approximately one mile east of the town of Gramercy, northward on new location to I-10. The action includes the construction of a diamond interchange with I-10 with access only to the south. The project will irreversibly replace 95 acres of cypress-tupelo swamp, and temporarily change 130 acres of swamp to drier forest. There will be some temporary increases in air, water, and noise pollution. (Region 6.) Comments made by: COE, DOC, DOI, FPC, HEW, EPA, DOT, GSA, State and local agencies and concerned citizens. (ELR Order No. 70887.)

Route 169, from Route 5 to New York State Line, Herkimer County, N.Y., July 19: The project proposes to construct a two-lane arterial highway, on new location, to replace a section of Route 189 in Herkimer County, between the City of Little Falls East-West Arterial (Route 5), and the New York State Thruway (I-90) Interchange 29A. The preferred alternative would require no displacement of residences or businesses. Piers would have to be placed near the confluence of the Mohawk River and Barge Canal, to minimize possible inhibition of ice flow and resultant ice jams. (Region 1.) Comments made by: DOT, FPC, COE, EPA, USDA, HUD, DOI, DOC, State and local agencies and concerned citizens. (ELR Order No. 70881.)

State Route 29, State Route 27, Spur-State Route 153, Hamilton County, Tenn., July 20: The proposed highway improvement involves the construction of State Route 29 which is a section of Appalachian Corridor "J" in Hamilton County, Tennessee. The proposed cross-section for this highway project consists for four 12' traffic lanes, with a 64' median on a minimum right-of-way width of 300'. Depending upon the alternate chosen, 37 to 62 families will be displaced by project implementation. Noise and air pollution will be introduced into areas relatively free from these sources of pollution. (Region 4.) Comments made by: EPA, TVA, HEW, HUD, DOI, USDA, State and local agencies and concerned citizens. (ELR Order No. 70889.)

Inter-City Route, Odessa to Midland, Ector and Midland Counties, Tex., July 19: The proposed action will provide for a 4-lane freeway-type inter-city route between Odessa and Midland. The project will extend from near the junction of Parkway Boulevard and Spur 492 in Odessa, northeasterly approximately 14 miles to SH 158 and FM 1369 in Midland. Adverse impacts of the project include the displacement of one family and six businesses, the conversion of patureland to paved roadways, and increased pollution and noise along the right-of-way. (Region 6.) Comments made by: DOT, HEW, COE, USDA, DOI, EPA, State and local agencies and concerned citizens. (ELR Order No. 70897.)

Supplement

Woonsocket Industrial Highway (S-1), Providence County, R.I., July 19: This statement supplements an EIS filed with CEQ in 1971. The proposed action involves the construction of a new fully access controlled highway, extending from Route 146 in North Smithfield, Rhode Island approximately 10,000 feet northeasterly to intersect with Route 122 in Cumberland. The supplement reexamines Corridor 2 as proposed in the original EIS and updates the environmental inventory. Plans also call for staged construction and a second phase upgrading of Route 146, including a frontage road system from Route I-295 to the proposed highway, a distance of approximately 10,000 feet. Adverse impacts are displacement of families and businesses. (Region 1.) (ELR Order No. 70886.)

U.S. 7, Sunderland to Manchester, Bennington County, Vt., July 21: This statement supplements a final EIS filed with CEQ in October 1972. The project entails construction of a section of U.S. Route 7 from a point in Sunderland approximately 2 miles northeast of the Glastenbury-Sunderland Town Line and extending northerly on relocation approximately 10 miles to a point on Vermont 11 in the Town of Manchester, approximately 1.4 miles east of the U.S. 7/Vt. 11 intersection. Studies have shown that it would be possible to alleviate somewhat the noise impact from Route 7 on the Lye Brook Wilderness by shifting the initial construction to the southbound lanes. (Region 1.) (ELR Order No. 70893.)

NICHOLAS C. YOST,
Acting General Counsel.

[FR Doc.77-21837 Filed 7-28-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

LOW BTU COAL GASIFICATION FACILITY, IRVIN INDUSTRIAL DEVELOPMENT CO., GEORGETOWN, KY.

Preparation of Environmental Impact Statement

Notice is hereby given that, in accordance with the National Environmental Policy Act, the Energy Research and Development Administration (ERDA) is commencing the preparation of a draft environmental impact statement for a proposed low Btu coal gasification facility at the Irvin Industrial Development Company site in Georgetown, Ky. The State of Kentucky is proposing to share the cost of the facility with ERDA.

On March 30, 1976, ERDA published a Program Opportunity Notice (PON-FE-4) titled, "Integration and Evaluation of Low Coal Gasification Technologies in Operational Environments." The Irvin Industrial Development Company responded to this Notice in a proposal to:

(a) demonstrate the technical and economic feasibility of low Btu gasification by the production of gas for use as fuel for industrial processing and space heating requirements for a number of varied operations; and (b) to secure as a demonstration plant and data gathering center to advance the present state of the art in the field of low Btu gasification.

The environmental impacts of the proposed gasification facility and the cumulative impacts associated with the development of an industrial park will be assessed in the draft environmental impact statement.

The purpose of this Notice is to present pertient background information regarding the proposed scope and content of the statement and to solicit comments and suggestions for consideration in its preparation. When completed, the draft statement will be circulated for review to Federal, State, and local agencies and interested public organizations and individuals. The comments received on the draft statement will be considered in the preparation of the final statement which will provide environmental input into ERDA decisions affecting ERDA's future participation in the low Btu coal gasification facility at Georgetown, Kentucky.

Copies of documents to be utilized in the preparation of this draft environmental impact statement will be available for inspection at the Fossil Energy Division of Environmental and Socioeconomic Programs ERDA Headquarters, Room 4220, 20 Massachusetts Avenue NW., Washington, D.C. 20545.

A bibliography of documents will be available at the ERDA Public Document Room at 20 Massachusetts Avenue NW., Washington, D.C. 20545.

All interested agencies, organizations, or persons desiring to submit comments or suggestions for consideration in connection with the preparation of the draft environmental impact statement should submit them to W. H. Pennington, Director, Office of NEPA Coordination, U.S. Energy Research and Development Administration, Washington, D.C. 20545, telephone 301–353–4241, on or before August 30, 1977. Those desiring a copy of the draft environmental impact statement when it is issued should notify Mr. Pennington.

Dated at Germantown, Md., this 22d day of July 1977.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.77-21860 Filed 7-28-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

WORLD ADMINISTRATIVE RADIO CONFERENCE (WARC–79) ADVISORY COMMITTEES

Change in Meeting Dates

JULY 26, 1977.

Two previously announced World Administrative Radio Conference (WARC) advisory committee meetings have been cancelled and new meeting dates have been established.

The TV Broadcasting Service Group, previously scheduled to meet at 9:30 a.m. on Thursday, August 11, 1977, will meet instead on Tuesday, August 23rd at 9:30 a.m. The Auxiliary Broadcasting Service Group, scheduled to meet at 1:30 p.m. on Thursday, August 11th, will meet instead at 1:30 p.m. on Tuesday, August 23rd. Both meetings will be held in room 8210 of the Commission's offices at 2025 "M" Street, N.W., Washington, D.C. 20554.

The Agendas will be as follows:

1. Call to Order and Announcements by the Chairman.
2. Approval of Minutes of Previous Meeting.
3. Discussion of Comments for Fifth Notice of Inquiry in Do. 20271, and possible drafting of Reply Comments.
4. Reports from Task Groups.
5. Further Discussion.
6. Next Meeting Date and Adjournment.

The above meetings are open to the broadcast industry representatives and interested members of the general public. Individuals wishing to present oral or written statements should consult with the committee chairmen before the meetings convene.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-21846 Filed 7-28-77;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and Section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and vessels*
01015	A/S Rederiet Odfjell: *Bow Clipper.*
01017	Westfal-Larsen & Co., A/S: *Fossanger, Moldanger.*
01022	Smedvigs Tankerederi A/S: *Vestan.*
01026	Terkildsen & Olsen A/S: *Onabi.*
01039	Den Norske Amerikalinie A/S: *Skiensfjord.*
01059	London & Overseas Freighters Ltd.: *London Citizen.*
01088	Schulte & Bruns: *Ramsgate.*
01105	Tschudi & Eitzen: *Teo 336–4.*
01113	A/S J. Ludwig Mowinckels Rederi: *Salta.*
01145	Det Bergenske Dampskibsselskab: *Cometa.*
01178	Olaf Pedersen's Rederi A/S: *Sunny Lady.*
01185	Aksjeselskapet Kosmos: *Jalanta.*
01417	Athelking Tankers Co. Ltd.: *Athelking.*
01426	Kawait Shipping Co. (S.A.K.): *Al Omariah, Al Salimiah, Ibn Shuhaid, Ibn Bassam, Al Salehiah, Al Shidadiah, Al Aridhiah, Al Khalidiah, Al Gurainiah, Al Rumaithiah, Al Odailiah, Al Shamiah, Al Sabahiah, Al Mansouriah, Al Jabiriah, Ibn Majid, Ibn Rushd, Ibn Tufail, Ibn Zaidoun, Ibn Abdoun, Ibn Qutaibah, Ibn Asakir, Ibn Khaldoon, Ibn Albeitar, Ibn Hazm.*
01306	Shaw Savill & Albion Co.: *Hardwicke Grange.*
01441	Cottesbrooke Shipping Co., Ltd.: *Conon Forest.*
01465	Scottish Ship Management Ltd.: *Baron Inchcape.*
01546	Belgian Fruit Lines S.A.: *Frubel Asia.*
01574	Fearnley & Eger: *Fernmanor.*
01584	Eagle Terminal Tankers Inc.: *Eagle Charger, Eagle Leader.*
01585	Sea Transport Corp.: *Eagle Voyager.*
01883	S.A.S.D.A. Societa Anonima Sarda S'Armamento: *Chikuma.*
01995	Rederi ab Disa: *Scandic Wasa.*
02129	Ore Carriers Ltd.: *Orenda Bridge.*
02150	Cook Inlet Tug and Barge Co., Inc.: *Susitna.*
02198	Peninsula & Oriental Steam Navigation Co.: *Manapouri, Mataura.*
02296	Naviera Fierro, C.A.: *Ildefonso Fierro.*
02330	Taiwan Marine Corp.: *Fortunstar.*
02404	Simms Bros. Towing Co., Inc.: *Simms No. 1.*
02443	Panama Transoceanic Co. S.A.: *Betty Conway.*
02475	Houston Barge Line, Inc.: *Del Rio.*
02551	Ellerman Lines Ltd.: *City of Famagusta, City of Limassol.*
02610	Peter Dohle Schiffahrts-KG: *Holmia.*
02715	Allied Towing Corp.: *Hot Oil 17.*
02804	Northwind Shipping Co. S.A.: *Exotic.*
02829	Sociedad Naviera Pan-Europea, S.A.: *Eagle.*
02849	Herald Shipping Lines, Ltd.: *Yasukuni.*
02877	Nippon Yusen K.K.: *Tsugaru Maru.*
02911	Sig. Bergesen D.Y. & Co.: *Bergetun.*
02927	Transmarine Holland N.V.: *Risa Paula.*
02958	Kawasaki Kisen K.K.: *World Crown.*
02982	The Shipping Corp. of India, Ltd.: *Nanak.*
03008	Rederi ab Walltank: *Traviata.*
03137	The Cunard Steam-Ship Co. Ltd.: *Cardiff Clipper, Edinburgh Clipper.*
03238	Pacific Carriers Corp. of Liberia: *North Emperor.*
03293	Maritime Fruit Carriers Co. Ltd.: *Yani.*
03317	Belgulf Tankers S.A.: *Belgulf Strength.*
03460	Mibae Shosen K.K.: *Asama Maru.*
03441	Japan Line K.K.: *Fairfield.*
03447	K. K. Kyokuyo: *Chiyoda Maru No. 7.*
03485	Sanoyasu Shoji K. K.: *Kinryu Maru.*
03502	Shinyei Senpaku K. K.: *Harunasan Maru.*
03568	Rederiaktieselskapet Freikoll, A/S Bralanta, A/S Bramora: *Braconda, Branita.*
03691	Spentonbush Transport Service, Inc.: *No. 190.*

Certificate No.	Owner/Operator and vessels
03692	Marmac Corp.: *GBL–1.*
03736	Bethlehem Steel Corp.: *E–115, E–116, San Pedro Dry Dock No. 1, E–105, E–104, E–106, E–107.*
03834	Transcontinental Sea Carriers Corp.: *Mantinia.*
04040	Halfdan Ditlev Simonsen & Co.: *Vingnes.*
04196	Otto Candies, Inc.: *OC–240.*
04359	Reederei Nord Klaus E. Oldendorff: *Nordwelle.*
04442	Wisconsin & Michigan Steamship Co.: *Highway 16. Milwaukee Clipper.*
04549	Mr. Katsuyoshi Yamazaki: *Kotoshira Maru No. 3.*
04562	Okada Kaiun Kabushiki Kaisha: *Mighty, Hiroshima Maru, Valiant.*
04767	Texaco Inc.: *Texaco 798.*
04809	Williamson Towing Co., Inc.: *Bobby J.*
04939	Panocean Shipping & Terminals Ltd.: *Post Ranger.*
05168	Transcontinental Navigation Corp.: *Eastern Eagle.*
05204	Steuart Transportation Co.: *STC–412.*
05278	Twin City Barge & Towing Co.: *TCB 67, TCB 68.*
05332	Northland Navigation Co. Ltd.: *Island Prince.*
06473	Rakennustoimisto Jussi Ketola: *Finnbuilder.*
05520	Union Carbide Corp.: *DXE 1110.*
05577	Far Eastern Shipping Co.: *General Panfilov, Ivan Skuridin, Paramushir, Pavlovo, Partizansk, Przhevalsk, Primorye, Prokopjevsk.*
05624	Pertamina: *Permina 107.*
06287	Gates Equipment Corp.: *42, 591.*
06389	Sears Oil Co., Inc.: *Rome Sears.*
06413	Nanayo Kisen Kabushiki Kaisha: *Housei Maru, Housho Maru.*
06429	Ta Cheng Marine Co., Ltd.: *Great Glory, Great Success.*
06877	Societe Francaise de Transports Maritimes Paris: *Ville de Brest.*
06900	Cia Heredero de Navegacion S.A.: *Udo.*
05926	Maritime Services G.m.b.H. *Atlantica Milano.*
06955	Shin Ho Marine Enterprise Co. Ltd.: *Pacific Shinho.*
06959	Crystal Camellia Inc.: *Crystal Camellia.*
07082	Sail Fisheries Co., Ltd.: *Woojung No. 1, Woojung No. 2, Woojung No. 5, Woojung No. 3.*
07326	Universal Marines Lines Inc., S.A.: *Mediterranean Sea, Caribbean Sea.*
07353	Elizalde & Co., Inc.: *Orient Star.*
07765	Tex-Barge, Inc.: *STCO 200, STCO 202, STCO 201.*
07795	Oriental Ocean Carriers Inc.: *Lisa.*
07823	Apex Bulk Carrier Co. Ltd. Inc.: *Cressida.*
08031	Rederiet Nordegen A/S: *Trollegen.*
08203	Exportacion de Productos Marinos "Expromar" C.A.: *Umina.*
08599	Kalamos Compania Naviera S.A. Panama: *Eptanissos.*
08833	General Metals of Tacoma, Inc.: *Oneida.*
08840	Bangladesh Shipping Corp.: *Banglar Rego.*
08858	Miryung Navigation Co. Ltd.: *Topaz.*
08867	Purple Planet Shipping Ltd.; *Wisteria Purple.*
08929	Elmo Navigation, Inc.: *Stolt Dragon, Stolt Eagle.*
09050	Xanadu Cruises, Inc.: *Xanadu.*
09180	Ursula Shipping Corp.: *Ursula C.*
09201	Congroup Maritime Co., Ltd.: *Constantinos.*
09217	Western Tankers Corp.: *Western Energy, Western Ethics.*
09315	Kaigai Gyogyo K. K.: *Kum Bong No. 32, Kum Bong No. 31, Seabird No. 35, Seabird No. 31.*
09329	Rederikommanditselskabet Steencoasters: *Jytte Steen.*
09370	Marine Welding & Repair Works, Inc.: *W–15.*
09371	Bilbo E. Williamson: *GTC–4.*
09566	Houshin Kaiun K. K.: *Houmei Maru, Seiyei Maru.*
09661	Chieh Sheng Maritime S.A.: *Eurychili.*
09704	Northern Tanker Corp.: *Northern Victory.*
09983	Jackson Steamship Co.: *Desert Song.*
10070	Inter Pacific Transport Inc.: *Great River.*
10095	Escobal Naviera Co., S.A.: *Ryuho.*
10260	Hollywood Marine, Inc.: *Hollywood 2008.*
10571	Marpalomo Naviera Oceanica S.A.: *Lady Clio.*
10615	Clew Bay Shipping Co., Inc. Panama: *Hope Star.*
10651	Naviera Industrial S.A.: *Lucile.*
10696	K.G.G. Co., S.A.: *Seabird No. 86, Seabird No. 83.*
10818	M & M Transeas Navigation Co., Ltd., *Elenia.*
10931	Hansung Shipping Co., Inc.: *Blue Ace, Blue Kochi, Blue Pegasus.*
11016	Ulterwyk Lines Ltd.: *Annleea U.*
11263	Silver Sea Shipping Co., Ltd.: *Elmare.*
11267	Hae Woi Industrial Co. Ltd.: *Espoir No. 103, Espoir No. 105.*
11290	Hae Chang Fisheries Co. Ltd.: *Hae Chang No. 77.*
11510	Taeping Overseas Services, Inc.: *Taeping.*
11521	Borg-Warner Corp.: *BWC–102, BWC–101.*
11538	Hall-Buck Marine Services Co., a joint venture of Leonard J. Buck and Co., Inc. and Hall Marine Corp.: *Mid-River II.*
11555	N.V. Schip St. Maarten: *Curacao.*
11560	Greenville Steamship Corp.: *Union Green.*
11635	L & L Oil Company, Inc.: *Bill Lueck.*
11688	Ocean Lines Ltd.: *Eskimo.*
12198	Genuine Shipping S.A.: *Seagirt.*
12503	Rederiet Helleskov: *Marie Helleskov.*
12525	Gulf-Intercoastal Marine Services, Inc.: *Gulf-Intercoastal 102.*

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-21858 Filed 7-28-77;8:45 am]

EURO-PACIFIC JOINT SERVICE

Notice of Agreements Filed

Notice is hereby given 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 the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 18, 1977. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1150 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 9902–7 amends the basic agreement of the above named joint service to provide that (1) in the event Amendment 6 to Agreement No. 9902 which is presently before the Commission has not been approved or disapproved on or before October 1, 1977, the parties may place in service one (1) full containership with a capacity between one thousand (1,000) and eleven hundred (1,100) TEU's as a substitute for one of the six (6) smaller containerships with average capavity of six hundred fifty (650) TEU's each approved pursuant to the Commission's Order of Conditional Approval, dated September 29, 1976; (2) in the event Amendment 6 has not been approved or disapproved on or before January 1, 1978, the parties may place in service a second full containership with a capacity between one thousand (1,000) and eleven hundred (1,100) TEU's as a substitute for a second of the six (6) smaller containerships; (3) in the event Amendment 6 has not been approved or disapproved on or before March 1, 1978, the parties may place in service a third of the six (6) small containerships; (4) in the event Amendment 6 has not been approved or disapproved on or before May 1, 1978, the parties may place in service a fourth full containership with a capacity between one thousand (1,000) and eleven hundred (1,100) TEU's as a substitute for a fourth of the six (6) smaller containerships; (5) should the Commission at any future time disapprove the use by the parties of one or more of the full containerships with a capacity between one thousand (1,000) and eleven hundred (1,100) TEU's in the Euro-Pacific Joint Service, the parties shall within ninety (90) days of such disapproval remove from the Euro-Pacific Joint Service the

number of full containerships disapproved by the Commission; and (6) Amendment 7 shall be superseded by Amendment 6 when and if Amendment 6 is approved by the Commission and shall be subject to whatever action is taken by the Commission with respect to Amendment 6.

Amendment 6 is currently under litigation in FMC Docket 77–4, pursuant to an Order of Investigation and Hearing of March 21, 1977. Agreement No. 9902–7 proposes to invoke Amendment 6 in part for an interim period pending approval or disapproval of Amendment 6.

By Order of the Federal Maritime Commission.

Dated: July 26, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–21855 Filed 7–28–77;8:45 am]

[Independent Ocean Freight Forwarder License No. 1354]

JOFFROY BROKERS, INC.

Order of Revocation

By letter dated June 23, 1977, Mr. William Joffroy, President, Joffroy Brokers, Inc., P.O. Box 158, San Ysidro, California 92073 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1354 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before July 22, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Joffroy Brokers, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1354 issued to Joffroy Brokers, Inc. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1354 be and is hereby revoked effective July 22, 1977.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Joffroy Brokers, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77–21853 Filed 7–28–77;8:45 am]

MARYLAND PORT ADMINISTRATION AND PACIFIC MOLASSES CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, 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 the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 18, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Richard A. Lidinsky, Jr., Assistant Director of Transportation, Maryland Port Administration, The World Trade Center Baltimore, Baltimore, Maryland 21202.

Agreement No. T–3488, between the Maryland Port Administration (Port) and Pacific Molasses Company (Pacific), provides for the Port's five-year lease to Pacific (with additional five-year renewal options) of certain premises at Dundalk Marine Terminal, Baltimore, Maryland, to be used solely for the storage and minor processing of molasses, vegetable oils and other noninflammable liquids approved by the Port. In addition, Pacific is granted a pipeline easement from the leased premises to Berths 5, 6, 8 and 13 for the purpose of maintaining pipelines for the transportation of its bulk liquids. As compensation, Pacific shall pay the Port a base rental of $521 per month plus a sum as set forth in the agreement, all subject to a guaranteed yearly amount of $9,000. In addition, Pacific shall pay all applicable tariff charges in accordance with the Port's tariff.

A review of Agreement No. T–3488 indicates it may not require this Commission's approval under section 15, Shipping Act, 1916, however, the Commission believes that notice of the filing of Agreement No. T–3488 should be published and an opportunity afforded interested parties to comment thereon if they so desire.

By Order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

Dated: July 26, 1977.

[FR Doc.77–21856 Filed 7–28–77;8:45 am]

PORT OF PASCO AND COLUMBIA BASIN CONTAINER CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has 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 the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 18, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularly the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Robert L. Henry, Transportation Consultant, P.O. Box 716, Boise, Idaho 83701.

Agreement No. T–3495 between Port of Pasco (Port) and Columbia Basin Container Corporation (CBCC) provides for the five-year lease with renewal options to CBCC of equipment and facilities located in an area known as Big Pasco Industrial Park as further described in the agreement. CBCC will use the leased premises for operation as a public terminal. As compensation, Port shall receive a minimum monthly rental of $300 which will be based primarily upon the volume

of containerized cargo shipped from the premises, as detailed in the agreement. Compensation for uncontainerized cargo handled will be negotiated on an individual basis between Port and CBCC. The rental charges will not include wharfage and dockage fees which will also be required of CBCC pursuant to the Port's published tariff. Finally, CBCC will adopt and publish a tariff schedule including fees to be assessed in connection with its operations.

By Order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

Dated: July 26, 1977.

[FR Doc.77-21854 Filed 7-28-77;8:45 am]

TAMPA PORT AUTHORITY AND ELLER & COMPANY INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has 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 the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 18, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Guy N. Verger, Port Director, Tampa Port Authority, P.O. Box 2192, Tampa, Florida 33601.

Agreement No. T-3079-2, between the Tampa Port Authority (Port) and Eller & Company, Inc., (Eller), modifies the parties' basic agreement which provides for the 25-year lease to Eller of approximately 8.9 acres of land and 100 feet of public dock area located at the Holland Terminal Area, Tampa, Florida. The purpose of the modification is to provide for an enlargement of the leased premises by 3.63 acres as provided for in T-3079, with a corresponding increase in rental of $7,260 per annum.

By Order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

Dated: July 26, 1977.

[FR Doc.77-21857 Filed 7-28-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP77-501]

ARKANSAS LOUISIANA GAS CO.

Application

JULY 22, 1977.

Take notice that on July 11, 1977, Arkansas Louisiana Gas Company (Applicant), P.O. Box 21734, Shreveport, La. 71151, filed in Docket No. CP77-501 an application pursuant to section 7(c) of the Natural Gas Act and section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1978, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $7,000,000 with no single project to exceed $1,500,000. Applicant states that the proposed facilities would be financed from cash on hand and from cash generated from normal internal sources and from short-term bank loans and other short-term borrowings utilized in the normal operation of the Company's total business.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 12, 1977, file with the Federal Power 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) as 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 pary 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 Power 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 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.

LOIS D. CASHWELL,
Acting Secretary.

[FR Doc.77-21807 Filed 7-29-77;8:45 am]

[Docket No. CP77-499]

COLUMBIA GULF TRANSMISSION CO. AND NORTHERN NATURAL GAS CO.

Pipeline Application

JULY 21, 1977.

Take notice that on July 11, 1977, Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Tex. 77027 and Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebr. 68102, hereinafter jointly referred to as Applicants, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 4.3 miles of 20-inch pipeline from a producer platform in Block 630, West Cameron Area, Offshore Louisiana to an existing underwater tap in Block 617, West Cameron Area, Offshore Louisiana, to attach and transport gas from reserves in said Block 630 to shore through existing facilities from said Block 617 to the Blue Water Project and through the Blue Water Project to shore, in which facilities some or all of Applicants have an interest.

Any person desiring to be heard or to make any protest with reference to said application, on or before August 15, 1977, should file with the Federal Power 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). 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 Power 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 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21786 Filed 7-28-77;8:45 am]

[Docket No. RI77-20]

DORFMAN PRODUCTION CO., OPERATOR

Amended Petition for Special Relief

JULY 21, 1977.

Take notice that on June 23, 1977, Dorfman Production Company, Operator (Dorfman), 1848 Merchantile Dallas Building, Dallas, Texas 75201, submitted an amendment to its December 27, 1976, petition for special relief filed pursuant to Section 2.76 of the Commission's General Policy and Interpretations in the above-captioned docket. By this amendment Dorfman seeks withdrawal of its petition for relief with respect to nine wells and requests price relief ranging from $.4498 per Mcf to $1.2234 per Mcf for the remaining ten wells.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 8, 1977, file with the Federal Power 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). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will now serve to make the protestants parties to the proceeding. Any party 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21801 Filed 7-28-77;8:45 am]

[Docket No. CP77-274]

MICHIGAN CONSOLIDATED GAS CO. INTERSTATE STORAGE DIVISION

Amendment to Application

JULY 22, 1977.

Take notice that on July 11, 1977, Michigan Consolidated Gas Company, Interstate Storage Division (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP77-274 an amendment to its application filed in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to provide for the storage of up to 12,400,000 Mcf of natural gas during the 1977-78 storage season for Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the amendment on file with the Commission and open to public inspection.

Applicant indicates that on April 1, 1977, it was granted temporary authorization to receive from, store and redeliver to Panhandle up to 11,000,000 Mcf of natural gas during the 1977-78 storage season pursuant to two gas storage agreements, dated October 31 and November 1, 1976, providing for the storage of up to 6,000,000 Mcf of gas for 100-Day Service and up to 5,000,000 Mcf of gas for Off-Peak Service, respectively.

Applicant states that in order to provide additional storage service needed by Panhandle's customers, Applicant and Panhandle have entered into an amendment to the November 1, 1976 gas storage agreement which increases the maximum volume of gas to be stored for Off-Peak Service from 5,000,000 to 6,400,000 Mcf. Applicants further states that in addition, if Panhandle should elect to defer redelivery from one winter period to the next of any part of the volumes stored, to the extent that these deferred volumes exceed 1,280,000 Mcf, rather than 1,000,000 Mcf as is currently provided in the storage agreement, Panhandle would furnish 2 percent of such excess as compressor fuel, to permit cycling of such excess gas to maintain storage capacity.

No additional facilities are proposed to be constructed to render the increase in storage services nor is there a proposed increase in charge, it is indicated.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 12, 1977 file with the Federal Power 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. All persons who have heretofore filed need not file again.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21802 Filed 7-28-77;8:45 am]

[Docket No. CP77-500]

MICHIGAN GAS STORAGE CO.

Application

JULY 22, 1977.

Take notice that on July 11, 1977, Michigan Gas Storage Company (Applicant), 212 West Michigan Avenue, Jackson, Michigan 49201, filed in Docket No. CP77-500 an application pursuant to Section 7(b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the abandonment of 14 Mile Road Measuring and Regulating Station and 330 feet of related 12-inch station piping located in Macomb County, Michigan, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the facilities proposed for abandonment were certificated by the Commission in Docket No. G-1600 and have, since their construction in 1952, been used for the regulation of gas that is sold and delivered into the Consumers Power Company (Consumers) distribution system.

It is indicated that gas passing through the subject measuring and regulating station is now measured by Applicant upstream of said station and for the past five years these facilities have been used only on a stand-by basis to supply the Consumers gas distribution system in the area which is now supplied principally by Consumers' own Red Run City Gate Station. Applicant states that following abandonment of the subject facilities, it would still have the capability of supplying gas to the Consumers distribution system in the area in the event it is needed.

It is indicated that the cost of removing the proposed facility is $9,800.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 12, 1977, file with the Federal Power 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 Power 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 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 permission and approval for the proposed abandonment are required by the public con-

venience 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21782 Filed 7-28-77;8:45 am]

[Docket No. CP77-493]

MISSISSIPPI RIVER TRANSMISSION CORP.

Application

JULY 21, 1977.

Take notice that on July 6, 1977, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP77-493 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon service to W. S. Dickey Clay Mfg. Company (Dickey) and to abandon certain appurtenant metering and delivery facilities installed for such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that for many years, Dickey has engaged in the manufacture of sewer tile and other clay products at its plant in St. Louis, Missouri. It is stated that Dickey purchased and received natural gas for use in the plant from Applicant under direct sale industrial fuel contracts, and that Applicant's most recent contracts with Dickey are a firm service contract dated May 20, 1976, which provided for firm deliveries of up to 800 Mcf per day, and an interruptible service contracted dated March 15, 1974, as amended by letter dated December 27, 1974 and June 7, 1976. Applicant states that Dickey has discontinued manufacturing operations at the plant, final gas deliveries having been made in August 1976, and that the contracts between Applicant and Dickey were formally cancelled by mutual agreement effective April 2, 1977.

It is indicated that the total cost of the proposed removal and abandonment would be $2,100.00.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 11, 1977, file with the Federal Power 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 Power 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 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 permission and approval for the proposed abandonment are 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21790 Filed 7-28-77;8:45 am]

[Docket No. CP77-484]

MISSISSIPPI RIVER TRANSMISSION CORP.

Application

JULY 21, 1977.

Take notice that on July 1, 1977, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP77-484 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, during the twelve-month period commencing Augusut 16, 1977, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which would not result in changing Applicant's system salable capacity or service from the authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $1,200,000 and that the cost of any single project would not exceed $300,000. These costs would be financed from available funds, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1977, file with the Federal Power 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 bet 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 Power 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 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 and permission and approval for the proposed abandonment are 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21798 Filed 7-28-77;8:45 am]

[Docket No. CP77-485]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Petition for Declaratory Order

JULY 21, 1977.

Take notice that on July 5, 1977, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-485 a petition pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) for a declaratory order declaring whether Petitioner should continue service to an interruptible direct industrial customer, Northern Gravel Company (Gravel), in light of the year-round curtailment on Petitioner's system, 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 Gravel has been a direct industrial customer of Applicant since 1936, service initially having been rendered under a contract dated August 24, 1936, and that Gravel is presently served under the terms and conditions of a contract dated October 19, 1942. It is further stated that this agreement has

been further amended from time to time with respect to price, which is currently $1.45 per Mcf. The contract under which Gravel is being served does not specify any maximum quantity; however, Section 2 Article III does give Petitioner the right to interrupt or discontinue service, in whole or in part, upon written notice, it is said.

Petitioner indicates that it has been curtailing service to its customers since 1970, and that during this time, it has urged Gravel to install alternate fuel facilities and to anticipate interruption. Petition states that to its knowledge, Gravel has not installed alternate fuel facilities despite warnings that deliveries may be interrupted, and that Petitioner has been informed by Gravel that it uses gas primarily in a processing operation, the drying of sand produced by Gravel for use in specialized industrial operations. Gravel had indicated it does not believe a substitute fuel can be utilized, asserting that the use of alternate fuels can result in staining of the sand which makes it unsuitable for specialized uses by Gravel, it is indicated. Petitioner indicates that in a telegram filed with the Commission on January 31, 1977, Gravel alleges that its sand and gravel is used for water filtration and air pollution related equipment and that drying by oil leaves a film which renders the product unacceptable for such uses.

Petitioner states that it commenced winter curtailment on its customers during the winter of 1976–77 for the first time on a scheduled basis, and that as a result of the developing curtailment situation, it has determined that it would be appropriateto interrupt service to Gravel commencing November 1, 1977. Petitioner asserts that Gravel has been advised of this decision, and that Gravel has indicated that it believes that Petitioner must seek abandonment from the Commission before interrupting service.

Petitioner asserts that service to Gravel has never been interrupted in over forty years, and that when Petitioner sought to interrupt service under section 23 of the general terms and conditions, in volume 1 of its FPC Gas Tariff, during its emergency winter curtailment of early 1976, Gravel was granted special relief in Docket No. CP76–58–1 by an order issued January 28, 1976. It also appears, based on representation by Gravel to the Commission, that Gravel may have a high end use for its gas, it is said.

Petitioner states that Gravel is the only interruptible direct industrial customer presently served by Petitioner and its usage is currently about 23,000 Mcf annually. Petitioner further states that because of the minute volumes used by Petitioner's direct interruptible customers in 1970, their treatment was not spelled out in Petitioner's curtailment plan approved in Docket No. RP70–42, section 22, general terms and conditions, volume 1 of Petitioner's FPC Gas Tariff. It is indicated that Section 23, covering emergency curtailment, however, requires that interruptible direct customers be interrupted prior to emergency curtailment of other customers, it is indicated.

Petitioner states that it would not object to a firming up of service to Gravel and requests a declaratory order, in the circumstances involved Gravel:

(a) Continued service is appropriate despite the interruptible nature of Gravel's contract and despite Natural's curtailment.

(b) Service to Gravel should be on a firm basis. However, since Natural is curtailing throughout the year, deliveries to Gravel, presently open-ended but subject to interruption, should be limited to 23,000 Mcf annually and 100 Mcf daily on a firm basis. Petitioner further requests a declaratory order that no additional certificate authorization will be required to continue to serve Gravel on the revised "firmed up" basis.

(c) The provisions of section 23 requiring curtailment of interruptible customers prior to emergency curtailment of any other customer are not applicable to Gravel, rather, section 23 would apply to Gravel on the same basis as it applies to Natural's firm customers.

Petitioner states that in the event the Commission determines that continued service to Gravel is not appropriate in light of the curcumstances described herein, Petitioner, in the alternative, requests hereby that no section 7(b) abandonment authorization is required in said docket before it interrupts and discontinues service to Gravel, as an interruptible direct industrial customer.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 11, 1977 file with the Federal Power 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

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21780 Filed 7-28-77;8:45 am]

[Docket No. CP77-450]

NORTHERN NATURAL GAS CO.

Pipeline Application

JULY 21, 1977.

Take notice that on June 20, 1977, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP77–450, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant, to sell natural gas to Panhandle Eastern Pipe Line Company (Panhandle). Northern also requests the Commission to grant a Temporary Certificate for the proposed sale, all as more fully set forth in the Application on file with the Commission and open to public inspection.

Applicant has contracted to purchase thirty percent (30%) of Exxon Corporation's (Exxon) production from West Cameron Block 616, South Addition, Offshore Louisiana. In order to accommodate the transportation of such gas from West Cameron Block 616, to Applicant near Applicant's Mullinville compressor station, Applicant has entered into certain transportation arrangements with Panhandle Eastern Pipe Line Company (Panhandle) and Trunkline Gas Company (Trunkline).

As partial consideration for the transportation of Applicant's offshore gas, Panhandle has a continuing option to purchase up to twenty percent (20%) of the volume of Applicant's Block 616 gas received by Trunkline.

Accordingly, Applicant proposes to sell natural gas to Panhandle for resale in interstate commerce. The gas will be sold to Panhandle on a monthly cost of service basis, which cost represents Applicant's cost of gas at the point of delivery to Trunkline. The estimated average cost of service per Mcf for the first year of operations is $1.63.

Any person desiring to be heard or to make any protest with reference to said application, on or before August 15, 1977, should file with the Federal Power 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). 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 Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commsson's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21787 Filed 7-28-77;8:45 am]

[Docket No. CP77-253]

PANHANDLE EASTERN PIPE LINE CO.

Amendment to Application

JULY 22, 1977.

Take notice that on July 11, 1977, Panhandle Eastern Pipe Line Company (Applicant), 3000 Bissonnet Street, Houston, Texas 77001, and 3444 Broadway, Kansas City, Missouri 64141, filed in Docket No. CP77-253 an amendment to its application filed in said docket pursuant to Section 7 of the Natural Gas Act so as to provide for amendments to certain gas storage and transportations agreements dated October 31, 1976, among Applicant and Applicant's existing customers, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant indicates that the Amendments with each of its customers listed below relate to a clarification of the billing procedures in the various agreements included in Exhibit P-1 and P-2.

EXHIBIT P-1 (FIRM SERVICE)

Michigan Consolidated Gas Company
Citizens Gas Fuel Company
Michigan Gas Utilities
Village of Morton
Northern Indiana Public Service Co.
Richmond Gas Corporation
Brockway Glass Company
Citizens Gas and Coke Utility
Indiana Gas Company, Inc.
National Distillers and Chemical
Ohio Gas Company

EXHIBIT P-2 (OFF-PEAK SERVICE)

Brockway Glass Company, Inc.
Citizens Gas and Coke Utility
Great River Gas Company
Indiana Gas Company, Inc.
Johns-Manville Sales Corp.
Kokomo Gas and Fuel Co.
Missouri Utilities Company
Ohio Gas Company

It is stated that Michigan Consolidated Gas Company and Applicant have agreed to increase the total storage volumes available to Applicant and its participating customers pursuant to the November 1, 1976, Off-Peak Storage Agreement to 6,400,000 Mcf of natural gas.

The gas storage and transportation agreement or amendments thereof listed below reflect utilization of these additional off-peak storage volumes by certain of Applicant's participating customers, it is indicated.

EXHIBIT P-2 (OFF-PEAK SERVICE)

Michigan Consolidated Gas Company
Citizens Gas and Coke Utility
Missouri Power and Light Company
Missouri Edison Company

It is indicated that pursuant to the terms of the temporary certificate issued to Applicant on April 1, 1977, Applicant would file all of the gas storage and transportation agreements with its participating customers and the gas storage agreements with Michigan Consolidated Gas Company as part of its FPC Gas Tariff, Original Volume No. 2.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 11, 1977, file with the Federal Power 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. All persons who have heretofore filed need not file again.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21778 Filed 7-28-77;8:45 am]

[Docket No. CI76-597]

PRODUCER'S GAS CO.

Petition To Amend Limited-Term Certificate

JULY 22, 1977.

Take notice that on July 15, 1977, Producer's Gas Company (Petitioner), filed in Docket No. CI76-597 a petition to amend its limited-term certificate pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure. The amended certificate would provide for a total price of $1.885 per Mcf at 14.65 psia for all gas sold to United Gas Pipe Line Company (United) from and after July 19, 1977, for sales of gas to United made pursuant to the Commission October 19, 1976 order.

1. At the time Petitioner and United entered into the limited-term Gas Purchase Contract approved by the Commission's order of October 19, 1976, it was contemplated by the parties, and recognized by the Commission in its order, that Western Farmers Electric Cooperative (WFEC) would exercise its right to receive and purchase under its contracts with Petitioner all of the surplus gas on Petitioner's system some time in early 1977 upon the completion of WFEC's three new combined cycle electric generators. In its order the Commission provided in Ordering Paragraph (B) that:

(B) Authorization for the subject sale and facilities shall extend only until the later of July 19, 1977, or the date that Producers (sic) Gas Company commences intrastate sales to WFEC.

2. WFEC's construction program originally anticipated that one new generator would be installed each month in order that all three generators would become operative at the end of the first quarter of 1977. Due to delays in the delivery of equipment and schedule slippages, it is now expected that the first combined cycle unit will not be available for startup prior to July 15, 1977. Assuming that the remaining two generators would thereafter be installed at one-month intervals, all three units would achieve a minimum load by September or October, 1977. Based on communications received by Petitioner from WFEC, it would appear that surplus gas made available to United during the first year of the limited-term sale authorized by the Commission's order of October 19, 1976, will continue to be available for sale to United on an ever-decreasing basis until such time as the gas is required to meet WFEC's full requirements.

3. In light of United's desire to continue purchasing gas from Petitioner and Petitioner's willingness to sell volumes of gas surplus to WFEC's needs on a limited-term basis consistent with the authorization granted herein, Petitioner and United have entered into a Letter Agreement dated July 7, 1977, to become effective upon the expiration of their present gas purchase and sale agreement on July 19, 1977.

4. Petitioner's sale to United was authorized at a total rate of $1.837 per Mcf at 14.65 psia in recognition of Petitioner's weighted average cost of gas purchased in the intrastate market, which was then $1.737 per Mcf, and a further recognition that the 10¢ differential was justified by Petitioner's gathering costs and the fact that its gas costs might be expected to increase. Petitioner's estimated weighted average cost of gas during the remaining period of its limited-term sale to United is expected to be $1.7778086, thereby reducing considerably the 10¢ differential approved by the Commission. In the event that all of Petitioner's gas were to be sold to WFEC commencing August 1, 1977, Petitioner would receive a weighted average sales price of $1.8906472 per Mcf.

5. The Letter Agreement between Petitioner and United dated July 7, 1977 provides for an increase in price from $1.837 to 1.885 per Mcf applicable to all gas delivered by Petitioner to United under the terms of the authorization granted by the Commission's order of October 19, 1976. Petitioner submits that this increase in price is justified and should be allowed.

Any person desiring to be heard or to make any protest with reference to said application, on or before August 8, 1977, should file with the Federal Power 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). 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21808 Filed 7-28-77;8:45 am]

[Docket No. ER77-495]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Proposed Tariff Change

JULY 21, 1977.

Take notice that Public Service Company of Indiana, Inc. (PSCI) on July 5, 1977, tendered for filing pursuant to the Interconnection Agreement between Public Service Company of Indiana, Inc. and Southern Indiana Gas And Electric Company a Fifth Supplemental Agreement proposed to become effective August 1, 1977. PSCI requests waiver of the Commission's notice requirements to allow said Agreement to become effective as of August 1, 1977.

PSCI indicates that said Supplemental Agreement increases the demand charge for Short Term Power from 45¢ per kilowatt per week to 60¢ per kilowatt per week.

According to PSCI copies of the filing were served upon Southern Indiana Gas And Electric Company and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before August 5, 1977. 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 the filing are available for public inspection at the Federal Power Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21791 Filed 7-28-77;8:45 am]

[Docket No. CP76-428]

SEA ROBIN PIPELINE CO.

Filing of Original Tariff Sheets

JULY 21, 1977.

Take notice that on July 6, 1977, Sea Robin Pipeline Company (Sea Robin) tendered for filing Original Sheet Nos. 283 through 307 to its FPC Gas Tariff, Original Volume No. 2, being a transportation agreement between Sea Robin and United Gas Pipe Line Company dated June 11, 1976. It is proposed that these tariff sheets become effective on the date the facilities to connect East Cameron Block 335 are completed and the transportation service certificated in Docket No. CP76-428 commences.

The Company states that copies of these tariff sheets have been mailed to United Gas Pipe Line Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 15, 1977. 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21783 Filed 7-28-77;8:45 am]

[Docket No. CP77-489]

SOUTHERN NATURAL GAS CO.

Application

JULY 22, 1977.

Take notice that on July 5, 1977, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Ala. 35202, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Ill. 60603, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Tex. 77001, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Tex. 77001, (Applicants) filed in Docket No. CP 77-489 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of 8,000 Mcf of natural gas per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection .

It is indicated that Southern has arranged to purchase gas from Sea Robin Pipeline Company (Sea Robin) at or near the tailgate of Texaco Inc.'s Henry Plant located in Vermillion Parish, La., (Henry Plant), and that Southern has also arranged to purchase gas from Pennzoil Offshore Gas Operators, Inc. (POGO) at West Cameron Block 586, offshore Louisiana. It is further indicated that in order to get these new gas supplies into its pipeline system, Southern has requested transportation and exchange assistance from Natural, United and Columbia Gulf.

Applicants proposes to exchange volumes of natural gas thermally equivalent to the volumes of gas which Southern purchases from Sea Robin at the Henry Plant pursuant to the terms of an exchange agreement dated June 14, 1977. The gas which Sea Robin would sell to Southern is produced from West Cameron Blocks 532, 533, and 586, offshore Louisiana, and would be transported ashore through United's capacity in Stingray Pipeline Company's (Stingray) pipeline system, it is said. Applicants state that the gas would then be transported through an existing interconnection between Stingray and Natural for transportation to the Henry Plant through United's capacity in Natural's pipeline system.

Applicants also propose to exchange volumes of natural gas thermally equivalent to the volumes of gas which Southern purchases from POGO at West Cameron Block 586, offshore Lousiana. Applicants state that this gas would be transported ashore through Southern's capacity in Sea Robin's pipeline system and through United's capacity in Stingray's system. This gas would also be transported through an existing interconnection between Stingray and Natural for transportation to the Henry Plant through United's capacity in Natural's pipeline system, and the gas for delivery and exchange hereunder would be known as "West Cameron Gas", it is said.

It is asserted that Southern would purchase the natural gas from Sea Robin pursuant to Sea Robin's FPC Rate Schedule X-1. It is indicated that in Docket No. CP76-469, the Commission issued to United a temporary certificate authorizing United to transport the gas purchased by Sea Robin from West Cameron Blocks 532, 533, and 586, offshore Louisiana to the Henry Plant where such gas would be sold by Sea Robin to Southern and United. United's authorization from the Commission to transport such gas for Sea Robin was conditioned upon Southern making arrangements to have that portion of gas which Southern is entitled to purchase transported from the Henry Plant to Southern's system, it is said. Applicants assert that the exchange arrangement proposed herein is intended to fulfill this condition and also to provide the means by which Southern can take delivery of the West Cameron Block 586 gas from POGO.

It is stated that Southern's West Cameron Gas would be made available to Southern at or near the tailgate of the Henry Plant pursuant to the exchange agreement in which United has agreed to instruct and authorize Natural to take delivery of Southern's share of the West Cameron Gas at a point of interconnection between Natural and United near the outlet side of the Henry Plant at Erath, La. Natural would then allocate and deliver a thermally equivalent volume of gas to Columbia Gulf at Columbia Gulf's existing interconnection with Natural at the Henry Plant in an existing gas exchange agreement dated October 12, 1973, under which Columbia Gulf and Natural exchange gas at the Henry Plant, it is indicated. It is stated that in exchange for the volume of gas allocated to it by Natural for Southern's account, Columbia Gulf would redeliver to Southern thermally equivalent volumes at an existing interconnection between Southern and Columbia Gulf at the tailgate of the Venice

Plant located in Plaquemines Parish, Louisiana.

It is stated that Natural and Columbia Gulf have sufficient capacity to exchange gas at the designated locations and in the proposed quantities and, therefore, no new facilities would be required to be constructed by any of the Applicants to implement the terms of the agreement dated June 14, 1977.

For providing its services, Southern has agreed to pay Natural the greater of ½ cent per Mcf of gas received by Natural at Erath or $1,000 per month to cover the administrative cost and overhead and other costs of handling the allocation of Southern's West Cameron Gas to Columbia Gulf, it is stated. It is stated that Columbia Gulf would not charge Southern for the exchange service it provides.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1977, file with the Federal Power 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) as 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 Power 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 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 Applicants to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21779 Filed 7-28-77;8:45 am]

[Docket No. CP77-482]

TENNESSEE GAS PIPELINE COMPANY, A DIVISION OF TENNECO INC.

Pipeline Application

JULY 21, 1977.

Take notice that on July 1, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Tex. 77001, filed an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to construct and operate pipeline and related facilities which, upon completion, will become a part of Applicant's and Columbia Gulf Transmission Company's (Columbia Gulf) existing Blue Water Project (BWP), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate (a) 20 miles of 36-inch pipeline looping along the existing East Leg of the BWP beginning at the point of interconnection of the 40.7 miles of 36-inch loop pipeline constructed in 1976, pursuant to authorization issued in Docket No. CP76-349, and the existing BWP facilities in Ship Shoal Block 144 and extending southwesterly in the Gulf of Mexico to Applicant's pipeline platform located in Ship Shoal Block 198; and (b) dehydration and related liquid and gas handling facilities at the existing Cocodrie Compressor Station. The facilities are estimated by Applicant to cost $26,253,000. The cost and ownership of the facilities and the additional capacity resulting therefrom will be borne solely by, and will accrue solely to the benefit of, Applicant.

Applicant states that the proposed facilities will result in a total BWP capacity of 2,088.9 MMcfd, of which Applicant will be entitled to 1,187.4 MMcfd and Columbia Gulf entitled to 901.5 MMcfd. Applicant states that the increased BWP capacity of 503 MMcfd to become available to Applicant will enable it to accommodate deliverability expected to be available from existing gas reserves attached to the BWP and from new supply sources expected to be added to the BWP within the year.

Any person desiring to be heard or to make any protest with reference to said appliction, on or before August 15, 1977, should file with the Federal Power 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). 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 Power 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 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21785 Filed 7-28-77;8:45 am]

[Docket No. CP77-494]

TEXAS EASTERN TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Application

JULY 22, 1977.

Take notice that on July 8, 1977, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Tex. 77001, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Tex. 77027, filed in Docket No. CP77-494 a joint 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 certain facilities in order to transport natural gas for Texas Eastern, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that pursuant to an agreement dated June 16, 1977, between Applicants, Columbia Gulf would receive for the account of Texas Eastern 40,000 Mcf of natural gas per day (Contract Demand Quantity) on a firm basis at the point where Columbia Gulf's system connects with the terminus of Sea Robin Pipeline Company's (Sea Robin) system near Erath, Vermilion Parish, La., and that Columbia Gulf would then transport and redeliver to Texas Eastern equivalent, less 0.5 percent for fuel and gas costs, volumes, at a point of interconnection to be constructed where Columbia Gulf's 30-inch pipeline intersects Texas Eastern's 30-inch pipeline in St. Landry Parish, La.

Specifically, Applicants propose:

(1) Construction and operation of measuring and interconnecting facilities at a point located in St. Landry Parish, Louisiana where Columbia Gulf's 30-inch pipeline intersects Texas Eastern's 30-inch pipeline;

(2) The transportation and delivery by Columbia Gulf to Texas Eastern at the point of interconnection pursuant to the transportation agreement of June 16, 1977.

It is stated that construction of the proposed facilities required by Applicants described in (1) above is estimated to cost $170,607, which cost is to be paid for by Texas Eastern. Columbia Gulf would design, construct and operate the facilities and Texas Eastern would reimburse Columbia Gulf for the actual cost and own the facilities, it is said.

It is indicated that Texas Eastern has the right to purchase the gas in Blocks 312, 333, and 334 (Block 333 Field), Eugene Island Area, offshore Louisiana attributable to the respective interests of Mobil Oil Corporation (Mobil) and Mesa Petroleum Company (Mesa). Applicants state that Sea Robin has received authorization at Docket No. CP76-428 to construct facilities to receive this gas at Platform "A" in Block 333 Eugene Island Area, Offshore Louisiana, and that Sea Robin has filed for authorization to transport the contract quantity of 40,000 Mcf of natural gas per day from Platform "A" to a delivery point offshore located at the terminus of Sea Robin's system near Erath, Vermilion Parish, Louisiana.

The transportation agreement between Applicants provides for a monthly demand charge of $.71 per Mcf, it is indicated. It is stated that Texas Eastern would pay Columbia Gulf 2.34 cents per Mcf for each Mcf of gas over the contract demand quantity accepted by Columbia Gulf and transported to Texas Eastern. It is further stated that if Columbia Gulf is unable to transport the contract demand quantity on any day, the monthly bill payable by Texas Eastern would be reduced by an amount equal to 2.34 cents per Mcf for the volumes not transported.

Applicants assert that the proposed interconnection point and transportation of natural gas by Columbia for Texas Eastern would make available to Texas Eastern's customers a new source of gas supply to help offset the effects of Texas Eastern's current curtailments of approximately 350,000 dekatherms per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 11, 1977, file with the Federal Power Commision, 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) as 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 Power 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 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 Applicants to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21804 Filed 7-28-77;8:45 am]

[Docket No. RI77-110]

TEXAS ENERGIES, INC.

Petition for Special Relief

JULY 22, 1977.

Take notice that on July 1, 1977, Texas Energies, Inc. (Petitioner), c/o Ronald D. Nickum, P.O. Box 9317, Amarillo, Texas 79105, filed in Docket No. RI77-110 a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 C.F.R. § 2.76). Petitioner seeks to collect a rate of 70 cents per Mcf for the sale of natural gas to Colorado Interstate Gas Company from the Adams 1-29 Well located in Meade County, Kansas. Petitioner indicates that the proposed rate increase is necessary in order for Petitioner to rework the well and to install artificial lift equipment to dispose of water in the wellbore.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 10, 1977, file with the Federal Power 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). 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 party 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21805 Filed 7-28-77;8:45 am]

[Docket No. RI77-109]

TEXAS ENERGIES, INC.

Petition for Special Relief

JULY 22, 1977.

Take notice that on June 29, 1977, Texas Energies, Inc. (Petitioner), c/o Ronald D. Nickum, P.O. Box 9317, Amarillo, Texas 79105, filed in Docket No. RI77-109 a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 C.F.R. § 2.76). Petitioner seeks to collect a rate of 97 cents per Mcf for the sale of natural gas to Colorado Interstate Gas Company from the Adams 1-E Well located in Meade County, Kansas. Petitioner indicates that the proposed rate increase is necessary in order for Petitioner to rework the well and to install artificial lift equipment and equipment to maintain continuous compression.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 10, 1977, file with the Federal Power 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). 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 party 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21806 Filed 7-28-77;8:45 am]

[Docket No. CP77-495]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JULY 22, 1977.

Take notice that on July 8, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-495 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation on an interruptible basis of 500,000 dekatherms (dt) equivalent of natural gas during a 3-year term for Delmarva Power & Light Company (Delmarva) (a CD-3 customer of Applicant), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport the proposed volumes of gas for Delmarva, which volumes of synthetic gas Delmarva would purchase from The Brooklyn Union Gas Company (BUG) (also a CD-3 customer of Applicant), pursuant to an agreement among Applicant, Delmarva and BUG, dated May 24, 1977. It is stated that Delmarva would use the subject gas to serve better its high priority markets.

Applicant indicates that BUG would make available to Delmarva up to 10,000 dt per day by reducing its takes from Applicant, and Applicant would deliver equivalent quantities to Delmarva at existing delivery points.

Applicant states Delmarva would pay it an initial charge of 9.55 cents per dt transported and delivered. No additional facilities are required to render the proposed transportation service, it is said.

Applicant indicates that Delmarva is experiencing substantial curtailment in deliveries of contract demand volumes

for Applicant due to the shortage of flowing gas supplies on Applicant's system, and that the additional gas to be made available by BUG would help offset these curtailments under Applicant's CD-3 rate schedule.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 11, 1977, file with the Federal Power 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) as 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 Power 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 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21803 Filed 7-28-77;8:45 am]

[Docket No. CP77-504]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JULY 22, 1977.

Take notice that on July 12, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396 Houston, Texas 77001, filed in Docket No. CP77-504 an application pursuant to section 7 of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to 2,000 Mcf of natural gas per day at 15.025 psia on an interruptible basis for 2 years for Owens-Corning Fiberglas Corporation (Owens-Corning), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to render the proposed transportation for Owens-Corning pursuant to a transportation agreement dated June 1, 1977 between the two parties. Applicant indicates that Owens-Corning has purchased from Kilroy Properties, Incorporated (Kilroy), Stuarco Resources Corporation (Stuarco), The Scherck Trust (Sherck), W. S. Farish III (Farish) and C. W. Leisk (Leisk) (all collectively referred to herein as (Kilroy et al.) a total of up to all the gas to be produced from Kilroy et al.'s, interest in the Crown Zellerbach No. 1 Well, E. Chatham Field, Jackson Parish, Louisiana. It is stated that Applicant would deliver the transportation quantities to Owens-Corning's Anderson, South Carolina, Plant.

It is indicated that Owens-Corning would pay Kilroy et al., for each one million Btu's delivered hereunder a price as follows:

(a) Commencing on the date of initial delivery hereunder and continuing for an initial term of 12-months, $2.00;

(b) At the end of the 12-month term provided for in paragraph (a) above the price would be increased 15.0 cents and the price would be increased 15.0 cents each 12-months thereafter.

Applicant states that Owens-Corning manufactures reinforcing fibers and mat products at its' Anderson plant and Owens-Corning would use the subject gas for Priority 2 uses, specifically for process uses, that is, firing of direct melt furnaces, curing of in-process materials, and miscellaneous in-process uses. Present technology does not exist to permit Owens-Corning to utilize alternate fuels other than natural gas in any of its other process operations such as the small direct melt furnace forehearths and channel areas, it is said. It is indicated the flame characteristics and the size of the combustion areas preclude the use of oil and electricity.

Applicant states that it would charge Owens-Corning, initially, 29.8 cents per Dekatherm (dt) equivalent for all quantities delivered, and that this rate is to be applicable to similar transportation services providing for deliveries in its Rate Zone 2. It is stated that Applicant would also retain, initially, 3.8 percent of the quantities received for transporation as make-up for compressor fuel and line loss, and that this percentage is based on Applicant's "Company use" factor for pipeline throughput to and within its Rate Zone 2 in which the transportation deliveries proposes herein would be made.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 3, 1977, file with the Federal Power 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) as 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 Power 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 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21800 Filed 7-28-77;8:45 am]

[Docket No. CP77-453]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Pipeline Application

JULY 21, 1977.

Take notice that on June 21, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), Post Office, Box 1396, Houston, Texas 77001, filed in Docket No. CP77-453 an application pursuant to Section 7 of the Natural Gas Act, as amended, and the Rules and Regulations of the Federal Power Commission, for a certificate of public convenience and necessity authorizing Applicant to construct and operate pipeline facilities to extend its Southeast Louisiana Gathering System to Blocks 130 and 132, South Marsh Island Area, South Addition, and to Block 331, Vermilion Area, South Addition, offshore Louisiana and to render transportation services through the proposed facilities and other existing connecting facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to extend its Southeast Louisiana Gathering System in the South Marsh Island Area from Block 66 to Block 106, South Addition, with 17.96 miles of 24-inch pipeline, and to construct a new manifold platform in Block 106. Applicant further proposes to construct pipeline extensions from the Block 106 platform to Blocks 130 and 132, South Marsh Island Area, South Addition, and to Blocks 313 and 331, Vermilion Area, South Addition. To connect Blocks 130 and 132, Applicant proposes to construct 8.62 miles of 16-inch, 6.12 miles of 12-inch and .83 miles of 8-inch pipelines. Applicant proposes to construct 16.11 miles of 20-inch pipeline from Block 106

through Block 313 to Block 331, Vermilion Area, South Addition. Five metering and regulator stations are proposed in Blocks 106, 130 and 132, South Marsh Island Area and in Block 331, Vermilion Area, and .04 miles of 10-inch pipeline is proposed by Applicant extending from Transco's proposed Block 106 manifold platform to Shell Oil Company's (Shell) production Platform A in Block 106, South Marsh Island.

Applicant states that the proposed facilities will have a maximum daily capacity of 240,475 Mcf (14.73 psia) and are estimated to cost $52,000,000 to be financed initially through short-term loans and available cash.

Applicant states that the proposed pipeline facilities will connect to its existing system new natural gas supplies in South Marsh Island Blocks 106, 130 and 132 and Vermilion Block 331, which it has contracted to purchase under precedent agreements or which is committed under advance payment agreements with the producers in those fields. Applicant states that it has precedent gas purchase agreements with Shell for gas to be produced in South Marsh Island Blocks 106, 130 and 132. Applicant also states that advance payment agreements with Transo Exploration Company, Louisiana Land and Exploration Company and Louisiana Land Offshore Exploration Company entitle it to purchase gas attributable to these producer's interests in Blocks 130 and 132, South Marsh Island and Block 331, Vermilion, respectively.

Applicant further states that it proposes to render transportation services through the proposed facilities and the existing connecting facilities of its Southeast Louisiana Gathering System to points onshore for other pipelines which have gas supplies available to them in the fields to which the new facilities will be constructed as follows: for Columbia Gas Transmission Corporation and Consolidated Gas Supply Corporation, gas to be purchased from CNG Producing Company, Texas Gas Exploration Corporation and Columbia Gas Development Corporation in Block 313, Vermilion; and for Texas Eastern Transmission Corporation, gas to be purchased from Marathon Oil Company in Block 331, Vermilion.

Applicant further states that the proposed facilities will connect an estimated average daily volume of 88,700 Mcf in new gas supplies for its system and transport for others 68,700 Mcf in average daily volumes in the second year of operation. It is stated that additional capacity in the proposed facilities is available to accommodate presently uncommitted gas supplies in the areas reached by the extension and in adjacent areas now under active exploration and development.

Construction of the major part of the proposed extension of its Southeast Louisiana Gathering System is proposed by Applicant in 1977. Applicant states that the facilities must be in place by the end of 1977 in order to receive gas which the producers will have available then and in the early months of 1978. Applicant, therefore, states that it proposes to construct all of the extension of its gathering system in 1977, except for .83 miles of 8-inch pipeline in Block 130, South Marsh Island and 5.28 miles of 12-inch pipeline to Block 132, South Marsh Island, both of which will be constructed in 1978. In order to meet its projected construction schedule, Applicant states that it requires authorization to commence construction no later than September 1, 1977, and Applicant has requested a temporary certificate to construct pending issuance of the final certificate.

[FR Doc.77-21784 Filed 7-28-77;8:45 am]

[Docket No. CP77-463]

TRUNKLINE GAS CO.

Pipeline Application

JULY 21, 1977.

Take notice that on June 24, 1977, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77-463, an application pursuant to Section 7 of the Natural Gas Act and the regulations thereunder for a certificate of public convenience and necessity and for a temporary certificate authorizing the exchange of natural gas between Applicant and Gulf Oil Corporation (Gulf) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant and Gulf have entered into an exchange agreement wherein Applicant will receive up to a maximum of 10,000 Mcf per day of gas attributable to Gulf's interests in Block 266 and 265, West Cameron Area, Offshore Louisiana, and Applicant will redeliver to Gulf equivalent volumes at the existing interconnection between Applicant's facilities and Gulf's facilities at South Timbalier Block 151, Offshore Louisiana. Gulf's deliveries will be made for Applicant's account at an existing underwater valve on the Stingray Pipeline Company system located in West Cameron Block 269, Offshore Louisiana.

Any person desiring to be heard or to make any protest with reference to said application, on or before August 15, 1977, should file with the Federal Power 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). 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 Power 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 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21781 Filed 7-28-77;8:45 am]

[Docket No. CP77-488]

UNITED GAS PIPE LINE CO.

Application

JULY 22, 1977.

Take notice that on July 5, 1977, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP77-488 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation 3.1 miles of 4½-inch O.D. pipeline and the installation of a regulator station in Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to install a regulator station and to build 3.1 miles of 3½-inch O.D. pipeline at a cost of approximately $252,100 from its existing 12-inch Iowan Field Line to the Iowa Town Border Station, to be located in Jefferson Davis and Calcasieu Parishes, La., in order to assure the continuation of the present supply of gas to the Town of Iowa, La.

Applicant states that it presently indirectly serves Iowa, La. (Town of Iowa) by selling gas to the Town of Iowa's distributor, Entex, Inc. (Entex), under the terms and conditions of a service agreement, dated November 17, 1971, presently in effect between United and Entex. It is stated that pursuant to its Southern Zone Rate Schedule DG-S, Applicant sells to Entex volumes of natural gas up to a maximum daily quantity (MDQ) of 1,092 Mcf of gas as a supply for the Town of Iowa.

Applicant indicates that it has supplied Entex with gas for the Town of Iowa from volumes of gas produced and processed by Shell Oil Company (Shell) from the nearby Iowa Gas Field (Iowa Field). It is stated that Shell has advised

Applicant that due to declining gas production from Iowa Field it would no longer be able to assure the continued supply of volumes adequate to serve the Town of Iowa. Applicants deliverability projection also reflects that the Shell-Iowa Field gas supply would be insufficient to meet the future demands of the Town of Iowa, it is said.

Applicant indicates that no additional financing would be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1977, file with the Federal Power 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) as 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 Power 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 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21777 Filed 7-28-77;8:45 am]

[Docket No. CP77-491]

WESTERN GAS INTERSTATE CO.

Application

JULY 21, 1977.

Take notice that on July 5, 1977, Western Gas Interstate Company (Applicant), 1800 First International Building, Dallas, Tex. 75270, filed in Docket No. CP77-491 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)), for a certificate of public convenience and necessity authorizing the construction, during the 12-month period following requested Commission authorization, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the service presently rendered by Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $100,000, which cost would be financed from funds on hand and by short-term borrowing from Applicant's parent company, Southern Union Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 11, 1977, file with the Federal Power 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) as 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 Power 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 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21788 Filed 7-28-77;8:45 am]

[Docket No. CP77-492]

WESTERN GAS INTERSTATE CO.

Application

JULY 21, 1977.

Take notice that on July 5, 1977, Western Gas Interstate Company (Applicant), 1800 First International Building, Dallas, Tex. 75270, filed in Docket No. CP77-492 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period next succeeding issuance of such requested certificate and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant. Applicant states that the total cost of the proposed facilities would not exceed $150,000, with no single project to exceed 25 percent of the total authorization. The proposed facilities would be financed from funds on hand and by short-term borrowings from Applicant's parent company, Southern Union Company, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 11, 1977, file with the Federal Power 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) as 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 Power 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 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21789 Filed 7-28-77;8:45 am]

[Docket No. CP77-490]

WESTERN GAS INTERSTATE CO.

Application

JULY 21, 1977.

Take notice that on July 5, 1977, Western Gas Interstate Company (Applicant), 1800 First International Building, Dallas, Tex. 75270, filed in Docket No. CP77-490 an application pursuant to Section 7 of the Natural Gas Act, as implemented by Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)), for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, during the twelve-month period following the date of requested Commission authorization, and operation of field gas compression and related metering and appurtenant facilities all as more fully set forth in the application which is on file with the Commission and open to public inspection.

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

Applicant states that the total cost of the proposed construction and abandonment would not exceed $500,000 with no single project to exceed $125,000, which costs would be financed from funds on hand and by short-term borrowing from Applicant's parent company, Southern Union Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 11, 1977, file with the Federal Power 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 Power Commission by Section 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 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 and permission and approval for the proposed abandonment are 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-21799 Filed 7-28-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0361; DESI 6146]

ANTIHISTAMINES FOR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing; Correction

AGENCY: Food and Drug Administration (FDA).

ACTION: Correction.

SUMMARY: This document corrects a notice (DESI 6146) that appeared at page 41129 in the FEDERAL REGISTER of Tuesday, September 21, 1976 (FR Doc. 76-27562).

EFFECTIVE DATE: September 27, 1977.

FOR FURTHER INFORMATION CONTACT:

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

The following correction is made:

On page 41130, in the left column, under paragraph B.2.b, the indication that reads "Amelioration and prevention of allergic reactions to blood or plasma in patients with a known history of such reactions," should read "Amelioration of allergic reactions to blood or plasma."

Dated: July 20, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-21701 Filed 7-28-77;8:45 am]

[Docket No. 76N-0339; DESI 10598]

ANTIEMETIC COMBINATION PREPARATION CONTAINING DICYCLOMINE HYDROCHLORIDE, DOXYLAMINE SUCCINATE, AND PYRIDOXINE HYDROCHLORIDE

Withdrawal of Approval of Part of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the part of the new drug application providing for the antiemetic combination product described below on the basis of lack of substantial evidence of effectiveness for its labeled indication.

DATE: August 10, 1977.

ADDRESSES: Requests for opinion of the applicability of this notice to a specific product should be directed to: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

William R. Durbin, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing which was published in the FEDERAL REGISTER of January 28, 1977 (42 FR 5422), the Director of the Bureau of Drugs proposed to withdraw approval of the following product:

NDA 10-598; that part pertaining to Bendectin Tablets containing dicyclamine hydrochloride, doxylamine, succinate, and pyridoxine hydrochloride; Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 East Amity Rd., Cincinnati, OH 45215.

No hearing was requested. Merrell-National Laboratories had earlier supplemented their new drug application to provide for a reformulated product containing only doxylamine succinate and pyridoxine hydrochloride, which was approved on November 4, 1976, through the normal supplemental new drug application procedures.

All drug products that are identical, related, or similar to the drug product named above and not the subject of an approved new drug application are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance.

Neither the holder of the application nor any other person filed a written appearance of election as provided by the January 28, 1977 notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 5.82) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence the drug

product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Therefore, pursuant to the foregoing finding, approval of that part of new drug application 10-598 providing for the drug product described above, and all amendments and supplements applying thereto, is withdrawn effective August 10, 1977.

Shipment in interstate commerce of the above listed product or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: July 20, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-21914 Filed 7-28-77;8:45 am]

[Docket No. 76N-0403; DESI 11250]

ARGININE GLUTAMATE

Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug application described below for arginine glutamate on the basis of lack of substantial evidence of effectiveness for its labeled indications. The drug has been used in conditions associated with elevated blood ammonia levels.

DATE: August 10, 1977.

ADDRESSES: Requests for opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 11250 and directed to: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the FEDERAL REGISTER of January 25, 1977 (42 FR 4536), the Director of the Bureau of Drugs offered an opportunity for hearing on the proposal to issue an order withdrawing approval of the following product:

NDA 11-640; Modumate Solution for Injection containing arginine glutamate; Abbott Laboratories, 14th and Sheridan Rd., North Chicago, IL 60064.

All drug products that are identical, related, or similar to the drug product named above, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific drug product is covered by this notice should write to the Division of Drug Labeling Compliance (address given above).

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 5.82), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application 11-640 providing for the drug product named above, and all amendments and supplements applying thereto is withdrawn, effective August 10, 1977.

Shipment in interstate commerce of the above product or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: July 20, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-21914 Filed 7-28-77;8:45 am]

[Docket No. 76N-0110; DESI 11802]

CERTAIN SOLID DOSAGE FORMS OF ORAL POTASSIUM SALT DRUG PRODUCTS

Withdrawal of Approval of New Drug Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug applications described below for oral potassium salt drug products containing 100 milligrams or more of potassium per dosage unit on the basis of an unfavorable benefit-to-risk ratio.

DATES: Effective August 8, 1977.

ADDRESSES: Requests for opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 11802 and directed to: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the FEDERAL REGISTER of April 6, 1976 (41 FR 14568), the Director of the Bureau of Drugs offered an opportunity for hearing on the proposal to issue an order withdrawing approval of the drug products described below. The basis of the proposed action was that the benefit-to-risk ratio associated with the use of solid oral dosage forms of potassium salt drug products that supply 100 milligrams or more of potassium per dosage unit is unacceptable in consideration of both the high incidents of nonspecific small-bowel lesions and the availability of acceptable alternative therapy. In addition for those combination drug products containing a thiazide and potassium chloride or a thiazide, potassium chloride, and rauwolfia serpentina the basis of the proposed action is also a lack of substantial evidence that these combination drugs will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling. Since a hearing was not requested concerning the following products, approval of the new drug applications for them is now being withdrawn.

1. NDA 16-281; Potassium Chloride Enteric Coated Tablets; previously marketed by Cooper Laboratories, 300 Fairfield Rd., Wayne, N.J. 07470.

2. NDA 16-285; Potassium Chloride Enteric Coated Tablets; previously marketed by Stanley Drug Products, Inc., Division Sperti Drug Products, Inc., P.O. Box 3108, Portland, OR 97208.

3. NDA 16-289; Potassium Chloride Emplet; previously marketed by Parke, Davis & Co., Joseph Campau Ave. at the River, Detroit, MI 48232.

4. NDA 16-292; Potassium Chloride Enteric Coated Tablets; Richlyn Laboratories, 3725 Castor Ave., Philadelphia, PA 19124.

5. NDA 16-302; Potaklor Plus Enteric Coated Tablets containing potassium chloride; Kirkman Laboratories, Inc., 924 Northeast 25th Ave., Portland, OR 97232.

6. NDA 16-313; Potassium Chloride Enteric Coated Tablets; Strong Cobb Arner, Inc., subsidiary of ICN Pharmaceuticals, 11700 Shaker Blvd., Cleveland, OH 44120.

7. NDA 16-314; Potassium Chloride Enteric Coated Tablets; American Pharmaceutical Co., Inc., P.O. Box 448, Passaic, N.J. 07055.

In response to the April 6, 1976 notice, requests for a hearing were submitted for the following drug products:

1. NDA 11-802; Rautrax Tablets containing flumethiazide, potassium chloride, and rauwolfia serpentina;

2. NDA 12-163; Naturetin with K Tablets containing bendroflumethiazide and potassium chloride;

3. NDA 12-243; Di-Ademil-K Tablets containing hydroflumethiazide and potassium chloride;

4. NDA 12-244; Rautrax Improved Tablets and Rautrax Improved 25 Tablets containing hydroflumethiazide, potassium chloride, and rauwolfia serpentina; and

5. NDA 12-320; Rautrax-N Modified Tablets and Rautrax-N Tablets containing bendroflumethiazide, potassium chloride, and rauwolfia serpentina; all marketed by E. R. Squibb & Sons.

6. NDA 16-286; Potassium Chloride Enseals; Eli Lilly & Co.

7. NDA 16-287; Kaon Coated Tablets containing potassium gluconate; Warren-Teed Pharmaceuticals.

In addition, Dr. W. Gordon Walker of The Johns Hopkins University submitted data in support of Warren-Teed's Kaon Coated Tablets. These drug products will be the subject of a subsequent FEDERAL REGISTER notice and are not affected by this notice.

All drug products that are identical, related, or similar to a product named above, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice (21 CFR 310.6), except controlled release dosage forms and those products formulated and labeled for preparation of solution prior to ingestion. Any person who wishes to determine whether a specific drug product is covered by this notice should write to the Division of Drug Labeling Compliance (address given above).

No other persons filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 5.82) finds that, on the basis of new information before him with respect to these drug products, evaluated together with the evidence available to him when the applications were approved, such drugs are not shown to be safe for use under the conditions of use on the basis of which the applications were approved. In addition, for those combination drug products containing a thiazide and potassium chloride or a thiazide, potassium chloride, and rauwolfia serpentina, such combination drugs lack substantial evidence that they will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing findings, approval of new drug applications 16-281, 16-285, 16-289, 16-292, 16-302, 16-313 and 16-314 providing for the drug products named above (except for new drug applications 11-802, 12-163, 12-243, 12-244, 12-320, 16-286 and 16-287 that are the subject of hearing requests), and all amendments and supplements applying thereto, is withdrawn effective August 8, 1977.

Shipment in interstate commerce of the above listed products or of any identical, related, or similar products, not the subject of an approved new drug application, will then be unlawful.

Dated: July 20, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-21702 Filed 7-28-77;8:45 am]

[Docket No. 76N-0391; DESI 9495]

CYCLIZINE HYDROCHLORIDE FOR RECTAL USE

Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug application for cyclizine hydrochloride for rectal use on the basis of lack of substantial evidence of effectiveness.

DATES: Effective August 8, 1977.

ADDRESSES: Requests for opinion of the applicability of this notice to a specific product should be identified with reference number DESI 9495 and directed to: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INORMATION: In a notice published in the FEDERAL REGISTER of February 4, 1977 (42 FR 6910), the Director of the Bureau of Drugs offered an opportunity for hearing on a proposal to withdraw approval of the following products.

NDA 9-781; Marezine Suppositories and Pediatric Suppositories containing cyclizine hydrochloride; formerly marketed by Burroughs Wellcome and Co., Inc., 3030 Cornwallis Rd., Research Triangle Park, NC 27709.

In response to the notice, Burroughs Wellcome voluntarily requested withdrawal of approval of the new drug application.

All drug products that are identical, related, or similar to a drug product named above, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance at the address given above.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 5.82) (recodification pulished in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), finds that, on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 9-781 providing for the drug products named above, and all amendments and supplements applying thereto, is withdrawn effective August 8, 1977.

Shipment in interstate commerce of the above products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: July 20, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-21957 Filed 7-28-77;8:45 am]

[Docket No. 76N-0349; DESI 6686]

DIMENHYDRINATE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice sets forth the conditions for marketing prescription drug products of dimenhydrinate for the indication for which they continue to be regarded as effective and offers an opportunity for a hearing concerning those indications reclassified as lacking substantial evidence of effectiveness. The drug is used in motion sickness.

DATES: Hearing requests due on or before August 29, 1977.

Supplements to approved NDA's due on or before September 29, 1977.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 6686, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements (identify with NDA number): Division of Neuropharmacological Drug Products (HFD-120), Rm. 10B-34, Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Requests for the report of the National Academy of Science—National Research Council: Public Records and Document Center (HFC-18), Rm. 4-62.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: In a notice (DESI 6686; Docket No. FDC-D-317 (now Docket No. 76N-0349)) published in the FEDERAL REGISTER of June 4, 1971 (36 FR 10896), the Food and Drug Administration announced its conclusions that the drug products described below are (1) effective in prophylaxis and treatment of motion sickness; (2) probably effective for the control of nausea and vomiting postoperatively and following radiation and electroshock therapy; (3) possible effective for use in nausea, vomiting, and vertigo associated with Meniere's syndrome, postfenestration syndrome, and migraine; and nausea and vomiting of pregnancy; and (4) lacking substantial evidence of effectiveness for their other labeled indications. The notice also offered an opportunity for a hearing concerning the indications concluded at that time to lack substantial evidence of effectiveness. The manufacturer has deleted all less-than-effective indications from the labeling of the drug products. No data supporting the probably effective and possibly effective indications were submitted, and those indications are now reclassified as lacking substantial evidence of effectiveness.

The notice that follows does not pertain to the indications stated in the June 4, 1971 notice to lack substantial evidence of effectiveness. No person requested a hearing concerning them, and they are no longer allowable in labeling. Any such product labeled for those indications is subject to regulatory action.

1. NDA 8-153; Dramamine Injection; and
2. NDA 8-310; Dramamine Suppositories (suppositories), both containing dimenhydrinate; G. D. Searle & Co., P.O. Box 5110, Chicago, IL 60680.

Dramamine Tablets and Liquid, both over-the-counter (OTC) products, included in the notice of June 4, 1971, are not affected by this notice and are being handled by the OTC Review.

G. D. Searle supplemented the new drug applications to reword the effective indication to read as stated in the labeling conditions below.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an oppinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug products are effective for the indication in the labeling conditions below. The drug products now lack substantial evidence of effectiveness for the indications evaluated as probably effective and possibly effective in the June 4, 1971 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug products are in suppository or sterile solution form suitable for rectal or parenteral administration respectively.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug products are labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The indication is as follows:

For the prevention and treatment of the nausea, vomiting, or vertigo of motion sickness.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before September 27, 1977, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be incord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, (ii) for dimenhydrinate injection a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)), and (iii) for dimenhydrinate suppositories a supplement to provide full updating information with respect to items 6, 7, and 8 of the new drug application from FD-356H.

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such products. For dimenhydrinate suppositories the application shall contain full information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H and in addition, data from appropriate bioavailability studies. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug be-

cause it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before August 29, 1977, a written notice of appearance and request for hearing, and (2) on or before September 27, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quadruplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: July 20, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-21700 Filed 7-28-77;8:45 am]

[Docket No. 76N-0416; DESI 366]

EPINEPHRINE AQUEOUS SUSPENSION FOR INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice reclassifies epinephrine aqueous suspension for injection to effective for a certain indication, sets forth the conditions for marketing the drug for that indication, and offers an opportunity for a hearing concerning the indications reclassified as lacking substantial evidence of effectiveness. The drug is used for symptomatic treatment of bronchial asthma.

DATES: Hearing requests due on or before August 29, 1977.

Supplements to approved NDA's due on or before September 27, 1977.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 366, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements (identify with NDA number): Division of Surgical-Dental Drug Products (HFD-160), Rm. 18B-03, Bureau of Drugs.

Original abbreviated new drug applications and notices of claimed investigational exemption for a new drug (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Request for Hearing (identify with docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFC-18), Rm. 4-62.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 366) published in the FEDERAL REGISTER of July 11, 1972 (37 FR 13564), the Food and Drug Administration announced its conclusion that the drug product described below is probably effective for the symptomatic treatment of bronchial asthma, urticaria, angioedema, and hay fever. Subsequently, the manufacturer submitted clinical studies that provide substantial evidence of effectiveness of the durg for bronchial asthma. No person submitted any data for the other probably effective indicators, and they are now reclassified to lacking substantial evidence of effectiveness. Other drugs included in the July 11, 1972 notice are not affected by this notice, having been previously dealt with.

Accordingly, the July 11, 1972 notice is amended to read as follows insofar as it pertains to epinephrine aqueous suspension:

NDA 7-942; Sus-Phrine Suspension, an aqueous suspension of epinephrine; Cooper Laboratories, 300 Fairfield Rd., Wayne, N.J. 07470.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product

named in this notice by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indication listed in the labeling conditions below. The drug lacks substantial evidence of effectiveness for its other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplemented to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in sterile aqueous suspension form suitable for parenteral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The indication is as follows:

For the symptomatic treatment of bronchial asthma, and reversible bronchospasm associated with chronic bronchitis and emphysema.

3. *Marketing status.* a. Marketing of such drug product that is now the subject of an approved or effective new drug application may be continued provided that, on or before September 22, 1977, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356 H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)). In addition, on or before January 26, 1978, the holders of such applications are required to supplement their applications to provide either evidence demonstrating in vivo bioavailability or information to permit waiver of such evidence.

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Such abbreviated new drug application is required to contain evidence from in vivo studies demonstrating bioequivalence to the reference standard. Such bioavailability studies shall consist of either single- and/or multiple-dose blood level study or comparison of acute pharmacological activity to an appropriate reference material. Multiple-dose studies will require prior submission of protocols to be submitted under a Notice of Claimed Investigational Exemption for a New Drug (IND). Because of inherent toxicological side effects associated with this drug, it is advisable that firms submit a protocol with the ANDA prior to undertaking a single-dose study in human subjects. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before August 29, 1977, a written notice of appearance and request for hearing, and (2) on or before September 27, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk

(address given above) between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: July 20, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-21956 Filed 7-28-77;8:45 am]

[Docket No. 77F-0197]

INTERNATIONAL PAPER CO.

Filing of Petition for Food Additive Permitted in Animal Feed

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The International Paper Co. has filed a petition proposing that the regulations for food additives permitted in animal feed be amended to revise specifications for manufacturing hemicellulose extract (wood sugars).

FOR FURTHER INFORMATION CONTACT:

William D. Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, (301-443-3442).

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (MF-3657) has been filed by International Paper Co., P.O. Box 16807, Mobile, AL 36616, proposing that § 573.520 Hemicellulose extract (21 CFR 573.520) be amended to expand the temperature and pressure requirements for manufacture of hemicellulose extract.

The Commissioner has reviewed the potential environmental impact of the proposed regulation and has concluded that the proposed action will not significantly affect the quality of the human environment and that an environmental impact statement is not required. Copies of the statement of exemption may be seen in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 25, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-21954 Filed 7-28-77;8:45 am]

NORWICH PHARMACAL CO.

Furaspor Liquid Veterinary; Withdrawal of Approval of New Animal Drug Application

AGENCY: Food and Drug Administration:

ACTION: Notice.

SUMMARY: The Food and Drug Administration, at the request of the manufacturer, withdraws approval of a new aimal drug application (NADA) providing for use of a topical antibacterial antifungal liquid for the treatment of dogs and horses.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, (301-443-3430).

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.29), the following notice is issued: NADA 7-717 held by Eaton Laboratories, Division of Morton-Norwich Products, Inc., P.O. Box 91, Norwich, NY 13815, provides for the use of Furaspor Liquid Veterinary for the treatment of horses for ringworm and the treatment of dogs for skin disorders caused or complicated by susceptible fungi, bacteria, or mites.

Eaton Laboratories has requested, by letter dated January 17, 1977, that approval of the NADA be withdrawn and waived an opportunity for a hearing because the product is no longer being marketed.

Therefore, in accordance with § 514.-115 (21 CFR 514.115), notice is given that approval of NADA 7-717 and all supplements and amendments thereto is hereby withdrawn, effective July 29, 1977.

Dated: July 27, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-21955 Filed 7-28-77;8:45 am]

PANEL ON REVIEW OF DENTIFRICES AND DENTAL CARE AGENTS

Meeting Date Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The meeting of the Panel on Review of Dentifrices and Dental Care Agents scheduled for August 25 and 26, 1977 has been changed to August 24 and 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael D. Kennedy, Bureau of Drugs (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, (301-443-4960).

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) announced in a notice published in the FEDERAL REGISTER of July 15, 1977 (42 FR 36551), meetings of FDA public advisory committees and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Panel on Review of Dentifrices and Dental Care Agents scheduled for August 25 and 26, 1977 has been changed to August 24 and 25, 1977. The open public hearing will begin at 9 a.m. on August 24.

Dated: July 20, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-21553 Filed 7-28-77;8:45 am]

Public Health Service

QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

Notice is hereby given, pursuant to 42 CFR 110.605, that in the month of June 1977 the following entities have been determined to be qualified health maintenance organizations under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)).

LIST OF QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

NAME, ADDRESS, SERVICE AREA, AND DATE OF QUALIFICATION

(Operational Qualified Health Maintenance Organizations: 42 CFR 110.603(a))

1.HMO Illinois, Incorporated, (Individual Practice Association model, see section 1310(b)(2)(A) of the Public Health Service Act), 233 N. Michigan Avenue, Suite 1323, Chicago, Ill. 60601. Service area: The zip codes included in the area are as follows:

60004	60005	60007	60010	60015	60016
60018	60022	60025	60026	60029	60043
60053	60056	60062	60067	60068	60069
60070	60076	60082	60090	60091	60093
60101	60103	60104	60106	60108	60120
60126	60130	60131	60137	60141	60143
60148	60153	60157	60160	60162	60163
60164	60165	60170	60171	60172	60176
60181	60185	60187	60191	60201	60202
60203	60301	60302	60304	60305	60401
60402	60406	60409	60411	60415	60417
60419	60422	60423	60425	60426	60429
60430	60432	60438	60439	60441	60442
60443	60445	60448	60449	60451	60452
60453	60456	60457	60458	60459	60461
60462	60463	60464	60465	60466	60468
60469	60471	60472	60473	60475	60476
60477	60480	60482	60501	60513	60514
60515	60521	60525	60534	60546	60558
60559	60601	60602	60603	60604	60605
60606	60607	60608	60609	60610	60611
60612	60613	60614	60615	60616	60617
60618	60619	60620	60621	60622	60623
60624	60625	60626	60627	60628	60629
60630	60631	60632	60633	60634	60635

60636	60637	60638	60639	60640	60641
60642	60643	60644	60645	60647	60648
60649	60650	60651	60652	60653	60655
60656	60657	60658	60659	60660	60666
46303	46307	46311	46312	46319	46320
46321	46322	46323	46324	46326	46327
46342	46373	46375	46394	46402	46404
46406	46407	46408	46409	46410	

Date of qualification: June 15, 1977.

2. The Health Maintenance Organization of Pennsylvania, (Individual Practice Association model, see section 1310(b)(2)(A) of the Public Health Service Act), 2500 Maryland Road, Willow Grove, Pa. 19090. Service area: Five counties in and around Philadelphia: Bucks County, Chester County, Delaware County, Montgomery County and Philadelphia County. Date of qualification: June 17, 1977.

3. Group Health Cooperative of South Central Wisconsin, (Staff model, see section 1310(b)(1) of the Public Health Service Act), One South Park Street, Madison, Wis. 53715. Service area: Dane County (includes Metropolitan Madison area); Rock County—Evansville Township; Sauk County—Sauk City and Prairie Du Sac Townships; and Columbia County—Lodi, Arlington, and Poynette Townships. Date of qualification: June 27, 1977.

4. Gem Health Association, Incorporated, (Group model, see section 1310(b)(1) of the Public Health Service Act), 6565 Emerald Street, Boise, Idaho 83704. Service area: Northern half of Ada County including the City of Boise. The Southern boundary line is Kuna-Mora Road. Date of qualification: June 27, 1977.

(Preoperational Qualified Health Maintenance Organization: 42 CFR 110.603(c))

1. Group Health Plan of New Jersey, Incorporated (Staff model, see section 1310(b)(1) of the Public Health Service Act), 501 70th Street, Guttenberg, New Jersey 07093. Service area as follows:

Cliffside PK. 07010, Edgewater 07020, Fairview 07020, Fort Lee 07024, East Newark 07024, Harrison 07024, Hoboken 07030, Kerny 07032, No. Arlington 07032, No. Bergen 07047, Lyndhurst 07071, Carlstadt 07072, E. Rutherford 07073, Moonachie 07074, Union City 07087, Weehawken 07087, Guttenberg 07093, West New York 07093, Secaucus 07094, Jersey City 07302, 07304, 07306, 07307, Teterboro 07608, Little Ferry 07643, Palisades Park 07650, Ridgefield 07657.

Date of qualification: June 27, 1977.

Files containing detailed information regarding the qualified health maintenance organizations will be available for public inspection between the hours of 8:30 a.m. and 5 p.m. Monday through Friday, at the Office of Quality Standards, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Room 16A-08, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Questions about the review process or requests for information about qualified health maintenance organizations should be sent to the same office.

Dated: July 22, 1977.

WILLIAM B. MUNIER, M.D.,
Director, Office of Quality Standards.

[FR Doc.77-21812 Filed 7-28-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-77-787, etc.]

ASTRO MANUFACTURING CO., ET AL.

Order and Hearing

In the Matter of: Astro Manufacturing Co. and Bud Rice, Docket No. 77-101-MH; Bendix Home Systems and Thomas V. Malloy, Docket No. 77-102-MH; Castle Industries and John W. Allison, Docket No. 77-103-MH; Central Homes, Inc., and Charles A. Rymes, Docket No. 77-104-MH; Champion Home Builders and Joseph J. Morris, Docket No. 77-105-MH; Charter Industries, Inc., and Ed Pruitt, Docket No. 77-106-MH; Conchemco Homes Group and Donald W. Techentien, Docket No. 77-107-MH; Countryside Industries, Inc., and Shelby Norris, Docket No. 77-108-MH; Fuqua Homes, Inc., and Robert N. West, Docket No. 77-109-MH; Homes by Fisher, Inc., and J. E. Fisher, Jr., Docket No. 77-110-MH; Housing by Vogue, Inc., and Julian Laramore, Docket No. 77-111-MH; Guerdon Industries, Inc., and Jack Dahl, Docket No. 77-112-MH; Kaufman & Broad Home Systems, Inc., and Sanford N. Levine, Docket No. 77-113-MH; Liberty Homes, Inc., and Edward J. Hussey, Docket No. 77-114-MH; Manchester Homes and James L. Clayton, Docket No. 77-115-MH; Wick Building Systems and John F. Wick, Docket No. 77-116-MH; Moduline International, Inc., and L. C. Merta, Docket No. 77-117-MH; Nobility Homes, Inc., and Terry Trexler, Docket No. 77-118-MH; Poloron Products, Inc., and N. David Hanania, Docket No. 77-119-MH; Schult Homes Corp. and Walter E. Wells, Docket No. 77-120-MH; Skyline Corp. and Ronald F. Kloska, Docket No. 77-121-MH; Zimmer Homes Corp. and Paul H. Zimmer, Docket No. 77-122-MH; Burlington Homes of New England and Eugene J. Hamper, Docket No. 77-123-MH; Midland Industries, Inc., and Joseph P. Hayden, Jr., Docket No. 77-124-MH; Fleetwood Homes and William W. Werde, Docket No. 77-125-MH; Havelock Homes Corp. and Gene S. Jackson, Docket No. 77-126-MH; Apeco Corp. and Arthur Nicholas, Docket No. 77-127-MH; R-Anell Homes, Inc., and Rollan L. Jones, Docket No. 77-128-MH; Townhouse, Division of Apeco and Charles L. Youngerman, Docket No. 77-129-MH.

On June 10, 1977, the Secretary, Department of Housing and Urban Development, issued to Respondents a Notice of Preliminary Determination and Opportunity for Hearing alleging noncompliance with 24 CFR 280.404(b)(4)(iv) applicable to emergency egress windows. Respondents requested hearings on the notice. In addition, Respondents Bendix Home Systems, Fuqua Homes, Inc., Housing By Vogue, Inc., and R-Anell Homes, Inc., requested consolidation of the cases into one proceeding. Respondents Bendix Home Systems, R-Anell Homes, Inc., Conchemo Homes Group, Liberty Homes, Inc., and Moduline International, Inc., requested intervention by Philips Industries, Inc., herein Philips, manufacturers of the windows in question. On July 6, 1977, Philips submitted a Petition for Intervention and Consolidation of Proceedings. On July 6, 1977, Manufactured Housing Institute, herein MHI, submitted a Response to Notice of Preliminary Determination and Request for Hearing. MHI alleged that it submitted the response as the authorized representative of Respondents, members of MHI and nonmembers of MHI.

On July 7, 1977, General Counsel, Department of Housing and Urban Development, herein Counsel, responded to the motions of Philips and MHI. Counsel submitted that Philips should be allowed to participate, but reserved the right to object to all participation by Philips should such participation unduly prejudice the rights of the parties directly involved or unnecessarily delay the proceedings. Counsel opposed Philips' motion to consolidate in that Philips is not a party to the proceedings. However, Counsel moved for consolidation of the proceedings. Counsel objected to participation by MHI because its participation would unnecessarily delay the proceedings. Counsel contended that the interest of MHI is identical to that of its members, mobile home manufacturers.

Accordingly, *it is ordered*, That the motions for consolidation are granted. To avoid unnecessary costs and delay, *it is ordered*, That the cases are consolidated in one proceeding.

It is further ordered, That the motions for intervention by Philips are granted. *It is ordered*, That, pursuant to 24 CFR 3282.153 (a) and (b), Philips may participate in writing and in the oral portion of the hearing unless it is determined that such participation should be limited so as not to unduly prejudice the rights of the parties directly involved or unnecessarily delay the proceedings.

It is further ordered, That the request of MHI for participation as the authorized representative of Respondents, members of MHI and nonmembers of MHI, is denied, unless it is shown that any individual Respondent has chosen MHI to represent it. It is noted that Respondents have responded to the Notice of Proceedings and Opportunity for Hearing individually or by individual counsel. Nevertheless, *it is ordered*, That, pursuant to 24 CFR 3282.153 (a) and (b), MHI may participate in writing and in the oral portion of the hearing unless it is determined that such participation should be limited so as not to unduly prejudice the rights of the parties directly involved or unnecessarily delay the proceedings.

NOTICE OF HEARING

Pursuant to 42 U.S.C. 5414(g) and 24 CFR 3282.152(c), Notice is hereby given that:

1. Respondents above being subject to the provisions of the National Mobile Home Construction and Safety Standards Act of 1974 (Pub. L. 93-383, 42 U.S.C. 5401, et seq.) received a Notice of Preliminary Determination and Opportunity for Hearing issued June 10, 1977, which was sent to the Respondent pursuant to 42 U.S.C. 5414, 24 CFR 3282.-151, 24 CFR 3282.407(A)(2), and 24 CFR 3282.408(b) informing the Respondent of information obtained by the Office of Consumer Affairs and Regulatory Functions—Mobile Home Standards Division alleging that an imminent safety hazard as defined at 24 CFR 3282.7(q) may exist in certain mobile homes manufactured by Respondent.

2. Respondents filed Answers in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer, Respondents requested a hearing on the allegations contained in the Notice of Preliminary Determination and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 42 U.S.C. 5414(g), 24 CFR 3282.-151 and 24 CFR 3282.152(g), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Preliminary Determination and Opportunity for Hearing will be held before Judge James W. Mast in Room 7143, Department of HUD, 451 Seventh Street SW., Washington, D.C., on August 22, 1977, at 10 a.m., and all inquiries concerning these proceedings should be directed to him.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410, on or before August 15, 1977. Copies of all documents filed should be served at the same time on all parties of record.

This notice shall be served upon the Repondent forthwith pursuant to 24 CFR 3282.152(c)(1).

Dated: July 18, 1977.

By the Secretary.

JAMES W. MAST,
Chief,
Administrative Law Judge.

[FR Doc.77-21926 Filed 7-28-77;8:45 am]

[Docket Nos. N-77-783 and 77-68-IS]

KAMP-A-LOTT

Notice of Hearing

In the matter of: Kamp-A-Lott, Diversified Equity Corp., and John C. Christ, trustee respondent, OILSR No. 0-4550-41-60 and (A).

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) Notice is hereby given that:

1. Kamp-A-Lott, Diversified Equity Corporation, and John C. Christ, Trustee, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing dated June 3, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the Statement of Record and Property Report for Diversified Equity Corp., located in Indianapolis, Ind., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received July 8, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street SW., Washington, D.C., on August 12, 1977, at 10 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410, on or before July 29, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: July 14, 1977.

By the Secretary.

JAMES W. MAST,
Chief,
Administrative Law Judge.

[FR Doc.77-21922 Filed 7-28-77;8:45 am]

[Docket Nos. N-77-782 and 77-99-IS]

LAVEEN ESTATES EAST

Notice of Hearing

In the Matter of: Laveen Estates East, R. W. Cheatham, President and Laveen Development Corp., respondent, OILSR No. 0-03306-02-647.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) Notice is hereby given that:

1. Laveen Estates East, R .W. Cheatham, President, and Laveen Development Corp., its officers and agents, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing dated June 9, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the Statement of Record and Property Report for Laveen Estates East, located in Maricopa County, Ariz., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received July 1, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street SW., Washington, D.C. on August 16, 1977 at 2:00 p.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C., 20410 on or before July 29, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: July 14, 1977.

By the Secretary.

JAMES W. MAST,
Chief,
Administrative Law Judge.

[FR Doc.77-21921 Filed 7-28-77;8:45 am]

[Docket No. N-77-786 and 77-66-IS]

WHISPERING PINES

Notice of Hearing

In the Matter of: Whispering Pines, Whispering Pines, Inc. and A. B. Hardee, President, Respondent, OILSR No. 0-3546-38-190.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) Notice is hereby given that:

1. Whispering Pines, Whispering Pines, Inc. and A. B. Hardee, President, its officers and agents, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing dated June 1, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the Statement of Record and Property Report for Whispering Pines, located in Moore County, N.C., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received June 22, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7143, Department of HUD, 451 Seventh Street SW., Washington, D.C. on August 11, 1977 at 10:00 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C., 20410 on or before July 29, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: July 14, 1977.

By the Secretary.

JAMES W. MAST,
Chief, Administrative Law Judge.

[FR Doc.77-21925 Filed 7-28-77;8:45 am]

[Docket Nos. N-77-784 and 77-84-IS]

WHITE MOUNTAIN LAKE

Notice of Hearing

In the matter of: White Mountain Lake, White Mountain Lake Subdivision 1, 2, and 3 and James L. Jarvise, Authorized Agent, Respondent, OILSR No. 0-0398-02-63 and (A-B).

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) notice is hereby given that:

1. White Mountain Lake, White Mountain Lake Subdivision 1, 2, and 3, and James L. Jarvise, Authorized Agents, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing dated June 9, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the Statement of Record and Property Report for White Mountain Lake located in Navajo County, Ariz., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received June 28, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street SW., Washington, D.C. on August 12, 1977 at 10:00 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C., 20410 on or before July 29, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: July 14, 1977.

By the Secretary.

JAMES W. MAST,
Chief, Administrative Law Judge.

[FR Doc.77-21923 Filed 7-28-77;8:45 am]

[Docket Nos. N-77-785 and 77-82-IS]

WILLOW VALLEY MOBILE HOME ESTATES

Notice of Hearing

In the Matter of Willow Valley Mobile Home Estates 16, 17, and 18. McKellips Land Co. and Gordon McKellips, President, Respondent, OILSR No. 0-00132-02-32 and (A) and (b).

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) Notice is hereby given that:

1. Willow Valley Mobile Homes Estates 16, 17, and 18, McKellips Land Co. and Gordon McKellips, President, its officers and agents, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing dated June 9, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a)(1) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the Statement of Record and Property Report for Willow Valley Mobile Homes Estates 16, 17, and 18, located in Mohave County, Ariz., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received June 28, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street SW., Washington, D.C. on August 11, 1977 at 10:00 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C., 20410 on or before July 29, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 C.F.R. 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 C.F.R. 1720.440.

Dated: July 14, 1977.

By the Secretary.

JAMES W. MAST,
Chief, Administrative Law Judge.

[FR Doc.77-21924 Filed 7-28-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

SOKAOGON CHIPPEWA COMMUNITY RESERVATION, WISCONSIN

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938), and in accordance with the Act of August 15, 1953, Pub. L. 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Sokaogon Chippewa Community Reservation, Wis., was adopted April 28, 1977, by the Sokaogon Chippewa Community which has jurisdiction over the area of Indian Country included in the Ordinance, reading as follows:

Whereas the provisions of sections 1154, 1156, 3113, 3488, and 3618 of this title shall not apply within any area that is not Indian country, nor to any act or transaction within any area of Indian country provided such act or transaction is in conformity both with the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the Tribe having jurisdiction over such area of Indian country certified by the Secretary of the Interior, and published in the FEDERAL REGISTER, therefore be it

Resolved, That the introduction or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Sokaogon Chippewa Community of Wisconsin, provided that such introduction or possession is in conformity with the laws of the State of Wisconsin, and be it further

Resolved, That the sale of intoxicating liquors by the Sokaogon Chippewa Community of Wisconsin or such persons as may be licensed by the tribal council as herein provided shall be in conformity with the laws of the State of Wisconsin, and be it further

Resolved, That any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction, or possession of intoxicating beverages are hereby repealed.

Reservation.

DANIEL H. POLER,
Secretary, Sokaogon Chippewa Tribal Council.

Concur:

EDMUND MANYDREDS,
Superintendent, Great Lakes Agency.

Dated: July 11, 1977.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

JULY 25, 1977.

[FR Doc.77-21867 Filed 7-28-77;8:45 am]

Bureau of Land Management

[R 3493]

CALIFORNIA

Notice of Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JULY 21, 1977.

The Forest Service, U.S. Department of Agriculture, filed application Serial No. R 3493 on October 21, 1970, for a withdrawal in relation to the following described lands:

SEQUOIA NATIONAL FOREST

BODFISH PIUTE CYPRESS GROVE BOTANICAL AREA, MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 27 S., R. 33 E.,
Sec. 30, lots 1 to 16, inclusive.

The area aggregates 560.95 acres in Kern County, California.

The applicant desires that the land be reserved for the protection of the Bodfish Piute Cypress Grove Botanical Area in California. The Bodfish Grove is the largest known grove of piute cypress and contains some of the oldest living trees.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on December 9, 1970, page 18681, FR Doc. 70-16547.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before August 30, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before August 30, 1977.

The above described lands are temporarily segregated from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-21815 Filed 7-28-77;8:45 am]

[SAC 076606]

CALIFORNIA

Notice of Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JULY 21, 1977.

The Bureau of Reclamation, U.S. Department of the Interior, filed application Serial No. SAC 076606 on September 9, 1963, for a withdrawal in relation to the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 10 N., R. 13 E.,
Sec. 8, NE¼SE¼;
Sec. 9, SE¼SE¼ and S½NE¼SE¼.

The afore-described area aggregates 100 acres.

The applicant desires that the land be reserved for the construction, operation, and maintenance of the Sly Park Unit, American River Division of the Central Valley Project.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on September 26, 1963, page 10430, FR Doc. 63-10233.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before August 30, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and

will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before August 30, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected would prevent any form, of disposal or appropriation under such laws. Currently administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-21817 Filed 7-28-77;8:45 am]

[CA 1568]

CALIFORNIA

Notice of Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JULY 20, 1977.

The Forest Service, U.S. Department of Agriculture, filed application Serial No. CA 1568 on February 12, 1974, for a withdrawal in relation to the following described lands:

TAHOE NATIONAL FOREST

SECRET CANYON RECREATION SITE, MOUNT DIABLO BASE AND MERIDIAN, CALIFORNIA

T. 20 N., R. 11 E.,
Sec. 31, S½ lot 5 and S½S½ lot 8.

The area described aggregates 60 acres in Sierra County, California.

The applicant desires that the land be reserved for campground, picnic, and recreation facilities.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on April 15, 1974, page 13566, FR Document 74-8612.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before August 29, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before August 29, 1977.

The above described lands are temporarily segregated from the operation of the mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204 (g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-21818 Filed 7-28-77;8:45 am]

31152]

NEW MEXICO

Notice of Applications

JULY 20, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4½-inch and one 8⅝-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 9 W.,
Sec. 19, lots 5 and 6
Sec. 20, lots 4, 7, 8, 9, and 16;
Sec. 27, lot 7;
Sec. 34, lots 2, 3, 7, and 8;
Sec. 35, lots 5, 11, and 12.
T. 31 N., R. 10 W.
Sec. 22, lots 10, 11, and 15;
Sec. 27, lots 3 and 6.

These pipelines will convey natural gas across 3.087 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-21820 Filed 7-28-77;8:45 am]

[OR 8643]

OREGON

Order Providing for Opening of Public Land

Correction

In FR Doc. 77-15495, appearing on page 28007 in the issue of Wednesday, June 1, 1977, in the third column, under the heading "Williamette Merdian", the second line should be change so that "NE½" reads "NE¼".

[Utah 34439; Power Site Classification 93; Cancellation 336]

UTAH

Order Providing for Opening of Public Lands

By published notice (41 FR 171, September 1, 1976) the U.S. Geological Survey canceled Power Site Classification No. 93 of April 16, 1925 as to part of the lands described therein.

The purpose of this order is to restore to the operation of applicable public land laws the unreserved public lands involved in that notice.

Under the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, it is ordered as follows:

1. The following described lands are hereby restored to disposition under applicable public land laws, subject to valid existing rights:

SALT LAKE MERIDIAN, UTAH

T. 2 N., R. 23 E.,
Sec. 13, SW¼SE¼ and SW¼;
Sec. 14, S½;
Sec. 23, NE¼NE¼.

The area described aggregates 560 acres in Daggett County.

PAUL L. HOWARD,
State Director.

JULY 21, 1977.

[FR Doc.77-21814 Filed 7-28-77;8:45 am]

[Wyoming 60181]

WYOMING

Notice of Application

JULY 21, 1977.

Notice is hereby given that pursuant to section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185) Stauffer Chemical Company of Wyoming, Green

River, Wyoming filed an application for a 4-inch buried lateral pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 17 N., R. 99 W.,
Sec. 18, lots 5, 6, 7, 8, and SE¼NW¼.
T. 17 N., R. 100W.,
Sec. 24, SE¼NE¼, E½SW¼, SW¼SW¼, N½SE¼.

The pipeline will transport natural gas from an existing well situated in the NW¼, sec. 25, T. 17 N., R. 100 W. to a point on an existing 6-inch line in the NW¼, sec. 18, T. 17 N., R. 99 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-21819 Filed 7-28-77;8:45 am]

[Int DES 77-23]

GRAZING MANAGEMENT PROGRAM, RIO PUERCO RESOURCE AREA NEW MEXICO

Notice of Availability of Draft Environment Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an environmental statement on grazing management in the Rio Puerco Resource Area, New Mexico. Written comments should be received no later than September 14, 1977.

The draft statement analyzes environmental impacts that would result from the implementation of an intensive livestock grazing management program on public lands in the Rio Puerco Resource Area. The proposal involves 393,083 acres of public lands in northwestern New Mexico.

Copies of the draft statement are available for inspection at the following locations:

Office of Information, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240, telephone 202-343-5717.
New Mexico State Office, Bureau of Land Management, U.S. Post Office, North Federal Place, Santa Fe, New Mexico 87501, telephone 505-988-6215.
Albuquerque District Office, Bureau of Land Management, 3550 Pan American Freeway, NE., Albuquerque, New Mexico 87107, telephone 505-766-2455.
Albuquerque City Libraries, Main Library, 501 Copper Avenue, NW., Albuquerque, New Mexico 87102. Prospect Park Branch, 8205 Apache, NE., Albuquerque, New Mexico 87110.
Grants City Library, 525 West High, Grants, New Mexico 87020.
Santa Fe Public Library, Main Office, 121 Washington Avenue, Santa Fe, New Mexico 87501.

A limited number of single copies of the draft statement can be obtained from the BLM District Manager of the Albuquerque Office, or BLM State Director in Santa Fe.

In addition, oral and written comments will be received at public hearings to be held on August 30, 1977, at 1:00 p.m. and 7:00 p.m. at the Albuquerque Convention Center.

Oral testimony of no more than 10 minutes will be accepted from each witness at the hearings in lieu of (or in addition to) written comments. A complete copy of prepared speeches may be filed with the presiding officer at the hearing.

Speakers will be heard in the order specified on the witness list. After the last witness has been heard, the presiding officer will consider additional requests to testify. Only one witness will be allowed to represent the viewpoints of an organization; however, any witness will be permitted to testify as a private citizen.

Written requests to testify orally should be received at the Albuquerque District Office at the above address prior to 4:30 p.m. on August 26, 1977. Requests should identify the organization represented, the prospective witness, and the approximate time and session during which the testimony will be given. The prospective witness must also sign the request.

Comments on the draft environmental statement will receive equal and careful consideration in the preparation of the final environmental statement.

Dated: July 28, 1977.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-22116 Filed 7-28-77;8:45 am]

Geological Survey

GARRISON-ELLISTON, MONTANA

Known Leasing Area (Phosphate)

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), and 203 Departmental Manual No. 1, and Secretary's Order No. 2948, Federal lands within the State of Montana have been classified as subject to the competitive phosphate leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 211). The name of the area, effective date, and total acreage involved are as follows:

(26) MONTANA

Garrison-Elliston (Montana) Known Leasing Area (Phosphate); December 13, 1976; 15,055 acres.

A diagram showing the boundaries of the area classified for competitive leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, MS 609, Box 25046, Federal Center, Denver, Colorado 80225.

Dated: July 14, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-21847 Filed 7-28-77;8:45 am]

National Park Service

CONSULTING COMMITTEE TO THE NATIONAL SURVEY OF HISTORIC SITES AND BUILDINGS

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Consulting Committee to the National Survey of Historic Sites and Buildings will be held at 8:30 a.m. D.S.T., on August 19, 1977, in Conference Room 7000-A in the Department of the Interior Building, Washington, D.C.

The purpose of the Consulting Committee is to review and evaluate studies of potential national historic landmarks prepared by the National Survey. The Committee's evaluation is the initial screening of potential historic landmarks. Its recommendations are forwarded to the Secretary of the Interior's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments for a final review.

The members of the Consulting Committee are:

Dr. Richard H. Howland (Chairman), Washington, D.C.
Dr. Glenn Porter, Greenville, Wilmington, Delaware.
Mr. Herbert E. Kahler, Alexandria, Virginia.
Professor Frederick D. Nichols, Charlottesville, Virginia.
Dr. Henry A. Millon, New York, New York.
Mr. James Biddle, Washington, D.C.
Mr. Charles E. Lee, Columbia, South Carolina.
Major Gen. John W. Huston, Washington, D.C.

The subjects that are to be evaluated are:

1. A segment of the subtheme "Architecture."
2. A part of the subtheme "Commerce and Industry."

The following special studies will also be considered:

1. Piney Woods School, Piney Woods, Mississippi.
2. Lubbock Lake Site, Lubbock, Texas.

The meeting will be open to the public. However, facilities and space for accommodating the public are limited. It is expected that not more than 10 persons will be able to attend the sessions. Any member of the public may file with the Consulting Committee a written statement on the subjects to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact

Mr. George F. Emery, Chief, Historic Sites Survey Division, 202-523-5295. Minutes of the meeting will be available for public inspection six weeks after the meeting at the office of the Chief, Historic Sites Survey Division, National Park Service, Department of the Interior, Washington, D.C. 20240.

Dated: July 8, 1977.

WILLIAM J. MURTAGH,
Acting Chief, Office of Archeology and Historic Preservation.

[FR Doc.77-21994 Filed 7-28-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St. NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 25th day of July, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

Applications received during the week ending July 22, 1977

Name of applicant	Location of enterprise	Principal product or activity
Lacy Enterprises, Inc.	Marietta, Pa.	Restaurant and cocktail lounge.
RSB Fiberglass Forms, Inc.	LaGrange, Ga.	Manufacture of fiberglass outboard and inboard boats.
Parker Bros., Inc.	Ahoskie, N.C.	Newspaper publishing and commercial printing.
Big 4 Feed & Implement Co.	Scottsville, Ky.	Farm sales in feed, seed, fertilizer and farm supply.
Wayne P. Rixmann	Fairmont, Minn.	Restaurant.
Grand Forks Grocery Co.	Grand Forks, N. Dak.	Wholesale distribution of groceries.
Grand Forks Coca-Cola Bottling Co., Inc.	Grand Forks, N. Dak.	Manufacture and wholesaling of carbonated soft drinks and beer.
Para-Medical Health Care Inc.	Lamar, Colo.	Nursing home services for older people.
Clarkston Grain Terminal Inc.	Clarkston, Wash.	Storage, buying and/or marketing grain.

[FR Doc.77-21773 Filed 7-28-77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Nevada

This notice announces the ending of the Federal Supplemental Benefit Period n the State of Nevada effective July 30, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Nevada on January 5, 1975.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Nevada has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on July 9, 1977, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Nevada for the week ending July 9, 1977, and that the Federal Supplemental Benefit Period in that State terminates on July 30, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual

will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Nevada Employment Security Department of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Persons who wish information about their rights to Federal Supplemental Benefits in the State of Nevada should contact the nearest Employment Office of the Nevada Employment Security Department in their locality.

Signed at Washington, D.C., on July 25, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-21915 Filed 7-28-77;8:45 am]

Office of the Secretary

[TA-W-1968]

AGGRESSIVE MFG., INC.

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-1968: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 11, 1977 in response to a worker petition received on April 7, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's, misses' and children's coats at the Hammonton, New Jersey plant of Aggressive Mfg., Inc.

The notice of investigation was published in the FEDERAL REGISTER on April 29, 1977 (42 FR 21872). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Aggressive Mfg., 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Hammonton, New Jersey plant of Aggressive Mfg., Inc. increased 13.0 percent in 1975 compared to 1974 and increased 1.3 percent in 1976 compared to 1975. Employment started to decline in August 1976. Employment declined 3.4 percent in the third quarter of 1976 compared to the immediate preceding quarter and declined 20.3 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975. All workers were laid off in December 1976 when the plant was permanently shut down.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production, in quantity, decreased 15.2 percent in 1975 compared to 1974 and then increased 6.5 percent in 1976 compared to 1975. Production declined 21.5 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975. Production ceased in December 1976 when the plant was permanently shut down.

INCREASED IMPORTS

U.S. imports of women's, misses' and children's coats and jackets increased from 1,769 thousand dozen in 1972 to 1,807 thousand dozen in 1973, declined to 1,478 thousand dozen in 1974 and then increased to 1,517 thousand dozen and 2,252 thousand dozen, respectively, in 1975 and 1976.

The ratio of imported women's, misses' and children's coats and jackets to domestic production declined from 39.3 percent in 1972 to 30.9 percent in 1974 and then increased to 35.4 percent and 52.2 percent, respectively, in 1975 and 1976.

CONTRIBUTED IMPORTANTLY

A survey of manufacturers that contracted with Aggressive Mfg., Inc. indicated that either they or their customers increased purchases of imported coats while decreasing purchases of coats manufactured by Aggressive Mfg., Inc.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's, misses' and children's coats produced by Aggressive Mfg., Inc., Hammonton, New Jersey, contributed importantly to the total or partial separation of the workers at that firm.

In accordance with the provisions of the Act, I make the following certification:

All employees at the Hammonton, New Jersey plant of Aggressive Mfg., Inc. who became totally or partially separated from employment on or after August 15, 1976, and before January 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 21st day of July 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-21868 Filed 7-28-77;8:45 am]

[TA-W-1843]

AMERACE CORP. ESNA DIVISION

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-1843: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in secion 222 of the Act.

The investigation was initiated on March 22, 1977 in response to a worker petition received on March 21, 1977 which was filed by the United Auto Workers on behalf of workers and former workers producing aircraft locknuts for the Amerace Corporation, ESNA Division, Union, New Jersey.

The Notice of Investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the ESNA Division of the Amerace 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales, or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or

threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

The evidence developed in the Department's investigation reveals that there are no imports of aircraft locknuts.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with aircraft locknuts produced by the Amerace Corporation, ESNA Division, Union, New Jersey have not increased either actually or relative to domestic production as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 20th day of July 1977.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-21869 Filed 7-28-77;8:45 am]

[TA-W-1680]

A-M FASHIONS, INC.

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-1680: 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 24, 1977 in response to a worker petition received on February 7, 1977 which was filed by workers and former workers of A-M Fashions, New Britain, Connecticut producing ladies' clothing.

The notice of investigation was published in the FEDERAL REGISTER (42 FR 13081) on March 8, 1977. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of A-M Fashions, the manufacturers who contracted with A-M Fashions, the U.S. International Trade Commission, the U.S. Department of Commerce, 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the criteria have been met, the investigation has revealed that the fourth criterion has not been met.

A-M Fashions is a contractor performing sewing and assembly of ladies' clothing. A-M worked for only 2 firms in 1976. Both firms used A-M to perform small amounts of their total production requirements. Both firms decreased their work with A-M and switched to other domestic companies. Sales at both firms increased in 1976 compared to 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports or articles like or directly competitive with ladies' clothing produced at A-M Fashions, Inc., New Britain, Connecticut did not contribute importantly to the total or partial separation of workers of the plant as required in section 222 of the Trade Act of 1975.

Signed at Washington, D.C., this 19th day of July 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-21870 Filed 7-28-77;8:45 am]

[TA-W-2071]

ARCO AUTO CARRIERS, INC.

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-2071: 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 16, 1977 in response to a worker petition received on May 16, 1977 which was filed on behalf of workers and former workers at the Kenosha, Wisconsin terminal of Arco Auto Carriers, Incorporated, a subsidiary of Arco Industries, Incorporated, Burr Ridge, Illinois, who were engaged in providing the service of delivering automobiles to dealers.

The notice of investigation was published in the FEDERAL REGISTER on May 24, 1977 (42 FR 26481). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Arco Auto Carriers, 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

Arco Auto Carriers, Incorporated does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). The only question in this case is whether American Motors Corporation, i.e., a firm which produces an article, namely automobiles, and for whom the service is provided, can be considered the "workers' firm." See Notice of Determination in Nu-Car Driveaway, Incorporated (TA-W-393, 41 FR 12749).

Arco Auto Carriers, Incorporated is a transport business licensed and regulated by the Interstate Commerce Commission. Arco Auto Carriers competes for available business with other carriers in the Kenosha, Wisconsin area and each is free to haul for any business requesting their services.

Neither American Motors Corporation nor Arco Auto Carriers is financially or otherwise involved in the business of the other. Arco Auto Carriers either owns or leases the facilities necessary to the operation of its business and owns or leases all its trucks and equipment.

The workers on whose behalf this petition was filed were hired and paid by Arco Auto Carriers, Incorporated. They are supervised by and subject to the control of Arco Auto Carriers personnel only. All employment benefits which they enjoy are provided and maintained by Arco Auto Carriers.

CONCLUSION

After careful review of the issues and facts involved, I have determined that services of the kind provided by Arco Auto Carriers, Incorporated, Kenosha, Wisconsin are not "articles" within the meaning of section 222(3) of the Trade Act of 1974, and that American Motors Corporation cannot be considered the

"workers' firm." The petition for trade Adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 18th day of July 1977.

HOWARD D. SAMUEL,
Deputy Under Secretary,
International Affairs.

[FR Doc.77-21871 Filed 7-28-77;8:45 am]

[TA-W-1598]

BETHLEHEM STEEL CORP.

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-1598: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 21, 1977 in response to a worker petition received on January 21, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing fabricated structural products at the Pottstown, Pennsylvania plant of the Bethlehem Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on February 8, 1977 (42 FR 8015). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

4. That such increase imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that without regard to whether any other criteria have been met, criterion (4) has not been met.

The ratio of imports to domestic shipments of fabricated structural steel was very low in the period 1972-1976, ranging from 1.6 percent to 2.2 percent. The Department conducted a survey of customers of the Pottstown plant which accounted for over 90 percent of sales in the period 1974-1976. The comments of these customers confirmed the low import penetration statistic. Most of these customers had not purchased any fabricated structural steel from foreign sources. Many of the firms contacted attributed their decrease in purchases from the Pottstown plant to the decline in demand for fabricated structural steel caused by the decline in new construction in the period 1974-1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with fabricated structural products produced at the Pottstown, Pennsylvania plant of the Bethlehem Steel Corporation did not contribute importantly to the total or partial separations of workers at the plant as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of July 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc.77-21872 Filed 7-28-77;8:45 am]

[TA-W-1956]

BOSS MANUFACTURING CO.

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-1956: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 7, 1977 in response to a worker petition received on that date which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing work gloves at the Oneida, Tennessee plant of Boss Manufacturing Company.

The Notice of Investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19939). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Boss Manufacturing Company, the National Association of Glove 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat, thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers decreased 61 percent in 1975 compared to 1974, and increased 18 percent in 1976 compared to 1975. Employment declined 12, 12, and 2 percent, respectively in the last three quarters of 1976 compared to each like quarter in 1975. Employment declined 2 percent in the first quarter of 1977 compared to the like quarter in 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of fabric work gloves at the Oneida, Tennessee plant decreased 61 percent in quantity in 1975 compared to 1974, and increased 9 percent in 1976 compared to 1975. Production decreased 3, 35 and 25 percent, respectively, in the last three quarters of 1976 compared to each like quarter in 1975. Production decreased 19 percent in the first quarter of 1977 compared to the first quarter of 1976.

No sales data is kept for the Oneida plant since daily production is taken to a central warehouse which also receives gloves from other Boss plants.

INCREASED IMPORTS

Imports of fabric work gloves and mittens increased in quantity both absolutely and relative to domestic production in 1973 and 1974 compared to the previous year. Imports decreased absolutely but increased relatively in 1975 compared to 1974, then increased absolutely from 2,509 thousand dozen pairs in 1975 to 4,959 thousand dozen pairs in 1976, and continued to increase from 1,032 thousand dozen pairs in the first quarter of 1976 to 1,593 thousand dozen pairs in the first quarter of 1977. The ratio of imports to domestic production increased from 11.7 percent in 1975 to 20 percent in 1976.

CONTRIBUTED IMPORTANTLY

In the last three quarters of 1976 and the first quarter of 1977 production of fabric work gloves at the Oneida plant decreased in quantity 3, 35, 25, and 19 percent, respectively, compared to each like quarter in the previous year. During these same quarters company imports of fabric work gloves increased in quantity 3,250, 667, 562, and 13 percent,

respectively, compared to each like quarter in the previous year. Company imports have included glove styles formerly produced at the Oneida plant.

Company imports of fabric work gloves amounted to 10 percent and 13 percent, respectively, of Oneida production of fabric work gloves in 1975 and 1976.

Boss is discontinuing production of fabric work gloves at the Oneida plant and converting production to that of leather work gloves.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with work gloves produced at the Oneida, Tennessee plant of Boss Manufacturing Company contributed importantly to the separations of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Oneida, Tennessee plant of Boss Manufacturing Company who became totally or partially separated from employment on or after March 15, 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 15th day of July 1977.

BRIAN TURNER,
Executive Assistant to the Deputy Under Secretary for International Affairs.

[FR Doc.77-21873 Filed 7-28-77;8:45 am]

[TA-W-1692]

COASTAL FISHERIES, INC.

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-1692: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 1, 1977 in response to a worker petition received on February 15, 1977 which was filed on behalf of workers and former workers engaged in shrimp fishing at Coastal Fisheries, Incorporated, Port Brownsville, Texas.

The Notice of Investigation was published in the FEDERAL REGISTER on March 11, 1977 (42 FR 13627). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Coastal Fisheries, Incorporated, 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criterion (3) has been met, criteria (1), (2) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The number of workers per ship has remained constant over the 1974–1976 period as insurance regulations require a minimum crew to meet safety standards. Employment records in the shrimp fishing industry are not maintained according to number of hours worked. Therefore employment data are based on gross crew earnings and number of shrimp fishing trips.

Gross crew earnings at Coastal Fisheries, Incorporated increased 5.9 percent in 1975 compared to 1974 and increased 64.8 percent in 1976 compared to 1975. Number of fishing trips declined 95 percent in 1975 compared to 1974 and then increased 47.4 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of shrimp in terms of quantity by Coastal Fisheries, Incorporated declined 17.7 percent in 1975 compared to 1974 and then increased 7.4 percent in 1976 compared to 1975. Sales of shrimp in terms of value increased 19.4 percent in 1975 compared to 1974 and increased 59.4 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of shrimp in terms of quantity declined 9.3 percent in 1973 compared to 1972 and then increased 15.9 percent in 1974 compared to 1973. Imports declined 13.6 percent in 1975 compared to 1974 and then increased 17.2 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 111.4 percent in 1975 to 116.8 percent in 1976. The ratio of imports to domestic consumption declined from 57.0 percent in 1975 to 56.2 percent in 1976.

CONTRIBUTED IMPORTANTLY

Coastal Fisheries's only customer buys all the shrimp that Coastal is able to catch. Sales to this customer increased in terms of quantity and value in 1976 compared to 1975. This customer purchases imported shrimp when Coastal Fisheries and other domestic sources are unable to meet its requirements.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shrimp produced by Coastal Fisheries, Incorporated, Port Brownsville, Texas have not contributed importantly to the total or partial separations of the workers at that firm as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 18th day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-21874 Filed 7-28-77;8:45 am]

[TA-W-1845]

CONNELLSVILLE SPORTSWEAR CO.

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-1845: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 22, 1977 in response to a worker petition received on March 21, 1977 which was filed on behalf of workers and former workers producing men's and boys' slacks at Connellsville Sportswear Company, Connellsville, Pennsylvania, a division of Campus Sweater and Sportswear Company, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Connellsville Sportswear Company, Campus Sweater and Sportswear Company, the U.S. International Trade Commission, U.S. Department of Commerce, 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or

threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, the investigation reveals that the first criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPERATIONS

The average number of production workers employed at Connellsville Sportswear Company declined 8.7 percent in 1975 compared to 1974, increased 2.9 percent in 1976 compared to 1975 and then declined 1.2 percent in the first quarter of 1977 compared to the first quarter of 1976. The average weekly hours worked by workers at Connellsville Sportswear Company increased 7.7 percent in 1975 compared to 1974, increased 16.8 percent in 1976 compared to 1975 and then declined 14.3 percent in the first quarter of 1977 compared to the first quarter of 1976. During the twelve month period prior to the date of the petition, less than two percent of the workers at Connellsville were laid off. There is no indication that current workers are threatened with any involuntary separations.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of workers at Connellsville Sportswear Company, Connellsville, Pennsylvania, have not become totally or partially separated as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of July 1977.

BRIAN TURNER,
Executive Assistant to the Deputy Under Secretary for International Affairs.

[FR Doc.77-21875 Filed 7-28-77;8:45 am]

[TA-W-1330]

CRANE CO.

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-1330: 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 30, 1976 in response to a worker petition received on November 30, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing valves at the Chicago, Illinois plant of Crane Company, New York, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on December 14, 1976 (41 FR 54555). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Crane 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 10 percent in 1976 compared to 1975. The average number of production workers declined in the fourth quarter of 1975 and in each quarter of 1976 compared to the same quarter one year earlier.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales of all valves produced at the Chicago, Illinois plant of Crane Company declined 15 percent in 1976 compared to 1975. Sales declined in the last quarter of 1975 compared to the same quarter one year earlier.

INCREASED IMPORTS

U.S. imports of valves and similar devices increased in value from $56.5 million in 1971 to $67.6 million in 1972, $84.9 million in 1973, $136.6 million in 1974 and $165.1 million in 1975. Imports increased from $127.6 million in the first nine months of 1975 to $134.2 million in the first nine months of 1976.

The ratio of imports to domestic production increased from 2.4 percent in 1971 to 2.7 percent in 1972, 2.9 percent in 1973, 4.0 percent in 1974 and 4.7 percent in 1975. The ratio of imports to domestic production declined from 4.9 percent in the first nine months of 1975 to 4.5 percent in the first nine months of 1976.

The valves made at the Chicago plant can be related to three import categories. The categories are: hand operated and check iron and steel valves, hand operated and check copper valves and nuclear valves. There is no available breakdown of domestic production data into these categories.

U.S. imports of hand operated and check iron and steel valves increased from $13.3 million in 1971 to $14.1 million in 1972, $18.2 million in 1973, $47.8 million in 1974 and $75.0 million in 1975. Imports declined from $59.8 million in the first nine months of 1975 to $49.3 million in the first nine months of 1976.

U.S. imports of hand operated and check copper valves increased from $10.4 million in 1971 to $16.6 million in 1972 and declined to $15.0 million in 1973 before increasing to $18.4 million in 1974 and declining to $14.1 million in 1975. Imports increased from $11.0 million in the first nine months of 1975 to $16.8 million in the first nine months of 1976.

There is no separate classification for nuclear valves in the Tariff Schedules of the United States. Imports of nuclear valves are believed to be minimal. Nuclear valves are those valves that meet the standards of the American Society of Mechanical Engineers (ASME) and the Nuclear Regulatory Commission for use in nuclear power plants. The ASME certifies two foreign firms to produce nuclear valves. It is believed that these two firms manufacture nuclear valves for local use and not for export to the United States. Nuclear valves accounted for about 20 percent of plant sales in 1975 and about eleven percent of plant sales in 1976.

CONTRIBUTED IMPORTANTLY

Customers of Crane Company who were contacted by the Department indicated that they had reduced purchases from Crane Company and increased purchases of imported valves. In addition, several customers indicated that they had lost business to valve distributors who handled imports. The lower prices of imported valves made them attractive to domestic buyers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with valves produced at the Chicago, Illinois plant of Crane Company contributed importantly to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Chicago, Illinois plant of Crane Company who became totally or partially separated from employment on or after November 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of July 1977.

BRIAN TURNER,
Executive Assistant to the Deputy Under Secretary for International Affairs.

[FR Doc.77-21876 Filed 7-28-77;8:45 am]

[TA-W-1846]

CTS OF ELKHART

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-1846: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 22, 1977 in response to a worker petition received on March 21, 1977 which was filed by the United Automobile, Aerospace, Agricultural, and Implement Workers of America (UAW) on behalf of workers and former workers producing variable resistors and electronic switches at CTS of Elkhart, Elkhart, Indiana, a division of CTS Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of CTS of Elkhart, 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision therof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat therof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at CTS of Elkhart declined 27 percent in 1975 from 1974 and increased 23 percent in 1976 from 1975. Compared to the same quarter of the previous year, employment declined 19 percent in the fourth quarter of 1976 and 22 percent in the first quarter of 1977. Layoffs began at the Elkhart facility in September 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production by CTS of Elkhart declined 9 percent in 1975 from 1974 before increasing 20 percent in 1976 from 1975. Compared to the same quarter of the previous year, production declined 1 percent during the third quarter of 1976, 11 percent during the fourth quarter of 1976, and 19 percent during the first quarter of 1977.

INCREASED IMPORTS

Imports of variable resistors increased from 192,120 thousand units valued at 16,673 thousand dollars in 1975 to 534,401 thousand units valued at 32,654 thousand dollars in 1976. Imports amounted to 34.6 percent of total U.S. production in 1975 and 91.6 percent in 1976. Approximately 95 percent of total plant production consists of variable resistors.

CONTRIBUTED IMPORTANTLY

Customers who decreased purchases from CTS of Elkhart in 1976 and in the first quarter of 1977 increased purchases of imported variable resistors and electronic switches 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 variable resistors and electronic switches produced at CTS of Elkhart, Elkhart, Indiana contributed importantly to the total or partial separations of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of CTS of Elkhart, Elkhart, Indiana who became totally or partially separated from employment on or after September 6, 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 15th day of July 1977.

BRIAN TURNER,
Executive Assistant to the Deputy Under Secretary for International Affairs.

[FR Doc.77-21877 Filed 7-28-77;8:45 am]

[TA-W-1553]

DILAVORE SPORTSWEAR CORP.

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-1553: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on January 5, 1977, in response to a worker petition received on that date which was filed by workers on behalf of workers and former workers producing juniors' dresses at DiLavore Sportswear Corp., Elmont, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5449). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of DiLavore Sportswear Corp., its customers, the U.S. Department of Agriculture, the American Textile Manufacturers Institute, the National Cotton Council of America, the U.S. Department of Commerce, 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

Average employment of production workers increased 17 percent in 1975 compared to 1974, then decreased 43 percent in 1976 compared to 1975.

The company closed permanently in August 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales declined 38 percent in quantity in 1975 compared to 1974, and declined 37 percent in 1976 compared to 1975. The company closed permanently in August 1976.

DiLavore Sportswear Corp. was a contractor; therefore, its production was equal to its sales.

INCREASED IMPORTS

Imports of women's and misses' dresses which include juniors' dresses, decreased in quantity both abolutely and relative to domestic production in 1973 compared to 1972, then increased both absolutely and relatively in 1974 and 1975 compared to the previous year. Imports increased 2 percent absolutely in 1976 compared to 1975, while the ratio to domestic production remained unchanged at 4.5 percent.

CONTRIBUTED IMPORTANTLY

Customers of the manufacturer for which DiLavore Sportswear Corp. produced women's sportswear stated that they had switched purchases from this manufacturer to imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude

that increases of imports like or directly competitive with the juniors' dresses produced by DiLavore Sportswear Corp. contributed importantly to the total or partial separations of the workers at that firm. In accordance with the provisions of the act, I make the following certification:

All workers of DiLavore Sportswear Corporation, Elmont, N.Y., who became totally or partially separated from employment on or after December 10, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of July 1977.

BRIAN TURNER,
Executive Assistant to the Deputy Under Secretary for International Affairs.

[FR Doc.77-21878 Filed 7-28-77;8:45 am]

[TA-W-1665]

DELUXE FASHIONS, INC.

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-1665: 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 17, 1977, in response to a worker petition received on February 2, 1977, which was filed by the International Ladies Garment Workers' Union on behalf of workers and former workers of the New York, N.Y., plant of Deluxe Fashions, Inc.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13084). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Deluxe Fashions, Inc., its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The investigation revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the plant remained unchanged from 1974 to 1975, before increasing 9.9 percent in 1976 compared to 1975. Average employment of production workers decreased 3.1 percent and 2 percent in the third and fourth quarters of 1976, respectively compared to the same quarters of 1975. Furthermore, average employment declined 2 percent in the first quarter of 1977 compared to the first quarter of 1976. Average weekly hours worked decreased 2.6 percent in the fourth quarter of 1976 compared to same quarter in 1975 and 6.9 percent in the first quarter of 1977 compared to the same quarter in 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales by Deluxe Fashions, Inc., increased 18.1 percent in value from 1974 to 1975 and decreased 0.3 percent in value from 1975 to 1976. Sales increased 22 percent and 8.8 percent in value in the first and second quarters, respectively, of 1976 compared to the same quarters of 1975 before decreasing 22.9 percent and 14.2 percent in value in the third and fourth quarters, respectively, of 1976 compared to the same quarters of 1975. Furthermore, sales decreased 7.9 percent in value in the first quarter of 1977 compared to the first quarter of 1975.

INCREASED IMPORTS

Imports of girdles and corsets increased every year from 1973 to 1975, from 66 thousand dozen in 1973 to 116 thousand dozen in 1974 and 137 thousand dozen in 1975. Imports increased 68.6 percent in 1976 compared to 1975, from 137 thousand dozen in 1975 to 231 thousand dozen in 1976.

CONTRIBUTED IMPORTANTLY

Customers of Deluxe Fashions, Inc., indicated that most of these customers have increased their purchases of imported girdles while decreasing their purchases of girdles from Deluxe Fashions, Inc.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with girdles produced at the New York, N.Y., plant of Deluxe Fashions, Inc., contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provisions of the act, I make the following certification:

All workers at the New York, N.Y., plant of Deluxe Fashions, Inc., who became totally or partially separated from employment on or after May 10, 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 15th day of July 1977.

BRIAN TURNER,
Executive Assistant to the Deputy Under Secretary for International Affairs.

[FR Doc.77-21879 Filed 7-28-77;8:45 am]

[TA-W-1717]

"EL COMANCHE"

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-1717: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on February 17, 1977, which was filed on behalf of workers and former workers engaged in shrimp fishing on the *El Comanche*, Port Isabel, Tex.

The notice of investigation was published in the FEDERAL REGISTER on March 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the owner of the *El Comanche*, its customer, the U.S. International Trade Commission, the U.S. Department of Commerce, the U.S. Coast Guard, 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, the investigation revealed that the fourth criterion has not been met.

The Department's investigation revealed that the decline in the quantity and value of shrimp caught by the *El Comanche* in 1976 and the first quarter of 1977 is attributable to three factors: (1) The shortage of shrimp available in U.S. coastal waters of the Gulf of Mexico; (2) the restrictions imposed by the Mexican government with respect to

fishing within the 200 mile offshore limits established by Mexico in 1976; and (3) unusually adverse weather conditions in the Guf of Mexico during the winter months of November 1976 to March 1977.

The customer of the *El Comanche* has purchased shrimp from any available source, domestic or foreign, and has purchased all of the shrimp that the *El Comanche* has been able to supply.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shrimp caught by the *El Comanche*, Port Isabel, Tex., did not contribute importantly to the total or partial separation of the crewmembers of the *El Comanche*.

Signed at Washington, D.C., this 19th day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-21880 Filed 7-28-77;8:45 am]

[TA-W-2024]

ELTRA OF PUERTO RICO

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-2024: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on April 25, 1977, in response to a worker petition received on that date which was filed on behalf of workers and former workers producing canvas footwear at the Canovanas, Puerto Rico plant of Eltra of Puerto Rico, Inc., a division of Converse Rubber Co.

The notice of investigation was published in the FEDERAL REGISTER (42 FR 23656) on May 10, 1977. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials and publications of Converse Rubber Co., its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Canovanas plant of Converse Rubber Co., decreased 33 percent in 1975 from 1974, and increased 11 percent in 1976 from 1975. Employment declined 5 percent in the fourth quarter of 1976 and 39 percent in the first quarter of 1977 compared to the same quarter of the previous year.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of canvas and athletic footwear by Converse Rubber Co. declined 12 percent in quantity and 8 percent in value in 1975 compared to 1974, 13 percent in quantity and 7 percent in value in 1976 compared to 1975 and 7 percent in quantity and 4 percent in value in the first quarter of 1977 compared to the first quarter of 1976 .

Production of canvas and athletic footwear at the Canovanas, Puerto Rico plant of Converse Rubber Co. declined 25 percent from 1974 to 1975 and increased 16 percent in 1976 from 1975. Production decreased 8 percent in the fourth quarter of 1976 and 35 percent in the first quarter of 1977 compared to the same quarter of the previous year.

INCREASED IMPORTS

Imports of canvas and athletic footwear by Converse Rubber Co. increased 1,010 percent in quantity and 1,011 percent in value in 1975 compared to 1974 and declined 10 percent in quantity and 12 percent in value in 1976 compared to 1975, and 13 percent in quantity and 22 percent in value in the first quarter of 1977 compared to the first quarter of 1976.

Imports of athletic footwear increased in absolute terms and relative to domestic production each year from 1972 through 1975, execpt for 1973 when imports increased absolutely but decreased relative to domestic production. In 1975, imports increased 102 percent in absolute terms. The ratio of imports to domestic production increased from 84.3 percent in 1974, to 212.4 percent in 1975. In 1976, imports increased 106 percent in absolute terms. The ratio of imports to domestic production increased from 212.4 percent in 1975 to 333.4 percent in 1976.

Imports of rubber/canvas footwear increased in absolute terms and relative to domestic production each year from 1972 through 1974. Imports decreased in absolute terms from 1974 to 1975 and increased 35 percent in 1976 from 1975. The ratio of imports to domestic production decreased from 1974 to 1975, then increased from 17.6 percent in 1975 to 29.1 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers of Converse Rubber Co. indicated that they have decreased purchases of canvas and athletic footwear from Converse Rubber Co. and have increased their purchases of imported footwear.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with canvas and canvas footwear produced at the Canovanas, Puerto Rico plant of Eltra of Puerto Rico, Inc., a division of Converse Rubber Co., contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the act, I make the following certification:

All workers of the Canovanas, Puerto Rico plant of Eltra of Puerto Rico, Inc., a division of Converse Rubber Co., who became totally or partially separated from employment on or after September 10, 1976, be certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of July, 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-21881 Filed 7-28-77;8:45 am]

[TA-W-1961]

FROLIC FOOTWEAR, INC.

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-1961: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 7, 1977, in response to a worker petition received on April 5, 1977, which was filed by the Boot and Shoe Workers of America on behalf of workers and former workers producing women's casual footwear at the Jonesboro, Arkansas plant of Frolic Footwear, Inc., a division of Wolverine World Wide, Inc.

The notice of investigation was published in the FEDERAL REGISTER on April 15, 1977 (41 FR 19939). No public hearing was requested, and none was held.

The information upon which the determination was made was obtained principally from officials of the Jonesboro plant of Frolic Footwear, 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales of production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Jonesboro plant of Frolic Footwear declined 8.8 percent in 1976 compared to 1975 and declined 48.3 percent in the first three months of 1977 compared to the first three months of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Jonesboro plant of Frolic Footwear declined 48.4 percent in 1976 compared to 1975 and declined 55.0 percent in the first three months of 1977 compared to the first three months of 1976.

Sales at the Jonesboro plant of Frolic Footwear declined 5.4 percent in 1976 compared to 1975 and declined 54.1 percent in the first three months of 1977 compared to the first three months of 1976.

INCREASED IMPORTS

Imports of women's casual nonrubber footwear increased from 192.9 million pairs in 1972 to 206.2 million pairs in 1973 but then declined in 1974 to 179.8 million pairs. In 1975, imports increased to 183.5 million pairs and increased again in 1976 to 183.8 million pairs. During the first quarter of 1976, imports totalled to 56.4 million pairs, which declined to 45.5 million pairs in the first quarter of 1977.

Imports as a percentage of domestic production and consumption declined from 119.1 percent and 54.4 percent, respectively, in 1975 to 108.8 percent and 52.1 percent, respectively, in 1976. The ratios of imports to domestic production and consumption increased from 112.8 percent and 53.0 percent, respectively, in the first quarter of 1976 to 120.1 percent and 54.6 percent, respectively, in the first quarter of 1977.

CONTRIBUTED IMPORTANTLY

Customers indicated that their purchases of imported women's dress and casual footwear increased while their purchases from Frolic Footwear, Jonesboro, Ark., decreased. The recent finding of the International Trade Commission based on the very high penetration of imported shoes is that customers of domestic manufacturers such as Frolic Footwear increasingly shifted from domestically produced shoes to imported shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's casual footwear produced by the Jonesboro, Ark., plant of Frolic Footwear contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Jonesboro, Ark., plant of Frolic Footwear, Inc., who became totally or partially separated from employment on or after March 29, 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 22nd day of July 1977.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-21882 Filed 7-28-77;8:45 am]

[TA-W-1730]

IVAN FREDERICKS, INC.

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-1730: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 1, 1977, in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' dresses, suits, and ensembles at Ivan Fredericks, Inc., Los Angeles, Calif.

The notice of investigation was published in the FEDERAL REGISTER on March 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ivan Fredericks, 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Ivan Fredericks, Inc. declined 5 percent in 1975 from 1974 and declined 22 percent during January–May 1976 compared to January–May 1975. Ivan Fredericks, Inc. was completely closed and all employees were released by the end of June 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Dollar sale by Ivan Fredericks, Inc. declined 16 percent in 1975 from 1974. All company production and sales were discontinued in May 1976. Ivan Fredericks, Inc. was completely closed by the end of June 1976.

INCREASED IMPORTS

Imports of women's, misses', and children's dresses increased from 1,578 thousand dozen in 1974 to 1,655 thousand dozen in 1975. Imports increased 7 percent from 740 thousand dozen during January–June 1975 to 792 thousand dozen during January–June 1976. Imports under TSUSA item 807.00 increased from 325,289 dozen in 1972 to 390,628 dozen in 1976.

Imports of women's, misses', and children's suits increased from 387 thousand dozen in 1974 to 412 thousand dozen in 1975. Imports increased from 91 thousand dozen during January–June 1975 to 92 thousand dozen during January–June 1976. Imports under TSUSA item 807.00 increased from 1,066 dozen in 1972 to 90,988 dozen in 1975.

Imports of women's, misses', and children's skirts increased 100 percent in 1975 from 1974 and increased 137 percent from 205 thousand dozen during January–June 1975 to 486 thousand dozen during January–June 1976.

Imports of women's, misses', and children's slacks and shorts increased from 8,923 thousand dozen in 1974 to 10,067 thousandil dozen in 1975. Imports increased 17 percent from 5,258 thousand dozen during January–June 1975 to 6,142 thousand dozen during January–June 1976.

Imports of women's, misses', and children's blouses and shirts increased from 20,549 thousand dozen in 1974 to 26,113 thousand dozen in 1975. Imports increased 18 percent from 10,627 thousand dozen during January–June 1975 to 12,577 thousand dozen during January–June 1976.

CONTRIBUTED IMPORTANTLY

Sales and employment at Ivan Fredericks, Inc. declined in 1975 from 1974.

Company sales and production were discontinued in May 1976.

Customers who decreased purchases from Ivan Fredericks, Inc. in 1975 and 1976 indicated they increased purchases of imported ladies' dresses, suits, and ensembles during the same period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' dresses, suits, and ensembles produced at Ivan Fredericks, Inc. contributed importantly to the total or partial separations of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of Ivan Fredericks, Inc., Los Angeles, Calif., who became totally or partially separated from employment on or after February 14, 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 18th day of July 1977.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-21883 Filed 7-28-77;8:45 am]

[TA-W-1649]

JEANNIE, INC.

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-1649: 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 14, 1977, in response to a worker petition received on February 10, 1977, which was filed on behalf of workers and former workers engaged in shrimp fishing at Jeannie, Inc., in Los Fresnos, Tex.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13087). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Jeannie, 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the Department's investigation has revealed that criterion (4) has not been met.

CONTRIBUTED IMPORTANTLY

The only customer of Jeannie, Inc. buys all the shrimp Jeannie is able to supply. This customer purchases imported shrimp when Jeannie, Inc. and other domestic suppliers are unable to provide the quantity and types of shrimp required by the customer.

The decline in the quantity of shrimp caught by Jeannie, Inc. in 1976 was due to several factors. Adverse weather conditions occurring during the height of the shrimping season in November and December 1976 kept the trawlers in port, the lack of shrimp in the usual fishing grounds, and the 200 mile fishing restrictions imposed by the Mexican Government preventing domestic shrimpers without special permits from fishing off the Mexican costal waters contributed to reduced shrimp catches.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with shrimp produced by Jeannie, Inc., Los Fresnos, Tex., have not contributed importantly to the total or partial separations of workers of that firm as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of July 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-21884 Filed 7-28-77;8:45 am]

[TA-W-1511]

JONES & LAUGHLIN STEEL CORP.

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-1511: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 20, 1976, in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing bars and shapes, hot rolled sheet and skelp products, cold rolled sheets, rods, wire, tin mill products, electrolytic tin plate, continuous weld pipe, seamless pipe and electric weld pipe at the Aliquippa, Pennsylvania plant of Jones and Laughlin Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3373). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jones and Laughlin Steel Corp., its customers, 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met for workers engaged in employment related to the production of pipe.

The investigation has further revealed that criteria two and three have not been met for workers engaged in employment related to the production of bars and shapes, tin mill products, and electrolytic tin plate. Criterion two has not been met for workers engaged in employment related to the production of hot rolled and skelp products, cold rolled sheets, rods and wire.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Although the average number of production workers increased 4.0 percent in 1976 from 1975, employment declined 1.7 percent and 4.6 percent in the third and fourth quarters, respectively, of 1976 compared to the immediately preceding quarters.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total shipments of carbon steel pipe declined 15.4 percent in 1975 compared to 1974 and declined 29.7 percent in the period January through November 1976 compared to the same period in 1975. Shipments of pipe decreased in each quarter of 1976 compared to the corresponding quarter in 1975. Pipe shipments are made up of seamless pipe, electric weld pipe, and continuous weld pipe.

All other products produced at the Aliquippa Works showed increased shipments in 1976 compared to 1975.

Total shipments of bars and shapes increased 14.2 percent in quantity in the period January through November 1976 compared to the same period in 1975.

Total shipments of tin mill products increased 50.5 percent in the period January through November 1976 compared to the same period in 1975.

Total shipments of hot rolled sheet and skelp products decreased 38.6 percent in quantity in 1975 compared to 1974 and increased 2.4 percent in quantity in the period January through November 1976 compared to the same period in 1975.

Total shipments of cold rolled sheets increased 36.8 percent in quantity in the period January through November 1976 compared to the same period in 1975.

Total shipments of rods increased 51.8 percent in quantity in the period January through November 1976 compared to the same period in 1975.

Total shipments of wire increased 12.7 percent in quantity in the period January through November 1976 compared to the same period in 1975.

Increased Imports

Imports of carbon steel pipe and tubing decreased absolutely and relatively in 1973 from 1972 and increased absolutely and relatively in 1974 from 1973. In 1975 imports decreased 13.4 percent from 1974. Imports increased from 1,542.5 thousand short tons in 1975 to 1,820.7 thousand short tons in 1976. The import/shipment and import/consumpton ratios increased from 21.5 percent and 19.2 percent, respectively, in 1974 to 22.8 percent and 20.8 percent, respectively, in 1975 and increased to 35.8 percent and 28.0 percent, respectively, in 1976.

Imports of carbon steel hot rolled sheet declined absolutely in each year from 1972 through 1975. Imports declined 14.5 percent in 1975 from 1974 and then increased from 1,509.2 thousand short tons in 1975 to 1,635.9 thousand short tons in 1976. Imports declined relative to domestic shipments and consumption from 1972 to 1973, and increased from 1973 through 1975. The ratios of imports to domestic shipments and consumption declined from 14.0 percent and 12.4 percent, respectively, in 1975 to 11.3 percent and 10.2 percent, respectively, in 1976.

Imports of carbon steel cold rolled sheet declined absolutely in each year from 1972 through 1975. Imports declined 18.9 percent from 1974 to 1975 and then increased from 2,067.1 thousand short tons in 1975 to 2,350.7 thousand short tons in 1976. Imports declined relative to domestic shipments and consumption from 1972 to 1973, and increased from 1973 through 1975. The ratios of imports to domestic shipments and consumption declined from 16.5 percent and 14.2 percent, respectively, in 1975 to 13.2 percent and 11.7 percent, respectively, in 1976.

Imports of carbon steel wire rod decreased both absolutely and relative to domestic shipments and consumption in 1973 from 1972 and increased both absolutely and relatively in 1974 from 1973. Imports decreased 43.8 percent in 1975 from 1974 and increased from 1,027.6 thousand short tons in 1975 to 1,032.9 thousand short tons in 1976. The import/shipment and import/consumption ratios decreased steadily from 71.8 percent and 43.4 percent, respectively, in 1974 to 35.7 percent and 27.0 percent, respectively, in 1976.

Imports of carbon steel wire decreased absolutely and relative to domestic shipments and consumption in 1973 from 1972 and increased both absolutely and relatively in 1974 from 1973. Imports decreased 36.9 percent in 1975 from 1974 and increased from 349.6 thousand short tons in 1975 to 371.8 thousand short tons in 1976. The import/shipment and import/consumption ratios decreased from 22.6 percent and 18.7 percent, respectively, in 1974 to 22.0 percent and 18.3 percent, respectively, in 1975 and then decreased to 19.9 percent and 16.9 percent, respectively, in 1976.

The following products showed both absolute and relative decreases in imports in 1976 compared to 1975.

Imports of carbon hot and cold rolled steel bars decreased steadily from 935.9 thousand short tons in 1972 to 454.5 thousand short tons in 1976. The import/shipment and import/consumption ratios decreased from 12.2 percent and 11.0 percent, respectively, in 1972 to 6.6 percent and 6.3 percent, respectively, in 1976.

Imports of carbon steel bar-size light shapes decreased both absolutely and relative to domestic production and consumption in 1973 from 1972 and increased both absolutely and relatively in 1974 from 1973. Imports decreased 67.9 percent in 1975 from 1974, and decreased from 167.2 thousand short tons in 1975 to 164.3 thousand short tons in 1976. The import/shipment and import/consumption ratios decreased steadily from 53.1 percent and 35.4 percent, respectively, in 1974 to 19.5 percent and 16.7 percent, respectively, in 1976.

Imports of tin plate steel increased both absolutely and relative to domestic shipments and consumption in 1972 from 1971 and then decreased steadily both absolutely from 1973 to 1974. Imports increased 29.0 percent in 1975 from 1974 and decreased from 352.6 thousand short tons in the period January through September 1975 to 230.1 thousand short tons in the same period in 1976. The import/shipment and import/consumption ratios increased from 5.7 percent and 5.9 percent, respectively, in 1974 to 9.8 percent and 9.5 percent, respectively, in 1975. The import/shipment and import/consumption ratios decreased from 11.1 percent and 10.6 percent, respectively, in the period January through September 1975 to 6.2 percent and 6.2 percent, respectively, during the same period in 1976.

Contributed Importantly

Carbon steel pipe accounted for the only declines in shipments experienced by the Aliquippa Works in 1976 compared to 1975. Carbon steel pipe represented over 25 percent of total shipments in quantity from the Aliquippa Works in 1976. This category is made up of seamless carbon pipe, electric weld pipe and continuous weld pipe. Shipments of pipe declined in each quarter of 1976 compared to the corresponding quarter in 1975.

Customers of the Aliquippa Works who purchase carbon pipe indicated that they have been increasing purchases of these products from foreign sources while decreasing purchases of these same products from Jones and Laughlin.

Shipments of the remaining products produced by the Aliquippa Works showed increases in every quarter of 1976 compared to the corresponding quarters in 1975.

Carbon hot and cold rolled steel bars, bar-size light shapes and tin plated steel represented over 40 percent of total shipments in 1976. Imports of these products decreased both absolutely and relative to domestic shipments and consumption in 1976 compared to 1975.

Customers of the Aliquippa Works who purchase bars and shapes, hot rolled sheet and skelp products, cold rolled sheets, rods, wire, tin mill products and electrolytic tin plate have not reduced purchases from the Aliquippa Works in favor of increasing purchases of these products from foreign sources.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with continuous weld pipe, seamless pipe, and electric weld pipe produced at the Aliquippa, Pennsylvania plant of Jones and Laughlin Steel Corporation contributed importantly to the total or partial separation of workers engaged in production of such products at that plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers engaged in employment related to the production of continuous weld pipe, seamless pipe, and electric weld pipe at the Aliquippa, Pennsylvania plant of Jones and Laughlin Steel Corporation who became totally or partially separated from employment on or before June 19, 1976 are certified eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that imports of articles like or directly competitive with bars and shapes, tin mill products, electrolytic tin plate, hot rolled sheet and skelp products cold rolled carbon steel sheets, rods, and wire did not contribute importantly to declines in production and employment at the Aliquippa, Pennsylvania plant of Jones and Laughlin Steel Corporation.

Signed at Washington, D.C. this 20th day of July 1977.

HOWARD D. SAMUEL,
Deputy Under Secretary for International Affairs.

[FR Doc.77-21885 Filed 7-28-77;8:45 am]

[TA-W-1462]

LACLEDE STEEL CO.

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-1462: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 20, 1976, in response to a worker petition received on that date which was filed on behalf of workers and former workers producing concrete reinforcing bar at Laclede Steel Co.'s Madison, Ill., plant.

The notice of investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1537). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Laclede Steel Co., its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Annual average employment of production workers at the Madison, Ill., plant of Laclede Steel Co. decreased 12.5 percent from 1974 to 1975 and fell 1.1 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of concrete reinforcing bar at the Madison, Ill., plant of Laclede Steel Co. decreased 3.5 percent in quantity from 1974 to 1975 and fell 12.7 percent from 1975 to 1976. Concrete reinforcing bar production increased 1.2 percent in quantity from 1974 to 1975 and then decreased 13.5 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of concrete reinforcing bar decreased 20.0 percent from 1972 to 1973, increased 66.7 percent from 1973 to 1974, fell 70.3 percent from 1974 to 1975, and then rose 35.4 percent from 1975 to 1976.

The ratio of imports to domestic shipments of concrete reinforcing bar decreased from 8.0 percent in 1972 to 5.6 percent in 1973, rose to 9.5 percent in 1974, fell to 3.9 percent in 1975, and then increased to 5.0 percent in 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that major customers of Laclede's Madison, Ill., plant do not buy imported concrete reinforcing bar. Customers that decreased purchases from the Madison plant did so because of a lack of construction activity in the area that the Madison plant supplies and because of a ban on nuclear construction. Customers indicated that they buy reinforcing bar from companies in or near their region of the country. Industry sources have indicated that imports of concrete reinforcing bar have been insignificant in the Med-West region which Laclede supplies.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with concrete reinforcing bar produced at the Madison, Ill., plant of Laclede Steel Co. did not contribute importantly to the total or partial separations of workers producing such articles at that plant.

Signed at Washington, D.C., this 13th day of July 1977.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-21887 Filed 7-28-77;8:45 am]

[TA-W-1736]

"LAURA ANN"

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-1736: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on February 17, 1977, which was filed on behalf of workers and former workers engaged in shrimp fishing on the "Laura Ann," Port Isabel, Tex.

The notice of investigation was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15477). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the owner of the "Laura Ann," its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, the U.S. Coast Guard, 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the Department's investigation has revealed that criterion (4) has not been met.

The decline in the quantity and value of shrimp caught by the "Laura Ann" in 1976 compared to 1975 and in the first quarter of 1977 compared to the first quarter of 1976 is attributable to three factors: (1) The shortage of shrimp available in U.S. coastal waters of the Gulf of Mexico; (2) the restrictions imposed by the Mexican Government with respect to fishing within the 200-mile offshore limits established by Mexico in 1976; and (3) unusually adverse weather conditions in the Gulf of Mexico during the winter months of December 1976 to March 1977.

Some customers of the "Laura Ann" purchase imported shrimp only as a fill-in when domestic supplies are low. Each of the customers of the "Laura Ann" has purchased all of the shrimp that the "Laura Ann" has been able to supply.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shrimp caught by the "Laura Ann," Port Isabel, Tex., did not contribute importantly to the total or partial separation of the crewmembers of the "Laura Ann."

Signed at Washington, D.C., this 19th day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-21886 Filed 7-28-77;8:45 am]

[TA-W-1964]

LESANDE SHOE CO., INC.

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-1964: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 7, 1977, in response to a worker petition received on April 5, 1977, which was filed by workers and former workers producing women's footwear at the Haverhill, Mass., plant of the Lesande Shoe Co., Inc.

The notice of investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19939). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lesande Shoe Co., 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

The average number of hourly production workers declined in the period September–December 1976 by 7.6 percent compared to the period September–December 1975. Employment declined by 13.0 percent in the first quarter of 1977 compared to the same quarter in 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of women's footwear at the Lesande Shoe Co. Inc., declined by 32.7 percent in the period September–December 1976 compared to the period September–December 1975. Sales declined by 43.2 percent in the first quarter of 1977 compared tothe first quarter of 1976.

INCREASED IMPORTS

Imports of women's nonrubber footwear, except athletic were recorded at 192.9 million pairs in 1972 and increased to 206.2 million pairs in 1973. Imports declined to 179.8 million pairs in 1974 and increased to 183.5 million pairs in 1975. Imports increased by 0.2 percent in 1976 to 183.8 million pairs compared to the 183.5 million pairs imported in 1975.

The ratio of imports to domestic production of women's nonrubber footwear, except athletic, was 99.8 percent in 1972 and increased to 115.0 percent in 1973. The ratio fell to 107.6 percent in 1974 and increased to 119.1 percent in 1975. The ratio was 108.8 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers of Lesande indicated that they purchased imported women's footwear and that they had decreased purchases from Lesande Shoe Co., Inc. A major customer stated that some of the decreased purchases from Lesande were attributable to the loss of sales to competitors who market imported women's footwear at lower prices.

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 footwear produced at the Haverhill, Mass., plant of Lesande Shoe Co., Inc., contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Haverhill, Mass., plant of Lesande Shoe Co., Inc., who became totally or partially separated from employment on or after August 28, 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 15th day of July 1977.

BRIAN TURNER,
Executive Assistant to the Deputy Under Secretary for International Affairs.

[FR Doc.77-21888 Filed 7-28-77;8:45 am]

[TA-W-1920]

LOREE FOOTWEAR CORP.

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-1920: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 29, 1977, in response to a worker petition received March 28, 1977, which was filed by Local 14550 of the United Steelworkers of America on behalf of workers and former workers producing women's nonrubber footwear, except athletic at the Big Run, Pa., plant of the Loree Footwear Corp.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19182). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Loree Footwear Corp., 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly production workers declined by 8.7 percent in 1975 compared to 1974. Employment declined by 17.9 percent in 1976 compared to 1975. Employment declined by 23 percent in the first quarter of 1977 compared to the first quarter of 1976.

The average number of salaried workers declined by 7.7 percent in 1975 compared to 1974 and declined by 2.1 percent in 1976 compared to 1975. Salaried employment declined by 25 percent in the first quarter of 1977 compared to the same period in 1976.

SALES OR PRODUCTION OR BOTH, HAVE DECREASED ABSOLUTELY

Production of women's footwear at the Big Run, Pa., plant of the Loree Footwear Corp. in terms of quantity increased by 22.6 percent in 1975 compared to 1974. Production declined by 19.7 percent in 1976 compared to 1975. Produc-

tion declined by 50.3 percent in the first quarter of 1977 compared to the same period in 1976.

INCREASED IMPORTS

Imports of women's nonrubber footwear, except athletic, were 192.9 million pairs in 1972 and increased to 206.2 million pairs in 1973. Imports declined to 179.8 million pairs in 1974 and increased to 183.5 million pairs in 1975. Imports increased by 0.2 percent in 1976 to 183.8 million pairs compared to the 183.5 million pairs imported in 1975.

The ratio of imports to domestic production of women's nonrubber footwear, except athletic, was 99.8 percent in 1972 and increased to 115 percent in 1973. The ratio fell to 107.6 percent in 1974 and increased to 119.1 percent in 1975 before falling in 1976 to 108.8 percent.

CONTRIBUTED IMPORTANTLY

The Department conducted a survey of customers of Loree Footwear Corp. Customers indicated that they had increased purchases of imported women's footwear and that they had decreased purchases from the Loree Footwear Corp.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's nonrubber footwear, except athletic produced at the Big Run, Pa. plant of the Loree Footwear Corp. contributed importantly to the total or partial separation of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Big Run, Pa., plant of the Loree Footwear Corp., who became totally or partially separated from employment on or after August 6, 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 19th day of July 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-21889 Filed 7-28-77;8:45 am]

[TA-W-1806]

MANHATTAN HOSIERY CORP.

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-1806: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 15, 1977, in response to a worker petition received on March 14, 1977, which was filed on behalf of workers and former workers producing pantyhose at the Aguadilla, P.R., plant of Manhattan Hosiery Corp.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18155). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Manhattan Hosiery, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, the investigation revealed that the fourth criterion has not been met.

Manhattan Hosiery Corp. consisted of one plant, located in Aguadilla, P.R., which manufactured pantyhose. All production and employment ceased on April 10, 1976, when the facility was shut down.

The Department's investigation revealed that the sole purchaser of pantyhose produced at Manhattan Hosiery does not purchase imported panyhose. This customer now produces pantyhose at its own domestic facility and no longer purchases pantyhose from other sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increase of imports like or directly competitive with pantyhose produced at the Aguadilla, P.R. plant of Manhattan Hosiery Corp. did not contribute importantly to the total or partial separations of the workers at that firm.

Signed at Washington, D.C., this 18th day of July 1977.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-21890 Filed 7-28-77;8:45 am]

[TA-W-1691]

MEDALIST ADJUSTABLE CAP DIVISION OF MEDALIST SIKESTON

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-1691: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 1, 1977, in response to a worker petition received on February 7, 1977, which was filed by workers of Medalist Adjustable Cap on behalf of workers and former workers producing caps at the Medalist Adjustable Cap Division of Medalist Sikeston located at Sikeston, Mo. Medalist Sikeston is a division of Medalist Industries.

The Notice of Investigation was published in the FEDERAL REGISTER on March 11, 1977 (42 FR 13628). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Medalist Adjustable Cap Co., 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 45.5 percent in 1976 compared to 1975 and further declined 43.6 percent in the first quarter of 1977 compared to the first quarter of 1976. Workers produce all caps at the Sikeston plant interchangeably.

SALES OF PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Medalist Adjustable produces two types of caps, a baseball cap and a jean cap.

BASEBALL CAPS

Sales increased in quantity 2.6 percent in 1976 compared to 1975.

No production was recorded at Medalist Adjustable's Sikeston, Mo. plant until the second quarter of 1975. Production of baseball caps decreased 64.4 percent in quantity in the last three quarters of 1976 compared to the same period of 1975 and decreased 9.1 percent in the first quarter of 1977 compared to the first quarter of 1976.

JEAN CAPS

Separate sales records of the jean caps manufactured at Sikeston were not available. Combined sales of the jean cap from Medalist Adjustable and another Medalist Industries' company declined 20.2 percent in 1976 compared to 1975. Sales in the first two months of 1977 declined 84.0 percent compared to the same period of 1976.

Production of the jean cap at the Sikeston plant increased 93.3 percent in quantity in the last three quarters of 1976 compared to the same period in 1975 and decreased 64.7 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

BASEBALL CAPS

Imports of men's, boys', women's, misses' and juniors' knit headwear, the category including the baseball caps, decreased from 436 thousand dozen in 1972 to 300 thousand dozen in 1973 and increased to 325 thousand dozen in 1974. Imports remained at 325 thousand dozen in 1975 and increased 80.3 percent in compared to 1975, to 586 thousand dozen.

The import to production ratio for men's, boys', women's, misses' and juniors' knit headware declined from 38.6 percent in 1972 to 20.4 percent in 1973 and to 16.4 percent in 1974. The ratio then increased to 18.2 in 1975 and increased to 29.4 in 1976.

JEAN CAPS

Imports of cloth hats and caps, not knit, a category including the jean caps increased from 2.9 million dozen in 1972 to 3.2 million dozen in 1973. After declining to 2.5 million dozen in 1974, imports increased to 2.7 million dozen in 1975 and increased 14.6 percent in 1976 compared to 1975, to 3.1 million dozen.

The import to production ratio for cloth hats and caps, not knit, increased from 41.4 percent in 1972 to 45.9 percent in 1973. After declining to 32 percent in 1974, it increased to 32.8 percent in 1975 and increased to 34.8 percent in 1976.

CONTRIBUTED IMPORTANTLY

Beginning in the second quarter of 1975, Medalist Adjustable Cap contracted out some of the work they had been doing at their Sikeston plant to a firm in Haiti. Throughout 1975 and 1976 Medalist Adjustable Cap became more dependent on these imports as a source of production of baseball caps. Company imports increased 100 percent in quantity in the last three quarters of 1976 compared to the same period of 1975.

Imports as a percent of the total sales of baseball caps by Medalist Adjustable Cap increased from 16.1 percent of sales in the last three quarters of 1975 to 58.3 percent in the same period of 1976. For the full year 1976, imports accounted for 63.5 percent of total sales of baseball caps by Medalist Adjustable.

Production of the baseball caps at the Sikeston plant decreased in the last three quarters of 1976 compared to the same period in 1975 and decreased in the first quarter of 1977 compared to the first quarter of 1976. During this same period company dependence on imports as a source of production increased dramatically.

Total company sales and production of both lines of caps decreased in 1976 compared to 1975 and decreased in the first quarter of 1977 compared to the first quarter of 1976.

Workers at Medalist Adjustable Cap's Sikeston plant are used interchangeably for the production of the two lines of caps.

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 baseball caps produced at the Sikeston, Mo., plant of Medalist Adjustable Cap Division of Medalist Sikeston contributed importantly to the total or partial separations of the workers at that plant as required for certification in Section 222 of the Trade Act of 1974. In accordance with the provisions of the Act, I make the following certification:

All workers at the Sikeston, Mo., plant of Medalist Adjustable Cap Division of Medalist Sikeston who became totally or partially separated from employment on or after March 14, 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 22nd day of July 1977.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-21891 Filed 7-28-77;8:45 am]

[TA-W-1642]

MICHAEL BERKOWITZ CO., INC.

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-1642: 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 10, 1977, in response to a worker petition received on January 24, 1977 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's sleepwear and ladies' sleepwear at the Waynesburg, Pennsylvania plant of the Michael Berkowitz Company, Inc.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13090). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Michael Berkowitz 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

The Waynesburg, Pennsylvania plant of the Michael Berkowitz Company, Inc. produces men's sleepwear and ladies' sleepwear.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Waynesburg, Pennsylvania plant declined 3.9 percent in 1975 compared to 1974 and declined 10.8 percent in 1976 compared to 1975. Employment declined 14.7 percent in the first quarter of 1977 compared to the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales, in quantity, of men's sleepwear declined 4.0 percent in 1975 compared to 1974 and declined 6.7 percent in 1976 compared to 1975. Company sales, in quantity, of men's sleepwear declined 34.2 percent in the first quarter of 1977 compared to the first quarter of 1976.

Company sales, in quantity, of ladies' sleepwear increased 13.6 percent in 1975 compared to 1974 and then declined 16.7 percent in 1976 compared to 1975. Company sales, in quantity, of ladies' sleep-

wear declined 19.1 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

U.S. imports of men's and boys' woven sleepwear were 815.0 thousand dozen in 1972 and declined to 478.6 thousand dozen and 357.4 thousand dozen, respectively, in 1973 and 1974. U.S. imports increased to 415.2 thousand dozen and 457.0 thousand dozen, respectively, in 1975 and 1976.

The ratio of imported men's and boys' woven sleepwear to domestic production was 27.2 percent in 1972 and declined to 17.0 percent and 13.8 percent, respectively, in 1973 and 1974. The ratio of imports to domestic production increased to 17.9 percent and 18.1 percent, respectively, in 1975 and 1976.

U.S. imports of men's and boys' knit sleepwear were 58.4 thousand dozen in 1972 and declined to 21.8 thousand dozen, 11.9 thousand dozen and 2.3 thousand dozen, respectively, in 1973, 1974 and 1975. U.S. imports increased to 50.3 thousand dozen in 1976.

The ratio of imported men's and boys' knit sleepwear to domestic production was 13.0 percent in 1972 and declined to 4.6 percent, 2.4 percent and 0.4 percent, respectively in 1973, 1974 and 1975. The ratio of imports to domestic production increased to 7.9 percent in 1976.

U.S. imports of women's, misses' and juniors' noncotton nightwear, excluding sets with robes, were 270 thousand dozen in 1972 and declined to 265 thousand dozen in 1973. Imports increased to 270 thousand dozen in 1974 and declined to 93 thousand dozen in 1975. U.S. imports increased to 140 thousand dozen in 1976.

U.S. imports of women's, misses' and juniors' noncotton nightwear, excluding sets with robes, were 635.0 thousand dozen in 1972 and declined to 304.2 thousand dozen in 1973 and to 207.8 thousand dozen in 1974. Imports increased to 278.6 thousand dozen in 1975 and to 398.9 thousand dozen in 1976.

CONTRIBUTED IMPORTANTLY

The major customer of the Michael Berkowitz Company, Inc., which purchases approximately 60 percent of the men's and ladies' sleepwear produced by Berkowitz, increased its purchases of imported men's and ladies' sleepwear while decreasing purchases from Berkowitz. This customer increased purchases of imported sleepwear because of lower prices.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of men's and ladies' sleepwear have contributed importantly to the total or partial separation of the workers at the Waynesburg, Pennsylvania plant of the Michael Berkowitz Co., Inc. In accordance with the provisions of the Act, I make the following certification:

All hourly and salaried workers at the Waynesburg, Pennsylvania plant of the Michael Berkowitz Company, Inc. who became totally or partially separated from employment on or after January 18, 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 19th day of July 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-21892 Filed 7-28-77;8:45 am]

[TA-W-1746]

"MISS ALTA"

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-1746: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on February 17, 1977, which was filed on behalf of workers and former workers engaged in shrimp fishing on the "Miss Alta", Port Isabel, Texas.

The notice of investigation was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15477). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the owner of the "Miss Alta", its customer, the U.S. International Trade Commission, the U.S. Department of Commerce, the U.S. Coast Guard, 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, the investigation revealed that the fourth criterion has not been met.

The Department's investigation revealed that the decline in the quantity and value of shrimp caught by the "Miss Alta" in 1976 compared to 1975 and in the first two months of 1977 compared to the first two months of 1976 is attributable to three factors: (1) The shortage of shrimp available in U.S. coastal waters of the Gulf of Mexico; (2) the restrictions imposed by the Mexican government with respect to fishing within the 200 mile offshore limits established by Mexico in 1976; and (3) unusually adverse weather conditioins in the Gulf of Mexico during the winter months of December 1976 to February 1977.

The customer of the "Miss Alta" has purchased shrimp from any available source, domestic or foreign, and has purchased all of the shrmip that the "Miss Alta" has been able to supply.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shrimp caught by the "Miss Alta", Port Isabel, Tex., did not contribute importantly to the total or partial separation of the crewmembers of the "Miss Alta".

Signed at Washington, D.C. this 13th day of July 1977.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-21893 Filed 7-28-77;8:45 am]

[TA-W-1747]

"MISS MONICA"

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-1747: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on February 17, 1977, which was filed on behalf of workers and former workers engaged in shrimp fishing on the "Miss Monica", Port Isabel, Texas.

The notice of investigation was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15477). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the owner of the "Miss Monica", its customer, the U.S. International Trade Commission, the U.S. Department of Commerce, the U.S. Coast Guard, 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 re-

quirements of section 2 of the Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, the investigation revealed that the fourth criterion has not been met.

The Department's investigation revealed that the decline in the quantity and value of shrimp caught by the "Miss Monica" in 1976 compared to 1975 and in the first quarter of 1977 compared to the first quarter of 1976 is attributable to three factors: (1) The shortage of shrimp available in U.S. coastal waters of the Gulf of Mexico; (2) the restrictions imposed by the Mexican government with respect to fishing within the 200 mile offshore limits established by Mexico in 1976; and (3) unusually adverse weather conditions in the Gulf of Mexico during the winter months of December 1976 to March 1977.

The customer of the "Miss Monica" has purchased shrimp from any available source, domestic or foreign, and has purchased all of the shrimp that the "Miss Monica" has been able to supply.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shrimp caught by the "Miss Monica", Port Isabel, Tex., did not contribute importantly to the total or partial separation of the crewmembers of the "Miss Monica".

Signed at Washington, D.C., this 13th day of July 1977.

Gloria G. Pratt,
Director, Office of Foreign Economic Policy.

[FR Doc.77-21894 Filed 7-28-77;8:45 am]

[TA-W-1696]

MISS RUTH SEAFOODS

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-1696: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 2, 1977, in response to a worker petition received on February 22, 1977, which was filed on behalf of workers and former workers engaged in shrimp fishing at Miss Ruth Seafoods in Port Isabel, Tex.

The notice of investigation was published in the Federal Register on March 11, 1977 (42 FR 13627). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Miss Ruth Seafoods, 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof have increased, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that although criterion (3) has been met, criteria (1), (2) and (4) have not been met.

Significant Total or Partial Separations

The number of workers per ship has remained constant over the 1974–1976 period as insurance regulations require a minimum crew to meet safety standards. Employment records in the shrimp fishing industry are not mentioned according to number of hours worked. Therefore employment data are based on gross crew earnings and number of shrimp fishing trips.

Gross crew earnings increased 47.3 percent in 1975 compared to 1974 and increased 22.7 percent in 1976 compared to 1975. The number of shrimp fishing trips taken by Miss Ruth's trawlers declined 11.5 percent in 1975 compared to 1974 and then increased 2.2 percent in 1976 compared to 1975.

Sales or Production, or Both, Have Decreased Absolutely

Company sales in terms of quantity at Miss Ruth Seafoods increased 7.4 percent in 1975 compared to 1974 and then declined 12.7 percent in 1976 compared to 1975. Company sales in terms of value increased 62.3 percent in 1975 compared to 1974 and increased 17.3 percent in 1976 compared to 1975.

Increased Imports

Imports of shrimp in terms of quantity declined 9.3 percent in 1973 compared to 1972 and then increased 15.9 percent in 1974 compared to 1973. Imports declined 13.6 percent in 1975 compared to 1974 and then increased 17.2 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 111.4 percent in 1975 to 116.8 percent in 1976. The ratio of imports to domestic consumption declined from 57.0 percent in 1975 to 56.2 percent in 1976.

Contributed Importantly

A survey of customers who regularly submit bids on the Port Isabel—Brownsville shrimp market revealed that those customers who increased their purchases of imported shrimp did so because Miss Ruth Seafoods and other domestic suppliers were unable to meet their requirements. Further evidence that the demand for Gulf shrimp exceeded supply in 1976 is provided by the fact that the average price for shrimp increased in 1976 compared to 1975.

The decline in the quantity of shrimp caught by Miss Ruth Seafoods in 1976 was due to several factors, including adverse weather conditions occurring during the height of the shrimp season in November and December which kept the trawlers in port, the lack of shrimp available in the known fishing grounds, and the imposition of a 200 mile fishing restriction by the Mexican government which prevented domestic shrimpers from fishing in Mexican coastal waters.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with shrimp produced by Miss Ruth Seafoods, Port Isabel, Tex., have not contributed importantly to the total or partial separations of the workers of that firm as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of July 1977.

Harry Grubert,
Director, Office of Foreign Economic Research.

[FR Doc.77-21895 Filed 7-28-77;8:45 am]

[TA-W-1978]

NATIONAL FOOTWEAR CORP.

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-1978: Investigation regarding certification of eligibility to apply for

worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 12, 1976, in response to a worker petition received on April 11, 1976, which was filed on behalf of workers and former workers producing children's and misses' shoes at National Footwear Corp., Epping, N.H. The investigation was expanded to include the Dover, N.H., facility of National Footwear Corp.

The notice of investigation was published in the FEDERAL REGISTER on April 29, 1977 (42 FR 21873). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of National Footwear Corp., 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual, or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Epping plant increased 31.1 percent in 1976 compared to 1975. The average number of production workers declined 15.9 percent in the first three months of 1977 compared to the first three months of 1976. The Dover plant closed in April 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at National Footwear increased by 67.1 percent in 1976 compared to 1975. Production declined 33.7 percent in the first three months of 1977 compared to the first three months of 1976.

INCREASED IMPORTS

Imports of children's nonrubber footwear increased from 11.1 million pairs in 1975 to 15.8 million pairs in 1976. The ratios of imports to domestic production and consumption increased from 60 percent and 37.5 percent, respectively, in 1975 to 72.1 percent and 41.9 percent, respectively, in 1976. Misses' nonrubber footwear increased from 7.1 million pairs in 1975 to 11.6 million pairs in 1976. The ratios of imports to domestic production and consumption increased from 54.3 percent and 35.2 percent, respectively, in 1975 to 77.6 percent and 43.7 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

The recent finding of the International Trade Commission based on the very high penetration of imported shoes is that customers of domestic manufacturers increasingly shifted from domestically produced shoes to imported shoes. Customers of National Footwear surveyed confirmed that they have shifted from domestically produced shoes to imported shoes. In order to compete more effectively with cheaper imports, National Footwear began importing shoe uppers in 1976. These imported shoe uppers now constitute 40 to 50 percent of the uppers used by National Footwear.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with children's and misses' shoes produced by National Footwear contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

All workers at the Epping, N.H. and Dover, N.H. plants of National Footwear Corp., who became totally or partially separated from employment on or after January 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 14th day of July 1977.

BRIAN TURNER,
Executive Assistant to the Deputy Under Secretary for International Affairs.

[FR Doc.77-21896 Filed 7-28-77;8:45 am]

[TA-W-1653]

NIKKI G.

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-1653: 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 15, 1977, in response to a worker petition received on February 10, 1977, which was filed on behalf of workers and former workers engaged in shrimp fishing at Nikki G. in Port Isabel, Tex.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13091). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Nikki G., 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criterion (2) and (3) have been met, criteria (1), and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The number of workers per ship has remained constant over the 1974–1976 period as insurance regulations require a minimum crew to meet safety standards. Employment records in the shrimp fishing industry are not maintained according to number of hours worked. Therefore employment data are based on gross crew earnings.

Gross crew earnings increased 72.4 percent in 1975 compared to 1974 and increased 3.2 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales in terms of quantity at the Nikki G. increased 38.3 percent in 1975 compared to 1974 and then declined 18.8 percent in 1976 compared to 1975. Company sales in terms of value increased 79.9 percent in 1975 compared to 1974 and increased 12.2 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of shrimp in terms of quantity declined 9.3 percent in 1973 compared to 1972 and then increased 15.9 percent in 1974 compared to 1973. Imports declined 13.6 percent in 1975 compared to 1974 and then increased 17.2 percent in 1976 compared to 1975. The ratio of imports to domestic production increased form 111.4 percent in 1975 to 116.8 percent in 1976. The ratio of imports to

domestic consumption declined from 57 percent in 1975 to 56.2 percent in 1976.

CONTRIBUTED IMPORTANTLY

A survey of customers who regularly submit bids on the Port Isabel-Brownsville shrimp market revealed that customers who increased their purchases of imported shrimp did so because the Nikki G. and other domestic suppliers were unable to meet their requirements. Further evidence that the demand for Gulf shrimp exceeded supply in 1976 is supplied by the fact that the average price for shrimp increase in 1976 compared to 1975.

The decline in the quantity of shrimp caught by the Nikki G. in 1976 was due to several factors, including adverse weather conditions occurring during the height of the shrimp season in November and December which kept the trawlers in port, the lack of shrimp available in the known fishing grounds, and the imposition of a 200 mile fishing restriction by the Mexican Government which prevented domestic shrimpers from fishing in Mexican coastal waters.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shrimp produced by the Nikki G., Port Isabel, Tex., have not contributed importantly to the total or partial separations of the workers of that firm as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-21897 Filed 7-28-77;8:45 am]

[TA-W-1503]

NORTHWESTERN STEEL AND WIRE CO.

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-1503: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1976, in response to a worker petition received on that date which was filed by the United Steel Workers of America on behalf of workers and former workers producing structural products, bar products, rods and wire, and other wire products at Northwestern Steel and Wire Co., Sterling and Rock Falls, Ill.

The notice of investigation was published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2376). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Northwestern Steel and Wire Co., 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that the fourth criterion has not been met.

A survey of customers of Northwestern Steel and Wire Co. indicates that most of those customers either do not purchase imported structural products, bar products, rods and wire, or other wire products or have increased purchases from Northwestern. Customers surveyed that increased purchases of imported structural products and rods and decreased purchases from Northwestern constituted 0.18 percent of total sales from Northwestern in 1976 or 0.6 percent of the total sample of sales represented by the customers surveyed.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with structural products, bar products, rods and wire, or other products produced at the Sterling and Rock Falls, Ill., plants of Northwestern Steel and Wire Co. did not contribute importantly to the decline in production or separation of workers of that firm.

Signed at Washington, D.C. this 18th day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-21898 Filed 7-28-77;8:45 am]

[TA-W-1525]

OHIO FERRO ALLOYS CORP.

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-1525: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on December 28, 1976, in response to a worker petition received on December 28, 1976, which was filed by the United Steelworkers of America on behalf of workers and former workers producing ferrosilicon and silicon metal at the Brilliant, Ohio, plant of Ohio Ferro Alloys Corp.

The notice of investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3377). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ohio Ferro Alloys Corp., 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 Trade Act of 1974 must be met:

(1) 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 threatended to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat, thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that criteria (4) has not been met in relation to silicon metal. The investigation also revealed that without regard to whether any of the other criteria have been met, criteria (2) and (4) have not been met in relation to ferrasilicon.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

Plant employment of production workers declined 18.7 percent in 1975 compared to 1974 and 0.6 percent in 1976 compared to 1975. Production workers are used interchangeably between silicon metal and ferrosilicon.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

A. Silicon metal. Plant sales of silicon metal, in net tons, declined 43.5 percent in 1975 compared to 1974 and 34.4 percent in 1976 compared to 1975.

Plant production of silicon metal, in net tons, declined 37.8 percent in 1975 compared to 1974 and ceased in June

1976. Production of silicon metal at Ohio Ferro Alloys Corp. increased from 1975 to 1976.

B. Ferrosilicon. Plant production of ferrosilicon, in net tons increased 81.6 percent in 1975 compared to 1974 and 36.6 percent in 1976 compared to 1975.

Plant sales of ferrosilicon, in net tons, increased 44.1 percent in 1975 compared to 1974 and 37 percent in 1976 compared to 1975.

INCREASED IMPORTS

A. Silicon metal. Imports of silicon metal increased from 15,300 short tons in 1972, to 23,836 short tons in 1973; declined each year to 6,802 short tons in 1975 and increased to 9,526 short tons in 1976.

B. Ferrosilicon. Imports of ferrosilicon increased each year, from 39,600 short tons in 1972, to 142,204 short tons in 1974; declined to 70,577 short tons in 1975 and increased to 98,775 short tons in 1976.

CONTRIBUTED IMPORTANTLY

A. Silicon metal. Plant production of silicon metal ceased in June 1976 due to the company's decision to transfer production to their new plant in Montgomery, Ala. Production of silicon metal at Ohio Ferro Alloys Corp. increased from 1975 to 1976.

B. Ferrosilicon. A representative sample of the plant's customers of ferrosilicon indicated that customers did not switch to imported ferrosilicon.

CONCLUSION

It is concluded that sales and production of ferrosilicon at the Brilliant, Ohio, plant of Ohio Ferro Alloys Corp. have not declined and that increases of imports like or directly competitive with silicon metal produced at that plant did not contribute importantly as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of July 1977.

BRIAN TURNER,
Executive Assistant to the Deputy Under Secretary for International Affairs.

[FR Doc.77-21899 Filed 7-28-77;8:45 am]

[TA-W-1394]

PENN-DIXIE STEEL CORP.

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-1394: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on December 13, 1976, in response to a worker petition received on December 13, 1976, which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon wire and wire products at Penn-Dixie Steel Corp., Kokomo, Ind.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 893). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Penn-Dixie Steel Corp., 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that without regard to whether any of the other criteria have been met, the fourth criterion has not been met.

Most customers of Penn-Dixie Steel Corp. surveyed indicated that they do not purchase imported wire and wire products. Those customers which do purchase imports have increased purchases from Penn-Dixie.

The response of customers is consistent with industry trends. U.S. domestic shipments of carbon steel wire rod and wire rod products rose substantially from 1975 to 1976, consequently, imports relative to domestic shipments declined from 65.1 percent in 1975 to 35.7 percent in 1976 for wire rods while the import to shipments ratio for carbon steel wire and wire products remained relatively unchanged from 1975 to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon wire and wire products and rods produced by Penn-Dixie Steel Corp. at the Kokomo, Ind., plant did not contribute importantly to the total or partial separations of the workers at that plant.

Signed at Washington, D.C., this 21st day of July 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-21900 Filed 7-28-77;8:45 am]

[TA-W-1820]

PLYMOUTH TUBE CO.

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-1820: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on March 21, 1977, in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers producing stainless steel tubing at the Dunkirk, N.Y., plant of the Plymouth Tube Co.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from the United Steelworkers of America, officials of the Plymouth Tube Co., its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, the U.S. Federal Energy Administration, 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) The imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual, or realtive to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (4) has not been met.

The evidence developed during the Department's investigation revealed that

most customers of the Plymouth Tube Co. either do not import stainless steel tubing or have increased their purchases from the subject firm while importing this type of tubing. Performance and the ability to meet specifications were the factors that influenced the decision of these customers to buy domestically.

The stainless steel tubing produced at the Dunkirk, N.Y. plant of the Plymouth Tube Co. is used specifically in heat exchangers and feedwater heaters for nuclear and fossil-fueled power plants. Information from the Federal Energy Administration indicates that there has been a decline in construction starts of both nuclear and fossil-fueled power plants in the United States during 1977. Declines in the production of stainless steel tubing at the Dunkirk plant are related to the drop in these construction starts.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of stainless steel tubing have not contributed importantly to the total or partial separations of a significant number of workers or to absolute declines in sales and production at the Dunkirk, N.Y. plant of the Plymouth Tube Co. as required in section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 18th day of July 1977.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-21901 Filed 7-28-77;8:45 am]

[TA-W-1645]

RAFAELITO, INC.

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-1645: 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 14, 1977, in response to a worker petition received on February 6, 1977, which was filed on behalf of workers and former workers engaged in shrimp fishing at Rafaelito, Incorporated in Port Isabel, Tex.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13092). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rafaelito, Incorporated, 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criteria (1) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The number of workers per ship has remained constant over the 1974–1976 period as insurance regulations require a minimum crew to meet safety standards. Employment records in the shrimp fishing industry are not maintained according to number of hours worked. Therefore employment data are based on average crew earnings per boat and average number of shrimp fishing trips per boat.

Average crew earnings per boat increased 53.6 percent in 1975 compared to 1974 and increased 9.6 percent in 1976 compared to 1975. Average number of shrimp fishing trips per boat declined 27.8 percent in 1975 compared to 1974 and then increased 7.7 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The average shrimp catch per boat in terms of quantity at Rafaelito, Incorporated increased 8.6 percent in 1975 compared to 1974 and then declined 10.1 percent in 1976 compared to 1975. Average catch per boat in terms of value increased 50.0 percent in 1975 compared to 1974 and increased 21.6 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of shrimp in terms of quantity declined 9.3 percent in 1973 compared to 1972 and then increased 15.9 percent in 1974 compared to 1973. Imports declined 13.6 percent in 1975 compared to 1974 and then increased 17.2 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 111.4 percent in 1975 to 116.8 percent in 1976. The ratio imports to domestic consumption declined from 57.0 percent in 1975 to 56.2 percent in 1976.

CONTRIBUTED IMPORTANTLY

Rafaelito's only customer has an unwritten agreement with Rafaelito to purchase all the shrimp that Rafaelito is able to catch, paying the same price that is bid on the open market the day the shrimp is landed. As a result of this agreement, the quantity of shrimp sold by Rafaelito is not subject to import competition. This customer's purchase from Rafaelito in terms of value may be adversely affected if increased imports of shrimp flood the Port Isabel—Brownsville market and cause the bid price of shrimp to decline. However, the average price for shrimp on the Port Isabel—Brownsville market increased in 1976 compared to 1975 and as a result this customer's dollar purchases from Rafaelito increased in 1976 compared to 1975.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that increases of imports like or indirectly competitive with shrimp produced by Rafaelito, Incorporated, Port Isabel, Tex., have not contributed importantly to the total or partial separations of the workers at that firm as required for certification under section 222 of the Trade Act of 1974.

Signed in Washington, D.C., this 21st day of July 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-21902 Filed 7-28-77;8:45 am]

[TA-W-1485]

REPUBLIC STEEL CORP.

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-1485: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initated on November 15, 1976, in response to a worker petition received on November 15, 1976, which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the South Chicago, Illinois plant of the Chicago District of Republic Steel Corporation, Cleveland, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2380). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Republic Steel 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have be-

come totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria were met for carbon and alloy steel pipe and tubing. Without regard to whether any of the other criteria have been met, cirterion (2) was not met for carbon steel bars, alloy steel bars, or carbon steel wire.

SIGNIFICANT TOTAL OR PARTIAL SEPERATIONS

The average number of production workers declined 5 percent from 1974 to 1975 and declined 5 percent from 1975 to 1976. Workers are not identifiable by product line.

SALES, PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The quantity of carbon bar shipments from the Chicago District declined 19 percent from 1974 to 1975 and then increased 11 percent from 1975 to 1976.

The quantity of alloy bar shipments increased 1 percent from 1974 to 1975 and increased 23 percent from 1975 to 1976.

The qauntity of carbon wire shipments declined 36 percent from 1974 to 1975 and then increased 23 percent from 1975 to 1976.

The quantity of carbon pipe and tubing shipments declined 3 percent from 1974 to 1975 and declined 20 percent from 1975 to 1976.

The quantity of alloy pipe and tubing shipments declined 1 percent from 1974 to 1975 and declined 49 percent from 1975 to 1976.

Total raw steel production at the South Chicago plant declined 10 percent from 1974 to 1975 and then increased 2 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of carbon steel pipe and tubing declined absolutely and relative to domestic shipments from 1972 to 1973 and then increased absolutely and relatively from 1973 to 1974. Imports declined absolutely from 1974 to 1975 and then increased 18 percent from 1975 to 1976. The ratios of imports to domestic shipments and consumption increased from 22.8 percent and 20.8 percent, respectively in 1975 to 35.8 percent and 28.0 percent respectively in 1976.

Imports of alloy steel pipe and tubing increased absolutely and relative to domestic shipments in each year from 1972 through 1976. Imports increased 32 percent from 1975 to 1976. The ratios of imports to domestic shipments and consumption increased from 9.3 percent and 9.1 percent respectively in 1975 to 15.1 percent and 13.9 percent respectively in 1976.

CONTRIBUTED IMPORTANTLY

Customers who purchased pipe and tubing from the Chicago District of Republic Steel indicated that either they purchased imported pipe and tubing in 1975 or 1976 or that their competitors were purchasing imports. Due to the lower price of foreign steel domestic consumers are buying imported steel and tubing.

Pipe and tubing represented 20 percent of total shipments from the South Chicago plant in 1975 and 12 percent in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon and alloy steel pipe and tubing produced at the South Chicago, Illinois plant of Chicago District of Republic Steel Corporation, Cleveland, Ohio contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of carbon and alloy steel pipe and tubing at the South Chicago, Illinois plant of the Chicago District of Republic Steel Corporation, Cleveland, Ohio became totally or partially separated from employment on or after November 15, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

It is further concluded that shipments of carbon steel bars, alloy steel bars, and carbon wire from the South Chicago plant did not decrease as required for certification under section 222 of the Trade Act of 1974. Therefore, all workers engaged in the production of carbon steel bars, alloy steel bars and carbon steel wire at the South Chicago plant of the Chicago District of Republic Steel Corporation, Cleveland, Ohio are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 18th day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-21903 Filed 7-28-77;8:45 am]

[TA-W-1823]

RONNIE DRESS CO.

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-1823: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 18, 1977, in response to a worker petition received on March 18, 1977, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing junior dresses and sportswear at Ronnie Dress Co., Shickshinny, Pa.

The notice of investigation was published in the FEDERAL REGISTER April 5, 1977 (42 FR 18158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ronnie Dress Co., 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to the first three criteria, the fourth criterion has not been met.

The evidence developed during the course of the Department's investigation revealed that the apparel manufacturers which contracted with Ronnie Dress Co. do not contract with foreign firms and do not import finished products. These manufacturers reduced contracts with Ronnie Dress Co. and increased contracts with other domestic manufacturers from 1975 to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with junior dresses and sportswear produced at Ronnie Dress Co., Shickshinny, Pa., did not contribute importantly to the total or partial separations of the workers at that firm.

Signed at Washington, D.C., this 19th day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-21904 Filed 7-28-77;8:45 am]

[TA-W-1753]

SAVINI DRESS MFG., INC.

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-1753: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on February 17, 1977, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's dresses, pantsuits, blouses, and skirts at Savini Dress Mfg., Inc., Belmar, N.J.

The notice of investigation was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15477). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Savini Dress Mfg., Inc., 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, the Department's investigation revealed that the fourth criterion has not been met.

The Department's investigation revealed that none of the manufacturers that Savini has contracted with use foreign contractors nor do they import finished articles similar to those produced at Savini.

Two of these manufacturers have either increased or maintained contract work with Savini at a steady level. Two manufacturers use Savini only as a fill-in contractor when their usual contractors cannot handle the workload. One manufacturer who reduced contract work with Savini switched to other domestic contractors.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's apparel produced at Savini Dress Mfg., Inc., Belmar, N.J., did not contribute importantly to the total or partial separations of the workers producing such articles at that firm.

Signed at Washington, D.C., this 18th day of July 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-21905 Filed 7-28-77;8:45 am]

[TA-W-1433]

SOUTH WORKS, U.S. STEEL CORP.

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-1433: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 15, 1976, in response to a worker petition received on December 15, 1976, which was filed by the United Steelworkers of America on behalf of workers and former workers engaged in employment related to the production of carbon steel plate, carbon steel structural shapes, carbon steel piling, and carbon steel wire rod at the South Works of the U.S. Steel Corp. in Chicago, Ill.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 902). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the U.S. Steel Corp., 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met for workers engaged in employment related to the production of one of the following products: carbon steel plate, carbon steel structural shapes, or carbon steel pilings. Furthermore, without regard to whether any of the other criteria have been met, criteria (1) and (2) have not been met for workers engaged in employment related to the production of carbon steel wire.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

a. *Carbon Steel Plate.*—Average employment declined 35.1 percent in the fourth quarter of 1975 as compared to the like 1974 quarter and continued to decline 6.4 percent in the first 11 months of 1976 as compared to the like 1975 period.

b. *Carbon Steel Structural Shapes.*—Average employment declined 43.2 percent in the fourth quarter of 1975 as compared to the like 1974 quarter and continued to decline 32.5 percent in the first 11 months of 1976 as compared to the like 1975 period.

c. *Carbon Steel Piling.*—Average employment declined 42.2 percent in the fourth quarter of 1975 as compared to the like 1974 quarter and continued to decline 39.6 percent in the first 11 months of 1976 as compared to the like 1975 period.

d. *Carbon Steel Wire Rod.*—Average employment increased 2184.0 percent in the fourth quarter of 1975 as compared to the like 1974 quarter and continued to increase 180.6 percent in the first 11 months of 1976 as compared to the like 1975 period.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

a. *Carbon Steel Plate.*—Sales declined 50.9 percent in quantity in the fourth quarter of 1975 as compared to the like 1974 quarter and continued to decline 16.4 percent in quantity in the first 11 months of 1976 as compared to the like 1975 period.

b. *Carbon Steel Structural Shapes.*—Sales declined 57.0 percent in the fourth quarter of 1975 as compared to the like 1974 quarter and continued to decline 18.6 percent in quantity in the first 11 months of 1976 as compared to the like 1975 period.

c. *Carbon Steel Piling.*—Sales declined 56.3 percent in quantity in the fourth quarter of 1975 as compared to the like 1974 quarter and continued to decline 37.8 percent in quantity in the first 11 months of 1976 as compared to the like 1975 period.

d. *Carbon Steel Wire Rod.*—Sales increased 1571.4 percent in quantity in the fourth quarter of 1975 as compared to the like 1974 quarter and continued to increase 189.9 percent in quantity in the first 11 months of 1976 as compared to the like 1975 period.

Production data for the above products were not made available.

INCREASED IMPORTS

a. *Carbon Steel Plates.*—Imports of carbon steel plate decreased from 1.7 million tons in 1972 to 1.3 million tons in 1973. Imports decreased to 1.7 million tons in 1974, then decreased to 1.4 million tons in 1975. In 1976 imports increased 14.3 percent to 1.6 million tons.

The ratio of imports to domestic shipments of carbon steel plate decreased from 26.3 percent in 1972 to 16.4 percent in 1973. In 1974, the ratio increased to 18.8 percent and increased again in 1975 to 19.4 percent. The ratio continued to increase in 1976 to 27.7 percent.

b. *Carbon Steel Structural Shapes.*—Imports of carbon steel structural shapes decreased from 1.6 million tons in 1972 to 1.3 million tons in 1973. In 1974, imports decreased to 1.1 million tons and further decreased to .8 million tons in 1975. In 1976, imports increased 75 percent to 1.4 million tons.

The ratio of imports to domestic shipments of carbon steel structural shapes decreased from 34.1 percent in 1972 to 21.3 percent in 1973. The ratio declined to 19.7 percent in 1974 and further declined to 19.5 percent in 1975. In 1976, the ratio increased to 40.0 percent.

c. *Carbon Steel Piling.*—Imports of carbon steel piling declined from 149,000 tons in 1973 to 112,000 tons in 1974 before increasing to 122,400 tons in 1975. Imports then declined 15.3 percent to 103,700 tons in 1976.

The ratio of imports of carbon steel piling to domestic shipments declined from 31.3 percent in 1973 to 18.2 percent in 1974, increased to 31.0 percent in 1975 and continued to increase to 34.8 percent in 1976.

CONTRIBUTED IMPORTANTLY

The Department conducted a survey of customers who purchased carbon steel structural shapes, carbon steel plate and carbon steel piling from the South Works of the U.S. Steel Corp. Customers for each of these products indicated that they had reduced purchases of each of these three products from the South Works and had switched to imports. Additionally, several customers who do not import the above products stated that they have lost customers to competitors who distribute the imported products. The cheaper prices of the imported products was cited as the reason for switching.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales of carbon steel wire rod produced at the South Works of the U.S. Steel Corp. in Chicago, Ill., have not decreased and employment of workers engaged in the production of carbon steel wire rod has not decreased at the plant as required for certification under section 222 of the Trade Act of 1974.

I further conclude that increased imports of articles like or directly competitive with carbon steel plate, carbon steel structural shapes and carbon steel pilings which are produced at the South Works of the U.S. Steel Corp. in Chicago, Ill., have contributed importantly to the total or partial separations of workers engaged in employment related to the production of carbon steel plate or carbon steel structural shapes or carbon steel pilings at the plant.

In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of one or more of the following products: carbon steel plate; carbon steel structural shapes; or carbon steel pilings at the South Works of the U.S. Steel Corporation in Chicago, Illinois who became totally or partially separated from employment on or after November 15, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of July 1977.

HOWARD D. SAMUEL,
Deputy Under Secretary for International Affairs.

[FR Doc.77-21906 Filed 7-28-77;8:45 am]

[TA-W-1719]

"SUNSHINE"

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-1719: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on February 17, 1977, which was filed on behalf of workers and former workers engaged in shrimp fishing on the "Sunshine," Port Isabel, Tex.

The notice of investigation was published in the FEDERAL REGISTER on March 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the former owner of the "Sunshine," its customer, the U.S. International Trade Commission, the U.S. Department of Commerce, the U.S. Coast Guard, 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, the investigation revealed that the fourth criterion has not been met.

The trawler "Sunshine," located in Port Isabel, Tex., was engaged in shrimp fishing from April 1976 through December 1976.

The Department's investigation revealed that the owner of "Sunshine" decided to sell the boat after 9 months of operation due to competition from other domestic trawlers for scarce supplies of shrimp in U.S. coastal waters of the Gulf of Mexico.

The sole customer of the "Sunshine" purchased shrimp from any available source, domestic or foreign, and purchased all of the shrimp that "Sunshine" was able to supply.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shrimp caught by the "Sunshine," Port Isabel, Tex., did not contribute importantly to the total or partial separation of the crewmembers of the "Sunshine."

Signed at Washington, D.C., this 12th day of July 1977.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-21907 Filed 7-28-77;8:45 am]

[TA-W-1650]

TEXALL CORP.

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-1650: 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 15, 1977, in response to a worker petition received on February 10, 1977, which was filed on behalf of workers and former workers engaged in shrimp fishing at Texall Corp. in Port Isabel, Tex.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13094). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Texall Corp.

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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria (1) and (3) have been met, criteria (2) and (4) have not been met.

Significant Total or Partial Separations

The number of workers per ship has remained constant over the 1974–1976 period as insurance regulations require a minimum crew of three to meet safety standards. Employment records in the shrimp fishing industry are not maintained according to number of hours worked. Therefore employment data are based on gross crew earnings.

Gross crew earnings at Texall Corp. increased 61.7 percent in 1975 compared to 1974 and then declined 6.4 percent in 1976 compared to 1975.

Sales or Production, or Both, Have Decreased Absolutely

Sales of shrimp in terms of quantity at Texall Corp. declined 3.5 percent in 1975 compared to 1974 and declined 19.7 percent in 1976 compared to 1975. Sales of shrimp in terms of value increased 11.9 percent in 1975 compared to 1974 and increased 5.7 percent in 1976 compared to 1975.

Increased Imports

Imports of shrimp, in terms of quantity, decreased 9.3 percent in 1973 compared to 1972 and increased 15.9 percent in 1974 compared to 1973. Imports declined 13.6 percent in 1975 compared to 1974 and increased 17.2 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 111.4 percent in 1975 to 116.8 percent in 1976. The ratio of imports to domestic consumption decreased from 57.0 percent in 1975 to 56.2 percent in 1976.

Contributed Importantly

A survey of customers who regularly submit bids on the Port Isabel-Brownsville shrimp market revealed that those customers who increased their purchases of imported shrimp did so because Texall Corp. and other domestic suppliers were unable to meet their requirements. The fact that the average price for shrimp increased in 1976 compared to 1975 provides further evidence that the demand for Gulf shrimp exceeded supply in 1976.

The decline in the quantity of shrimp caught by Texall Corp. in 1976 was due to several factors including adverse weather conditions occurring during the height of the shrimping season in November and December which kept the trawlers in port, the lack of shrimp available in the known fishing grounds, and the imposition of a two hundred mile fishing restriction by the Mexican Government which prevented domestic shrimpers from fishing in Mexican coastal waters.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with shrimp produced by Texall Corp., Port Isabel, Tex., have not contributed importantly to the total or partial separations of workers of that firm as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of July 1977.

James T. Taylor,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-21908 Filed 7-28-77;8:45 am]

[TA-W-1979]

TOTSY MANUFACTURING CO., INC.

Certifications 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-1979: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on April 12, 1977, in response to a worker petition received on April 11, 1977, which was filed by three individual workers on behalf of home workers and former home workers of Totsy Manufacturing Co., Inc., in the Fitchburg, Mass., area. The investigation was expanded to include workers and former workers of the Holyoke, Mass., plant of Totsy Manufacturing Co., Inc., and home workers and former home workers of Totsy Manufacturing Co., Inc., in the Holyoke, Mass., area.

The notice of investigation was published in the Federal Register on April 29, 1977 (42 FR 21873). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Totsy Manufacturing Co., Inc., 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

Significant Total or Partial Separations

Average employment of production workers, who worked in their homes in the Fitchburg area declined 40 percent in 1975 compared to 1974 and declined 86 percent in 1976 compared to 1975. Employment remained stable in the first quarter of 1977 compared to the first quarter of 1976, and then increased 243 percent in the second quarter of 1977 compared to the second quarter of 1976.

Average employment of production workers at the Holyoke plant declined 29 percent in 1975 compared to 1974, declined 75 percent in 1976 compared to 1975 and did not change in the first four months of 1977 compared to the first four months of 1976.

Average employment of production workers, who worked in their homes in the Holyoke area declined 23 percent in 1975 compared to 1974, declined 10 percent in 1976 compared to 1975 and declined 10 percent in the first four months of 1977 compared to the first four months of 1976.

Sales or Production, or Both, Have Decreased Absolutely

Sales, adjusted for price increases declined 23 percent in value in 1975 compared to 1974, declined 4 percent in 1976 compared to 1975 and declined 24 percent in the first four months of 1977 compared to the first four months of 1976. Approximately 90 percent of sales in 1976 was doll clothes. The remaining 10 percent of sales was dolls and accessories (belts, shoes, purses, etc.). All dolls sold by Totsy are imported by the company.

Increased Imports

Imports of dolls clothes increased absolutely in 1973, and declined in 1974 when compared to the previous year, declined in 1975 compared to 1974, in-

creased 31 percent in 1976 compared to 1975 and increased 106 percent in the first quarter of 1977 compared to the first quarter of 1976. The ratio of imports to domestic production increased from 163.2 percent in 1975 to 226.6 percent in 1976 and then further increased to 318.2 percent in the first quarter of 1977.

CONTRIBUTED IMPORTANTLY

Company imports, in unadjusted value, declined 12 percent in 1975, compared to 1974, increased 42 percent in 1976 compared to 1975 and increased 64 percent in the first four months of 1977 compared to the first four months of 1976. Approximately 81 percent of imports consisted of doll clothes.

The ratio of the value of company imports to the value of unadjusted company sales increased from 14.3 percent in 1974 to 14.8 percent in 1975 then increased to 21.3 percent in 1976. The ratio increased from 16.5 percent in the first four months of 1976 to 34.4 percent in the first four months of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with doll clothes produced at the Holyoke, Mass., plant including homeworkers in the Holyoke area and home workers in the Fitchburg, Mass., area of Totsy Manufacturing Co., Inc., contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the act, I make the following cetifications:

All workers of Totsy Manufacturing Co., Inc., including workers at the Holyoke, Mass., plant and home workers in the Holyoke area who became totally or partially separated from employment on or after April 4, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

All home workers, in the Fitchburg, Mass., area, of Totsy Manufacturing Co., Inc., who became totally or partially separated from employment on or after April 4, 1976, and before April 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All home workers in the Fitchburg area who became totally or partially separated from employment after April 1, 1977, are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 21st day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-21909 Filed 7-28-77;8:45 am]

[TA-W-1760]

TRUE TEMPER CORP.

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-1760: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on March 3, 1977, in response to a worker petition received on February 27, 1977, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing citizens band radio antennas at True Temper Corp., Anderson, S.C.

The notice of investigation was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15477). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of True Temper Corp., 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met in regard to the production of CB antennas.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers in the Antenna Department increased 44.8 percent from the first to the second quarter of 1976 and then declined in each month from July through December 1976. Employment declined 42.9 percent in the last quarter of 1976 compared to the previous quarter and then increased in the first quarter of 1977 compared to the previous quarter.

The average number of salaried workers (plant-wide) declined 28 percent from 1975 to 1976 and declined 31 percent in the first quarter of 1977 compared to the same period in 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

In 1974, True Temper produced a fiberglass core component for antennas. In 1975 and 1976, the plant produced CB radio antennas as well as fiberglass rods for use in antennas. Antennas became the principal product manufactured in the Anderson, S.C., plant in 1976.

Total production increased 111.7 percent from 1975 to 1976. Production declined 50.5 percent and 34.7 percent, respectively, in the fourth quarter of 1976 and the first quarter of 1977, compared to the respective quarter of the previous year. Production declined 12.6 percent from the second to the third quarter of 1976 and 67.8 percent from the third to the fourth quarter of 1976.

INCREASED IMPORTS

Imports of citizen band (CB) radio antennas, in terms of value, increased absolutely in each year from 1972 through 1976. The value of imports increased 68.5 percent from 1974 to 1975 and increased 179.4 percent from 1975 to 1976. The ratios of imports to domestic production and consumption increased from 106.5 percent and 51.6 percent, respectively, in 1975 to 242.6 percent and 70.8 percent, respectively, in 1976.

Imports of CB radio antennas, in terms of quantity, increased 159.9 percent from 1975, the first year for which quantity data were available, to 1976.

CONTRIBUTED IMPORTANTLY

Customers of True Temper indicated that imports of CB radio antennas have exerted a definite influence in the market for that product. A major customer of True Temper switched to imported CB radio antennas in the last quarter of 1976 and in the first quarter of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with CB radio antennas produced at True Temper Corp. contributed importantly to the total or partial separations of the workers at the Anderson, S.C., plant of True Temper Corp. In accordance with the provisions of the act, I make the following certification:

All workers engaged in employment related to the production of CB radio antennas at True Temper Corp., Anderson, S.C., who became totally or partially separated from employment on or after July 1, 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 15th day of July 1977.

BRIAN TURNER,
Executive Assistant to the Deputy Under Secretary for International Affairs.

[FR Doc.77-21910 Filed 7-28-77;8:45 am]

[TA-W-1771]

UNITED TECHNOLOGIES CORP.; PRATT & WHITNEY AIRCRAFT DIVISION

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-1771: Investigation regarding certification of eligibility to apply for

worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on March 7, 1977, in response to a worker petition received on March 4, 1977, which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers producing aircraft engines at the Middletown, Conn., plant of the Pratt & Whitney Aircraft Division of United Technologies Corp.

The notice of investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16200). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of United Technologies Corp. and the International Association of Machinists and Aerospace Workers.

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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

With regard to whether any other criteria have been met, criterion (1) has not been met.

The Middletown, Conn., plant of Pratt & Whitney Aircraft produces aircraft engine parts.

Evidence developed in the Department's investigation revealed that no involuntary separations of production workers occurred from February 28, 1976, one year prior to the signature date of the petition, to the present.

Company officials do not anticipate any layoffs at the plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the Middletown, Conn., plant of the Pratt & Whitney Aircraft Division of United Technologies Corp. have not become totally or partially separated as required in section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of July 1977.

BRIAN TURNER,
Executive Assistant to the Deputy Under Secretary for International Affairs.

[FR Doc.77-21911 Filed 7-28-77;8:45 am]

[TA-W-2001]

WEYENBERG SHOE MANUFACTURING CO.

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-2001: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 20, 1977, in response to a worker petition received on that date which was filed by the Boot and Shoe Workers Union on behalf of workers and former workers producing men's dress shoes at the Adams Street factory, Portage, Wis., of the Weyenberg Shoe Manufacturing Co.

The notice of investigation was published in the FEDERAL REGISTER on May 6, 1977 (42 FR 23216). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Weyenberg Shoe Manufacturing Co., 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 Trade Act of 1974 must be met:

(1) 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Adams Street factory of the Weyenberg Shoe Manufacturing Co. increased by 6 percent in 1976 compared to 1975. Employment declined 4 percent in the last quarter of 1976 compared to 1975 and 7 percent in the first quarter of 1977 compared to the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Sales data is not maintained on a plant by plant basis, but on a company wide basis. Sales increased 10 percent in 1976 compared to 1975. Sales declined 5 percent in the last quarter of 1976 compared to the same quarter of 1975 and 4 percent in the first quarter of 1977 compared to the same quarter of 1976.

Production of men's dress shoes by the Adams Street factory increased 6 percent in 1976 compared to 1975. Production decreased 6 percent in the last 2 quarters of 1976 compared to the same 2 quarters of 1975. Production increased 8 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

Imports of men's dress and casual footwear with leather uppers increased from 29.7 million pairs in 1974 to 33.2 million pairs in 1975. Imports continued to increase in 1976 to 40.8 million pairs. Imports declined from 10.9 million pairs in the first quarter of 1976 to 10.1 million pairs in the first quarter of 1977.

Imports as a percentage of production increased annually from 47.8 percent in 1974, to 54.7 percent in 1975, and to 63.5 percent in 1976. Imports as a percentage of production increased from 60.9 percent in the first quarter of 1976 to 65.6 percent in the first quarter of 1977.

Imports of shoes by Weyenberg Shoe Manufacturing Co. increased 57 percent in 1976 compared to 1975 and 17 percent in the first quarter of 1977 compared to the first quarter of 1976.

CONTRIBUTED IMPORTANTLY

The customers surveyed indicated that those customers that have decreased purchases from Weyenberg Shoe Manufacturing Co. have increased purchases of imported men's dress shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's shoes produced at Weyenberg Shoe Manufacturing Co., Adams Street factory, Portage, Wis. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Weyenberg Shoe Manufacturing Co., Adams Street factory, Portage, Wis., who became totally or partially separated on or after October 27, 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 21st day of July 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-21912 Filed 7-28-77;8:45 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

MEETINGS

The National Commission on Electronic Fund Transfers' constituent committees will meet on August 10–12, 1977 in Dining Room E of the Federal Reserve Martin Annex Building in Washington, D.C. beginning at 9:00 a.m. each day to discuss recommendations for the Commission's final report.

As presently scheduled, the Consumers Committee will meet at 9:00 a.m. and the Public Interchange Committee at 4:00 p.m. on August 10; the Suppliers Committee at 9:00 a.m. and the Sharing Committee at 2:00 p.m. on August 11; and the Credit Markets Committee at 9:00 a.m. and the Competitive Impacts Committee at 4:00 p.m. on August 12. The Monetary Policy, International, Cost-Benefit, and Budget Committees may also meet during those 3 days, at times which will be announced during the morning meetings.

The Suppliers Committee meeting will be closed from 9:00 a.m. until approximately 11:00 a.m., pending a determination to this effect by the Director of OMB, so that the Committee can consider certain matters relating to security measures which are now or might be applied in the future to safeguard EFT systems. The remainder of the Suppliers Committee meeting, and all of the other committee meetings, will be open to public observation on a first call basis to the extent that limited space permits. Any person interested in observing should first call Ms. Janet Miller at (202) 254-7400 to check on the availability of space.

Dated: July 26, 1977.

JAMES O. HOWARD, JR.,
General Counsel.

[FR Doc.77-22023 Filed 7-28-77;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES

NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

Meeting

JULY 25, 1977.

Pursuant to the Provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the National Council on the Humanities will be conducted at Washington D.C., on August 18–19, 1977.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street NW., 1st Floor Conference Room, Washington, D.C. The session of the proposed meeting on August 18, 1977, and the afternoon session on August 19, 1977, will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy. Pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the committee.

The morning session on August 19, 1977, will convene at 9:30 a.m. and will be open to the public. The agenda for the morning session will be as follows:

MINUTES OF THE PREVIOUS MEETING REPORTS

A. Summary of Recent Business and Introduction of New Staff Members.
B. NFAH and NEH Reorganization.
C. Election of Vice-Chairman of the Council.
D. Application Report.
E. Gifts and Matching Report.
F. Challenge Grants—Policy Discussion.
G. Fiscal Year 1978 Appropriations.
H. Jefferson Lecture Selection Procedures.
I. Evaluation.
J. Cooperation with the National Council on the Arts.
K. Federal Reorganization.
L. Dates of Future Council Meetings.

The remainder of the proposed meeting will be closed to the public.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-724-0256.

JOHN W. JORDAN,
Advisory Committee, Management Officer.

[FR Doc.77-21849 Filed 7-28-77;8:45 am]

NATIONAL COUNCIL ON THE ARTS

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 National Council on the Arts will be held on August 12–13, 1977, from 9 a.m. to 5:30 p.m., and August 14, from 9 a.m. to 1 p.m. in the Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, D.C.

A portion of this meeting will be open to the public on August 12, from 9 a.m. to 5:30 p.m., and August 13, from 9 a.m. to 2:45 p.m., on a space available basis. Accommodations are limited. The agenda for these sessions include Endowment relationships to community and State Arts Programs; Guidelines for Dance Folk Arts, Theatre and Challenge Program and long-range policy planning.

The remaining sessions of this meeting on August 13, from 2:45 p.m. to 5:30 p.m., and August 14, from 9 a.m. to 1 p.m., are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions may be closed to the public pursuant to subsections (c)(4), (6) and 9(B) of section 552(b) of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

JULY 26, 1977.

[FR Doc.77-21944 Filed 7-28-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 77-190]

EXCESS COST OF PRECLEARANCE OPERATIONS

Reimbursable Services

JULY 21, 1977.

Notice is hereby given that pursuant to section 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective the pay period beginning August 14, 1977.

Installation:	*Biweekly excess cost*
Montreal, Canada	$14,922
Toronto, Canada	24,183
Kindley Field, Bermuda	5,761
Nassau, Bahama Islands	11,041
Vancouver, Canada	7,374
Winnipeg, Canada	1,335

JOHN A. HURLEY,
Assistant Commissioner of Customs (Administration).

[FR Doc.77-21866 Filed 7-28-77;8:45 am]

Internal Revenue Service

PRIORITY OF PENDING TAX REGULATIONS PROJECTS

Invitation for Suggestions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Invitation for suggestions as to priority of pending regulations projects.

SUMMARY: This document contains an invitation for suggestions as to which regulations are most urgently needed of those currently being drafted under the Internal Revenue Code of 1954. The invitation is extended because a backlog has developed in the issuance of regulations as a result of recent tax legislation. The invitation is addressed to all interested persons.

DATES: Written suggestions and comments should be delivered or mailed as soon as possible.

ADDRESS: Send suggestions and comments to: Commission of Internal Revenue, Attention: CC:LR:T, 1111 Constitution Ave., N.W., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

George H. Bradley of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3486).

SUPPLEMENTARY INFORMATION: The enactment of the Tax Reform Act of 1976 and of other tax legislation within the past year has resulted in the establishment of a large number of regulations projects under the Internal Revenue Code of 1954. The careful resolution of the many issues raised by the legislation has prevented the speedy issuance of interpreting regulations. Because of the backlog, the Service is attempting to set priorities on the completion of regulations projects. Projects will be assigned higher priority where there is a compelling need for regulations so that taxpayers can comply with the new legislation or where business transactions cannot be completed with assurance as to the tax consequences without regulatory guidance. On the other hand, where regulations can be deferred without significant adverse impact, or where some guidance is already available through forms or other instructions, projects will receive lower priority.

COMMENTS BY THE PUBLIC

As part of the process of establishing priorities on certain regulations projects, the Internal Revenue Service would appreciate receiving suggestions and comments from all interested persons. Statements of reasons should be included with suggestions as to priorities. All suggestions and comments submitted will be available for public inspection and copying.

Persons who are interested in submitting suggestions and comments are reminded that a monthly publication, Regulations Projects—Status and Disposition Report, is prepared as of the close of each month by the Legislation and Regulations Division of the Office of the IRS Chief Counsel. The report contains a list of brief description of the subject of pending regulations projects and a reference to the statute sections giving rise to the project. Copies of the report may be obtained at a cost of $.10 per page by submitting a request in writing to the Freedom of Information Reading Room, Room 1565, Internal Revenue Service Building, Washington, D.C. 20224. The total cost is ordinarily about $10 to $12.

JEROME KURTZ,
Commissioner of Internal Revenue.

[FR Doc.77-21913 Filed 7-28-77;8:45 am]

Office of Foreign Assets Control

IMPORTATION FROM BRAZIL OF FERROCHROMIUM AND CHROMIUM-BEARING STEEL PRODUCTS UNDER RHODESIAN SANCTIONS REGULATIONS

Issuance by Government of Brazil of Special Certificates Verifying Non-Rhodesian Origin of Chromium Content

Special certificates of origin are now available for importation from Brazil of ferrochromium and specialty steel products under § 530.503 of the Rhodesian Sanctions Regulations. These certificates are issued pursuant to a formal certification agreement between the Government of Brazil and the Government of the United States. They will serve to establish that Brazilian materials exported to the United States do not contain any chromium of Rhodesian origin.

The Government of Brazil has full responsibility for administration of the detailed control measures provided for in the certification agreement. CACEX, an agency of the Government of Brazil, will authorize producers of ferrochromium and specialty steel products to state on the commercial invoice covering products being exported to the United States that the goods have been produced under the agreed certification procedures. This special certification will be presented to Customs at the time of importation. The certificate will state that it is issued pursuant to special certification procedures agreed upon between the Government of Brazil and the Government of the United States.

The agreement replaces the interim arrangements which have been in effect since March 18, 1977, to permit importation of specialty steel products from Brazil. After July 18, 1977, only materials certified under this agreement may be imported under § 530.503 of the Rhodesian Sanctions Regulations (31 CFR 530.503).

Dated: July 20, 1977.

STANLEY L. SOMMERFIELD,
Acting Director.

Approved:

BETTE B. ANDERSON,
Under Secretary.

[FR Doc.77-21822 Filed 7-26-77;11:05 am]

IMPORTATION FROM EUROPEAN COMMUNITIES OF FERROCHROMIUM AND CHROMIUM-BEARING STEEL MILL PRODUCTS UNDER THE RHODESIAN SANCTIONS REGULATIONS

Availability of Special Certificates for Imports From the United Kingdom

Special certificates issued under the Certification Agreement between the United States and the Commission of the European Communities are available as of July 18, 1977, for imports from the United Kingdom of ferrochromium and chromium-bearing steel mill products. Imports of materials shipped after that date may only be made when accompanied by such special certificates.

Imports of certifiable materials shipped prior to July 18, 1977, may continue to be made under the interim certificates. However, the entry will not be liquidated until the importer presents a special certificate. Such certificate must be obtained from the producer and filed by the importer on or before September 18, 1977, to complete liquidation.

Dated: July 21, 1977.

DENNIS M. O'CONNELL,
Acting Chief Counsel.

Approved:

BETTE B. ANDERSON,
Under Secretary.

[FR Doc.77-21839 Filed 7-28-77;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[Docket 211-15]

CONSOLIDATED RAIL CORP.

Application for a Loan

Subsection (h) of Section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. § 721) (the Act), authorizes the United States Railway Association (Association) to enter into loan agreements with the Consolidated Rail Corporation (ConRail), the National Railroad Passenger Corporation, and any profitable railroad to which rail properties are transferred or conveyed pursuant to Section 303(b)(1) of the Act under conditions and for purposes set forth in this Subsection. Subsection (b) of Section 211 requires that the Association publish notice of the receipt of any application thereunder in the FEDERAL REGISTER and afford interested parties an apportunity to comment thereon.

On March 1, 1976, ConRail submitted a preliminary application for a loan under the provisions of Section 211(h) in the amount of $230,000,000. Notice of this application was published in the FEDERAL REGISTER dated March 19, 1976. On March 29, 1976, ConRail supplemented its preliminary application by filing the certifications and exhibits required by "Procedures for Applications for Loans to Pay Obligations of Railroads in Reorganization," 49 C.F.R. Sec. 922 (Loan Procedures), and requested an initial borrowing of $34,024,000. On April 1, 1976, ConRail and the Association entered into a loan agreement which authorized initial borrowings by ConRail of $34,024,000. On April 12, 1976, ConRail further supplemented its loan application with a request that the aggregate amount of the initial borrowings be increased to $51,157,000. On April 15, 1976, the Board of Directors of the Association approved that request.

On July 12, 1976, ConRail filed a Borrowing Application pursuant to Subsec-

tion 211(h) of the Act requesting, among other things, new borrowings of $35,778,533.21 and an increase of the maximum amount reserved to $230,000,000.00. On July 29, 1976, the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $8,182,352.21.

On November 18, 1976, ConRail filed a Borrowing Application pursuant to Subsection 211(h) of the Act requesting, among other things, new borrowings of $143,804,396.39 and a request for amendment of Section 3.01 of the Loan Agreement to increase the Maximum Borrowing to $203,143,749.60. On December 6, 1976, the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $11,251,396.39.

On February 1, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting, among other things, new borrowings of $107,761,877.76. On February 17, 1977, the Executive Committee of the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $107,761,877.76.

On March 16, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of $25,333,400.00. On March 31, 1977, the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $25,333,400.00.

On April 25, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of $25,888,400.00. On April 29, 1977, the Executive Committee of the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $7,825,000.00, to be effective May 10, 1977.

On June 6, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of $10,137,739.43. On June 30, 1977, the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $10,137,739.43.

On June 22, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of $15,060,000.00. On June 30, 1977, the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $15,060,000.00.

On July 20, 1977, ConRail filed a new Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of $18,030,000.00 to be applied: (i) to the payment of certain non-employee related obligations of the Lehigh Valley Railroad Company; and, (ii) to the payment of certain pre-conveyance employee-related Penn Central Transportation Company obligations.

Interested parties are invited to submit written comments relevant to this application. Any such submission must identify, by its Docket No., the application to which it relates, and must be filed with the Office of General Counsel, United States Railway Association, Room 2222, Transpoint Building, 2100 Second Street SW., Washington, D.C. 20595, on or before August 6, 1977, to enable timely consideration by USRA. The docket containing the original application shall be available for public inspection at that address Monday through Friday (holidays excepted) between 8:30 a.m. and 5 p.m.

Dated at Washington, D.C., this 26th day of July 1977.

EDWIN RECTOR,
Assistant Secretary,
United States Railway Association.

[FR Doc.77-21842 Filed 7-28-77;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL

Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on August 16, 1977, at 10 a.m., the San Diego Regional Office Station Committee on Educational Allowances shall at Room 902, 2022 Camino del Rio North, San Diego, California 92108 conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in B&J Imperial Aviation, Inc., 1095 Airport Avenue, Imperial, California 92251 should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: July 20, 1977.

HERBERT R. RAINWATER,
Director,
VA Regional Office.

[FR Doc.77-21813 Filed 7-28-77;8:45 am]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on August 18, 1977, at 10:00 a.m., the San Diego Regional Office Station Committee on Educational Allowances shall at Room 902, 2022 Camino del Rio North, San Diego, California 92108 conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in JIMSAIR, Inc., 2904 Pacific Highway, San Diego, California 92101 should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: July 20, 1977.

HERBERT R. RAINWATER,
Director, VA Regional Office,
2022 Camino del Rio North,
San Diego, Calif. 92108.

[FR Doc.77-21848 Filed 7-28-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[No. 447]

ASSIGNMENT OF HEARINGS

JULY 26, 1977.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 36505, Pioneer Mills v. The Atchison, Topeka, and Santa Fe Railway Co., now assigned September 7, 1977, at Los Angeles, Calif., will be held in Court Room 323, Federal Bldg. and Courthouse, 312 N. Spring Street.

MC 138635 (Sub-No. 34), Carolina Western Express, Inc., now assigned September 12, 1977, at Los Angeles, Calif., will be held in Court Room 323, Federal Bldg. and Courthouse, 312 N. Spring Street.

MC 108207 (Sub-No. 454), Frozen Food Express, Inc., now assigned September 13, 1977, at Los Angeles, Calif., will be held in Court Room 323, Federal Bldg. and Courthouse, 312 N. Spring Street.

MC 141064 (Sub-No. 4) National Freight Lines, Inc., now assigned September 15, 1977, at Los Angeles, Calif., will be held in Court Room 323, Federal Bldg. and Courthouse 312 N. Spring Street.

MC 118288 (Sub-No. 47), Frost Truck Lines, Inc., now assigned September 19, 1977, at Los Angeles, Calif., will be held in Court Room 323, Federal Bldg. and Courthouse, 312 N. Spring Street.

MC 141804 (Sub-No. 42), Western Express, Division of Interstate Rental, Inc., now assigned September 21, 1977, at Los Angeles, Calif., will be held in Court Room 323, Federal Bldg. and Courthouse, 312 N. Spring Street.

MC 140389 (Sub 9), Osborn Transportation, Inc., now being assigned September 26, 1977, for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 116457 (Sub 20), General Transportation, Inc., now being assigned September 21, 1977 (3 days), at Phoenix, Ariz., and will be held at the U.S. Tax Court, Room 235, 2nd Floor, Federal Building and Post Office, 522 North Central Avenue.

MC 124857 (Sub 1), Interstate Towing, Inc., now being assigned September 19, 1977 (2 days), at Phoenix, Ariz., and will be held at the U.S. Tax Court, Room 235, 2nd Floor, Federal Building and Post Office, 522 North Central Avenue.

MC 119792 (Sub 57), Chicago Southern Transportation Co., now being assigned October 17, 1977 (1 week), at Chicago, Ill., in a hearing room to be later designated.
MC 111375 (Sub 84), Pirkle Refrigerated Freight Lines, Inc., now being assigned October 12, 1977 (3 days), at Chicago, Ill., in a hearing room to be later designated.
MC 123407 (Sub-No. 361), Sawyer Transport, Inc., application dismissed.

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

[FR Doc.77-21917 Filed 7-28-77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 26, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before August 15, 1977.

FSA No. 43402—*Joint Water-Rail Container Rates—Far Eastern Shipping Co.* Filed by Far Eastern Shipping Co. (No. 9), for itself and interested rail carriers. Rates on general commodities, between rail carriers terminals on the U.S. Atlantic and Gulf Coast, and ports in Japan, Hong Kong, Australia, the Philippines, Singapore, Thailand, and West Malaysia.

Grounds for relief—Water competition.

FSA No. 43403—*Ethylene glycol from Channelview, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-697), for interested rail carriers. Rates on ethylene glylcol, in tankcar loads, as described in the application, from Channelview, Tex., to Earl and Fiberton, N.C.; also Darlington and Greer, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 23 to Southwestern Freight Bureau, Agent, tariff 11-H, I.C.C. No. 5242. Rates are published to become effective on September 1, 1977.

By the Commission.

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

[FR Doc.77-21916 Filed 7-28-77;8:45 am]

[AB 19 (Sub-No. 34)]

PITTSBURG AND WESTERN RAILROAD CO. AND BALTIMORE AND OHIO RAILROAD CO.

Abandonment of Railroad Services

JULY 21, 1977.

The Pittsburg and Western Railroad Co. and the Baltimore and Ohio Railroad Co.—Abandonment near Parkers Landing and Mt. Jewett in Armstrong, Clarion, Forest Elk and McKean Counties, Pa.

The Interstate Commerce Commission gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Section of Energy and Environment to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.

Said comments have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7011.

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

[FR Doc.77-21918 Filed 7-28-77;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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1

FEDERAL MARITIME COMMISSION.

TIME AND DATE: August 3, 1977, 10:00 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Agreement 10214: Inter-conference discussion agreement between the U.S. Atlantic and Gulf/Australia-New Zealand Conference and the Pacific Coast-Australasian Tariff Bureau.

2. Proposed Amendments to Rules of Practice and Procedure regarding subpoenas and discovery directed to Commission personnel and regarding replies to appeals of Administrative Law Judge's rulings.

3. Docket No. 74–28: *International Paper Company* v. *Lykes Bros. Steamship Co., Inc.*, and Docket No. 74–39: Petition of Lykes Bros. Steamship Co., Inc. for Declaratory Order, (Complaint alleging unlawful denial of volume rates); determination whether to review order of discontinuance of Administrative Law Judge.

Portions closed to the public:

1. Agreement 10186–1: Modification of a space chartering agreement between the Korea Shipping Corporation and the Orient Overseas Container Line, Inc. to increase number of container slots to be chartered to 200 minimum and 450 maximum.

2. Docket No. 77–5: Agreement No. 9973–3 and Agreement No. 9863, Joint Motion for Modification of Procedural Events and Dates; Proponents' Motion for Declaratory Order; and Proponents' Motion for Stay of Discovery.

3. Docket No. 76–32: Arctic Lighterage Company, Proposed Initial Tariff in the Western Alaska Trade, Determination whether to review Administrative Law Judge's order of discontinuance.

4. Docket No. 77–3: State of Alaska on Behalf of Tlingit-Haida Purchasing Association and all Others Similarly Situated v. Pelican Cold Storage, Inc., and Alaska Outports Transportation Association, Inc. (Complaint alleging unlawful refusal of use of wharfare facilities); Determination whether to review Administrative Law Judge's order of discontinuance.

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Acting Secretary, 202–523–5727.

[S–999–77 Filed 7–26–77;3:02 pm]

2

OVERSEAS PRIVATE INVESTMENT CORPORATION:

TIME AND DATE: Meeting of the OPIC Board of Directors: Tuesday, August 2, 1977 at 9:00 a.m. (Closed Portion) and 11:00 a.m. (Open Portion).

PLACE: Offices of the Corporation, 7th Floor Board Room, 1129 20th Street NW., Washington, D.C.

STATUS: The first part of the meeting from 9:00 a.m. to 11:00 a.m. will be closed to the public. The open portion of the meeting will start at 11:00 a.m.

MATTERS TO BE CONSIDERED: (Closed to the Public: 9:00 a.m. to 11:00 a.m.)

1. Personnel Matters.
2. County Eligibility: OPIC Program.
3. Reinsurance Proposal.
4. Underwriting Policy.
5. Insurance of South American project.
6. Claims Reports.
7. Information Reports.

FURTHER MATTERS TO BE CONSIDERED: (Open to the Public: 11:00 a.m.)

1. Approval of Minutes of Previous Meetings.
2. Approval; Scheduled Board Meetings.
3. OPIC By-Laws Amendment.
4. Retrospective Premium Adjustment Plan; Amendment.
5. OPIC Procedures.
6. OPIC Budget FY 78/79: Approval.
7. Financial Statements as of June 30, 1977.
8. Information Reports.

CONTACT PERSON FOR INFORMATION:

Information with regard to this meeting may be obtained from the Secretary of the Corporation at 202–632–1839.

ELIZABETH A. BURTON,
Corporate Secretary.

JUNE 26, 1977.

[S–997–77 Filed 7–26–77;3:24 pm]

3

FEDERAL POWER COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (Pub. July 25, 1977, 42 FR 37900.)

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: July 26, 1977, 10:00 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

P–14 E–7740, Indiana & Michigan Electric Company.
P–15 E–9520, Illinois Power Company.
P–16 ER77–516, Florida Power Corporation.
P–17 ER77–407, Ohio Edison Company.
P–18 ER77–523, Puget Sound Power and Light Company.
P–19 ER77–203, Wisconsin Electric Power Company.
P–20 ER77–522, Kansas City Power and Light Company.
P–21 ER77–314, Gulf States Utilities Company.
P–22 ER77–519, Cleveland Electric Illuminating Company.
P–23 ER77–417, Ohio Edison Company.
P–24 ER77–511, New York Power Pool.
P–25 ER77–494 and ER77–480, Brockton Edison Company, Montaup Electric Power Company.
P–26 ER77–521, Arizona Public Service Company.
P–27 ER77–493 and ER77–480, Blackstone Valley Electric Company, Montaup Electric Power Company.
P–28 ER77–468, El Paso Electric Company.
P–29 ER76–151, Delmarva Power & Light Company and Subsidiaries.
P–30 ER77–277, Pennsylvania Power Company.
P–31 Project No. 199, South Carolina Public Service Authority.
M–3 RM77–2, Modification of FPC Form No. 423, Monthly Report Cost and Quality of Fuels for Electric Plants.
M–4 RM76–10, Rate Schedule Analysis on a continuing current basis: FPC Form No. 108.
M–5 RM77–14, Gas Research Institute.
G–46 RP76–89, Northern Natural Gas Company.
G–47 G–2801 and CI72–50, Getty Oil Company, (Operator), et al.
G–10020 and CI71–722 Phillips Petroleum Company (Operator), et al.
G–48 RP74–32, Consolidated Gas Supply Corporation.
G–49 CP75–362, El Paso Natural Gas Company.
G–50 RP75–73, Texas Eastern Transmission Corporation.
G–51 CI75–45, et al., Tenneco Oil Company.

LOIS D. CASHELL,
Acting Secretary.

[S–998–77 Filed 7–27–77;9:17 am]

4

FEDERAL HOME LOAN BANK BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 142, page 37900, Monday, July 25, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., July 27, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 203-376-3012.

CHANGES IN THE MEETING:

TThe following item has been added to the agenda for the open portion of the meeting:

Consideration of Amendment to mortgage Backed Bond Regulations (§ 563.8-2).

No. 54, July 27, 1977.

[S-999-77 Filed 7-27-77;9:17 am]

5

FEDERAL HOME LOAN MORTGAGE CORPORATION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 140, page 37497, Thursday, July 21, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: At the conclusion of the open meeting to be held at 2:30 p.m., on July 25, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Henry Judy, 202-624-7107.

CHANGES IN THE MEETING:

The following item has been added to the agenda for the closed portion of the meeting:

Consideration of Authorizations of Authority for Personnel.

No. 53, July 25, 1977.

RONALD A. SNIDER,
Assistant Secretary.

[S-1000-77 Filed 7-27-77;9:17 am]

6

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 2:30 p.m., Monday, August 1, 1977.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C.

STATUS: Notice of Open Meeting.

MATTER TO BE CONSIDERED:

Division 3, Division Chairman Brown and Commissioners MacFarland and Christian voted unanimously to hold a meeting to consider the following agenda: 1. Review of present Division workload.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Hildred Hersman, Confidential Assistant to Commissioner Brown, Telephone: 202-275-7535.

[S-1001-77 Filed 7-27-77;9:17 am]

7

FOREIGN CLAIMS SETTLEMENT COMMISSION.

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

DATE, TIME, AND SUBJECT MATTER

Wednesday, August 3, 1977, at 10:30 a.m., Routine Business.
Wednesday, August 10, 1977, at 10:30 a.m., Routine Business.
Wednesday, August 17, 1977, at 10:30 a.m., Routine Business.
Wednesday, August 24, 1977, at 10:30 a.m., Routine Business.
Wednesday, August 31, 1977, at 10:30 a.m., Routine Business.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579. Telephone: 202-653-6156.

Dated at Washington, D.C. on July 25, 1977.

FRANCIS T. MASTERSON,
Executive Director.

[S-1002-77 Filed 7-27-77;9:56 am]

8

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, August 2, 1977.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: A part of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portion open to the public:

DESIGNATION OF MODEL DISTRICT OFFICES

The Commission will consider the selection of up to five district offices to be organized in accordance with the plan approved at the meeting of July 20, 1977.

Portions closed to the public:

(1) *Proposed Procurement; Job Evaluation.* Commission approval will be requested to contract with an organization to analyze the comparable worth of dissimilar jobs, in support of EEOC's Seattle District Office.

(2) *Proposed Procurement; Processing of EEO-4 Survey.*—Commission approval will be requested to contract with an organization to process the State and Local Government Information Report, identified as the EEO-4 Survey.

(3) *Litigation Authorization; General Counsel Recommendations.*—Matters closed to the public under Sec. 1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977).

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at (202-634-6748).

This Notice Issued July 26, 1977.

[S-1003-77 Filed 7-27-77;10:30 am]

9

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 37614, July 22, 1977; Addendum to be printed July 28, 1977.

PREVIOUS ANNOUNCED TIME AND DATE: July 27, 1977, 2:30 p.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

CHANGES IN THE MEETING: The following additional matters will be considered by the Commission at the closed meeting: Deliberation concerning fees of court-appointed amici curiae. Freedom of Information Act Appeal.

The following additional matter will be considered by the Commission at the open meeting: Consideration of the extension of Rule 15c2-11(f)(4)(T) until January 31, 1978. This rule conditionally exempts from the "due diligence" requirements certain publication of quotations for securities traded over-the-counter.

Chairman Williams, Commissioners Loomis, Evans, and Pollack determined that Commission business required consideration of these matters and that no earlier notice thereof was possible.

JULY 27, 1977.

[S-1004-77 Filed 7-27-77;11:29 am]

10

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the

Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of August 1, 1977, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Monday, August 1, 1977, at 10 a.m. and on Friday, August 5, 1977, immediately following the open meeting. An open meeting will be held on August 5, 1977, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c)(4)(8)(9)A and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams, and Commissioners Pollack, Evans, and Loomis voted to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Monday, August 1, 1977 will be:

Formal orders of investigation.
Institution of injunctive actions.
Settlement of injunctive actions.
Institution of administrative proceedings.
Settlement of administrative proceedings.
Referral of investigative files to Federal, State or Self Regulatory authorities.
Freedom of Information Act Appeals.
Amendment of formal order of investigation.
Application for relief.
Petition for declaratory order.

The subject matter of the open meeting scheduled for Friday, August 5, 1977 will be:

1. Consideration of an extension of time for comments regarding the development of disclosure guidelines for the electric and gas utility industry.

2. Consideration of an application by Plus Products Corporation, pursuant to Section 12(h) of the Securities Exchange Act of 1934 for an order which would exempt the applicant from certain reporting requirements of that Act.

3. Consideration of an application by Inter-Comm Data Corporation, pursuant to Section 12(h) of the Securities Exchange Act of 1934 for an order which would exempt the applicant from certain reporting requirements of that Act.

4. Consideration of an application by Pepper, Hamilton, and Scheetz, pursuant to Section 3(a)(2) of the Securities Act of 1933 for an order which would exempt the applicant from certain reporting requirements regarding interests in retirement and pension plans.

5. Consideration of a proposal to amend the Guidelines for the preparation of Forms S–4 and S–5, to eliminate an undertaking which requires investment companies registering securities on such forms to have an annual or special meeting of shareholders within 180 days of the effectiveness of the investment company's registration statement under the Securities Act of 1933.

6. Consideration of a proposal to request comments on implementation problems encountered in the first reports on replacement costs disclosures to be used in providing additional implementation guidance that would result in more meaningful and consistent disclosures.

7. Consideration of a proposed plan of reorganization, pursuant to Section 11(e) of the Public Utility Holding Company Act of 1935, filed by British American Utilities Corporation and North East Heat and Light Company.

8. Consideration of amendments regarding reporting and inquiry requirements under the Lost and Stolen Securities Program and modifications to reporting Form X–17F–1A. In addition, the Commission will consider the final operating procedures of systems which will implement the Lost and Stolen Securities Program.

9. Consideration of National Securities Clearing Corporation's ("NSCC") response to the July 12, 1977 letter of the Commission, directing NSCC to reply to the petition of the Pacific Stock Exchange, Inc. pertaining to NSCC interface fees.

The subject matter of the closed meeting scheduled for Friday, August 5, 1977 will be:

Consideration of litigation matter.
Regulatory matter arising from and bearing enforcement implications.

FOR FURTHER INFORMATION CONTACT:

Margaret M. Topps at 202–376–8016 or Julian T. Pierce at 202–755–1271.

JULY 26, 1977.

[S–1005–77 Filed 7–27–77;11:29 am]

federal register

FRIDAY, JULY 29, 1977
PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Various Communities

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3150]

TOWN OF PORTVILLE, CATTARAUGUS COUNTY, NEW YORK

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Portville, Cattaraugus County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Office Building, Portville, New York.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Conrad Linn, Town Supervisor of Portville, Linn Road, Portville, New York.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the town of Portville, Cattaraugus County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Allegheny River	Downstream corporate limit.	1,428
	Steam Valley Road Bridge.	1,432
	Downstream village at Portville corporate limits.	1,434
	Confluence with Dodge Creek.	1,435
	Confluence with Oswayo Creek.	1,437
	Upstream corporate limits.	1,439

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21210 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3151]

CITY OF SALAMANCA, CATTARAUGUS COUNTY, NEW YORK

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Salamanca, Cattaraugus County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Salamanca City Municipal Building, 225 Wildwood Avenue, Salamanca, New York. Any person having knowledge, information or wishing to make a comment on these proposed elevations should immediately notify Honorable Ronald I. Yehl, Mayor of Salamanca, Salamanca Municipal Building, 225 Wildwood Avenue, Salamanca, New York 14779.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Salamanca, Cattaraugus County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Allegheny River	Center St.	1,370.3
	Main St.	1,378.8
	Route 17	1,382.5
Little Valley Creek	Washington St.	1,370.5
	Corporate limits	1,371.8
Great Valley Creek	Con Rail Bridge (1st)	1,388.6
	Route 17	1,391.1

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21211 Filed 7-28-77;8:49 am]

[24 CFR Part 1917]

[Docket No. FI-3152]

CITY OF NEW BERN, NORTH CAROLINA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of New Bern, North Carolina. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, New Bern, North Carolina. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Charles Kimbrell, City Hall, P.O. Box 1129, New Bern, North Carolina 28560.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of New Bern, North Carolina in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, New Bern, North Carolina.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Major Charles Kimbrell, City Hall, P.O. Box 1129, New Bern, North Carolina 28560.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neuse River	Atlantic and East Carolina R.R. east of South Glenburnie Rd.	12
	Broad St. east of U.S. 70-U.S. 17 junction.	12
	Pembroke Rd. northeast of extraterritorial limits.	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21212 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3153]

CITY OF WILMINGTON, NORTH CAROLINA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Wilmington, North Carolina. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 102 North 3rd Street, Wilmington, North Carolina. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor B. B. Halterman, City Hall, 102 North 3rd Street, P.O. Box 1810, Wilmington, North Carolina 28401.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Wilmington, North Carolina in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 102 North 3rd Street, Wilmington, North Carolina.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor B. B. Halterman, City Hall, 102 North 3rd Street, P.O. Box 1810, Wilmington, North Carolina 28401.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cape Fear River	U.S. Highways 74 and 76.	11
Northeast Cape Fear River.	U.S. 117	11
	South Carolina Line RR.	11
Spring Branch	Kerr Ave.	11
Burnt Mill Creek	Mercer Ave.[1]	17
	do.[2]	15
	Colonial Dr.	13
	Princess Place Dr.	11
Greenfield Lake	Lakeshore Dr.	11
	3d St.	11
Greenfield Lake, north branch.	16th St.[1]	18
	do.[2]	16
Greenfield Lake, north branch tributary.	do.	24

[1] Upstream.
[2] Downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended 42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21213 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3154]

CITY OF GARIBALDI, OREGON

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Garibaldi, Oreg.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 107 Sixth Street, Garibaldi, Oreg.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Russell C. Curnutt, City Hall, P.O. Box 708, 107 Sixth Street, Garibaldi, Oreg. 97118.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Garibaldi, Oreg., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 107 Sixth Street, Garibaldi, Oreg.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Russell C. Curnutt, City Hall, P.O. Box 708, 107 Sixth Street, Garibaldi, Oreg. 97118.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Johnson Creek	Acacia Ave.	11
School Creek	Cypress Ave.	11
	Highway 101	11

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21214 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3155]

CITY OF GEARHART, OREGON

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Gearhart, Oreg.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Pacific Way, Gearhart, Oreg.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Lorren A. Kulland, City Hall, Drawer D, Pacific Way, Gearhart, Oreg. 97138.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Gearhart, Oreg., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Pacific Way, Gearhart, Oreg.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Lorren A. Kulland, City Hall, Drawer D, Pacific Way, Gearhart, Oreg. 97138.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Nescoxie Creek	G St.	12
	Pacific Way	13
Nehwanna Creek	Oster Rd.	11
	1st St.	11
Airport Creek	6th St.	12
Pacific Ocean	West of Nescoxie Blvd., north of 5th St.	26
	West of Nescoxie Blvd., north of Pacific Way.	23
	West of Ocean Ave., north of E St.	27
	West of Ocean Ave., near G St.	29
	Southwest of Ocean Ave.	22
	South of Ocean Ave.	18
	Southeast of Ocean Ave.	14

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128) and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21215 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3156]

TOWN OF HAMMOND, OREGON

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Hammond, Oregon. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Office of the Mayor, Town Hall, Hammond, Oregon. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Richard T. Carruthers, Town Hall, Hammond, Oregon 97121.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Hammond, Oregon in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Office of the Mayor, Town Hall, Hammond, Oregon.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Richard T. Carruthers, Town Hall, Hammond, Oregon 97121.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Columbia River	Bank of Columbia River.	9
Alder Creek	Area near Alfred St.	4

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21216 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3157]

CITY OF MANZANITA, OREGON

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Manzanita, Oregon. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 543 Laneda Avenue, Manzanita, Oregon. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Frank S. Foldi, City Hall, 543 Laneda Avenue, P.O. Box C, Manzanita, Oregon 97130.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh St. SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Manzanita, Oregon in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new build-

ings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 543 Laneda Avenue, Manzanita, Oregon.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Frank S. Foldi, City Hall, 543 Laneda Avenue, P.O. Box C, Manzanita, Oregon 97130.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pacific Ocean	Beach St	29
	Ocean Rd	29

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21217 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3158]

CITY OF ROCKAWAY, OREGON

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Rockaway, Oregon. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 276 South Highway 101, Rockaway, Oregon. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Kenneth O. Christensen, City Hall, 276 South Highway 101, P.O. Box 35, Rockaway, Oregon 97136.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Rockaway, Oregon in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pacific Ocean	West of Oregon Coast Highway 101:	
	2d St	27
	North 5th Ave	27
	Nehalem Ave	23
	South 7th Ave	23
	Heitmiller St	24
Clear Lake	East of Oregon Coast Highway 101:	
	South 3d Ave	14
	South 6th Ave	14
Rock Creek	North of South 3d Ave.:	
	South E St	18
	South D St	16
	South C St	16
Lake Lytle	East of Highway 101:	
	North St	12
	North 6th Ave	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128) and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21216 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3159]

CITY OF TILLAMOOK, OREGON

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Tillamook, Oregon.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, Third Street, Tillamook, Oregon.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Walter Ackley, City Hall, Third Street, Tillamook, Oregon 97141.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Tillamook, Oregon, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new

buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Third Street, Tillamook, Oregon.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Walter Ackley, City Hall, Third Street, Tillamook, Oregon 97141.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hoquarton Slough	Hoquarton Slough Bridge (Highway 101).	11
Trask River	Tone Bridge	16
	11th St. (east of Highway 101).	16
	Miller Ave.	16

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21219 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3160]

CITY OF JEANETTE, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Jeanette, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 2nd and Clay Avenue, Jeanette, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Richard Miaskiewicz, City Hall, 2nd and Clay Avenue, Jeanette, Pennsylvania 15644.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Jeannette, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 2nd and Clay Avenue, Jeannette, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Richard F. Miaskiewicz, City Hall, 2nd and Clay Avenue, Jeannette, Pennsylvania 15644.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Brush Creek	Brown Ave.	1,017
	Chambers Ave.	997
	6th St.	983
	11th St.	973
Bull Run	Harrison Ave.	1,021
	Pitcairn Ave.	1,015
	North 4th St. (upstream).	1,005
	North 4th St. (downstream).	1,003
Down Run	Lewis Ave.	1,009

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21220 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3161]

CITY OF PHILADELPHIA, PHILADELPHIA COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Philadelphia, Philadelphia County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 215 City Hall, Philadelphia, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Frank L. Rizzo, Mayor of Philadelphia, 215 City Hall, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Philadelphia, Philadelphia County, Pennsylvania in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program

regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurances on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Indian Creek	City Line Ave	178
	Landsdowne Ave	128
	Haverford Ave	112
	Golf course service road.	88
Cobbs Creek	City Line Ave	120
	Landsdowne Ave	103
	Confluence with Indian Creek.	88
	Market St	70
	Baltimore Ave	52
	Cobbs Creek Parkway	38
	65th St	34
	Woodland Ave	28
Darby Creek	Hook Rd	21
Wissahickon Creek	Northwestern Ave	140
	Thomas Mill Rd	115
	Wissahickon Dr	79
	Henry Ave	52
	Confluence with Schuylkill River.	38
Schuylkill River	Green Lane	48
	Falls Bridge	34
	Girard Ave	27
	Walnut St	22
	Passyunk Ave	10
	Confluence with Delaware River.	10
Tacony Frankford Creek.	Adams Ave	78
	Tabor Rd	67
	Wyoming Ave	50
	Castor Ave	31
	Kensington Ave	24
	Delaware Expressway.	15
	Confluence with Delaware River.	10
Wooden Bridge Run.	Ashton Rd	77
	Willits Rd	56
	Holme Ave	47
	Confluence with Pennypack Creek.	33
Pennypack Creek	Pine Rd	98
	Krewstown Rd	71
	Roosevelt Blvd	55
	Holme Ave	53
	Confluence with Sandy Run.	48
	Welsh Rd	38
	Frankford Ave	25
	State Rd	18
	Confluence with Delaware River.	10
Walton Run	Caroline Rd	117
	Decatur Rd	92
	Academy Rd	68
Byberry Creek	Byberry Rd	109
	Thornton Rd	94
	Chalfont Drive	63
	Chesterfield Rd	51
	Morrell Ave	35
	Confluence with Poquessing Creek.	27
Poquessing Creek	City limit	132
	Roosevelt Blvd	113
	Cloverdale Rd	94
	Century Lane	75
	Byberry Rd	42
	Red Lion Rd	29
	Confluence with Delaware River.	10
Delaware River	Tidal flooding—elevation is constant (to nearest foot).	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21221 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3162]

CITY OF HEWITT, McLENNAN COUNTY, TEXAS

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Hewitt, McLennan County, Tex.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Hewitt, Tex.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Marvin R. Lance, P.O. Box 610, Hewitt, Tex. 76643.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Hewitt, McLennan County, Tex., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Chambers Creek	Upstream of West Frontage Rd.	544
	Old Temple Rd	527
Castleman Creek	Upstream of West Frontage Rd.	564
	Upstream of Earle Rd.	616
	Downstream of Warren St.	656

(National Food Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128) and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21222 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3163]

TOWN OF JOHNSON, LAMOILLE COUNTY, VERMONT

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the town of Johnson, Lamoille County, Vt.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Clerk's Office, Pearl Street, Box 226, Johnson, Vt.

Any person having knowledge information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Frank Dodge, Co-Chairman, RFD No. 2, Johnson, Vt. 05656, or Mr. Elsworth DeGoosh Co-chairman RFD No. 1, Johnson, Vt. 05656.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Johnson, Lamoille County, Vt., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected location are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lamoille River	Vermont Route 15	491
	Vermont Northern RR.	533
Gihon River	Vermont Route 100C	577
	Town Highway No. 33.	617
Bell Brook	Town Highway No. 18.	627
Foot Brook	Vermont Route No. 15.	495

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21223 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3164]

VILLAGE OF JOHNSON, LAMOILLE COUNTY, VERMONT

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the village of Johnson, Lamoille County, Vt.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Village Clerk's Office, Pearl Street, Box 266, Johnson, Vt.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. George Desmarais, Trustee, Village of Johnson, Village Hall, Box 187, Johnson, Vt. 05656.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the village of Johnson, Lamoille County, Vt., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub.L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lamoille River	100 ft downstream of Railroad St.	498
	100 ft upstream of Railroad St.	500
Gihon River	Vermont Route 15	493
	Pearl St.	498
	50 ft upstream of School St.	526

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128) and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21224 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-3165]

DOOR COUNTY, WISCONSIN

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in Door County, Wisc.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the

flood-prone areas and the proposed base flood elevations are available for review at Door County Courthouse, 138 South Fourth Avenue, Sturgeon Bay, Wisc.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Orville Voeks, County Board Chairman, Door County Courthouse, 138 South Fourth Avenue, Sturgeon Bay, Wisc. 54235.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for Door County, Wisc., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ahnapee River	County Trunk Highway X.	587
	County Trunk Highway J.	589
	Forestville Dam	594
Stony Creek	County Trunk Highway J.	662
	North Carnot Rd.	663
Maple Creek	County Trunk Highway T.	588
	Field Road Bridge	600
	Haberil Rd.	604
Fish Creek	State Trunk Highway 42.	592
Keyes Creek	County Trunk Highway C.	593
	Pickeral Rd.	604
	Fox Lane	606

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21225 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3209]

FLORENCE COUNTY, WISCONSIN

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in Florence County, Wisconsin. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Florence County Building, 501 Lake Street, Florence, Wisconsin. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Alfred Lund, County Board Chairman, Florence County, Florence County Building, 501 Lake Street, Florence, Wisconsin 54121.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for Florence County, Wisconsin in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Florence County Building, 501 Lake Street, Florence, Wisconsin.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Alfred Lund, County Board Chairman, Florence County, Florence County Building, 501 Lake Street, Florence, Wisconsin 54121.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Menominee River	County Trunk Highway.	1,048
	Chicago and Northwestern RR.	1,070
	U.S. Highway 2	1,076
	Old Twin Falls Rd.	1,113
Brule River	Gruels Rd.	1,208
Fisher Creek	Town Rd.	1,222
	State Trunk Highway.	1,279
	Footbridge	1,277
	Town Rd.	1,278
	Footbridge	1,281
	Woodward Ave.	1,283
	Footbridge	1,284
	Quinnesec St.	1,289
	Chicago and Northwestern RR.	1,290
	do.	1,292
	Plank Bridge	1,293
	State Trunk Highway.	1,293

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21226 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI3166]

CITY OF RIVER FALLS, WISCONSIN

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of River Falls, Wisconsin. These

base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 115 East Elm Street, River Falls, Wisconsin. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Lawrence Klug, City Hall, 115 East Elm Street, River Falls, Wisconsin 54022.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of River Falls, Wisconsin in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 115 East Elm Street, River Falls, Wisconsin.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Lawrence Klug, City Hall, 115 East Elm Street, River Falls, Wisconsin 54022.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kinnickinnic River.	Maple St.	876
	Falls St.	875
South Fork Kinnickinnic River.	Wasson Lane	894
	South Main St.	878
Unnamed tributary No. 1.	Division St.	911
	6th St.	901
Unnamed tributary No. 2.	Cudo Ave.	910

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128) and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21227 Filed 7-28-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–3210]

CITY OF SUPERIOR, WISCONSIN

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Superior, Wisconsin. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 1409 Hammond Avenue, Superior, Wisconsin. Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Bruce Hagen, City Hall, 1409 Hammond Avenue, Superior, Wisconsin 54880.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Superior, Wisconsin in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 1409 Hammond Avenue, Superior, Wisconsin.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Bruce Hagen, City Hall, 1409 Hammond Avenue, Superior, Wisconsin 54880.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bear Creek	Chicago and Northwestern RR and Duluth Missabe and Iron Range RR culvert.	630
	East 3d St culvert	625
	U.S. Highways 2 and 53, and STH 13 culvert.	622
	Burlington Northern RR culvert.	617
Bluff Creek	Chicago and Northwestern RR culvert.	612
	U.S. 53	606
	Duluth, Missabe and Iron Range RR.	604
	Burlington Northern RR.	604
	Itasca St.	604
Nemadji River	CTH "C"	628
	Duluth, Missabe and Iron Range RR.	626
	Burlington Northern RR.	623
	64th St.	623
	Soo Line RR.	620
	Woodlawn Rd.	617
	Chicago and Northwestern RR.	606
	STH 53	605
	Burlington Northern RR.	605
Unnamed tributary.	Tower Ave.	657
	31st St.	652
	Hammond Ave. culvert.	651
	29th St. culvert	646
	Catlin Ave. culvert	639
	21st St. culvert	631
	Soo Line RR. yard culvert.	625
	Hill Ave. culvert	621
Pokegama River	STH 105	605

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128) and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-21228 Filed 7-28-77;8:45 am]

federal register

FRIDAY, JULY 29, 1977
PART III

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

■

COASTAL ZONE MANAGEMENT

Research Study and Training Programs; Funding and Operation

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 933—COASTAL ZONE MANAGEMENT RESEARCH AND TECHNICAL ASSISTANCE

Funding and Operation of Research, Study and Training Programs

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Final rule.

SUMMARY: These final regulations establish procedures by which NOAA will fund and operate both national and state research, study and training programs that will enhance state coastal management efforts. It is necessary to issue these new regulations under a new section 310 to the Coastal Zone Management Act of 1972.

EFFECTIVE DATE: August 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Carol Sondheimer; Program Development Officer, State Programs Division, Office of Coastal Zone Management; 202–634–1672.

SUPPLEMENTARY INFORMATION: Pub. L. 94–370, signed July 26, 1976, amended the Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.), hereinafter referred to as the "Act." These amendments added a new section 310 to the Act; therefore it is necessary to issue these new regulations.

On January 21, 1977, NOAA published proposed regulations (42 FR 4046), under a new Part 933, covering the regulations for a national research and technical assistance program pursuant to subsection 310(a) of the Act, and for State research and technical assistance grants pursuant to subsection 310(b) of the Act.

Written comments were requested by March 21, 1977. As of that date, substantive comments had been received from eleven reviewers, nine of whom commented on the national program and nine of whom commented on the State grant program. These comments have been considered in preparing these final regulations. Major comments and NOAA responses are discussed below.

Discussion of Major Comments and NOAA Responses

National Research and Technical Assistance

(a) *Focus of program.* One commentator objected to the categorization of subsection 310(a) as a national and regional program of research and training, arguing that the Act creates a program of general research and training but does not require it to be national or regional in scope.

NOAA response. While NOAA agrees that the Act itself does not make reference to a national program, NOAA believes that the legislative history supports this interpretation. The Report of the House Committee on Merchant Marine and Fisheries (No. 94–878, 94th Congress, 2nd Session, March 4, 1976) specifically directs NOAA to use subsection 310(a) funds to deal with "national or regional studies or training programs." Therefore, no change has been made in the regulations.

(b) *Definition of research.* Two commentators suggested that the discussion of the purpose of research activities in section 933.12(a)(1) be expanded to recognize specifically scientific and academic concerns. A third commentator suggested that research also should include study of the relationship of coastal zone management to other fields.

NOAA response. NOAA does not intend section 933.12(a)(1) to preclude scientific and academic investigations, but rather to emphasize that any research or study conducted under subsection 310(a) should have a demonstrable supporting relationship to the development and/or administration of coastal management programs. In section 933.32(c)(1), basic and/or long-term research is specifically prohibited because NOAA does not want to duplicate the efforts of other Federal programs and because of the typically high costs of such research in relationship to the size of the subsection 310(a) authorization. In response to the third commentator, NOAA believes that the relationship of coastal zone management to other fields is more appropriately examined as part of education or training efforts. Accordingly, no changes have been made in the regulations.

(c) *Definition of training.* One commentator considered the definition of training to be inadequate because it did not specify who would do the training, who would be eligible for training, and where such training could take place.

NOAA response. In an effort to respond to these concerns, NOAA has rewritten section 933.12(b) to indicate that training is intended for those individuals working in or preparing to work in the field of coastal zone management. Any "person," as defined in section 933.2(d), is eligible to apply for training funds. NOAA sees no need to specify where such training must occur.

(d) *Annual plan.* While supporting the idea of a research plan, three commentators argued that preparing it on an annual basis would be unduly time-consuming. Two of these commentators suggested that the plan be prepared biennially. A fourth commentator suggested that the plan be sufficiently broad in scope to enable its use by other entities to assist them in their funding decisions. A fifth commentator inquired as to how States would participate in the development of the plan.

NOAA response. NOAA considers these suggestions valuable and therefore has revised section 933.21. The Associate Administrator will develop a Priorities Plan setting out his/her view of national research and technical assistance priorities over the next three to five years. This Plan will be circulated in draft form to coastal States, other Federal agencies, and other interested parties for their review and comment. Once finalized, this Plan can be expected to guide the operation of the subsection 310(a) program and to assist other entities in making related funding decisions. The Priorities Plan will be reviewed periodically by the Associate Administrator and updated as deemed appropriate, following circulation of such changes for review and comment. Each fiscal year, the Associate Administrator will develop an Annual Spending Plan, consistent with the Priorities Plan and available funds. The Annual Spending Plan and updated Priorities Plan will be made available to interested parties upon request.

(e) *Projects not included in plan.* Two commentators argued against the 10 percent funding limitation on projects that are not included in the Annual Spending Plan. One objected on the grounds that the Plan would be general and subject to administrative interpretation and the other on the grounds that a limit would reduce flexibility.

NOAA response. In reassessing section 933.22(b) in light of these comments and the changes made in section 933.21, NOAA agrees that a 10 percent funding limitation is not practical. Therefore, this limitation has been dropped.

(f) *Relationship to interstate grants.* One Commentator inquired whether two States interested in a technical research project on a problem of mutual concern would apply for funding pursuant to subsection 310(a) or section 309.

NOAA response. NOAA refers this commentator to section 933.10(b) which states that subsection 310(a) emphasizes technical research while section 309 focuses upon regional cooperation and coordination, particularly with respect to policy coordination. NOAA notes, however, that it will not always be clear which funding section is appropriate in some cases. In such cases, grant applicants should consult with the Associate Administrator.

(g) *Eligible entities and arrangements.* One commentator suggested that section 933.11(a)(1) be deleted since it repeats the definition of "person" contained in section 933.2(d), while a second commentator suggested that the term "other entities" be clarified to include groups of municipalities or counties.

NOAA response. NOAA agrees with the first commentator that section 933.11(a)(1) is duplicative and therefore has deleted it. In response to the second commentator, NOAA notes that the definition of "person" in section 933.2(d) includes both local and regional governments and entities of such governments. Accordingly, no change has been made in the regulations.

(h) *Funding limits.* One commentator asked whether there would be either a minimum or a maximum established on the amount of funds granted to a region.

NOAA response. For purposes of the national part of the program, NOAA does not plan to make regional allocations.

STATE GRANTS FOR RESEARCH AND TECHNICAL ASSISTANCE

(a) *Relationship to program development and administrative grants.* One commentator asked who would determine which activities are to be funded pursuant to sections 305 and 306 of the Act and which activities are to be funded pursuant to section 310(b). This commentator also considered sections 933.30 and 933.32 to be inconsistent because the former appeared to permit funding of management program-related activities while the latter appeared to preclude such funding.

NOAA Response. Where questions arise concerning the appropriate section under which funding for a given project should be requested States should consult the Associate Administrator. NOAA does not believe that sections 933.30 and 933.32 are inconsistent. Section 933.30 provides funding pursuant to subsection 310(b) for activities which support or enhance program development and/or administration, while section 933.32 precludes the funding of actual operating costs associated with a State's program. In other words, subsection 310 (b) funds may be used to examine problems related to programs administration but may not be used for program administration itself. Accordingly, no change has been made in the regulations.

(b) *Results within one year.* Four commentators questioned the definition of short-term research as that which would show results within one year's time, arguing that this requirement was arbitrary or unduly restrictive. One of the commentators asked further what would constitute "results."

NOAA response. NOAA's purpose for establishing a time frame within which a subsection 310(b) project should show results was to emphasize the short-term, applied nature of the research, study and/or training eligible for funding. A one-year time frame was chosen for this purpose in order to be consistent with the length of subsection 310(b) grants. Where results or other findings at the end of one year's effort can be shown to justify additional study, a subsection 310(b) grant can be renewed, assuming funds are available. While NOAA expects a research, study or training effort conducted pursuant to subsection 310(b) to produce "results" through planning or management applications, such "results" need not necessarily be demonstrated within one year, so long as the project itself is producing data or other information useful to program development and/or administration. Accordingly, NOAA has made no change in the regulations.

(c) *Funding of coastal energy impact and estuarine sanctuary research.* One commentator argued that coastal energy impact research should be given low funding priority because of the funding available under section 308; this commentator also asked that the term "not otherwise fundable" pursuant to section 308 be explained. A second commentator suggested that the amount of a grant available for coastal energy impact or estuarine sanctuary research be limited because of the costly nature of such research.

NOAA response. In order for such research to be considered for funding under subsection 310(b), it first must be demonstrated that it is either ineligible for funding under sections 305, 306, or 308 or that available funds under those sections have been exhausted. If this can be demonstrated, the project will be judged on its merits including its cost relative to the total amount of funds available under subsection 310(b). NOAA will apply these same criteria to applications for funding of research and studies related to an estuarine sanctuary. Therefore, NOAA has made no changes in the regulations.

(d) *Funding of sea grant research.* One commentator asked whether subsection 310(b) funds could be used to augment relevant ongoing research conducted at a Sea Grant institution.

NOAA response. NOAA considers the use of subsection 310(b) funds to augment relevant ongoing research at a Sea Grant or other academic institution to be permissible provided such research would yield results within a year which would be used to further management program development and/or implementation, and that Federal funds from one source not be used to meet match requirements of the other program.

(e) *Training.* One commentator inquired as to how and by whom training would occur, while a second commentator suggested that "attorneys" be added to the list of occupations for which training could take place.

NOAA response. NOAA does not wish to restrict the training options which States may consider by specifying eligible training procedures and locations. However, in justifying their requests for funding, States will be expected to demonstrate the usefulness and viability of a given training effort. Therefore, no change has been made in the regulations in response to the first commentator. NOAA does believe, however, that the second commentator's suggested addition of "attorneys" is appropriate and accordingly has added "attorneys" to section 933.32(b)(2).

(f) *Definition of construction.* Two commentators suggested that the term "construction" in section 933.32(b)(3) be defined more narrowly so that some small research-related construction and/or construction project planning not be precluded from funding.

NOAA response. Given the fact that no construction is permitted under sections 305 and 306 and that section 310 is intended to further the purposes of sections 305 and 306, it seems logical to extend the prohibition against construction to section 310. In addition, the limited amount of funding available under subsection 310(b) argues against permitting any type of construction. Accordingly, no change has been made in the regulations.

(g) *Acquisition of equipment.* One commentator urged that acquisition of technical and/or site-specific equipment be permitted in section 933.32(c)(5).

NOAA response. It is general NOAA policy that the lease or rental of equipment is preferable to its acquisition because the cost/benefit ratio for short-term use normally cannot be shown to justify purchase. Therefore, no change has been made in the regulations.

(h) *Allocation of funds.* One commentator asked whether available funds would be divided equally between research, study and training activities.

NOAA response. Available funds will not necessarily be allocated evenly between research, study and training. Allocation will be determined by the nature, number, and cost of subsection 310(b) funding requests received in any given fiscal year.

(i) *Priority for management program-related activities.* On commentator questioned the funding priority given in section 933.32(b) to activities which directly support program development and/or implementation, arguing that this did not adequately recognize the importance of scientific research.

NOAA response. This commentator is referred to the discussion in paragraph (b), National Research and Technical Assistance, above.

(j) *Priority for States experiencing difficulty.* Four commentators suggested that the priority assigned in section 933.33(c) to States having difficulty in achieving program approval or in implementing management programs potentially was counter-productive. One of these commentators suggested that this language be removed, while another suggested that it be amended.

NOAA response. NOAA agrees that this funding priority does have the potential for being counter-productive to the development and/or implementation of the best possible management programs, and accordingly has deleted § 933.33(c).

(k) *Allocation of funds.* One commentator suggested that funds be made available to States on a "fair share" basis, and subsequently be redistributed if applications were not received by a certain date. A second commentator asked whether there would be either a minimum or maximum established on the amount of funds granted to a State.

NOAA response. NOAA does not intend to allocate funds by State nor to establish maximums or minimums. Funding decisions will be made on the basis of the number of applications received, the cost and quality of proposals. Accordingly, no change has been made in the regulations.

(l) *Renewal of grants.* Two commentators asked whether grants would be renewable in order to deal with projects which require more than one year.

NOAA response. State grants under subsection 310(b) can be renewed, provided the conditions set out in paragraph (b) above are met.

NOAA has reviewed these regulations pursuant to the National Environmental Policy Act of 1969 and has determined that promulgation of these regulations will not have a significant impact on the environment.

NOAA has determined that this document does not contain a major proposal

requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Following consideration of comments received and other relevant information, there are adopted below revised final regulations for the funding and operation of national and State research, study and training programs.

Dated: July 22, 1977.

ROBERT CARNAHAN,
Acting Assistant Administrator for Administration.

In consideration of the foregoing, Part 933 is issued as follows:

Subpart A—General

Sec.
933.1 Basic purposes.
933.2 Definitions.

Subpart B—National Research and Technical Assistance Program

933.10 General.
933.11 Eligible entities and arrangements.
933.12 Use of funds.

Subpart C—Operation of National Research and Technical Assistance Program

933.20 Priorities and annual spending plans.
933.21 Funding arrangements.

Subpart D—State Grants for Research and Technical Assistance

933.30 General.
933.31 Eligible entities.
933.32 Use of funds.
933.33 Funding priorities.

Subpart E—Application for State Research and Technical Assistance Grants

933.40 General.
933.41 Applicant responsibility.
933.42 Application procedures.
933.43 Approval of applications.
933.44 Amendments.
933.45 Copies of products.

AUTHORITY: Sec. 310, Coastal Zone Management Act of 1972 (Pub. L. 92-583, 83 Stat. 1280, as amended by Pub. L. 94-370, 90 Stat. 1013).

Subpart A—General

§ 933.1 Basic purposes.

(a) This section sets forth the basic purposes for which the national research and technical assistance program, pursuant to subsection 310(a) of the Act, will be operated, and for which State research and technical assistance grants, pursuant to subsection 310(b) of the Act, will be awarded. The basic intent of both subsections is to fund research, study, and training which supports the development and administration of State coastal zone management programs. However, there is a significant difference in focus between the two subsections in that State grants pursuant to subsection 310(b) will be awarded to State coastal zone development or management agencies for the purpose of meeting State-specific research, study and training needs, while the national program pursuant to subsection 310(a) will work with a variety of entities and will endeavor to address needs which are regional or national in scope.

(b) *Comment.* Statutory citation, subsection 310(a):

The Secretary may conduct a program of research, study, and training to support the development and implementation of management programs. * * * The Secretary may enter into contracts or other arrangements with any qualified person for the purposes of carrying out this subsection.

(c) *Comment.* Statutory citation, subsection 310(b).

The Secretary may make grants to coastal states to assist such states in carrying out research, studies, and training required with respect to coastal zone management.

§ 933.2 Definitions.

(a) The term "Act" means the Coastal Zone Management Act of 1972, as amended.

(b) The term "Secretary" means the Secretary of Commerce or his/her designee. Delegations of authority from the Secretary to the Administrator, National Oceanic and Atmospheric Administration (NOAA), have been duly executed by Amendment 5 of Department of Commerce Organization Order 25-5A, dated October 13, 1976, and from the Administrator to the Associate Administrator for Coastal Zone Management, by NOAA Circular 76-82, effective October 13, 1976.

(c) The term "Associate Administrator" means the Associate Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) The term "person" is as defined in subsection 304(13) of the Act and means "any individual; any corporation, partnership, association, or other entity organized or existing under the laws or any state, regional, or local government; or any entity of any such Federal, state, regional, or local government."

Subpart B—National Research and Technical Assistance Program

§ 933.10 General.

(a) The national research and technical assistance program established pursuant to subsection 310(a) of the Act is a program utilizing contracts and other arrangements to support regional and national research, study, and training activities which assist State efforts to develop and/or administer coastal zone management programs.

(1) This program will be conducted so as to complement and support work being done by States using grants under sections 305 or 306 of the Act.

(2) Research, study and training efforts will be expected to address the needs of a group of States, a region, or the entire nation or the national coastal zone management program.

(b) The national research and technical assistance program is differentiated from the interstate grant program, pursuant to section 309 of the Act, by the former's emphasis on technical research, study and training. The interstate program, by contract, focuses upon regional cooperation and coordination with particular attention directed toward the development of compatible coastal zone policies.

§ 933.11 Eligible entities and arrangements.

(a) The Associate Administrator will enter into contracts or make other arrangements with any qualified person for the performance of work pursuant to subsection 310(a) of the Act.

(1) For purposes of this subsection, the term "other arrangements" includes both cost-reimbursable and non-reimbursable arrangements with other Federal agencies. Such arrangements shall include the use of the provisions of the Intergovernmental Personnel Act of 1970 (Pub. L. 91-648; Pub. L. 93-638) both for purposes of training and for providing technical assistance. Other arrangements may also include grants to State agencies or other units of government, or to educational or non-profit institutions.

(b) *Comment.* Statutory citation, subsection 310(a):

Each department, agency, and instrumentality of the executive branch of the Federal Government may assist the Secretary, on a reimbursable basis or otherwise in carrying out the purposes of this section, including, **but not limited to, the furnishing of** information to the extent permitted by law, the transfer of personnel with their consent and without prejudice to their position and rating, and the performance of any research, **study, and training which does not interfere** with the performance of the primary duties of such department, agency or instrumentality.

§ 933.12 Use of funds.

(a) Research and studies under subsection 310(a) shall include studies, pilot or demonstration projects, or other analyses complementing or enhancing development and/or administration of State coastal management programs, but with broader application than research and studies funded pursuant to subsection 310(b). The term "broader application" is intended to imply both a broader geographic coverage and a broader range of problems.

(1) Research and studies funded under subsection 310(a) can be expected to:

(i) Supplement and enhance work geared toward management program development and administration;

(ii) Aid in the resolution of coastal zone management issues;

(iii) Have application to a group of States, a region, or the entire nation;

(iv) Assist in resolving issues related to the administration of the national coastal zone management program; and

(v) Where appropriate, be transferable or usable beyond the study area.

(2) In contrast to State grants pursuant to subsection 310(b), these efforts will not necessarily focus on technical and site-specific studies.

(b) Training under subsection 310(a) shall include study, course-work, or other educational activities geared toward developing and/or improving the capabilities of individuals working in or preparing to work in the field of coastal zone management. Such training need not be limited solely to the short-term, professional skill development anticipated in subsection 310(b).

(1) Training activities funded under subsection 310(a) can be expected to:

(i) Improve the capabilities of personnel currently involved in coastal zone management work,

(ii) Provide for the development of additional trained coastal zone management personnel,

(iii) Contribute to improved understanding of the field of coastal zone management, or

(iv) Meet the needs of, or be transferable to, a group of States, a region, or the entire nation.

(2) Training may include, but need not be limited to, the following:

(i) Internships or other training programs designed to provide actual experience working in the field of coastal zone management;

(ii) Course or curriculum development and testing at the high school, college, and graduate school levels;

(iii) Testing of new approaches to education and training in coastal zone management; and

(iv) Exploration of the relationship of coastal zone management to other related fields.

Subpart C—Operation of National Research and Technical Assistance Program

§ 933.20 Priorities and annual spending plans.

(a) Periodically, the Associate Administrator will develop a Priorities Plan for the national research and technical assistance program.

(1) This Plan will indicate those coastal zone management issues, subjects, and areas which the Associate Administrator believes should be the subject of research, study, and training over a specific period of time (usually three to five years). Relative priorities will be assigned to major subject areas contained in the Plan.

(2) In order to be responsive to State, regional, and national coastal zone management issues and needs, and to avoid duplication of research being conducted by others, the Priorities Plan will be circulated for comment in draft form to coastal States, other Federal agencies and other interested parties engaged in related research and/or training.

(3) After considering these comments, the Associate Administrator will finalize the Priorities Plan and make it generally available.

(4) The Priorities Plan will be revised periodically by the Associate Administrator and updated as deemed appropriate, following circulation of such changes for review and comment.

(b) *Comment.* Statutory citation, subsection 310(c)(1):

> The Secretary shall provide for the coordination of research, studies, and training activities under this section with any other such activities that are conducted by, or subject to the authority of, the Secretary.

(c) Based upon the Priorities Plan, the Associate Administrator will develop an Annual Spending Plan for subsection 310(a) which will indicate planned research and technical assistance activities for that fiscal year in more detail. Where possible, the Spending Plan will also indicate the means by which the Associate Administrator intends to accomplish such studies (i.e., by request for proposals, transfer of funds to other Federal agencies, grants, etc.) and the timing of such actions.

(1) A summary of the Spending Plan and the updated Priorities Plan will be made available to all interested parties upon request.

§ 933.21 Funding arrangements.

(a) To accomplish the national research and technical assistance program, the Associate Administrator may utilize any appropriate procedures which may include:

(1) Competitive procurement,

(2) Sole source procurement,

(3) Grants to State agencies or other units of government, or to educational or non-profit institutions,

(4) Cooperative agreements,

(5) Cost-reimbursement of other Federal agencies, and

(6) Personnel transfers on a reimbursable or non-reimbursable basis.

(b) Because of the variety of funding arrangements available to the Associate Administrator pursuant to subsection 310(a), the specific application procedures will vary depending on the nature of appropriate arrangements, and will be in accordance with prescribed procedures applicable to the Federal Government or pursuant to Department of Commerce or NOAA administrative procedures.

Subpart D—State Grants for Research and Technical Assistance

§ 933.30 General.

(a) The State research and technical assistance program, pursuant to subsection 310(b) of the Act, is a program of grants to States to support research, study and training activities which improve State capability to develop and/or administer coastal zone management programs.

(1) Research, study and training grant applications should develop from needs identified or problems experienced during program development and/or administration.

(2) Applications should be justified in terms of the usefulness of the anticipated results to basic program efforts.

(b) Because of the highly applied nature of research conducted pursuant to subsection 310(b) of the Act, it may be difficult to judge whether an activity is most appropriately funded pursuant to subsection 310(b) or pursuant to sections 305 and 306 of the Act.

(1) Generally speaking, those activities which are essential to meeting the criteria for program approval or which are integral to operating an approved program should be funded pursuant to sections 305 and 306 of the Act.

(2) Those activities which enhance or improve a State's ability to meet the criteria for approval or to operate an approved program should be funded pursuant to subsection 310(b).

(3) It is anticipated that research and studies funded pursuant to section 310(b) will be more technical in nature or more geographically specific than those activities typically funded pursuant to sections 305 and 306 of the Act.

§ 933.31 Eligible entities.

To be eligible for grants pursuant to subsection 310(b), a State must either be making adequate progress toward the development of a coastal zone management program pursuant to section 305 of the Act or be operating an approved management program pursuant to section 306 of the Act.

§ 933.32 Use of funds.

(a) For purposes of subsection 310(b), research and studies shall include studies, pilot or demonstration projects, or other analyses of short term duration which can be expected to show results within one year's time. Such research or studies shall be derived from State coastal zone management program development and/or administration needs and shall utilize existing materials to the extent possible.

(1) Such research and studies will tend to focus more on technical and site-specific issues rather than on institutional and managerial issues.

(2) Research and studies related to the coastal energy impact program, established pursuant to section 308 of the Act, may be funded pursuant to subsection 310(b) of the Act if such research and studies are clearly related to a State's ongoing management program efforts and if such research and studies are not otherwise fundable pursuant to sections 308, 305 or 306 of the Act.

(3) Research and studies related to or conducted within an estuarine sanctuary established pursuant to section 315(1) of the Act may be funded under subsection 310(b) if such research and studies can be shown to be related to program administration, and otherwise meet the criteria set forth in these regulations.

(b) For purposes of subsection 310(b), training shall refer to the education or other development of such personnel as may be needed to efficiently and effectively develop and/or administer State coastal zone management programs or to administer coastal energy impact funds.

(1) In general, such training should be of short term duration and should be directed toward the development of specific job-related skills.

(2) Such training may be for, but not limited to, the following types of expertise at both the State and local levels: permit reviewers and inspectors, law enforcement officers, natural resource managers, economists, fiscal officers, attorneys, planners, and persons with specialized training in the natural sciences.

(c) Grants issued pursuant to subsection 310(b) of the Act may not be used for the following purposes:

(1) Basic and/or long term research or education efforts;

(2) State management program administration activities;

(3) Construction;
(4) Land acquisition; or
(5) Permanent equipment acquisitions, unless such acquisitions can also be used for program development and or administration purposes.

§ 933.33 Funding priorities.

(a) The Associate Administrator will not establish priorities between nor allocate funds specifically to research and study activities on the one hand or training activities on the other.

(b) Highest funding priority will be given to those research, study and/or training activities which directly support program development and/or administration.

(c) Lower funding priority will be given to the following:

(1) Activities which have a continuing funding dimension and a long time frame for completion; and

(2) Institutional and/or management studies more appropriately funded pursuant to sections 305 and 306 of the Act.

Subpart E—Application for State Research and Technical Assistance Grants

§ 933.40 General.

(a) The purpose of this section is to define the procedures by which grantees apply for and administer grants under the Act and to provide guidelines regarding the content of applications for State research and technical assistance grants pursuant to subsection 310(b) of the Act. These procedures shall be used and interpreted in conjunction with the Grants Management Manual for Grants under the Coastal Zone Management Act, hereinafter referred to as the "Manual." The Manual incorporates a wide range of Federal requirements, including those established by the Office of Management and Budget, the General Services Administration, the Department of the Treasury, the General Accounting Office, and the Department of Commerce.

(b) Applications for grants under subsection 310(b) of the Act will be accepted by the Associate Administrator at any time during the fiscal year provided that they contain the information required pursuant to § 933.42.

(c) States are encouraged to submit applications for grants under subsection 310(b) at the same time that they submit applications for grants under sections 305 or 306 in order to enable the Associate Administrator to review more comprehensively State management program efforts and to expedite processing at both the State and Federal levels.

(d) States may submit more than one subsection 310(b) application per year if research or technical assistance needs arise that were not anticipated at the time of first application for subsection 310(b) funds.

(e) An application need not contain both research and training elements.

(f) Grants shall not exceed eighty percent of the total cost of the proposed research and/or training. Federal funds received from other sources cannot be used to match subsection 310(b) grants. Match provided by the applicant may consist of cash or in-kind services as provided in the Manual.

(g) Costs claimed as charges to the grant project must be beneficial and necessary to the objectives of the grant project. As used herein the terms "costs" and "grant project" pertain to both the Federal grant and the matching share. The allowability of costs will be determined in accordance with the provisions of FMC–accordance with the provisions of FMC 74–4: Cost Principles Applicable to Grants and Contracts with State and Local Governments.

(h) Grants shall be made for a maximum of one year's duration.

§ 933.41 Applicant responsibility.

(a) The application shall designate the entity to receive and administer grants pursuant to subsection 310(b). The applicant for such grants must be that entity designated by the Governor pursuant to 15 CFR 920.52 where a State is developing a coastal management program or that entity designated by the Governor pursuant to section 306(c)(5) of the Act where a coastal State is administering an approved management program. This entity may, in turn, pass through funds to, or subcontract with, other entities.

(b) The grantee will be administratively and fiscally responsible for all aspects of the grant, including any subcontracts made by the grantee.

§ 933.42 Application procedure.

(a) All applications are subject to the provisions of OMB Circular A–95 (revised).

(b) The Form SF–424, Application for Federal Assistance (Non-Construction Programs), constitutes the formal application and must be submitted sixty days prior to the desired grant beginning date. The application must be accompanied by evidence of compliance with requirements of OMB Circular A–95, including the resolution of any problems raised about the proposed project. The Associate Administrator will not accept applications that are substantially deficient in adherence to A–95 requirements.

(c) In Part IV, Program Narrative, of the Form SF–424, the applicant shall respond to the following requirements:

(1) A description of the work program to be undertaken during the grant period. This work program shall include:

(i) A precise description of each major research or study task to be undertaken, including an explanation of the need for this task, how it will be accomplished, what existing material it builds on, what results are expected, and how these results will be used in the management program.

(ii) A precise description of each major training task to be undertaken, including an explanation of the need for this training, how it will be accomplished, what existing efforts it builds on, who will benefit from it, and how these benefits will relate to the management program.

(iii) For each task, identify any "Other Entities," as defined in the "Manual," that will be allocated responsibility for carrying out all or portions of the task, and indicate the estimated cost of any subcontract for each allocation. Identify, if any, that portion of the task that will be carried out under contract with consultants and indicate the estimated cost of such contract(s). Where all or part of the work is to be subcontracted, the extent and nature of grantee supervision should be indicated.

(iv) For each task indicate the estimated total cost. Also indicate the estimated total months of effort, if any, allocated to the task from the applicant's staff.

(2) The sum of all tasks in subparagraph (1) above should equal the total estimated grant project cost.

(3) Using two categories, Professional and Clerical, indicate the total number of personnel in each category on the applicant's staff that will be assigned to the grant project. Also indicate the number assigned full-time and the number assigned less than full-time in the two categories. Additionally, indicate the number of new positions created in the two categories as a result of the grant project. Indicate total personnel costs.

§ 933.43 Approval of applications.

(a) An application for a state research, study and/or training grant which complies with the policies and requirements of the Act and the guidance contained in this subpart shall be approved by the Associate Administrator, assuming available funding.

(b) Should an application be found deficient, the Associate Administrator will notify the applicant in writing as to the manner in which the application fails to conform to the requirements of the Act or this subpart. Conferences may be held on these matters. Corrections to the application will provide the basis for resubmittal of the application for further consideration and review.

(c) The Associate Administrator may, upon finding extenuating circumstances relating to an application for State research, study and/or training grant, waive appropriate administrative requirements contained herein.

§ 933.44 Amendments.

(a) Amendments to an approved application must be submitted to the Associate Administrator prior to initiation of the contemplated change. Requests for substantial changes should be discussed with the Associate Administrator well in advance. While all amendments must be approved in writing by the NOAA Grants Officer, approval may be presumed for minor amendments if the grantee has not been notified of objections within thirty (30) working days of the date of postmark of the request.

§ 933.45 Copies of products.

(a) In order to insure the ability of the Associate Administrator to make the results of research conducted pursuant to this subsection available to any interested person, grantees shall supply the Associate Administrator with five (5)

copies of any products, reports, studies, etc. financed in whole or in part by subsection 310(b) monies. Such products shall be received by the Associate Administrator no later than three months after the expiration date of the grant.

(b) *Comment.* Statutory citation, subsection 310(c)(2):

The Secretary shall make the results of research conducted pursuant to this section available to any interested person.

(1) At least one of the copies received by the Associate Administrator shall be transmitted to the National Technical Information Service for purposes of assuring general availability to interested parties.

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federal register

FRIDAY, JULY 29, 1977
PART IV

NATIONAL SCIENCE FOUNDATION

■

GRANT POLICY MANUAL

NATIONAL SCIENCE FOUNDATION

GRANT POLICY MANUAL

AGENCY: National Science Foundation.

ACTION: Final Grant Policy Manual.

SUMMARY: The NSF Grant Policy Manual (GPM) implements OMB Circular A–110 as well as the laws, executive orders and other directives listed in Exhibit I–1. It applies to all NSF grantees and prospective grantees.

EFFECTIVE DATE: October 1, 1977 for new proposals and new grants or amendments to existing grants.

FOR FURTHER INFORMATION CONTACT:

Francis G. Naughten, Grants Policy Officer, National Science Foundation, Washington, D.C. 20550, 202–632–4148.

SUPPLEMENTARY INFORMATION: On January 31, 1977, the National Science Foundation published in the FEDERAL REGISTER the text of the proposed Grant Policy Manual which is to replace the existing Grant Administration Manual. Based upon comments received on the draft, a number of changes have been made. These are summarized under the headings below:

1. General

It was originally contemplated that the Grant Policy Manual would (1) implement OMB Circular A–110 and other pertinent statutes, Executive Orders and directives and (2) be incorporated by reference in each NSF grant. NSF has decided that the Grant Policy Manual will implement A–110 and other pertinent statutes, Executives Orders, and directives, but that it will not be incorporated by reference in each NSF grant. Instead, it will establish proposal submission requirements and provide guidance on the NSF grant process. In addition, each grant that is awarded will contain specific terms and conditions, or will incorporate by reference specific terms and conditions.

2. Other Agreements

References to "other agreements" have been deleted. The Grant Policy Manual covers grants only. However, NSF does plan to use grants and other agreements consistent with the purposes expressed in the "Federal Grant and Cooperative Agreement Act of 1977" now pending in the Congress. Information on requirements for other agreements will be disseminated separately.

3. Approval and Revision Procedures

a. GPM 322, on procurement standards, is clarified to state that, unless the grant instrument contains specific provisions therefor, prior approval for the listed items will be obtained from NSF.

b. GPM 504.6 (now GPM 505) is rewritten to summarize the requirements of FMC 73–7 and of A–110 concerning expenditure controls and budget revisions and to more clearly state the NSF policy regarding prior approvals. Delegation of prior approval authority is expanded to include additional items.

c. A new Exhibit 5–1 has been included to summarize types of prior approvals.

d. GPM 521 has been revised to more fully explain the allowability of costs for alterations and renovations, and a new GPM 523, regarding news release costs, has been added.

e. GPM 613 is reworded to provide that the organizational prior approval system is intended to provide a means of implementing the organization's budget revision, as well as project monitoring, responsibilities. It is also expanded to outline the requirements of an organizational prior approval system.

f. GPM 630–636 (now GPM 630–632). This entire section (changes in the Grant Budget) has been clarified. In addition, and in accordance with OMB A–110 (para. J5), NSF does not choose to restrict transfers of funds among direct cost categories for grants over $100,000 when the cumulative amount of such transfers exceeds or is expected to exceed 5 percent of the total approved budget.

4. Consultant Services

a. GPM 203.5 is reworded to delete "consultant arrangements" from items to be included in the vitae.

b. GPM 204.1 is reworded to require that the need for consultant services be summarized in the proposal narrative and that funds be requested in the proposal budget.

c. GPM 322, on procurement standards, is modified by deletion of all references to consultant services.

d. GPM 516.1 adds a legislative requirement that payment for a consultant's services may not exceed the daily equivalent of the maximum rate paid a U.S. Government GS–18.

5. Property Management

a. Since NSF has statutory authority to vest title to nonexpendable personal property, GPM 332 is recast to eliminate equipment management standards except for Government Property.

b. GPM 512: (1) The definition of "equipment" is modified by insertion of language indicating that organizations subject to the standards of the Cost Accounting Standards Board may use the CASB definition of "nonexpendable personal property" for the purposes of the CASB standards. However, for grant budget, prior approval, and budget revision purposes, the NSF definition of "equipment" and "materials and supplies" will govern.

(2) The definitions of "general purpose equipment" and "special purpose equipment" are clarified by specific reference to the definition for equipment."

c. GPM 513. The definition of "materials and supplies" is clarified by excluding items covered by the definition of "equipment."

d. GPM 772. The language is clarified with respect to the allowability of equipment trade-ins.

6. NSF-Grantee Relationships

a. GPM 233/643.4c(2). These two sections have been combined into a new GPM 233, which provides that a revised and signed proposal budget is only required when changes in the total proposed grant amount exceed 10 percent or $10,000.

b. GPM 614, on NFS Prior Approval System, has been revised in order to correspond with the new Exhibit 5–1 (Summary of Prior Approval Requirements for Direct Charges). GPM 615.3, on significant Changes, Delays, etc., in the project, and GPM 622, changes in the Principal Investigator, have been revised to require endorsement of the Authorized Organizational Representative. GPM 623b (now GPM 623) has been revised to require that any post award request to transfer the project effort be countersigned by the Authorized Organizational Representative and adderssed to the NSF Grants Officer.

7. Tuition Remission

GPM 526, (formerly GPM 525) has been omitted pending the issuance of new government-wide cost principles.

8. Cost Sharing and Matching

a. The Proposal Budget format (Exhibit 2–4) has been revised to eliminate the cost sharing line.

b. "Token participation" (GPM 642i, now GPM 642) and "cost sharing" (GPM 643.3) are clarified;

c. GPM 643.4 is recast to more closely reflect present NSF policy on methods of cost sharing (GAM 202.7);

d. GPM 643.5 is revised to more closely reflect the records and reports requirements of OMB Circular A–110 by deleting the requirement for an annual NSF cost-sharing report.

9. Human Subjects, etc.

a. The title of GPM 710 is changed to "Protection of Living Organisms;"

b. An NSF policy on recombinant DNA was promulgated as NSF Important Notice No. 64. Therefore, GPM 712 is revised for conformance and a new Exhibit 7–4 is added.

c. GPM 711c, concerning the use of human subjects, has been revised to allow for more flexibility vis-a-vis proposal submission (i.e., statement of Institutional Review Board not required to be submitted with proposal).

10. Payment and Financial Reporting Requirements

a. GPM 422a, 424e(2) and 424e(4) (all of which discuss the Letter of Credit) have been revised in accordance with revised Treasury Department Regulations.

b. Additional time has been provided for submission of the Federal Cash Transactions Report (GPM 430c).

11. Suspension or Termination Procedures

a. GPM 663.2f (concerning unilateral termination) is deleted.

b. An NSF Termination Review Procedure is added as GPM 665.

12. Summer Salares

GPM 511.1b(2) substitutes the provisions of FMC 73–8, paragraph J.7j con-

cerning base salary for periods outside the Academic Year.

13. CHANGES IN OBJECTIVES, SCOPE, OR METHODOLOGY

GPM 621.2 is reworded to delete specific time requirements for proposed changes.

14. PUBLICATION, COPYRIGHT, AND RIGHTS IN ADP DATA BANKS AND SOFTWARE

a. The acknowledgement and disclaimer provisions of GPM 753.4 are expanded and relocated as GPM 752.4.

b. The copyright provisions of GPM 753.1 are recast to exclude NSF Fellowships and Traineeships.

c. GPM 754 is clarified to provide: that the investigator who produced the data or software shall have first right of publication; and that any out of pocket costs incurred by the grantee in providing information from ADP data banks to third parties may be charged to the requesting organization.

15. RECORDS, RETENTION AND AUDIT

a. GPM 682a(2) is revised to provide that records concerning project income shall be retained by the grantee until three years from the end of the grantee's fiscal year in which the income is earned (rather than until final disposition of the Federal share of such income).

b. GPM 682d is similarly revised and amplified to indicate that NSF will negotiate an agreement as to cost reimbursement for those records NSF wishes to have transferred to its custody.

c. GPM 682c is changed to incorporate the records retention requirements of Attachment O to OMB Circular A-110.

16. FLOW DOWN PROVISIONS

GPM 623 has been expanded to provide that, where some of the project effort is transferred to another organization, the contract or other arrangement between the NSF grantee and such organization will provide for appropriate flowdown of provisions.

17. ON-CAMPUS/OFF-CAMPUS INDIRECT COSTS

a. GPM533.2 is reworded to urge organizations to establish an on-campus/off-campus policy, approved by the cognizant negotiating agency.

b. GPM 534.3 is reworded to state that for projects involving both on and off campus activities, NSF normally will use both on and off campus rates, eliminating the "preponderance of activity" criteria as formerly stated in GAM 334.4 (NSF 73-26) which provided that NSF would apply either the on-campus or off-campus indirect cost rate to entire projects of $100,000 or less per annum depending upon where the preponderance of activity of the project would occur during the period of grant support.

18. EXPERIMENTAL OR INNOVATIVE CURRICULUM DEVELOPMENT PROJECTS

A new GPM 795 has been added, concerning coordination by local school boards or comparable authority of curriculum development projects involving pre-college students.

19. NEW LEAD TIME REQUIREMENT FOR NO-COST EXTENSIONS

GPM 244.3 is revised to allow NSF sufficient processing time. It provides that requests for no-cost extensions must be received by the cognizant NSF Program Officer 45 days prior to the expiration date of the grant.

20. GRANTEE REPORTING REQUIREMENTS

GPM 673 is revised to make reporting requirements more explicit.

21. MISCELLANEOUS STATUTORY REQUIREMENTS RELOCATED

GPM 207 (now GPM 796) Environmental Impact Statement; GPM 208 (now GPM 797) Flood Disaster Protection Act; and GPM 209 (now GPM 798) Protection of Properties in the National Register of Historic Places, have been moved to Chapter VII.

22. APPENDICES DELETED

NSF has decided not to include as appendices the text of those NSF Regulations cited in the Manual which are already available in 45 CFR Chapter VI.

23. PROPOSAL FORMAT

GPM 203.5—NSF "Notice of Research Project" format for proposal abstracts is included as Exhibit 2-8.

ELDON D. TAYLOR,
Assistant Director
for Administration.

JULY 21, 1977.

NEW GRANT POLICY MANUAL

Following is the text of the new Grant Policy Manual (NSF Manual No. 15), including Exhibits on the NSF Proposal Cover Page Format, the Proposal Budget Format, and the Summary of Prior Approval Requirments for Direct Charges.

NSF GRANT POLICY MANUAL

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FOREWORD

This Grant Policy Manual is a compendium of basic NSF grant policies and procedures for use by the grantee community and by NSF staff. The Manual implements Office of Management and Budget Circular A-110 which is directed toward standardizing and simplyfying the various accountability and reporting requirements among Federal granting agencies. The Foundation endorses this objective and will continue to review its grant requirements to reduce the administrative burden on its grantees. We welcome any suggestions for such improvement.

The Foundation carried out an intensive coordination effort in the preparation of this Manual. In addition to review by the National Science Board and NSF staff, the Manual was published in draft form in the FEDERAL REGISTER. Comments and suggestions were received from a number of institutions and individuals. Presentations were made at meetings of Business Officers and Research Administrators. This final version incorporates many of the comments and suggestions made by interested parties. We greatly appreciate the assistance of all who participated.

The NSF Assistant Director for Administration is responsible for issuing periodic changes to this Manual to incorporate approved changes in policy and procedure. Questions regarding the Manual should be addressed to the NSF Division of Grants and Contracts.

RICHARD C. ATKINSON,
Director.

PREFACE

This NSF Grant Policy Manual (NSF Manual No. 15) updates and replaces the NSF **Grant Administration Manual (NSF 73-26)** dated October 1973. It implements OMB Circular A-110 and provides guidance for all NSF grants issued under the authority of the NSF Act of 1950, as amended (42 U.S.C. 1861 et seq.). Proposals for NSF support of projects submitted on and after Oct. 1, 1977 should follow the provisions of Chapter II and section 340 of this Manual. NSP grants and amendments to existing grants will be subject to the provisions contained in the grant instrument which will be consistent with the guidance provided by this Manual.

This Manual has been prepared in looseleaf form, and will be updated periodically by means of numbered transmittal notices. It is being distributed, under a controlled distribution list, in limited numbers of copies to administrative and financial management officials of public and private organizations and institutions to whom NSF grants are awarded for the performance of research or other projects of the types described in the NSF Guide to Programs or applicable program announcements or solicitations.

Major differences between the NSF requirements and procedures contained in this Manual and its predecessor are, in order of their appearance:

1. PROPOSAL SUBMISSION, EVALUATION, AND AWARD

a. While maintaining its traditional policy of prescribing proposal procedures through program announcements and solicitations, NSF recognizes that OMB Circulars A-95, A-110, and A-111 and FMC 74-7 prescribe a standard Federal assistance multipurpose facesheet for certain purposes.

b. Chapter II describes a new Grant Proposal Budget.

c. Chapter II contains additional provisions concerning proposals involving consultant services or expensive special purpose equipment.

2. GRANTEE STANDARDS

a. Chapter III implements the financial management, procurement, and property management standards required by A-110 and FMC 74-7.

b. It refines the certifications required of prospective grantees for greater consistency with the new OMB standards.

3. PAYMENT AND FINANCIAL REPORTING REQUIREMENTS

a. Chapter IV describes payment policy, methods and procedures contained in Treasury Circular 1075 (revised) and A-110. The new Treasury Department Regional Disbursing Office letter of credit system is included.

b. Chapter IV also describes a machine-formated version of the new Federal Cash Transactions Report required by A-110 and FMC 74-7 to replace the traditional NSF Quarterly Expenditure Report.

4. ALLOWABILITY OF COSTS

a. Chapter V describes items of cost of special relevance to NSF grants.

b. It also delegates to grantees authority for certain prior approvals required by the cost principles.

5. PROJECT AND GRANT MANAGEMENT

a. Chapter VI implements the various Parts of FMC 73-7 concerning project direction and management, expenditure approval procedures, and the various Attachments to A-110 and FMC 74-7 concerning those and other post-award administration matters.

b. It describes an organizational prior approval system to implement the monitoring requireemnts of A-110 and FMC 74-7 and the budget revision procedures of those Circulars and of FMC 73-7. It specifies NSF responsibilities for such prior approvals as are not delegated to grantees.

c. It describes the new A-110 suspension and termination procedures replacing the traditional NSF revocation procedures.

d. A new Financial Status Report is prescribed as a part of the grant close-out procedures in lieu of the traditional NSF fiscal report.

6. OTHER CONSIDERATIONS

Chapter VII summarizes various other requirements relevant to NSF grants.

CHAPTER I—BASIC INFORMATION

This Chapter provides basic information about the National Science Foundation, its organization, grant policies, and this Manual. It consists of the following topics:

100 The National Science Foundation.
110 The NSF Grant Policy Manual.
120 Types of NSF Grants.
130 NSF-Grantee Relationships.
140 NSF Organization.

100 THE NATIONAL SCIENCE FOUNDATION

101 GENERAL

a. The National Science Foundation is an independent agency of the Federal Government established in 1950 to promote and advance scientific progress in the United States. The Foundation fulfills this responsibility promarily by sponsoring scientific research, encouraging and supporting improvements in science education, and fostering scientific information exchange. NSF does not itself conduct research or carry out education projects.

b. NSF has no programs involving the construction of public works in metropolitan areas, no development assistance programs, no programs requiring State plans as a condition of assistance, none involving coordination of planning in multijurisdictional areas, and no programs of grants to State and local governments as defined in Section 106 of the Intergovernmental Cooperation Act.

c. Recipients of NSF support have full responsibility in accordance with the terms of their grants for the conduct of their projects or activities and for the results achieved. However, they may not contract or otherwise transfer any of the research or substantive effort except as provided in GPM 623, "Contracting or Transferring the Project Effort."

102 BASIC AUTHORITY

a. The basic authority of the National Science Foundation is contained in the National Science Foundation Act of 1950 (Pub. L. 81-507, as amended, 42 U.S.C. 1861 et seq.).

b. Among other things, Sec. 3a of the NSF Act (42 U.S.C. 1862) authorizes and directs the Foundation to:

(1) Initiate and support basic scientific research and programs to strengthen scientific research potential and science education by making contracts or other arrangements (including grants, loans, and other forms of assistance) to support such scientific activities, without restriction as to the type of performer;

(2) Award scholarships and graduate fellowships in the sciences; and

(3) Foster the interchange of scientific information among scientists in the United States and foreign countries.

c. Sec. 3c of the Act also authorizes NSF to initiate and support applied research at academic institutions and other nonprofit organizations, and, when so directed by the President, to support applied scientific research relevant to national problems involving the public interest through other appropriate organizations. By letter of April 13, 1972, the President implemented the extended authority of Sec. 3c on the following terms:

The Foundation, in making grants or contracts for applied scientific research relevant to national problems involving the public interest, may support such work at other than academic and nonprofit institutions when the Director of the National Science Foundation determines that it would be advantageous to use the capabilities of such other institutions to accomplish the program objectives.

d. Sec. 3e of the Act prescribes that one of the objectives of the Foundation shall be to strengthen research and education in the sciences throughout the United States and to avoid undue concentration of such research and education.

e. Sec. 11 of the Act (42 U.S.C. 1870) provides broad authority to the Foundation to, among other things:

(1) Enter into contracts or other arrangements for the performance by organizations or individuals in the United States and foreign countries (including other government agencies) of such scientific activities as the Foundation deems necessary, without legal consideration, without performance or other bonds, and without regard to Sec. 3709 of the Revised Statutes;

(2) Make advance, progress, or other payments which relate to scientific activities without regard to Sec. 3648 of the Revised Statutes (31 U.S.C. 529);

(3) Publish or arrange for the publication of scientific and technical information without regard to various statutes.

e. Sec. 14(c) of the Act (42 U.S.C. 1873) precludes the Foundation from operating any laboratories or pilot plants.

110 The NSF Grant Policy Manual

111 Purpose, Scope, and Applicability

a. This NSF Grant Policy Manual implements OMB Circular A-110 by systematizing uniform NSF policies and procedures relating to the award and administration of NSF grants awarded under the authority of the National Science Foundation Act of 1950, as amended. This Manual is issued pursuant to the authority of Sec. 11(a) of the NSF Act (42 U.S.C. 1870).

b. This Manual also implements the Public Laws, Executive Orders, and other directives listed in Exhibit I-1 insofar as they apply to grants.

c. Grant requirements, consistent with this Manual, will be made part of grant letters or will be incorporated by reference in grant letters: Where appropriate, grant letters may modify the standard conditions applying to a specific grant-supported project.

112 General Organization and Citation

a. This Grant Policy Manual is organized into Chapters which correspond in general to the process from proposal submission through grant closeout. Other considerations which either are not universally applicable or which do not necessarily follow the proposal-award cycle are contained in a separate Chapter VII. Chapters are subdivided into Sections which cover single subjects within the scope of the Chapter. Preceding the numbered Chapters are a Preface, which summarizes changes from the predecessor Grant Adminstration Manual and states the effective date of this Manual, and the Table of Contents. Following the numbered Chapters are the Index, Distribution List, and Record of Changes.

b. The NSF Grant Policy Manual may be cited as "GPM." Specific Sections may be cited by appending the Section number, e.g., "GPM 112b."

113 Changes

Changes to this Manual will be issued under serially numbered Transmittal Notices, signed by the Assistant Director for Administration. Each such Notice will describe the new material transmitted, the old material superseded, and the purpose of the change. New material will be printed in looseleaf form, containing revised or additional pages, bearing the change number and date. When required, the Manual will be reissued.

120 Types of NSF Grants

121 Background

a. The types of activities funded by the Foundation and the purposes of NSF funding are varied. Consequently, the degree of NSF responsibility for and management control of such activities also varies. NSF traditionally has used grants for its basic research and other support activities. These grants generally have not required significant NSF involvement in the conduct or management of the supported activity.

b. The key factor in determining most of the terms and conditions appropriate to a particular grant for scientific research or related activities is the type of project which is to be conducted, not the type of performing organization which will be the recipient of the grant, or the NSF program recommending the grant.

c. This Manual is based on the premise that, in furtherance of its basic mission to foster the health of science, NSF grant administration requirements should continue to be:

(1) As minimal as possible, consistent with the need to ensure that Federal funds are wisely spent for the purposes intended;

(2) As flexible as possible, to permit optimum freedom for scientific inquiry; and

(3) As consistent as possible among both NSF Programs and categories of grantees to improve mutual understanding and administrative efficiency.

122 Definitions

The following basic terms pertaining to NSF grants have the indicated meanings.

Grant Instrument.—The following documents comprise an NSF award:

a. The grant letter, containing special provisions applicable to the award and any numbered amendments thereto (see Exhibit 2-7);

b. The budget, which indicates the amounts, by categories of expense, on which NSF has based its support (see Exhibit 2-4);

c. The proposal referenced in the grant letter;

d. General conditions applicable to the award.

Continuing Grant.—A type of grant under which NSF agrees to support a specified level of effort for a specified period of time with a statement of intention to provide additional support of the project, provided funds are available and the results achieved warrant further support.

Grant.—An award by which money, or property provided in lieu of money, is paid or furnished by the Federal Government under a program that provides financial assistance, support, or stimulation to accomplish a public purpose where no substantial involvement is anticipated between NSF, acting for the Federal government, and the grantee during performance of the project.

Grantee.—The institution, public or private nonprofit organization, or other legally accountable entity that receives a grant, and assumes legal and financial responsibility and accountability both for the awarded funds and for the performance of the grant-supported activity. In certain cases, a grantee may be an individual U.S. scientist.

Standard Grant.—A type of award under which NSF agrees to support a specified level of effort for a specified period of time with no statement of NSF intent to provide additional future of support.

130 NSF-Grantee Relationships

131 Basic Requirements

An NSF grant is normally made to an organization, known as the grantee, rather than to the individual principal investigator or project director who proposes to conduct the project. The grant establishes a relationship between NSF and the grantee in which:

a. NSF agrees to provide full or partial financial support for the costs of the project to be performed under the provisions of the grant instrument.

b. The grantee agrees to the performance of the project, to the prudent management of the funds provided by the grant and to the provisions of the grant instrument.

132 Grant Acceptance

The grantee is free to accept or reject the grant. Normally, action to obtain Federal funds constitutes acceptance of a grant once it is made. However, in some cases, NSF may require written acceptance.

140 NSF Organization

141 General

a. Reporting to the Director of the National Science Foundation are several staff Offices, the Directorate for Administration, and six scientific/technological Directorates. The current NSF organization chart is at Exhibit 1-2.

b. Of most direct concern to grantees are the Central Processing Section to which formal proposals are sent (GPM 200), the appropriate NSF Program Officer (GPM 142, below), the Division of Grants and Contracts (GPM 143, below), and the Division of Financial and Administrative Management (GPM 144, below).

142 NSF Program Officers

NSF Program Officers are the principal operational personnel in the scientific/technological directorates. They review, evaluate and recommend proposals for grants. When NSF makes a grant, the scientific aspects will be monitored by the appropriate NSF Program Officer, whose name and telephone number are shown in grant instruments.

143 Division of Grants and Contracts

a. The NSF Division of Grants and Contracts has the responsibility for assuring that any proposed grant is consistent with applicable policies, regulations, directives, and fund certifications. The Grants Officer is the only NSF official with delegated authority to issue grant letters and to obligate NSF funds for expenditures under grants.

144 Division of Financial and Administrative Management

The Grantee and Cash Management Branch of the Division of Financial and Administrative Management (telephone 202-632-4006) is available to assist the business

officer in matters of payment and financial reporting discussed in Chapter IV.

145 OFFICE OF GENERAL COUNSEL

The Office of the General Counsel is responsible for NSF legal matters. It provides legal advice to all NSF offices and makes determinations pertaining to patent matters discussed in GPM 751.

EXHIBITS

1-1 Public Laws, Executive Orders, and Other Directives
1-2 NSF Organization Chart

EXHIBIT I-1.—*Public Laws, executive orders, and other directives*

Following are lists of the various public laws, executive orders, and other directives referred to or implemented by the GPM section indicated.

1. PUBLIC LAWS

No.	Short title	GPM
Public Law:		
81-507	National Science Foundation Act of 1950 (42 U.S.C. 1861-1875)	102, 751, 752, 791.
88-352	Civil Rights Act of 1964, Title VI (42 U.S.C. 2000d)	700.
89-544	Laboratory Animal Welfare Act of 1966 as amended by Public Law 91-579, Animal Welfare Act of 1970 (7 U.S.C. 2131 et seq.).	713.
89-665	National Historic Preservation Act of 1966 (16 U.S.C. 470)	708.
89-754	Demonstration Cities and Metropolitan Development Act of 1966, sec. 204 (42 U.S.C. 3334).	211.
90-577	Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201 et seq.)	211.
91-190	National Environmental Policy Act of 1969, sec. 102 (42 U.S.C. 4332)	706.
91-604	Clean Air Act of 1970, sec. 306 (42 U.S.C. 1857)	Exhibit 3-2(4j).
92-318	Education Amendments of 1972, Title IX (20 U.S.C. 1681-1786)	701.
92-500	Federal Water Pollution Control Act of 1972, sec. 508 (33 U.S.C. 1368 et seq.).	Exhibit 3-2 (4j).
92-522	Marine Mammal Protection Act of 1972 (16 U.S.C. 1361)	714.
93-234	Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.)	707.
93-205	Endangered Species Act of 1973 (18 U.S.C. 1573(e))	
93-510	Joint Funding Simplification Act of 1974 (42 U.S.C. 4251-4261)	220.
93-502	Freedom of Information Act of 1974 (5 U.S.C. 552)	722.4.
93-579	Privacy Act of 1974 (5 U.S.C. 552a)	
93-623	International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1517) (see also Comptroller General Decision B-138942 of June 17, 1975).	731.3.
85-800	Copeland "Anti-Kick Back Act" (18 U.S.C. 874, 40 U.S.C. 276c)	Exhibit 3-2 (4e).
86-624 and 88-349	Davis Bacon Act (40 U.S.C. 276a)	Exhibit 3-2 (4f).
87-581	Contract Work Hours and Safety Standards Act of 1962 (40 U.S.C. 327-330).	Exhibit 3-2 (4g).
90-620	Federal Reports Act (44 U.S.C. 3501-3511 and 31 U.S.C. 18a)	721.

2. EXECUTIVE ORDERS

No.	Short title	GPM
9429	Patents	751.
11246	Nondiscrimination in Employment by Government Contractors and Subcontractors (Construction) (30 FR 12319; amended 32 FR 14303).	Exhibit 3-2 (4d).
11247	Civil Rights	700.
11288	Water Pollution Prevention and Abatement	Exhibit 3-2 (4j).
11296	Evaluation of Flood Hazards	707.
11375	Equal Employment Opportunity (32 FR 14303)	Exhibit 3-2 (4d).
11738, Sept. 10, 1973	Clean Air Act and Water Pollution Control Act (38 FR 25161)	Exhibit 3-2 (4j).
11764, Jan. 21, 1974	Nondiscrimination in Federally Assisted Programs	700.
Apr. 13, 1976	Preservation of Endangered Species	

3. OMB CIRCULARS

A-40	Management of Federal Reporting Requirements	721.
A-95	Evaluation, Review, and Coordination of Federal Programs and Projects.	210.
A-110	Uniform Administrative Requirements for Grants and Other Agreements to Nonprofit Organizations, Attachments:	
	A. Cash Depositories	423.
	B. Bonding and Insurance	791.
	C. Retention and Custodial Requirements for Records	680.
	D. Program Income	650.
	E. Cost Sharing and Matching	640.
	F. Standards for Financial Management Systems	310, 410.
	G. Financial Reporting Requirements	425, 430, 675.
	H. Monitoring and Reporting Program Performance	610, 674.
	I. Payment Requirements	420.
	J. Revision of Financial Plans	250, 620, 630.
	K. Closeout Procedures	440, 670.
	L. Suspension and Termination Procedures	660.
	M. Standard Form for Applying for Assistance	211.
	N. Property Management Standards	330.
	O. Procurement Standards	320.
A-111	Jointly Funded Assistance to State and Local Governments and Nonprofit Organizations.	220.

4. FEDERAL MANAGEMENT CIRCULARS (FMC)

(Since most FMC formerly were OMB circulars, the former number is shown in parenthesis under the FMC number. Since all are being codified in Chapter II, Title 34 of the Code of Federal Regulations, the CFR number, where known, also is shown for ease of reference.)

No.	Short title	34 CFR	GPM
73-3 (A-100)	Cost Sharing on Federal Research	211	640, Exhibit 6-1.
73-6 (A-88)	Coordinating Indirect Cost Rates and Audit at Educational Institutions.	252	533.2.
73-7 (A-101)	Administration of College and University Research Grants.	253	620, 630.
73-8 (A-21)	Cost Principles for Educational Institutions.	254	501.
74-4 (A-87)	Cost Principles (for) State and Local Governments.	255	501.
74-7 (A-102)	Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.	256	Various (see OMB A-110).

5. TREASURY DEPARTMENT CIRCULARS

1075	Withdrawal of Cash from the Treasury for Advances Under Federal Programs.	420	
1082	Notification to States of Grants-in-Aid Information (formerly OMB circular A-98).	210d	

6. NSF REGULATIONS (45 CFR, CHAPTER VI)

No.	Short title	34 CFR	GPM
611	Nondiscrimination in Federally-Assisted Programs.	702	
612	Availability of Records and Information	722.4	
613	Privacy Act Regulations		
640	Environmental Impact Statement Policies and Procedures.	207	
650	Patents	751	
660	Project Notification and Review System	210	

7. OTHER NSF DIRECTIVES

No.	Short title	34 CFR	GPM
Notice No. 52 July 11, 1973	Institutional Patent Agreements		751.3.
Notice No. 57 Sept. 12, 1974	Salary Information in Proposals		205.1.
Notice No. 58 Oct. 10, 1974	Acquisition of Excess Government Property by NSF Grantees.		740, exhibit 7-8.
Notice No. 59 June 30, 1975	NSB Resolution on Peer Review Information.		236, exhibit 2-10.
Notice No. 60 Sept. 4, 1975	Use of U.S. Flag Carriers in Grant-Supported Activities.		731.3.
Notice No. 61 Jan. 27, 1976	Reconsideration of Proposals Declined by NSF.		225.
Notice No. 62 May 24, 1976	Submission of Final Fiscal and Technical Reports.		673, 674, 675.
Notice No. 63 Dec. 20, 1976	Revised Submission Procedures for Final Fiscal and Technical Reports.		673, 674, 675.
Notice No. 64 Apr. 6, 1977	Research Involving Recombinant DNA Molecules.		712, exhibit 7-4.

CHAPTER II.—PROPOSAL SUBMISSION, EVALUATION, AND AWARD

This chapter discusses the process by which a proposal becomes a grant and specifically highlights the following topics:

200 Submission of Proposals.
210 Project Notification and Review System.
220 Joint Funding Simplification Act.
230 Evaluation of Proposals.
240 NSF Grant Periods.
250 Additional Funding Support.

200 SUBMISSION OF PROPOSALS

201 GENERAL

a. The purpose of a proposal is to provide a statement establishing the objectives and the scientific significance of the proposed activity, the technical qualifications of the project director/principal investigator and his organization and the level of funding required.

b. The proposal should contain sufficient information to persuade the Foundation's scientific and technical staff and members of the scientific community (who will review the proposal and advise the Foundation) that the proposed activity is both sound and worthy of support under the NSF criteria for the selection of projects (Exhibit 2-1), or such other specific criteria as are specified in the applicable proposal generating mechanism. The proposal should be succinct and self contained.

c. Before submitting the proposal to NSF, the authorized organizational representative should determine that, among other things:

(1) The proposed project is consistent with the policies and goals of the submitting organization;

(2) The organization can make available the necessary facilities, general purpose equipment, special purpose equipment, and services (not requested of NSF in the proposal) for the conduct of the project;

(3) The organization can make available the necessary personnel for the amounts of time estimated to be required;

(4) The organization has legal authority to accept grants and the requisite policies, procedures, and personnel to meet the standards shown in Chapter III;

(5) The total costs estimated to be required for the conduct of the project are reasonable and there is a plan for meeting such costs either from grant funds or from some other source;

(6) The submitting organization is willing to share in the costs of such project (as outlined in GPM 643) if the proposal is for a research project which has not specifically been solicited by NSF.

(7) The costs which NSF is being asked to support are allowable and the treatment of direct or indirect costs in the proposal budget is consistent with Federal cost principles and with the policies of the submitting organization (see Chapter V).

e. If the submitting organization does not already have an indirect cost base and rate recognized by NSF or by the cognizant Federal negotiating agency, an indirect cost proposal should be separately submitted to the Policy and Cost Analysis Office, Division of Grants and Contracts, NSF. (GPM 340.2j, GPM 532.1b, GPM 533.2.)

f. If not previously done, the submitting organization should also separately furnish the organization and management information described in GPM 340 and the Civil Rights Assurance described in GPM 700.

202 NSF MECHANISMS FOR GENERATING PROPOSALS

202.1 *Program Announcement.* The term includes program brochures, announcements, guidelines for submission of proposals, published program plans, etc. Program Announcements are the primary mechanisms used by NSF to generate unsolicited proposals. The information and general guidance provided may be applicable to an entire program or to a single program element. Program Announcements do not identify specific projects, generally do not contain proposal due dates and tend to have a greater effective life than other proposal generation mechanisms. Proposals submitted in response to program announcements are considered unsolicited and if for research, the resulting awards are subject to statutory cost sharing. (See GPM 640, "Cost Sharing and Matching.") Proposals are evaluated pursuant to general evaluation criteria (see Exhibit 2-1) and compete with each other but less directly than under solicitation mechanisms. Resultant awards generally will be in the form of grants.

202.2 *Program Solicitation.* A program solicitation will be used to generate proposals for NSF support in targeted areas. A program solicitation is more definitive than a program announcement and generally describes types of projects the program wishes to fund. It normally applies for a more limited period of time, with specific proposal due dates, as contrasted with the more open-ended program announcement. Competition among proposals is more focused, and special evaluation and selection procedures are often used. Statutory cost sharing is not required and awards may provide for full costs and fees where appropriate.

202.3 *Request for Proposals.* This is a procurement solicitation mechanism under the Federal Procurement Regulations (Title 41, Chapter 1, CFR). Proposals are usually generated for one specific project or service and are in direct competition with each other for an award for that particular purpose. Statutory cost sharing is not required and awards may provide for full costs and fees where appropriate. Any resultant award will be in the form of a procurement contract. This Manual is not applicable to procurement transactions.

203 BASIC OUTLINE FOR PREPARING AND SUBMITTING PROPOSALS

203.1 *Categories of Applicants.*

a. *Principal Types of Grantees.* Proposals to NSF for support are received from and grants made to the following types of organizations, defined in PM 340.1:

(1) Colleges and Universities;

(2) Other Nonprofit Organizations (such as independent museums; observatories; research laboratories; hospitals; stock centers;

consortia; professional, scientific and educational associations or societies; and similar organizations;

(3) Commercial firms (including small businesses and profit making educational institutions);

(4) State and local governments and agencies thereof.

b. *Foreign Organizations.* The Foundation rarely provides dollar support to foreign institutions. However, support may be provided to foreign institutions utilizing U.S.-owned excess foreign currencies when available (see GPM 730, "International Considerations").

c. *Unaffiliated Scientists.* In addition to providing support (i.e., airline tickets) for international travel directly to individual scientists (see GPM 734), NSF may award grants to individual U.S. citizens provided that the individual is not employed by or affiliated with an organization, and:

(1) The proposed project is sufficiently meritorious and otherwise complies with the conditions of the relevant program announcement or solicitation;

(2) The applicant has demonstrated the capability, and access to any necessary facilities, to carry out the project; and

(3) The applicant agrees to fiscal arrangements which, in the opinion of the NSF Grants Officer, insure responsible management of Federal funds.

d. *Other Federal Agencies.* In carrying out its statutory purposes, NSF is expressly authorized by its own statutory authority to support research performed by other Federal agencies. However, it presently is Foundation policy not to encourage research proposals from other Federal agencies except in pursuit of specific NSF objectives.

203.2 *When to Submit Proposals.* Unsolicited proposals should be formally submitted to NSF in time to allow about 6 to 9 months between submission and the anticipated starting date. Proposals to be funded in a particular fiscal year (ending September 30) normally should be received no later than February of that same year. In some programs deadlines or target dates are established for receipt of proposals. Such deadlines or target dates are published in the NSF Bulletin, published monthly (except July and August). Proposals may be submitted at any time unless they are in response to:

a. A Program Solicitation (frequently used for applied research). Program Solicitations always have fixed deadlines for receipt of proposals by NSF (see GPM 202.2, "Program Solicitation");

b. Those "Program Announcements," "Guides for Preparation of Proposals," etc., that contain fixed deadlines for receipt of proposals by NSF (see GPM 202.1, "Program Announcement"). Most of the proposals received by NSF's Science Education Directorate are in response to "Guides for Preparation of Proposals" containing fixed deadline dates. NSF's Division of Science Information also frequently issues "Program Announcements" with fixed deadline dates.

203.3 *Where to Submit Proposals.* a. Unless stated otherwise in a Program Solicitation, Program Announcement, etc., 15 copies (20 copies for biological, behavioral and social science proposals) of each proposal (including the signed original) should be forwarded to:

Central Processing Section, National Science Foundation, Washington, D.C. 20550.

If there have been prior discussions with a particular NSF program and the proposal is intended for consideration by that program, "For consideration by_____ Program" should be added to the address. If copies of the proposal are mailed in more than one package, the number of packages should be marked on the outside of each package. Any reprints or other materials to be considered with the proposal also should be furnished in sets and attached to the individual copies of the proposal.

b. The Foundation will acknowledge receipt of each proposal and assign an identification registry number which should be referred to in all future correspondence concerning the proposal. Any later inquiries, addenda, revised budgets, etc., should be addressed to the cognizant program office and identified by the NSF registry number.

203.4 *Standard Application Forms.* a. NSF does not have an "application kit" and does not prescribe the use of standard preapplication or application forms, except for proposals to programs covered by the Project Notification and Review System of OMB Circular A-95, and by Attachment M to OMB Circular A-110. See GPM 210, "Project Notification and Review System."

203.5 *NSF Proposal Format.* a. Proposals consist of three parts: cover page, narrative, and budget. Supplemental documents should be placed in one or more appendices.

b. Proposals being forwarded to a particular program in NSF in response to a specific NSF program issuance should follow instructions therein on what to submit.

c. Other proposals should follow the guidelines set forth in appropriate general NSF brochures, such as "Grants for Scientific Research" or "RANN Guidelines for the Preparation of Unsolicited Proposals."

d. A brief synopsis of what to submit follows:

(1) Cover Page—Except for proposals to programs covered by A-95 (see GPM 210), the cover page should follow the general format of Exhibit 2-3, or the applicable Program Announcement, Brochure, Solicitation, etc. The original should be fully signed, as described in GPM 203.6

(2) Narrative—The Narrative should contain a table of contents, a description of what is being proposed, including objectives and significance, a general plan of achieving these objectives, relation to the current status of the topic the proposal addresses, outline (with pertinent references) of what has been done on the topic to date, plans for making the results of the project known and widely available, assurance that the proper facilities and equipment are available, justification for any consultant services, and equipment as specified in GPM 204, the principal publications of senior personnel during the past five years, location of work to be performed, if off campus or away from headquarters, and vitae of senior personnel. Included with the vitae should be information on all current awards to which time is committed (title of project, beginning and ending date of award, amount of time (man months) being devoted to the project and salary arrangements therefor, source of funds, and annual budget level). In addition, the vitae should provide similar data on all proposed projects which are being considered by or which will be submitted in the near future to other possible sponsors, including other NSF programs.

(3) Proposal Budget—See Exhibit 2-4. Any revised budget should be signed both by the prospective principal investigator/project director and by the authorized organizational representative.

(4) Abstract—A 200-300 word summary of the work being proposed. (See GPM 722.3, NSF Project Summaries and format of "Notice of Research Project" in Exhibit 2-8.)

203.6 *Proposal Signatures.* NSF requires that the original of each proposal for NSF support be signed by the principal investigator (PI), and co-principal investigator if more than one principal investigator is involved in the project, or project director(s) (PD) who wishes to undertake the project, and be endorsed by the authorized organizational representative or his designee. Proposing organizations may have additional signature requirements. The original signed copy must be submitted to NSF. The PI/PD is the indivdual designated by the performing organization, and approved by NSF, who will be responsible for the scientific or technical direction of the project. The term "principal investigator" generally is used in research projects, while the term "project director" generally is used in science education and other projects. The authorized organizational representative is the administrative official who is empowered to commit the proposing organization to the conduct of a project that NSF is being asked to support.

a. *PI/PD Signature.* The signature of the principal investigator/project director signifies agreement to assume responsibility for the scientific or technical direction of the project and for the preparation of required technical reports.

b. *Organizational Endorsement.* By endorsing the cover sheet, the authorized organizational representative affirms on behalf of the proposing organization that all requirements for handling and managing grants will be met. Note especially GPM 204.2 concerning proposals requesting funds for expensive special purpose equipment.

204 SPECIAL REQUIREMENTS INVOLVING CONSULTANT SERVICES OR EQUIPMENT

204.1 *Consultant Services.* a. Grantees normally are expected to utilize the services of their own officers or employees to the maximum extent in managing and performing the activities supported by NSF grants. Where it is necessary for a grantee to contract for the services of persons who are not its officers or employees, it is expected to do so in accordance with written organizational standards which provide for consideration of the factors outlined in the governing Federal cost principles.

b. If the need for consultant services is anticipated, the proposal narrative should provide appropriate rational, and the Proposal Budget should estimate the amount of funds which may be required for this purpose. To the extent possible, consultant rates should show separate amounts for actual services and each of the components of the rate. See GPM 516, "Consultant Services," for limitation on rate of consultant compensation.

204.2 *Equipment.* If a proposal for NSF support involves the purchase or lease of "expensive special purpose equipment," (having a unit acquisition cost exceeding $10,000) it must contain a certification by the authorized organizational representative that the equipment is (a) essential and not reasonably available and accessible to the project and, if funded by NSF will be subject to (b) reasonable inventory controls and maintenance procedures and (c) organizational policies designed to enhance multiple or shared use on other projects if such other use will not interfere with the work on the project for which the equipment is being acquired (see GPM 332, "Equipment Management Standards," and GPM 512, "Equipment").

205 CONFIDENTIAL ASPECTS OF PROPOSALS AND GRANTS

205.1 *Salary Information and Disclosure.* a. Proposals for NSF support are normally reviewed not only by Foundation staff but also by selected outside reviewers chosen for their knowledge or interest in the subject areas of proposed projects. An integral part of most proposals is a budget which includes the proposed commitment to the project by named senior personnel of a specified

amount of time or effort for which the proposal requests NSF support and the corresponding salary amounts. Unless the proposing organization itemizes these salary amounts in a separate statement, rather than in the budget itself, this information is available to outside reviewers as part of the evaluation process.

b. Any organization submitting a proposal for support under any NSF program has the option of listing in a separate schedule the salary amounts for named senior project personnel which it proposes be reimbursed through an NSF grant. If this option is selected, the proposal budget may substitute asterisks for salary amounts. In this event, the omitted information is to be furnished in a separate salary schedule with the legend, "It is requested that the following salary information not be released to persons outside the Government." Two copies should be attached to the original proposal budget only. Whether or not the option is exercised, the proposal budget should continue to list the names of senior project personnel and the total senior personnel salaries for which NSF funding is requested.

c. Proposals resulting in NSF grants become part of the grant instrument and will be made available to the public, upon request, pursuant to NSF procedures under the Freedom of Information Act of 1974 (see GPM 722.4, "Freedom of Information Act"). However, any separate salary schedule bearing the legend described in the preceding paragraph will be considered confidential an withheld from release to the extent permitted by law.

205.2 *Other Proprietary Information.* The following is normally of a privileged nature and will be held in confidence to the extent permitted by law. Such information should be appropriately labelled and included as an enclosure to the proposal:

a. records specifically prohibited from disclosure by statute, such as 18 U.S.C. 1905, which prohibits disclosure of information which concerns or relates to the trade secrets, processes, operations, style of work, or apparatus or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation or association;

b. trade secrets and commercial or financial information. Matter subject to this exemption is that which is customarily held in confidence by the originator without regard to whether or not the originator is or is not employed by a nonprofit organization.

c. geological and geophysical information and data (including maps) concerning wells.

210 Project Notification and Review System (PNRS)

211 BACKGROUND

a. OMB Circular A-95 (Revised January 2, 1976) implements section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Intergovernmental Cooperation Act of 1968, and section 102(2)(c) of the National Environmental Policy Act of 1969 by establishing requirements relating to:

(1) A Project Notification and Review System (PNRS) (Part I),

(2) direct Federal development (Part II),

(3) State plans (Part III), and

(4) coordination of planning in multijurisdictional areas (Part IV).

b. Attachment M to OMB Circular A-110 promulgates a standard form (SF 424) to be used as a face sheet for applications for support under programs covered by Part I of Attachment A to A-95, as an optional notification of intent by applicants, and as a Federal report form of actions taken on such applications.

c. Inasmuch as the NSF Intergovernmental Science Program meets one or more of the A-95 applicability criteria, it is included among the list of programs covered by the PNRS requirements of A-95 (listed in the Catalog of Federal Domestic Assistance as number 47.036).

d. Treasury Circular 1082 provides procedures for the notification to States of award information. NSF uses the supplemental reporting procedures of subparagraph 6B of TC 1082, summarized in GPM 212 d, below.

e. The NSF regulations to implement OMB Circular A-95 and Treasury Circular 1082 are contained in 45 CFR Part 660.

212 PNRS PROCEDURES

a. Any organization desiring to submit a proposal for support under the Intergovernmental Science Program must (1) notify the appropriate State clearinghouse in Exhibit 2-5 of intent to apply for NSF support, using the notification form and procedures prescribed by the clearinghouse; and (2) use the standard Federal Assistance Application Form (SF 424), reproduced in Exhibit 2-6, as the "face sheet" for the proposal, in lieu of the NSF "cover page" format illustrated in Exhibit 2-3.

b. NSF will return to the originator any formal proposal to the Intergovernmental Science Program which does not contain the State Application Identifier (SAI) number and certification.

c. Within seven days of taking action (declination or award) on the proposal, NSF will complete the SF 424 and return it to the State clearinghouse.

d. To implement the related requirements of Treasury Circular 1082, NSF will furnish to each State Central Information Reception Agency (SCIRA) listed in Exhibit 2-5 a quarterly "Statewide Award Report," summarizing basic data on each award to any institution or organization within the State, under any NSF program.

220 Joint Funding Simplification Act

a. The Joint Funding Simplification Act of 1974 (42 U.S.C. 4251 et seq.) provides for State and local governments and nonprofit organizations to combine State and Federal resources in support of projects of common interest to the governments and organizations concerned.

b. OMB Circular A-111 has established procedures for the submission of applications for join funding through State and areawide clearinghouses and Federal Regional Councils.

c. NSF has been unable to identify any of its programs as particularly suitable for funding under the A-111 procedures. Prospective applicants should make preliminary inquiries to the Foundation before initiating formal applications.

230 Evaluation of Proposals

231 PEER REVIEW AND MERIT SELECTION

The National Science Foundation's scientists, engineers and other officials evaluate all proposals submitted to the Foundation. To assist them in the evaluation process they generally obtain the advice of scientists and others who are specialists in the fields covered in the proposals. The guidelines for NSF Program Officers on selection of reviewers are shown in Exhibit 2-2. Proposals must contain sufficient detailed information to define the nature and merit of the proposed project. In general, proposals will be supported in order of merit within subareas of science to the extent permitted by available funds. In cases of proposals of substantially equal merit, consideration is given to such factors as geographic distribution and general subject-matter coverage of grants made in that program.

232 CRITERIA

The general criteria used by NSF in the selection of research projects are shown in Exhibit 2-1.

Other and more specific criteria may be contained in Program Solicitations, Program Announcements, Guidebooks for the Preparation of Proposals, etc.

233 REVISIONS TO PROPOSALS MADE DURING REVIEW PROCESS

a. Prior to recommending whether or not NSF should support a particular project, the NSF program officer may engage in discussions with the proposing principal investigator/project director.

b. Should such discussions result in proposed changes which exceed either 10 percent or $10,000 in the total proposed grant amount, a revised proposal budget, signed by both the proposing principal investigator/project director and by the authorized organizational representative, must be submitted, in an original and two copies, to the cognizant NSF Program Officer for incorporation into the proposal file.

c. Should such discussions result in changes in the basic objectives or scope of the project as originally proposed, an appropriate proposal modification, signed and endorsed as in b above, must be submitted to the Program Officer.

234 NSF ACTION TIME ON PROPOSALS

Although more expeditious handling is possible in some instances, normally action on proposals takes six to nine months.

235 RECONSIDERATION OF PROPOSAL DECLINATIONS

A formal procedure for reconsideration of declination actions on proposals was established by NSF Important Notice No. 61 of January 27, 1976 (see Exhibit 2-9).

236 RELEASE OF PEER REVIEW INFORMATION

NSF Important Notice No. 59 of June 30, 1975 (see Exhibit 2-10), provided that verbatim copies of reviews requested by NSF after January 1, 1976, excluding the identity of the reviewer, will be made available to the principal investigator/project director upon request.

240 NSF Grant Periods

241 BACKGROUND

Most NSF grants show an effective date, an approximate support period (e.g., one year or two years), and an expiration date. The expiration date encompasses both the approximate period of support and an additional period of up to six months to allow for flexibility in the performance of the project and completion of technical reports and publication arrangements. Some grants may not include the flexibility period.

242 DEFINITIONS

The following basic terms pertaining to NSF grant periods have the indicated meanings:

Effective Date. The date specified in the grant letter on or after which expenditures may be charged to the grant. If no effective date is specified, then the date of the grant letter is the effective date.

Expiration Date. The date specified in the grant letter after which expenditures may not be charged against the grant except to satisfy obligations to pay allowable project costs committed on or before that date. The expiration date is normally the last day of the month.

Grant Period. The period of time between the effective date and the expiration date of an NSF grant shown as a number of months.

243 SIGNIFICANCE OF GRANT PERIOD

a. An NSF grant gives authority to the grantee to commit and expend funds for allowable costs (see Chapter V) in support of the project, up to the grant amount specified in the award letter, at any time during the grant period.

b. Except as provided in GPM 504.3, 504.4 or 517, expenditures may not be charged against an NSF grant prior to the effective date or subsequent to the expiration date.

244 CHANGES IN GRANT PERIODS

244.1 *Effective Date.* The effective date of a grant will not be changed unless a change is justified by exceptional circumstances. Any request to change the effective date must contain such justification and be signed by the principal investigator and endorsed by the authorized organizational representative. Two copies of the request should be transmitted to the NSF Grants Officer. If approved, the change will be made by numbered amendment to the grant which is valid only after signature by the NSF Grants Officer (under delegation of authority from the NSF Director). No other commitments regarding effective dates or suggestions that projects be started prior to the time the proposals or requests are fully processed by NSF and signed by the Grants Officer are valid.

244.2 *Expiration Date.* The expiration date may be changed as a result of approval of a request for continued support of a continuing grant; for a no-cost grant extension, or, in some cases, by renewed support of a standard grant or supplemental support. Such approvals will be furnished by numbered amendments to the grant.

244.3 *No-Cost Extension.* If additional time beyond the established expiration date is required to assure adequate completion of the original scope of work within the funds already made available, two copies of a request for no-cost grant extension must be forwarded in time to be received by the NSF Program Officer at least 45 days prior to that date. Such request must contain the signatures both of the principal investigator/project director or his designee and of the authorized organizational representative and should include summaries of progress, funds remaining, and plans to complete that part of the project for which the extension is being requested. The need for an extension of time should be justified. The fact that funds may remain at the expiration of an award is not in itself sufficient justification for an extension. Normally, no single extension may exceed 12 months and only in exceptional cases will more than one extension be allowed for standard grants. If approved, the extension will be in the form of a numbered amendment to the grant, specifying a new expiration date. Grants will not be amended to approve late requests for extensions except in very unusual circumstances. Grantees are cautioned not to make new commitments or incur new expenditures after the expiration date in anticipation of a no-cost extension.

250 ADDITIONAL FUNDING SUPPORT

251 TYPES OF ADDITIONAL FUNDING SUPPORT

Additional funding of a project beyond the original grant period will be in the form of "renewed" support, "continued" support, or "supplemental" support.

252 STANDARD GRANTS

252.1 *Renewed Support.* a. Renewed support is defined as additional funding for a support period subsequent to that provided by a standard grant.

b. Standard grants, as defined in GPM 122d will normally be made for durations up to three years (five years in exceptional cases) with the full grant amount obligated by NSF at the time of the award. They may be renewed one time by amendment of the original grant instrument provided that the cumulative duration does not exceed five years. Subsequent renewals (if any) will be in the form of a new grant with a new grant number.

c. Proposals for renewed support of a project are evaluated in competition with all other pending proposals. Unless there is an explicit provision in the grant instrument or in applicable guidelines or program announcements for a modified format or content, a proposal for renewed support should be documented and endorsed as fully as though the proposer were applying for the first time, with all the information required in a proposal for a new project (see GPM 203.5d). In addition, a summary of progress to date should be included indicating its relation to the proposed work. Reviewers will be asked to consider this summary as well as the proposed work. Renewal requests also should include estimates both of total expenditures and commitments under the existing grant (by major budget category) to the date at which new funding is desired and of the projected residual balance, if any; and a proposed budget for the ensuing period. In estimating the projected residual balance, the proposal should distinguish between deferred expenditures (i.e., those allowable outlays that are still required in support of the project, though they probably will not take place prior to the current expiration date of the grant) and true residues (i.e., budgeted amounts which will not be committed by the expiration date).

d. In order that renewed support may be made in time to provide an uninterrupted flow of Federal funding, proposals normally should be submitted to the NSF Central Processing Section at least six months prior to either:

(1) The time additional Federal funding will be required, or

(2) The expiration date of the current grant, whichever occurs first.

252.2 *Supplemental Support.* a. If funds provided by a grant are insufficient to complete the original scope of work, a request for supplemental funding support may be submitted, with justification of need. If approved, the grant will be amended to provide additional funding for the current support period. The amendment letter will specify both the amount of supplemental funding and the cumulative amount awarded through the expiration date, which normally will remain unchanged. In some cases, the expiration date may be extended, but for no more than six months.

b. A request for supplemental support should be brief (letter format), signed by the PI/PD and the Authorized Organizational Representative. Two copies should be submitted to the cognizant NSF Program Officer at least two months prior to the need for the additional funds.

c. NNSF will not approve requests for supplemental support for such purposes as defraying the costs of increases in salaries, wages or staff benefits or for additional indirect cost reimbursement, whether caused by a change in the indirect cost rate or by changes in direct cost expenditures which affect the indirect cost base. See GPM 504.1, "Maximum Obligation" and GPM 535, "Grantee Reimbursement for Indirect Costs."

d. Only in exceptional cases will more than one supplement be approved.

253 CONTINUING GRANTS

253.1 *Request for Continued Support.* a. Requests for funding increments for projects being supported under a continuing grant, as defined in GPM 122d, receive high priority within NSF and normally are not considered in competition with proposals for renewed support of standard grants.

b. In order to ensure continuity of Federal funding, each request for further support within the overall period of the continuing grant should be forwarded to the cognizant NSF program director via the Central Processing Section at least three months prior to the time additional Federal funding will be required. Two copies of the letter of request should be submitted. One copy must be signed by the principal investigator(s) and by the authorized organizational representative. Unless otherwise specified by the grant or applicable program guidelines, requests for each increment of funds under a continuing grant need only include the following in lieu of the detailed proposal data required for other types of grants:

(1) A brief summary of scientific progress (see GPM 615.1);

(2) A statement of funds estimated to remain unobligated at the end of the period for which NSF currently is providing support;

(3) A proposed budget for the ensuing year; and

(4) Current information about other support of senior personnel (see GPM 203.5d (2)).

c. A request for further support beyond the final increment of the continuing grant should be in the form of a new proposal for a new grant.

253.2 *Funding Adjustments.* a. *Insufficient Funds.* If the funding allocated in any incremental award of a continuing grant is insufficient to fund the project through the end of the support period, a request for continued support should be initiated far enough in advance so that, if approved, the amendment providing additional funding authorization may be awarded in a timely manner (see GPM 252.2). In lieu of this early funding, supplemental support may also be requested for Continuing Grants.

b. *Residual Funds.* If the funding allocated in any increment to a continuing grant is more than enough to continue the project through the current support period, the grantee must notify the cognizant NSF Program Officer. NSF normally will adjust the succeeding incremental award by reducing the funding for the next interim period by the residual amount.

EXHIBITS

2-1 NSF Criteria for the Selection of Research Proposals (39 FR 42954, Dec. 9, 1974).
2-2 NSF Guidelines for Program Officers on Selection of Reviewers (O/D 76-11).
2-3 NSF Cover Page Format.
2-4 Proposal Budget Format.
2-5 Directory of State Clearinghouses (A-95) and SCIRA (TC 1082).
2-6 Standard Form 424, "Federal Assistance."
2-7 Sample NSF Grant Letter.
2-8 Notice of Research Project.
2-9 Reconsiderations of Proposals Declined by NSF (NSF Notice No. 61).
2-10 National Science Board Resolution on Peer Review Information (NSF Notice No. 59).

PROPOSAL TO THE NATIONAL SCIENCE FOUNDATION
Cover Page

FOR CONSIDERATION BY NSF ORGANIZATIONAL UNIT (please specify):		
PROGRAM ANNOUNCEMENT/SOLICITATION NO.:	CLOSING DATE (IF ANY):	
NAME OF SUBMITTING ORGANIZATION TO WHOM AWARD SHOULD BE MADE (INCLUDE BRANCH/CAMPUS/OTHER COMPONENTS)		
ADDRESS OR ORGANIZATION (INCLUDE ZIP CODE)		
TITLE OF PROPOSED PROJECT		
REQUESTED AMOUNT	PROPOSED DURATION	DESIRED STARTING DATE
PI/PD NAME AND SOCIAL SECURITY NO. (SSN)*		PI/PD PHONE NO.
PI/PD DEPARTMENT	PI/PD ORGANIZATION	
ADDITIONAL PI/PD AND SSN*	ADDITIONAL PI/PD AND SSN*	
ADDITIONAL PI/PD AND SSN*	ADDITIONAL PI/PD AND SSN*	
FOR RENEWAL OR CONTINUING AWARD REQUEST, LIST PREVIOUS AWARD NO.:		

REMARKS: *Submission of social security numbers is voluntary and will not affect the organization's eligibility for an award; However, they are an integral part of the NSF information system and assist in processing the proposal.

PRINCIPAL INVESTIGATOR/ PROJECT DIRECTOR	AUTHORIZED ORGANIZATIONAL REP.	OTHER ENDORSEMENT (optional)
NAME	NAME	NAME
SIGNATURE	SIGNATURE	SIGNATURE
TITLE	TITLE	TITLE
DATE	DATE	DATE

NSF Form 1034 (7-77)

EXHIBIT 2-3

PROPOSAL BUDGET

ORGANIZATION AND ADDRESS	PRINCIPAL INVESTIGATOR/PROJECT DIRECTOR

A. SENIOR PERSONNEL SALARIES *(List by name; salary amounts may be listed on separate schedule)* GPM 205.1b	MAN MONTHS Cal.	Acad.	Sumr.		NSF FUNDS REQUESTED
1. P.I./P.D.					$
2. CO P.I./P.D.					$
					$
					$
3. Faculty and Other Senior Associates:					
					$
					$
					$
				Subtotal, A	$
B. OTHER SALARIES AND WAGES *(List numbers in brackets)*					
1. Post Doctoral Associates ( )				$	
2. Other Professionals ( )				$	
3. Graduate Students ( )				$	
4. Undergraduate Students ( )				$	
5. Technical and Shop ( )				$	
6. Secretarial/Clerical ( )				$	
				Subtotal, B	$
TOTAL SALARIES AND WAGES (A + B)					$
C. FRINGE BENEFITS *(If charged as direct costs)*					$
TOTAL SALARIES, WAGES AND FRINGE BENEFITS (A + B + C)					$
D. EQUIPMENT *(List items and dollar amount for each item)*					
1. Special Purpose					
Subtotal, D1 $					
2. General Purpose *(Not generally allowable - See GPM 512.4)*					
Subtotal, D2 $					
TOTAL EQUIPMENT (D1 + D2)					$
E. MATERIALS AND SUPPLIES					
1. Laboratory and instructional — Subtotal, E1 $					
2. Office — Subtotal, E2 $					
TOTAL MATERIALS AND SUPPLIES (E1 + E2)					$
F. DOMESTIC TRAVEL					
					$
G. FOREIGN TRAVEL *(List destination and amount for each trip; see GPM 731)*					
					$

NSF Form 1030 (7-77)

EXHIBIT 2-4

H. COMPUTER (ADPE) SERVICES	$
I. CONSULTANT SERVICES *(Identify consultants by name and amount; see GPM 516)*	$
J. PUBLICATION COSTS/PAGE CHARGES	$
K. PARTICIPANT SUPPORT COSTS, IF ALLOWED BY PROGRAM GUIDE *(Itemize).* 1. Stipends _____ Subtotal, K1 $_____ 2. Travel _____ Subtotal, K2 $_____ 3. Subsistence _____ Subtotal, K3 $_____ 4. Other - Specify _____ Subtotal, K4 $_____ TOTAL PARTICIPANT SUPPORT COSTS (K1 + K2 + K3 + K4)	$
L. ALL OTHER DIRECT COSTS *(List items and dollar amounts. Details of subcontracts, including work statement and budget, should be explained in full in proposal)* $_____ $_____ $_____ $_____ TOTAL OTHER DIRECT COSTS	$
M. TOTAL DIRECT COSTS *(A through L)*	$
N. INDIRECT COSTS *(Specify rate(s) and base(s) for on/off campus activity and identify itemized costs included in on/off campus bases where both involved, in Remarks)* TOTAL INDIRECT COSTS	$
O. TOTAL DIRECT AND INDIRECT COSTS (M + N)	$
P. LESS RESIDUAL FUNDS *(If for renewed or continued support of current project; GPM 252 and 253)*	$
Q. AMOUNT OF THIS REQUEST (O minus P)	$
R. ROUNDED TO	$

REMARKS

SIGNATURES BELOW REQUIRED ONLY FOR REVISED PROPOSAL BUDGETS (GPM 233):

SIGNATURE OF PRINCIPAL INVESTIGATOR/PROJECT DIRECTOR Date of Signature:	TYPED OR PRINTED NAME AND TITLE
SIGNATURE OF AUTHORIZED INSTITUTIONAL REPRESENTATIVE Date of Signature:	TYPED OR PRINTED NAME AND TITLE

EXHIBIT 2-4

CHAPTER III.—GRANTEE STANDARDS

300 Background

a. OMB Circular A–110 prescribes three sets of standards for academic and other nonprofit recipients of Federal grants. These govern financial management systems, procurement policies and procedures and property management. They are analogous to comparable standards prescribed by FMC 74–7 (formerly OMB Circular A–102) for State or local government recipients of Federal grants.

b. NSF requires prospective grantees to furnish basic organization and management information to assist the Grants Officer in assessing their financial and managerial responsibility.

c. Gpm 310–330 implement the OMB standards, and extend their applicability to all types of recipients of NSF grants, including commercial firms and others to whom neither FMC 74–7 nor A–110 is directly applicable. GPM 340 describes revised NSF requirements for the furnishing of organization and management information.

310 Standards for Financial Management Systems

NSF grantees will have financial management systems which meet the requirements of Attachment F to OMB Circular A–110, reproduced as Exhibit 3–1 at the end of this Chapter.

320 Procurement Standards

321 Background

Attachment O to OMB Circular A–110, reproduced as Exhibit 3–2, prescribes standards for use by recipients in establishing procedures for the procurement of supplies, equipment, construction, and services with Federal funds.

322 NSF procurement requirements

a. NSF grantees will adhere to the requirements of Attachment O to OMB Circular A–110 (Exhibit 3–2).

b. In addition, unless the grant instrument provides otherwise, prior written approval shall be obtained from NSF before:

(1) Any of the research or other substantive project effort is contracted or otherwise transferred. (See GPM 623, "Contracting or Transferring the Project Effort.")

(2) Contracting for the commercial production or distribution of books, films, or similar materials. (See GPM 761, "Production or Distribution.")

330 Property Management Standards

331 Background

a. Attachment N to OMB Circular A-110 prescribes uniform standards governing the management by institutions of higher education, hospitals, and other nonprofit organizations of tangible and intangible property furnished by the Federal government or quisition and Control of Material and Supported by a Federal grant.

b. Since NSF grants do not involve the acquisition of real property, the real property standards of OMB Circular A-110 and FMC 74–7 are not applicable to NSF grants.

c. NSF implementation of the OMB standards concerning intangible property and expendable property are contained in GPM 750, "Intangible Property" and 780, "Acquisition and Control of Materials and Supplies."

d. Paragraph 5 of Attachment N to A–110 contains a special category of "exempt property." Under that provision, any Federal agency (such as NSF) which has statutory authority to vest title in an institution of higher education, hospital, or other nonprofit organization, is to do so without restrictions unless (1) it is determined that to do so is not in furtherance of the objectives of the agency, (2) for property costing $1,000 or more, the agency reserves the right to transfer title to the Federal government or to an eligible third party, or (3) it is Federally-owned nonexpendable property (i.e., Government property).

332 Equipment management standards

a. An NSF grantee which is a college or university, a hospital, an other nonprofit organization, or a State or local government (as defined in GPM 340.1), will have no obligation or accountability to the Federal government for the use or disposition of equipment, (except Government Property) acquired through an NSF grant other than as provided in GPM 770, "Equipment Title, Use, and Disposition."

b. Title to equipment acquired through an NSF grant by a small business or other commerical firm (as defined in GPM 340.1) normally will vest in the Government. Grants to such organizations normally will include an appropriate Government Property clause.

c. In the event that NSF furnishes Government Property (other than Excess Government Property) to a grantee, title remains vested in the Federal Government. Such property shall be marked, tagged, or segregated in such manner as to clearly indicate its ownership by the Government. Unless otherwise provided in the grant instrument, such Government Property shall be used only for the performance of the project. The grantee shall submit an annual inventory of such property to the Project Property Section, Division of Grants and Contracts. Upon expiration of the grant, the grantee shall report the property to the Project Property Section for further agency utilization. (See GPM 740, "Excess Government Personal Property.")

340 Prospective Grantee Organization and Management Data

340.1 *General.* a. Each proposing institution or organization which has not received an NSF award within the previous two years must submit basic organization and management information and certifications to the Division of Grants and Contracts at the time it submits its formal proposal.

b. For the purposes of this requirement, the following terms have the indicated meanings:

(1) *College or university.* A public or private institution of postsecondary education which, if a U.S. college or university, is listed in the current edition of the Education Directory, Colleges and Universities, published by the U.S. Department of Health, Education, and Welfare and available from the Superintendent of Documents, U.S. Government Printing Office.

(2) *Hospital.* An organization which is a member of the American Hospital Association, whether or not it is subject to the control of Federal, State, or local governments.

(3) *Other nonprofit organization.* Any corporation, trust, association, cooperative, or other organization which (1) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; (2) is not organized primarily for profit; and (3) uses all income exceeding costs to maintain, improve, and/or expand its operations. For this purpose, the term "nonprofit organization" excludes (1) colleges and universities, (2) hospitals, and (3) State, local, and Indian tribal governments. An organization which has tax exemption as a nonprofit organization from the U.S. Internal Revenue Service shall be considered to have met the criteria of this definition.

(4) *Small Business.* A concern, including its affiliates, which is independently owned and operated, is not a "nonprofit organization," is not dominant in the field of operation in which it is transacting business, and can further qualify under the criteria concerning the number of employees, average annual receipts, or other criteria, currently prescribed by the Small Business Administration (SBA). (See CFR, Title 13, Part 121.)

(5) *Other commercial firm.* Any corporation, trust, or other organization which is organized primarily for profit and does not meet the SBA criteria for being a "small business."

(6) *State.* Any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of State institutions of higher education and hospitals.

(7) *Local Government.* A unit of government including specifically a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments, sponsor group representative organization (as defined in 7 CFR 620.2, 40 FR 12472, March 19, 1975), and other regional or interstate government entity, or any agency or instrumentality of a local government exclusive of institutions of higher education and hospitals.

340.2 *Required Information.* The following information is to be submitted:

a. The commonly-used name of the organization, together with the legal (registered) name, if different, and mailing address.

b. *Organization type.* Indicate the appropriate organizational type defined in GPM 340.1, above, or, if some other type, so indicate. If a U.S. college or university, show the Federal Interagency Committee on Education (FICE) code and category of control or affiliation as shown in the most recent Education Directory.

c. *Federal Employer Identification No.* Employer identification number as assigned by Internal Revenue Service (U.S. organizations only).

d. *Congressional District.* (Organizations in the U.S. only.)

e. *Organizational Affiliations.* Describe relationship of the organization to a parent organization or to subsidiaries or other affiliates. If the organization is a successor in interest to a predecessor or if changes in organizational affiliation are anticipated, describe briefly.

f. *Statement of Purposes and Powers.* Enclose an official or published statement of the major purposes of the organization and certify as required in GPM 340.3 as to the powers which have been granted to it to enter into contractual relationships and/or to accept grants (e.g., articles of incorporation, terms of reference, or by-laws).

g. *Key Officials.* List the name, titl address, and telephone number of the following officials and their alternates (if any):

(1) Chief Executive Officer. (NSF grant letters normally are addressed to the Chief Executive Officer unless another appropriate addressee, such as the authorized organizational representative is so designated by him.)

(2) Authorized Organizational Representative; and

(3) Business Officer.

h. *Affiliations of Key Officials.* If the organization is other than a college or university, a State or local government, or an international organization, indicate whether or not each official listed in (g) above is affiliated with any international, Federal, or State or local agency or with any college or university. If so, describe such affiliation. NSF reserves the right to consult with such affiliated organizations.

i. A representative listing of current or recent Federal awards to the organization in-

dicating agency, award number, award amount, and title of project.

j. A copy of the most recent indirect cost agreement negotiated between the organization and some Federal agency or, if lacking such an agreement, an indirect cost rate proposal. (See GPM 201e, GPM 532.1b, GPM 533.2)

k. If other than a college or university or a state or local government, also submit the following:

(1) A certified statement of financial condition covering at least the preceding two years; and

(2) Bank or other references.

340.3 *Required Certifications.* In addition to the basic information described in GPM 340.2, above, NSF requires that an organization described in GPM 340.1 a, above, submit a certification substantially as follows, signed by the Chief Executive Officer or authorized organizational representative:

a. I certify that _____ (name of institution or _____ has legal authority to accept organization)
grants as evidenced by the attached _____, and the requisite (describe document)
policies, procedures, and personnel to ensure stewardship of Federal funds and management of Federally supported projects, specifically including standards for financial management and procurement which meet those described in Attachments F and O to OMB Circular A–110.

(NOTE.—In the event this is not the case, list exceptions and provide a realistic estimate of when such standards might be met.)

b. Any proposals to the National Science Foundation will be consistent with the policies and goals of _____ and will be submitted in accordance with its procdeures and pursuant to appropriate authority.

c. In the event the National Science Foundation awards grants as a result of any such proposals, I agree that _____ will:

(1) Make available the necessary facilities, equipment, services, and personnel to conduct the project substantially as outlined in the proposal or such modifications thereof as may be mutually agreed;

(2) Conduct such project oversight as may be appropriate, manage the Federal funding with probity and prudence, and comply with the terms and conditions of the NSF grant; and

(3) Comply with applicable laws and regulations.

d. I further affirm that the "Assurance of Compliance with National Science Foundation Regulations under Title VI of the Civil Rights Act of 1964," attached (or, previously executed by _____ on _____) will be
(title of officer) (date)
fully applicable to any such grants.

(NOTE.—See GPM 700.)

e. If the organization meets SBA criteria and wishes to be considered by NSF as a small business, add a certification that the organization is a small business concern as defined in the appropriate SBA regulations.

_____
(Signature)

_____
(Typed Name and Title)

_____
(date)

EXHIBITS

3–1 Attachment F to OMB Circular A–110: Standards for financial management systems.

3–2 Attachment O to OMB Circular A–110: Procurement standards.

CHAPTER IV—PAYMENT AND FINANCIAL REPORTING REQUIREMENTS

400 INTRODUCTION

401 GENERAL

The acceptance of a grant from NSF creates a legal duty on the part of the grantee organization to use the funds or property made available in accordance with the conditions of the grant. Payments may be made in advance of work performed or as a reimbursement for work performed or costs incurred by the grantee. NSF has a reversionary interest in the unused balance of advance payments, in any funds improperly applied, whether received as an advance or reimbursable payment, and in property acquired through the grant, to which the NSF specifically either retains title or reserves the right to require title transfer as prescribed in GPM 770, "Equipment Title, Use, and Disposition".

402 BASIC AUTHORITIES

The procedures prescribed in this chapter are based largely on selected portions of the uniform administrative requirements contained in Attachments A, G, and I to OMB Circular A–110 and Treasury Circular 1075.

403 SCOPE AND APPLICABILITY

The provisions of this chapter cover all NSF grants, except grants awarded from Special Foreign Currency Program appropriations. Graduate Fellowship agreements with domestic colleges and universities are included, but contracts are excluded. All categories of grantees (academic, nonacademic, profit, and nonprofit) are covered by this chapter. The procedures in this chapter apply primarily to the comptroller or business officer and his staff.

404 DEFINITIONS

The following definitions are either not included elsewhere in the manual or are repeated in this section because of their special applicability to this chapter.

a. *Business Officer.* The financial official of the grantee organization who has primary responsibility for the accountability for and reporting on NSF grant funds.

b. *Cash on Hand.* NSF funds on deposit, imprest funds, and undeposited Treasury checks.

c. *Disbursements.* Payments in cash or by check.

d. *Expenditures (Outlays).* Charges made to the project during a given period for (1) goods and other tangible property received, (2) services performed by employees, contractors, and other payees, and (3) amounts becoming owed for which no current services or performance is required.

e. *Obligations.* The amounts of orders placed, contracts awarded, services received, and similar transactions during a given period that will require payment by the grantee during the same or a future period.

f. *Grantee.* The organization to which an NSF grant is awarded.

g. *Unobligated Balance.* The portion of the funds authorized by the grant that has not been obligated by the grantee. It is determined by deducting outlays and unliquidated obligations from the cumulative funds authorized.

h. *Unliquidated Obligations.* For reports prepared on a cash basis, unliquidated obligations represent the amount of obligations incurred by the grantee that have not been paid. For reports prepared on an accrued expenditure basis, they represent the amount of obligations incurred by the grantee for which an outlay has not been recorded.

410 STANDARDS FOR FINANCIAL MANAGEMENT SYSTEMS

NSF grantees shall have financial management systems which, at a minimum, meet the requirements of Attachment F to OMB Circular A–110, reproduced as Exhibit 3–1 at the end of Chapter III.

420 PAYMENT REQUIREMENTS

421 GENERAL

Federal grant and other programs involving advances to various organizations outside the Federal Government constitute a significant portion of the Federal Budget. Advances of cash from the Treasury to such organizations for the purpose of financing current operations under Federal programs have a substantial impact on Treasury financing costs and the level of the public debt. The purpose of this section is to prescribe the timing of such advances and the procedures to be observed to assure that cash withdrawals from the Treasury occur only when essential to meet the needs of a grantee for its actual disbursements.

422 PAYMENT METHODS

Upon determination that advance funding is applicable in accordance with OMB Circulars A–102 and A–110, the method of payment will be applied in accordance with a through d, below.

a. *Letter of Credit.* A letter of credit is a commitment, certified by an authorized official of NSF, specifying a dollar limit available to a designated payee. A letter of credit is the equivalent of cash available to the grantee and is irrevocable to the extent that the grantee has obligated funds in good faith thereunder for the execution of its authorized NSF programs or projects.

Letter of credit funding is used when all of the following conditions exist:

(1) When there is, or will be, a continuing relationship between a grantee and NSF for at least a 12-month period and the total amount of advances expected to be received within that period is $120,000, or more (Treasury Circular 1075), and

(2) When the grantee has established or demonstrated to NSF the willingness and ability to establish procdures that will minimize the time elapsing between the transfer of funds from the Treasury and their disbursement by the grantee (OMB Circulars A–102 and A–110), and

(3) When the grantee's financial management system meets the standards for fund control and accountability prescribed in Attachment F to OMB Circular A–110 (Exhibit 3–1).

b. *Request for Advance.* When a grantee meets all of the requirements specified in GPM 422a, above, except those in GPM 422 a(1), payments will be made in advance of costs incurred by the submission of a Request for Advance, SF 270, to NSF on a monthly, biweekly, or any other regular cycle (OMB Circulars A–102 and A–110). (See GPM 425 and Exhibit 4–6).

c. *Request for Reimbursement.* When a grantee does not meet the requirements specified in either or both of GPM 422a(2) and GPM 422a(3) or when otherwise considered appropriate by NSF, the grantee shall be required to finance its operations with its own working capital, and payments shall be made to reimburse the grantee for actual cash disbursements based on the submission of a Request for Reimbursement, SF 270, to the NSF (OMB Circulars A–102 and A–110). (See GPM 426 and Exhibit 4–6.)

d. *Working Capital Advance.* In those cases where the reimbursement method described in GPM 442c, above, is not feasible, arrangements may be made whereby the operations of the grantee are financed on a

working capital advance basis. On this basis, funds may be advanced to the grantee to cover its estimated disbursement needs for a given initial period. Thereafter, the grantee would be reimbursed for the amount of its actual cash disbursements. The amount of the initial advance shall be geared to the reimbursement cycle so that after the initial period, the advance approximately equals the average amount of the grantee's unreimbursed program disbursements (Treasury Circular 1075).

423 PAYMENT POLICIES

a. *Timing of Payments.* Regardless of the particular method used, advances to a grantee shall be limited to the minimum amounts needed and shall be timed to be in accord with the actual, immediate cash requirements of the grantee in carrying out the purpose of the approve program or project. The timing and amount of cash advances shall be as close as is administratively feasible to actual disbursements for direct program costs and the proportionate share of any allowable indirect costs.

Cash advances made by grantees (those which receive advances directly from the NSF) to others shall conform to the same standards of timing and amount as apply to advances by NSF to primary grantees, including the furnishing of reports of cash disbursements and balances.

b. *Withholding Payments.* NSF reserves right, upon written notice, to withhold future payments after a specified date if the recipient:

(1) Fails to comply with the conditions of an NSF award, including the reporting requirements, or

(2) Is indebted to the U.S. Government.

c. *Safeguarding Funds.* In no case will NSF furnished funds be commingled with the personal funds of, or be used for personal purposes by, any officer, employee, or agent of the grantee; nor will any of these funds be deposited in personal bank accounts for disbursement by personal check.

424 LETTER OF CREDIT

a. *Summary.* The following is a brief outline of the letter of credit procedures under the Treasury Regional Disbursing Office (RDO) System:

(1) NSF makes a determination that a grantee will be funded through a letter of credit and sends the grantee SF 1194, Authorized Signature Card for Payment Vouchers on Letter of Credit, and NSF Form 931, Designation of Depositary for Direct Deposit of Grant and/or Contract Funds. (See Exhibits 4–1 and 4–2.)

(2) The grantee completes SF 1194 and NSF Form 931 and returns them to NSF.

(3) NSF approves the completed SF 1194 and forwards one copy to the designated Treasury Regional Disbursing Office or Center.

(4) NSF prepares a Letter of Credit, TFS 7577 (SF 1193A). Copies are transmitted to the designated Treasury Regional Disbursing Office or Center and to the grantee. (See Exhibit 4–3.)

(5) NSF furnishes the grantee a supply of SF 183, Request for Payment on Letter of Credit and Status of Funds Report.

(6) Following the effective date of the Letter of Credit, the grantee completes Requests for Payment, SF 183, and submits them to the designated Treasury Regional Disbursing Office or Center in order to receive funds to meet immediate cash disbursement needs. (See Exhibit 4–4.)

(7) The Treasury Regional Disbursing Office or Center then mails a Treasury check directly to the grantee's designated depositary (for credit to its account) or directly to the grantee.

b. *Authorized Signature Card.* The Authorized Signature Card for Payment Vouchers on Letter of Credit, SF 1194, must contain the signature(s) of the official(s) authorized by the grantee to sign Request for Payment on Letter of Credit and Status of Funds Report, SF 183. The Treasury Regional Disbursing Office or Center will accept only the Signature(s) of the official(s) named on the current signature card; the number of officials named should be limited to a practical number. A designation must be made, in the blocks provided, as to whether one or two signatures are required on Requests for Payment. New signature cards shall be submitted whenever there is a change, including additions or deletions of the officials authorized to sign Requests for Payment. Change in the title or position does not require a superseding signature card if the official's authority to sign Requests for Payment remains unchanged. SF 1194 and preparation instructions are shown in Exhibit 4–1.

c. *Designation of Depositary.* The direct deposit procedures are for optional use by NSF grantees funded by letter of credit. Grantees electing to utilize the direct deposit procedures must make such election by submitting NSF Form 931, Designation of Depositary for Direct Deposit of Grant and/or Contract Funds, to the NSF.

Under direct deposit procedures, Treasury checks will be mailed directly to the designated depositary for credit to the grantee's bank account. Grantees electing to use the direct deposit procedures shall complete Section I of NSF Form 931 and forward it to the depositary for completion of Section II. After the form is completed, the grantee shall forward it to NSF. A grantee will execute a power of attorney only where the depositary requires such an authorization in order to receive checks directly from the Treasury Regional Disbursing Office or Center for credit to the grantee's bank account. Grantees shall execute a new NSF Form 931 whenever changes to the depositary are necessary. NSF Form 931 and preparation instructions are shown in Exhibit 4–2.

d. *Letter of Credit.* Upon determination by NSF that a grantee shall be funded by a letter of credit (based on the criteria stated in GPM 422a, above) and after receipt of the Completed signature and depositary forms (described in GPM 424b and 424c, respectively) NSF will issue a Letter of Credit, TFS 7577 (SF 1193A), in favor of the grantee.

The "Amount Authorized" is based on the grantee's anticipated cash requirements for the fiscal year and the NSF's cash outlay ceiling imposed by the Office of Management and Budget. The grantee's anticipated cash requirements for the fiscal year are reported to the NSF, in item 22. "Remarks", of SF 272, Federal Cash Transactions Report, which is described in Exhibit 4–7. Cash outlay projections are reported on the second and third quarter FCTR in the manner described in Exhibit 4–10. The combination of total grantee requirements and NSF's cash outlay ceiling will determine the percentage of anticipated recipient requirements to be provided (percentage funding level). When 100 percent coverage cannot be provided by NSF, the grantee has four alternatives:

(1) Defer outlays until the next fiscal year (to the extent possible), or

(2) Use funds from other sources until the next fiscal year, or

(3) Request NSF to defer new project awards until the next fiscal year, or

(4) Use any combination of alternatives (1), (2), and (3).

The Letter of Credit, TFS 7577 (SF 1193A), is illustrated in Exhibit 4–3.

e. *Request for Payment on Letter of Credit.* —(1) *Preparation.* The grantee shall submit a Request for Payment each time funds are needed to meet current expenses. Grantees are expected to exercise sound financial judgment and planning to insure that the requirements for maintaining minimum cash balances are met. In preparing the Request for Payment, careful consideration of such key factors as payroll dates, payments to subgrantees or contractors, and major fixed costs will be required in order to determine when funds will be needed. Careful consideration of mail time required for transmission of the Request for Payment to the Treasury Regional Disbursing Office or Center and for transmission of the Treasury check to the grantee or grantee's bank will also be necessary. For example, if $20,000 will be needed on the fifteenth of the month in order to meet payroll expenses, pay bills on hand, and provide funds to subgrantees to meet their current disbursement needs, and normal mail time from the date the Request for Payment is submitted to the date the Treasury check is received by the grantee is seven days, then these funds should be requested on approximately the eighth of the month. Once the letter of credit system has been in operation a short time, it is expected that the grantee will have determined its disbursing pattern and calculated mail time so that withdrawals will be timed as close as is administratively feasible to actual cash disbursements. Controls should be maintained on a current basis so that cash balances do not exceed the grantee's immediate disbursements needs. An illustration of SF 183 and instructions for completing it are shown in Exhibit 4–4.

(2) *Conditions for Rejection.* The following is a list of conditions which will cause a Request for Payment, SF 183, to be rejected by the Treasury Regional Disbursing Office or Center.

(a) An unauthorized or invalid signature. (Erasures, painting over with correction fluid, or tapeover's are unacceptable).

(b) The name of the payee to whom the check is to be issued is not identical to the name of the payee in the "Treasury Checks To Be Made Payable To" block of the related form SF 1193A, Letter of Credit, or latest amendment thereto.

(c) The available balance on the letter of credit is insufficient.

(d) The Amount Requested block in Section I, Request for Payment is left blank, erased, painted over with correction fluid, or taped over.

(e) Discrepancies exist in Section II, Status of Federal Funds, Section III, Classification of the Amount of the Request, and/or other items in Section I, Request for Payment, and the RDO cannot obtain correct information from NSF and/or its own file.

(f) If the amount requested is more than $5,000,000.00 and the NSF does not provide an amendment to the related letter of credit authorizing drawdowns of more than $5,000,000.00.

(g) Excessive funds in the hands of the grantee organization as determined by Treasury and/or NSF.

(h) A written request from NSF to the Treasury Regional Disbursing Office to withhold payment for a reason other than those listed above. An authorized certifying officer of NSF shall provide signed written confirmation of this request.

A Rejection Notice stating the reason(s) for rejection shall be furnished by the Treasury Disbursing Office to the grantee. A copy of the Rejection Notice shall be sent to NSF and the Special Financing Staff, Banking and Cash Management (Department of the Treasury in Washington, D.C.) along with a copy of the rejected Request for Payment.

(3) *Distribution of Copies.* Copies of the Request for Payment shall be distributed as follows:

(a) Original, to the Treasury Regional Disbursing Office or Center indicated on the Letter of Credit, TFS 7577 (SF 11934A).

(b) Duplicate, to The Treasury Regional Disbursing Office or Center for transmission to NSF after payment or rejection.

(c) Triplicate, to the National Science Foundation, Division of Financial and Administrative Management, 1800 G Street NW., Washington, D.C. 20550.

(d) Quadruplicate, retained by the grantee.

(e) Quintuplicate, to the Treasury Regional Disbursing Office or Center for transmission to the Special Financing Staff, Banking and Cash Management (the Department of Treasury in Washington, D.C.).

(4) *Emergency Payments.* In the event that a grantee does not receive a Treasury check within a reasonable length of time, the grantee should contact the Grantee and Cash Management Branch (NSF) 202-632-4006. The grantee should provide NSF information regarding the payment in question in order for NSF to aid in the determination of the status of payment.

425 REQUEST FOR ADVANCE

The Request for Advance, SF 270, enables a grantee which meets all of the requirements specified in GPM 422a, except those in GPM 422a(1), to obtain cash in advance to meet current disbursement needs. The grantee's designated official (Accounting Officer, Business Officer, Treasurer, etc.) must submit Requests for Advance to NSF on a periodic basis (monthly, biweekly, or other regular cycle) depending on normal disbursement patterns. Such requests should be limited to the minimum amounts needed and be timed to meet the anticipated cash requirements for allowable charges to active NSF projects. Grantees not qualifying for funding by letter of credit but are otherwise qualified to receive advance payments, are instructed to use the "Alternate Computation for Advance", item 12, instead of lines 11a through j. A copy of SF 270 along with preparation instructions is included in Exhibit 4-6.

426 REQUEST FOR REIMBURSEMENTS

When a grantee fails to meet the requirements specified in either or both of GPM 422 a(3), or when otherwise considered appropriate by NSF, the grantee will be required to finance NSF projects with its own working capital. Reimbursement will be made upon submission of a Request for Reimbursement, SF 270. The amount requested as reimbursement will be reported on line 11l. All other lines in item 11 and the "Alternate Computation for Advances", item 12, will be left blank. A SF 270, with instructions, is included in Exhibit 4-6.

427 WORKING CAPITAL ADVANCE

In those cases when the reimbursement method described in GPM 426 is not feasible, arrangements may be made whereby NSF projects are financed on a working capital advance basis. On this basis, funds may be advanced to cover estimated disbursement needs for a given initial period. Thereafter, reimbursement would be made for the amount of the grantee's disbursements. The amount of the initial advance will be geared to the reimbursement cycle so that after the initial period the advance approximately equals the average amount of unreimbursed disbursements. Under this method of payment, SF 270, item 12, will be used for the initial advance; thereafter, reimbursements will be requested on SF 270, line 11l. SF 270, with instructions is included in Exhibit 4-6.

430 FEDERAL CASH TRANSACTIONS REPORT

a. *General.* Shortly after the end of each calendar quarter, NSF will mail to each grantee a Federal Cash Transactions Report (FCTR) (SF 272 and SF 272A) to be updated and returned to NSF. This report is required whether funds are provided on an advance or a reimbursable basis. The Federal Cash Transactions Report is basically a modification of the traditional NSF Grantees Quarterly Expenditure Report (QER). The new name and the new report elements are in compliance with the new uniform Federal standards applicable to financial reporting by grantees. The FCTR with instructions is shown in Exhibit 4-7 (SF 272) and 4-8 (SF 272A.)

A Status of Final Reports has been added to the FCTR as a means of notifying grantees of due or past due final Technical Reports, Financial Status Reports, and Summaries of Completed Projects. The Status of Final Reports and instructions are shown in Exhibit 4-9.

b. *Purpose.* In compliance with the new uniform Federal standards and other NSF requirements, the Federal Cash Transactions Report will be used for the following purposes:

(1) To monitor the balances of undisbursed NSF cash advances;

(2) To provide data which will enabe NSF to record on a reasonably current basis the grantee's actual disbursements against individual awards in order to liquidate obligations and advances;

(3) To provide data which can be translated into internal NSF reports to assist program officers and the Division of Grants and Contracts in determining the funding needs of grantees (See "Additional Funding Support", GPM 250);

(4) To report grantee's forecasts of cash requirements to the NSF when funds are advanced by letter of credit;

(5) To report the NSF share of project income which was used in projects supported by the NSF (see "Project Income", GPM 650);

(6) To report interest income to NSF; and

(7) To report grantees advances to subgrantees or contractors.

c. *Distribution and Due Date.* The original and copy 1 of the Federal Cash Transactions Report (SF 272 and SF 272A) and the Status of Final Reports must be completed and returned to the NSF Division of Financial and Administrative Management not later than 15 working days after receipt of the forms from the NSF.

440 CASH REFUNDS AND CREDITS TO NSF

441 FINAL UNOBLIGATED BALANCE

The NSF has a reversionary interest in the unobligated balance of a grant upon expiration or completion of the grant. The unobligated balance of Federal funds as reported on the Financial Status Report (See "Grant Closeout", Chapter VI, GPM 670) will be deducted from the award amount and reported on SFA 272A of the Federal Cash Transactions Report at the end of the quarter in which the Financial Status Report was approved by the Division of Grants and Contracts. The entry reduces the grantees "Balance Authorized" as computed on line 21 of SF 272 of the Federal Cash Transactions Report. (See Exhibit 4-7.)

If the grantee's "Balance Authorized" has been fully advanced and the unobligated balance deduction results in negative "Balance Authorized", the grantee must refund by check (payable to the National Science Foundation) the amount of the negative "Balance Authorized".

442 ERRONEOUS PAYMENTS

Advances or reimbursements made in error must be refunded by check (payable to the National Science Foundation) if the erroneous payment creates an excess cash on hand condition or a negative "Balance Authorized" as computed on line 21 of SF 727. (See Exhibit 4-7.)

443 INTEREST EARNED ON ADVANCE PAYMENTS

Interest earned on advance payments to other than State agencies must be reported to the NSF on the Federal Cash Transaction Report, SF 272, (Exhibit 4-7) and remitted by check payable to the National Science Foundation.

444 PROJECT INCOME

If, in accordance with GPM 653, project income is designated for credit to grant costs, it will be recovered by NSF by crediting costs otherwise chargeable against the grant on the Federal Cash Transactions Report, SF 272 and SF 272A, (Exhibit 4-7 and 4-8). In these cases, income in excess of the grant will be remitted to NSF by check payable to the National Science Foundation.

445 OTHER COST CREDITS

Purchase discounts, rebates, allowances, credits resulting from overhead rate adjustments, and other credits relating to any allowable cost received by or accruing to the grantee shall be credited against NSF grant costs if the grant has not been closed out. A grant is closed out if the three final reports (Financial Status Report, SF 269, Technical Report, and the Summary of Completed Project, NSF Form 98A) have been submitted to and accepted by NSF. If the grant has been closed out, cost credits will be accepted only if the amount is $100 or more. Such credits will be accomplished by the submission of a revised Financial Status Report, SF 269. See GPM 675d.

EXHIBITS

4-1 Authorized Signature Card for Payment Vouchers on Letters of Credit (SF 1194)
4-2 Designation of Depositary for Direct Deposit of Grant and/or Contract
4-3 Letter of Credit (TFS Form 7577 or SF 1193A)
4-4 Request for Payment on Letter of Credit (TFS Form 7578 or 183)
4-5 Treasury Disbursement Centers and Regional Offices
4-6 Request for Advance or Reimbursement (SF 270)
4-7 Federal Cash Transactions Report (SF 272—machine formatted version)
4-8 Federal Cash Transactions Report (SF 272A—machine formatted version)
4-9 Status of Final Reports
4-10 Cash Outlay Report

CHAPTER V.—ALLOWABILITY OF COSTS

500 BASIC CONSIDERATIONS

501 FEDERAL COST PRINCIPLES

501.1 *Applicability to Grantees.* Expenditures under NSF grants are governed by the Federal cost principles applicable to specific types of grantees as follows:

a. *Institutions of Higher Education.* Principles for determining the costs applicable to research and development and to training and other educational services performed by colleges and universities under Federal government grants and contracts, are contained in FMC 73-8 (formerly OMB Circular A-21). This circular is applicable to all NSF awards to both public and private institutions of higher education, and is codified in 34 CFR 254, and reproduced in 41 CFR Subparts 1-15.3 and 1-15.8.

b. *Other Nonprofit Organizations.* A proposed set of government-wide cost principles for certain other nonprofit organizations was published for public comment in the Federal Register of Tuesday, April 26, 1977. Pending the promulgation of such government-wide cost principles, expenditures under NSF grants will be governed either by Subpart 1–15.2 of the FPR (41 CFR Subpart 1–15.2) or by the cost principles contained in DHEW publication Guide for Nonprofit Institutions, OSAC–5, or DHEW publication, Guide for Hospitals, OASC–3, as appropriate, in accordance with the following criteria:

(1) Any independent nonacademic nonprofit research organization shown in the current edition of the NSF Surveys of Science Resources Series Federal Support to Universities, Colleges, and Selected Nonprofit Institutions, to have been a recipient of Federal R&D funds totalling $5 million or more during the listed fiscal year will be governed by Subpart 1–15.2 of the FPR.

(2) Any other nonacademic nonprofit organization will be governed by the appropriate DHEW cost principles unless it formally requests the NSF Division of Grants and Contracts to make the provisions of Subpart 1–15.2 applicable to its and such request is approved.

c. *Commercial Firms.* The government-wide cost principles and procedures for use in cost-reimbursement type supply and research contracts with commercial organizations, contained in 41 CFR Subpart 1–15.2 are applicable to NSF grants to commercial firms.

d. *State and Local Governments.* FMC 74–4 (formerly OMB Circular A–87) provides principles and standards for determining costs applicable to grants and contracts with State and local governments. That circular, which is applicable to all NSF awards to State and local government entities (excluding publicly financed colleges and universities and hospitals), is codified in the Code of Federal Regulations as 34 CFR Part 255. It also is reproduced as 41 CFR Subpart 1–15.7.

501.2 *Applicability to Contracts Under Grants.* Grantees are responsible for assuring that costs of all contracts under NSF grants are subject to those cost principles and procedures appropriate to the contract type and contractor organization or institution involved. For example, if the contract is a cost reimbursement type for supplies or services with a commercial concern, Subpart 1–15.2 of FPR would apply; if the contract is for experimental, developmental, or research work with an educational institution, Subpart 1–15.3 of FPR would apply.

501.3 *Conflicting Guidelines.* In the event of any discrepancy between the summary information contained in this chapter and any specific provision of the applicable Federal cost principles, the cost principles in effect as of the effective date of the NSF grant will govern. In case of a discrepancy between the special provisions of an NSF grant and the standards of the applicable cost principles, the special provisions of the grant will govern.

504 Other Considerations

504.1 *Maximum Obligation.* The maximum obligation of NSF for support of the project will not exceed the amount specified in the grant instrument, as amended. NSF does not amend grants to provide additional funds for such purposes as reimbursement for unrecovered indirect costs resulting from the establishment of final negotiated rates or for increases in salaries, fringe benefits, and other costs.

504.2 *Applicable Credits.* Purchase discounts, rebates, allowances, and other credits relating to any allowable cost, received by or accruing to the grantee shall be credited to the Government either as a cost reduction or by cash refund, as appropriate. (See GPM 440, "Cash Refunds and Credits to NSF;" GPM 653, "NSF Project Income Provisions"; and GPM 675, "Financial Status Report and Summary.")

504.3 *Preaward Costs.* Expenditures may not be charged against NFS funds prior to the effective date of the grant. However, commitments requiring long lead times, such as for major items of equipment, may be initiated prior to the effective date at the risk of the grantee, for delivery subsequent to that date but in time for use in the project being supported. If a grant is made and such items are approved, Federal funds may be expended for them on or after the effective date of the grant.

504.4 *Post-expiration Costs.* NSF funds may not be expended subsequent to the expiration date of the grant except to liquidate valid commitments which were made on or before the expiration date.

505 Prior Approval

505.1 *OMB Directives.* Part II of Attachment A to FMC 73–7 (A–101) prescribes that Government controls and limitations on expenditures for specific items under research projects at educational institutions shall be in accordance with the provisions of FMC 73–8 (A–21). It states that, wherever practical, the approvals should be given at the time of award to avoid undue delays during the course of the project. Subparagraph 3d of Attachment J to OMB Circular A–110 prescribes that Federal agencies may impose approval requirements only if they are consistent with those in FMC 73–8.

505.2 *NSF Prior Approval Policy.* (1) If an expenditure item is proposed in the budget and justified in the narrative, provision for it in the grant constitutes NSF approval unless the grant instrument specifically indicates the contrary.

(2) If provisions is not made in the proposal, prior written approval of the NSF Grants Officer, the NSF Program Officer, or of the Organizational Prior Approval System as appropriate, should be obtained before action is taken to procure any item or service listed in Exhibit 5–1, since it cannot be charged to NSF award funds prior to such approval.

505.3 *Delegation of Authority.* NSF delegates to grantee organizations the authority to grant prior approvals, as prescribed in GPM 613, for the following items of cost for which FMC 73–8 requires colleges and universities to obtain prior approval:

a. Alterations and renovations under $1,000, as defined in GPM 521.

b. Expenditures for otherwise allowable equipment, where the cumulative cost exceeds the total amount budgeted. (See GPM 512.5)

c. Cumulative domestic travel expenditures which exceed the budgeted amount. (See GPM 514c)

506 Advance Understandings

a. The allowability of the selected items of cost covered in the various cost principles applies broadly to many accounting systems in varying situations. In some cases (e.g., professional and consultant services costs) the various cost principles prescribed specific factors or conditions to be considered in determining the allowability of such costs in specific situations. In such cases, it is important that the stated conditions or factors be adhered to and documented in order to avoid possible subsequent disallowance.

b. In the event a grantee anticipates charging the NSF grant for an item of direct cost which, in light of the above, might subsequently be disputed, the authorized organizational representative should negotiate an advance agreement with the cognizant NSF Grants Officer.

510 Itemized Direct Costs

The following subsections summarize the allowability of frequently encountered direct cost items in the order in which they appear in the grant budget. Exhibit 5–1 summarizes prior approval requirements for selected items of cost.

511 Salaries, Wages, and Fringe Benefits

511.1 *Salaries and Wages.*—a. *All Grantees.* All remuneration paid currently or accrued by the organization for employees working on the NSF supported project during the grant period is allowable to the extent that (1) total compensation to individual employees is reasonable for the work performed and conforms to the established policy of the organization consistently applied to both Government and non-Government activities; and (2) provided that the charges for work performed directly under NSF grants and for other work allocable as indirect costs are determined as provided in the applicable Federal cost principles.

b. *Colleges and Universities.* Section J.7 of FMC 73–8 (FPR Subpart 1–15.309–7) establishes special criteria for work performed on Government projects by faculty members during and outside the academic year. In summary these are:

(1) *Academic Year Salaries.* To be based on the individual faculty member's regular compensation for the continuous period which, under the policy of the institution concerned, constitutes the basis of his/her salary. Except as provided in GPM 516.2, charges to Federal awards, irrespective of the basis of computation, will not exceed the proportionate share of the base salary for that period (J.7.i).

(2) *Periods Outside the Academic Year.* During summer months or other periods not included in the period for which the base salary is paid, salary is to be at a monthly rate not in excess of the base salary divided by the number of months in the period for which the base salary is paid (J.7.j).

511.2 *Fringe Benefits.* Fringe Benefits are allowable as a direct cost (if not included as an indirect cost) in proportion to the salary charged to the grant, to the extent that such payments are made under formally established and consistently applied organizational policies. The NSF share of the estimated fringe benefits is shown in item C of the NSF Budget.

512 Equipment

512.1 *Background.* The current Federal cost principles vary in their provisions concerning the allowability of capital expenditures, equipment and other facilities, and depreciation and use allowances thereon. Pending changes conform some of them to the provisions of Attachment N to OMB Circular A–110. For consistency of treatment of equipment costs in grants to all types of organizations, the following subsections are applicable to all NSF grants issued on and after the effective date of this Manual.

512.2 *Definitions.* The following definitions, derived from Attachment N to OMB Circular A–110 and from the pending FPR 1–15.911–14 apply to all NSF grants (or amendments thereto) issued on and after the effective date of this Manual. Note that they are different from terms previously used.

a. *Acquisition cost.* The net invoice unit price of an item of equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is required. Ancillary charges, such as taxes, duty, protective in transit insurance,

freight, and installation shall be included in or excluded from acquisition cost in accordance with the organization's regular accounting practices.

b. *Equipment.* An article of nonexpendable tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. Grantee organizations subject to Cost Accounting Standards Board regulations may use the CASB standard of $500 per unit and useful life of two years for the purposes prescribed by the CASB standards. However, for the purposes of distinguishing between "general purpose equipment" (GPM 512.4) and materials and supplies for grant budget, prior approval, and budget revision purposes, the primary definition of $300 per unit and useful life of one year shall apply. An organization may use its own definition provided that it at least includes all equipment as defined herein.

c. *General purpose equipment.* Equipment (as defined in b, above) which is usable for other than research, medical, scientific, or technical activities, whether or not special modifications are needed to make it suitable for a particular purpose. Examples of general purpose equipment include office equipment and furnishings, air conditioning equipment, reproduction and printing equipment, motor vehicles, and automatic data processing equipment.

d. *Special purpose equipment.* Equipment (as defined in b, above) which is usable only for research, medical, scientific, or technical activities. Examples of special purpose equipment include microscopes, X-ray machines, surgical instruments, and spectrometers.

e. *Tangible personal property.* Any property (except land, structures, and appurtenances thereto) having physical existence.

512.3 *Special Purpose Equipment.* Expenditures for special purpose equipment are allowable as direct costs provided that the acquisition of items with a unit cost of $1,000 or more is (1) justified in the proposal and approved in the grant, or (2) approved by the NSF Grants Officer after the grant has been made but prior to acquisition with NSF funds. For special purpose equipment having a unit acquisition cost exceeding $10,000, see certification in GPM 204.2, "Equipment."

512.4 *General Purpose Equipment.* Expenditures for general purpose equipment are unallowable unless (a) justified in the proposal and specifically provided for in the NSF Budget or (b) approved by the NSF Grants Officer after the grant has been made but prior to acquisition with NSF funds.

512.5 *Expenditure Limitations.* Expenditures for allowable equipment from the NSF share may not be increased by more than 25% of the amount allocated in the grant budget, as amended, without prior approval by the grantee's prior approval system. (See GPM 505 and 613)

513 MATERIALS AND SUPPLIES

The costs of materials and supplies (tangible personal property other than equipment) necessary to carry out the project are allowable as prescribed in the governing cost principles. The NSF share of such estimated costs is shown in item E of the NSF Budget.

514 TRAVEL COSTS

a. Expenses for transportation, lodging, subsistence, and related items incurred by project personnel who are in travel status on business incident to an NSF-supported project are allowable as prescribed in the governing cost principles.

b. Except as provided in the governing cost principles, the difference in cost between first-class air accommodations and less than first-class air accommodations is unallowable. A train, bus, or other surface carrier may be used in lieu of or as a supplement to air travel at the lowest first-class rate by the transportation facility used. However, if such travel could have been performed by air, the allowance will not normally exceed that for jet economy air fare.

c. The NSF share of estimated domestic travel costs is shown in item F of the NSF Budget. Expenditures from the NSF share for domestic travel during any budget period may not be increased by more than 25% of the amount allotted in item F or $500, whichever is greater, without prior approval by the grantee's prior approval system. (See GPM 505 and 613)

d. The NSF share of estimated foreign travel costs is shown in item G of the NSF Budget. Expenditures are allowable only as prescribed in GPM 731, "Travel to Foreign Countries."

e. Foreign travel costs of dependents of project personnel are not allowed without prior NSF approval, which will be granted only under the following circumstances:

(1) The individual scientist is a key person whose full-time presence is essential to the effective performance of the project;

(2) His/her residence in a foreign country for a continuous period of at least six months is essential to the effective performance of the project; and

(3) The payment of a travel allowance for dependents is consistent with the policies of the grantee organization.

515 COMPUTER (ADPE) COSTS

515.1 *Automatic Data Processing Equipment (ADPE) Leasing Costs.* The costs of leasing ADPE are allowable, up to the amount that the grantee would be allowed had it purchased the ADPE, and to the extent that the rates are reasonable in light of factors such as those described in FPC 1–15.205–34(c)(1). The NSF share of such estimated costs, if any, is shown in item L of the NSF Grant Budget.

515.2 *Grantee-owned ADPE Facilities.* The costs of services involving the use of highly complex or specialized facilities operated by the organization, such as electronic computers, are allowable provided the charges meet the conditions of FPR 1–15.309–37 or comparable section of other governing cost principles and otherwise take into account any items of income or Federal financing that qualify as applicable credits under the governing cost principles (see GPM 504.2, "Applicable Credits" and GPM 650, "Project Income"). The NSF share of such estimated costs is shown in item H of the NSF Grant Budget.

516 CONSULTANT SERVICES

516.1 *Outside Consultants.* (a) Costs of professional and consultant services rendered by persons who are members of a particular profession or possess a special skill and who are not officers or employees of the performing organization are allowable when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government. However, payment for a consultant's services may not exceed the daily equivalent of the maximum rate paid a U.S. Government GS–18, unless specifically authorized by law.

(b) In determining the allowability of costs in a particular case, no single factor or any special combination of factors is necessarily determinative. However, the following factors among others are relevant:

(1) The nature and scope of the service rendered in relation to the service required;

(2) The necessity of contracting for the service considering the organization's capability in the particular area;

(3) The past pattern of such costs, particularly in the years prior to the award of Government contracts and grants;

(4) The impact of government contracts and grants on the organization's total activity (i.e., what new problems have arisen);

(5) Whether the proportion of Government work to the organization's total activity is such as to influence the organization in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Government contracts and grants;

(6) Whether the service can be performed more economically by employment rather than by consulting;

(7) The qualifications of the individual or concern rendering the service and the customary fees charged, especially on non-government contracts and grants; and

(8) Adequacy of the contractual agreement for the service (e.g., description of the service; estimate of time required, rate of compensation, and termination provisions).

(c) In addition, retainer fees to be allowable must be supported by evidence of bona fide services available or rendered.

(d) Costs of legal, accounting, and consulting services, and related costs, incurred in connection with organization and reorganization, defense of antitrust suits, and the prosecution of claims against the Government, are unallowable. Costs of legal, accounting, and consulting services, and related costs, incurred in connection with patent infringement litigation, are unallowable unless otherwise provided for in the grant.

(e) See also GPM 204, "Special Requirements Involving Consultant Services or Equipment."

(f) The NSF share of estimated consultant costs is shown in item I of the Grant Budget.

516.2 *Intra-University Consulting.* Since intra-university consulting is assumed to be undertaken as a university obligation requiring no compensation in addition to full-time salary, the principle summarized in GPM 511.1b(1), above also applies to those who function as consultants or otherwise contribute to a project conducted by another faculty member of the same institution. However, in unusual cases where consultation is across departmental lines or involves a separate or remote operation, and the work performed by the consultant is in addition to his regular appointment, any charges for such work representing extra compensation above the salary are allowable if consistent with the applicable cost principles. (See limitations on rate of compensation for consultant services, GPM 516.1a)

516.3 *Federal Employees.* Employees of the Federal government (other than NSF) may be utilized as lecturers or staff members on a project and may receive compensation and/or expenses if they obtain prior approval from their agencies to participate, and if services to the project are performed outside their regular working hours or while they are on leave status from official duties. Under no circumstances may NSF employees receive compensation from an NSF-supported project.

517 PAGE CHARGES AND PUBLICATION COSTS

a. As indicated in GPM 674, NSF requires both a final technical report and a summary for each project supported by an NSF grant.

b. As indicated in GPM 752.2, NSF encourages and sometimes requires publication and distribution of the results of projects conducted with the support of its grants.

c. Costs of preparing and publishing the results of NSF supported research, including costs of reports, reprints, page charges, and necessary illustrations, are allowable charges against the grant.

d. If requested, specific provisions for funds to cover the costs of such project reports, page charges, etc. may be contained in item J of the NSF Budget.

e. Page charges for scientific journal publication are allowable as a necessary part of research costs, where:

(1) The research papers report work supported by NSF;

(2) The charges are levied impartially on all research papers published by the journal, whether by non-Government or by Government authors; and

(3) The journals involved are not operated for profit.

f. In the event that valid commitments for publication have been incurred, but it is not possible to effect an actual payment for such charges by the time the financial status report is due (see GPM 675), the grantee may transfer from the grant account to an institutional account an amount equal to the commitment and retain such funds for payment of publication charges. If actual publication costs are less than the commitment, the excess funds should be returned to NSF unless the excess amounts to less than $100. If the excess is less than $100, it may be used by the grantee for general scientific research; if more than the commitment any excess will not be reimbursed by NSF. See GPM 752, "Publication."

518 PARTICIPANT SUPPORT COSTS

518.1 *General.* a. Participant support costs are direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with meetings, conferences, symposia, or training projects.

b. When appropriate to a particular activity, they may be requested, and if approved, provided in the NSF Budget, (Exhibit 2–4) under line item K. But see GPM 532.2, "Exceptions to Basic Policy," for NSF indirect cost policy.

c. In accordance with OMB Circular A–110, Attachment J, 3e, funds provided for participant support may not be used by grantees for other categories of expense without the specific prior approval of the NSF Program Officer.

d. Participant support allowances may not be paid to trainees who are receiving compensation, either directly or indirectly, from other Federal government sources while participating in the project. Educational benefits from the Veterans Administration and retirement or disability compensation are exempt from this restriction. A Federal employee may receive participant support allowances from grant funds provided there is no duplication of funding of items and provided no single item of participant cost is divided between his/her parent agency and NSF grant funds.

518.2 *Stipends or Subsistence Allowances.* a. To help defray the costs of personal maintenance while participating in a conference or training activity, participants may be paid a stipend, per diem, or subsistence allowance, based on the type and duration of the activity, as outlined in the pertinent program announcement and in the grant instrument. Such allowances must be reasonable, in conformance to the usual policy of the grantee organization, and limited to the days of attendance at the conference plus the actual travel time required to reach the conference location by the most direct route available. Where meals and/or lodgings are furnished without charge or at a nominal cost (e.g., as part of the registration fee), the per diem or subsistence allowance will be correspondingly reduced. (See also GPM 522f, Consultant Services and Speaker Fees.) Grant funds may not be used to pay per diem or similar expenses for local participants in the conference.

b. Costs of amusement, diversion, social activities, ceremonials, and incidental costs related thereto, such as bar charges, and personal telephone calls of participants or guests are unallowable.

518.3 *Travel Allowances.* a. Travel costs of participants may be allowable as outlined in the pertinent program announcement and in the grant instrument. If so, the restrictions regarding class of accommodations (see GPM 514b) and use of U.S. flag carriers (see GPM 731.3) are applicable.

b. In training activities which involve field trips, costs of transportation of individuals are allowable.

520 OTHER DIRECT COSTS

The following items summarize the allowability of certain other items of cost about which questions frequently arise:

521 ALTERATIONS AND RENOVATION

a. NSF does not normally make grants for construction or facility improvements. However, alteration and renovation costs that do not constitute construction may be allowable under NSF grants to adapt space or utilities within a completed structure to accomplish the objective of the NSF-supported activity. *Provided,* That (1) the grantee is not an individual or a foreign institution, (2) the building has a usable life consistent with project purposes and is architecturally suitable for conversion, (3) the alteration and renovation are essential to the project supported by the grant, and (4) the space involved will actually be occupied by the project. In situations where the space is rented, in order for the costs of the alteration and renovation to be allowable, the grantee must secure a lease for the length of the project. (See GPM 524)

b. Any plans for such rearrangement or alterations should be clearly set forth in the proposal. If approved by NSF, such approval will be indicated in the grant instrument. Note that paragraph 4 of Attachment O to OMB Circular A–110 (Exhibit 3–2) contains various requirements concerning contracts for construction or repair in excess of $2,000.

c. If plans for rearrangement or alterations are not set forth in the proposal and approved in the grant instrument, not more than $1,000 may be rebudgeted for that purpose without the prior written approval of the Grants Officer. Any rebudgeting for that purpose under $1,000 requires organizational prior approval as prescribed in GPM 613, "Organizational Prior Approval System."

522 MEETINGS AND CONFERENCES

Because of the frequency with which questions are raised regarding the phrase "facilities for meetings and costs incidental thereto", contained in the various sets of Federal cost principles, the following items summarize the allowability of various items of cost associated with conferences, symposia, workshops or other meetings supported by NSF grants.

a. *Conference Facilities.* Rental of facilities and necessary equipment is allowable. (See GPM 524)

b. *Supplies.* Purchase of expendable materials and supplies necessary for the meeting is allowable.

c. *Conference Services.* Costs of translation services, and of recording and transcribing the proceedings, are allowable.

d. *Publication Costs.* Cost of publishing the proceedings are allowable only if approved in the grant instrument or otherwise specifically approved in writing by the Grants Officer.

e. *Salaries.* Salaries of professional personnel, editorial and clerical assistants, and other staff members are allowable in accordance with GPM 511 above, in proportion to the time or effort devoted to the preparation and conduct of the conference and summarizing its results.

f. *Consultant Services and Speakers Fees.* Reasonable fees and travel allowances are allowable as prescribed in GPM 516 and 514, above.

g. *Meals and Coffee Breaks.* When certain meals are an integral and necessary part of a conference (i.e., working meals where business is transacted), grant funds may be used for such meals. Grant funds may also be used for furnishing a reasonable amount of coffee and/or soft drinks to conference participants and attendees during periodic "coffee breaks."

h. *Participant Support Costs.* Allowable as prescribed in GPM 518, above.

523 NEWS RELEASE COSTS

In amplification of the provisions of the various cost principles regarding public information service costs, the cost of news releases announcing the results of an NSF-supported project are allowable with the specific approval of the cognizant NSF Program Officer. In the event the performing organization wishes to join with NSF in a simultaneous news release, arrangements may be made through the NSF Public Information Branch (telephone 202–632–5728).

524 RENTAL OR LEASE OF FACILITIES OR SPECIAL PURPOSE EQUIPMENT

a. Normally the grantee is expected to make available appropriate facilities without direct charge to grant funds. However, on occasion, it is necessary to use facilities not under the control of the grantee. Rental of space off-site may be allowed, for example, for a science education project where for the benefit of the participants, the project must be held at locations other than the campus or, for a research project, if laboratory facilities or other work areas of a type or coverage not normally available to the grantee are required. If justification for the rental of space is given in the proposal, and space rental costs are included in the NSF Budget, rental charges may be made in conformance with the organization's policies and in the same manner that similar charges are made to any account, provided that such rental costs are reasonable and otherwise conform to the governing cost principles. If not provided in the Budget, the rental or lease of facilities requires prior approval of the Grants Officer.

b. Rental of special purpose equipment is allowable. See also GPM 515.1, "ADPE Leasing Costs."

525 STIPENDS OR SUBSISTENCE ALLOWANCES

a. Stipends or subsistence allowances are authorized in some grants in support of international science activities. Such stipends are treated as "Other Direct Costs," not as "Salaries and Wages."

b. Stipends or subsistence allowances also may be allowable to participants in meetings, conferences, symposia, or training activities. See GPM 518, "Participant Support Costs."

530 INDIRECT COSTS

531 PREDETERMINED FIXED RATES

In order to simplify the administration of cost-type research and development contracts and grants with educational institutions and to permit more expeditious close-out of awards than is possible under a system of provisional overhead rates for billing purposes subject to post-audit adjustment, Pub.

L. 87-638 (76 Stat 437) authorized payment of reimbursable indirect costs on the basis of predetermined fixed-percentage rates applied to a portion of the reimbursable costs incurred.

In 1965, the Comptroller General (B-15784) authorized NSF to extend the principles of Pub. L. 87-638 to grants to other nonprofit organizations if the rates are fixed with NSF having no responsibility to make additional funds available regardless of what the total cost may be. In providing for the determination and application of indirect cost rates, the Federal cost principles (except those governing commercial organizations) recommend that consideration be given to the use of predetermined fixed rates where the cost experience and other pertinent facts are sufficient to produce an informed judgment as to the probable level of indirect costs during the ensuing accounting period.

532 NSF "FULL REIMBURSEMENT" POLICY

532.1 *Basic Policy.* a. It is NSF policy that a U.S. grantee is entitled to "full reimbursement" from grant funds for the indirect costs allocable to the NSF share of allowable direct costs of a project except where specifically excluded by GPM 532.2, below.

b. If the grantee organization has executed an indirect cost negotiation agreement with a cognizant Federal negotiating agency, or otherwise agreed to an indirect cost rate and base with some Federal department or agency, NSF will utilize that negotiated agreement as the basis for determining an NSF approved rate for use in NSF grants. When indirect cost rates are established through negotiation with a cognizant negotiating agency or otherwise at a time subsequent to the submission of a proposal to NSF, such rates will be used by NSF: *Provided*, That the new rates have been accepted and approved by NSF for NSF use prior to the final stages of processing the grant. (Normally, the rate in effect on the date the proposal is recommended for award by the NSF Program Officer will be used.)

c. NSF recognizes that the costs of a proposed project, the anticipated period of performance, and the progress to be made are estimates. Nevertheless, NSF will neither amend a grant solely to provide additional funds for subsequent indirect cost rate changes, nor settle indirect costs on a post audit basis except for grants with maximum provisional rates. (See also GPM 504.1, "Maximum Obligation," GPM 534.2b, "Other Organizations," GPM 535, "Grant Reimbursement for Indirect Costs," and GPM 535.2, "Maximum Provisional Rate.")

d. Within the framework of GPM 531, above, NSF implements its "full reimbursement" policy by: (1) Application of the predetermined fixed rate principal in grants to universities and colleges and to those nonprofit organizations where the cost experience and other pertinent facts available are deemed sufficient to determine the probable level of indirect costs during the ensuing accounting period as described in GPM 534, below, and (2) utilization of the latest available rate based on actual past cost experience or, when appropriate, on cost projections, as a maximum provisional rate, in grants to other nonprofit organizations and to profit-making firms.

e. Any negotiations with respect to business and financial matters, including the amount of indirect cost reimbursements, are conducted by the NSF Division of Grants and Contracts with the Authorized Organizational Representative.

f. NSF does not provide for the indirect costs to foreign grantees.

532.2 *Exceptions to Basic Policy.* NSF provides no amounts for indirect costs for the following:

(a) Grants to individuals;

(b) Grants solely for the support of travel, equipment, construction of facilities, or doctoral dissertation research (see GPM 643.1);

(c) Grants in which NSF support is exclusively in the form of fellowships, traineeships, or other fixed amounts such as cost-of-education allowances; and

(d) Participant support costs.

533 INDIRECT COSTS IN PROPOSALS FOR NSF SUPPORT

533.1 *Proposal Budget.* Each proposal for NSF support of a project should include a budget indicating the total amount requested from NSF, with subtotals for direct and indirect costs. The amounts shown opposite the various line items should be the amounts requested from NSF. The amount shown for indirect costs should be calculated by applying the approved indirect cost rate to the approved base.

533.2 *Off-Campus (Off-Site) Activities.* If the proposed project contemplates work to be performed in an environment or in a manner which would generate a significantly different level of indirect costs than the normal work of the organization, such as off-campus (off-site) projects, the proposed budget should calculate the indirect cost portion of the grant on the basis of the organization's on campus/off campus policy, as reflected in the published negotiation agreement. Organizations lacking such a policy are encouraged to establish one, in coordination with the cognizant Federal agency. Responsibility for coordinating the establishment of indirect cost rates and auditing of Federal grants for most colleges and universities was assigned by FMC 73-6 (formerly OMB Circular A-88) to the Department of Health, Education and Welfare (DHEW). (GPM 201e, GPM 532.1b)

534 INDIRECT COSTS IN NSF GRANTS

534.1 *General.* Each grant letter specifies NSF's maximum obligation for its share of the total costs of a project (see GPM 504.1, above). The NSF Budget reflects the categories of costs itemized in the final proposal Budget on which NSF bases its level of support. The amount for indirect costs will be based on the most recent "Federally negotiated" rate(s) accepted by NSF for its use prior to the final stage of processing the grant. Normally these will be the same as those shown in the proposal Budget as revised (see GPM 532.1, above).

534.2 *NSF Calculation of Indirect Cost Amount*—a. *Most Organizations.* In accordance with GPM 532.1, above, NSF implements its indirect cost policy for universities, colleges, and other appropriate nonprofit organizations by application of the predetermined fixed rate principle to the indirect cost rate(s) contained in the current indirect cost negotiation agreement. Such "Federally negotiated" rate(s) will be applied to the support period of each grant and extended through the expiration date as follows:

(1) If the negotiation agreement specifies: (1) A "final" rate which becomes the provisional rate for a later period or (2) a single "predetermined" or "fixed" rate, such rate will be the "predetermined fixed rate" used by NSF in calculating the indirect cost portion of the NSF grant.

(2) If the negotiation agreement provides two or more "predetermined" or "fixed" rates for two or more successive time frames within the NSF grant period, each such rate will be applied to appropriate direct cost expenditures anticipated to be made during each time frame. If the effective period of the negotiation agreement ends prior to the expiration date of the grant, NSF will extend the last of the two or more rates through the expiration date of the grant under preparation.

b. *Other Organizations.* Each NSF grant to a commercial firm or nonprofit organization which does not meet the criteria of GPM 532.1.d, above will contain a maximum provisional indirect cost rate which is subject to downward adjustment only. In some instances NSF may elect to use a fixed dollar amount in lieu of a maximum provisional rate.

534.3 *Off-Campus (Off-Site) Activities*—a. *General.* When a project involves off-campus (off-site) activities, NSF normally will compute the indirect cost amount on the basis of the off-campus rate. When a project involves both on and off campus activities, NSF normally will compute the indirect cost amount on the basis of the on-campus/off-campus policy reflected in the most recent agreement between the organization and the cognizant Federal negotiating agency. In the absence of such an agreed policy, NSF normally will compute the indirect cost amount by applying the on-campus rate to the on-campus base costs and the off-campus rate to the off-campus base costs.

b. *Special Foreign Currency (SFC) Grants.* When a grant involving SFC is made to a U.S. organization, the amount for indirect costs will be calculated by applying the appropriate approved rate(s) to the appropriate base as in a, above, whether in dollars or SFC. The resultant indirect cost amount will be payable in dollars, unless the organization specifically requests that some or all of it be payable in SFC, which can be obtained and expended only in the participating SFC country.

534.4 *Amendment for Additional Funding Support.* As indicated in GPM 250, NSF may grant additional funding support either (a) during the originally contemplated support period or (b) for a subsequent support period. An amendment for "supplemental support" to provide funds for unforeseen expenditures during the originally contemplated support period, will contain the same indirect cost rate as the grant being amended. An amendment for either (a) "renewed support" of a project originally supported for a limited period, or (b) "continued support" of a long-term project will contain the appropriate indirect cost rate for the new support period.

535 GRANTEE REIMBURSEMENT FOR INDIRECT COST

535.1 *Predetermined Fixed Rate.* a. Grantees should charge NSF grants at the predetermined rate(s) stipulated in the grant or amendment budget unless the grant letter states that the indirect cost amount is based on a maximum provisional rate. However, should negotiations between the organization and the cognizant Federal agency result in changes in the approved predetermined indirect cost rate not reflected in the NSF grant, the organization may charge NSF projects at the newly negotiated rate in effect at the time direct cost expenditures are made, provided that this method of charging indirect costs is consistenly applied and meets generally accepted accounting principles; and provided further that, to do so would not:

(1) Reduce the scientific scope of the project;

(2) Result in increased cost to NSF during the award period; or

(3) Decrease the period of support as contemplated in the grant instrument.

b. Organizations electing to use this method rather than using the rate stipulated in the grant budget must advise the Policy and Cost Analysis Branch of the NSF Division of Grants and Contracts in writing, and furnish a copy of this advice to the cognizant audit agency. Any subsequent change of method will require prior approval by the

PCA Branch of the Division of Grants and Contracts.

535.2 *Maximum Provisional Rate.* Commercial organizations, or others whose grants specify a maximum provisional rate, should charge NSF grants at the lesser of: (1) the maximum provisional rate stated in the grant budget, or (2) the audited rate. In the event the audited rate is lower than the maximum provisional rate, the difference must be reported and credited to NSF as prescribed in GPM 440, "Cash Refunds and Credits to NSF."

535.3 *Under-recoveries of Indirect Cost.* NSF recognizes that any inability to obtain "full reimbursement" for indirect costs at the prevailing negotiated rate means the grantee must absorb the underrecovery. Any such underrecovery may be allocated as part of the organization's required cost-sharing. See GPM 640, "Cost-Sharing and Matching."

EXHIBIT

5–1 Summary of Prior Approval Requirements for Direct Charges Against NSF Grant Funds.

EXHIBIT 5–1.—*Summary of prior approval requirements for direct charges against NSF grant funds*

Type of expenditures	Prior approval required by	FMC 73-8	GPM
1. Alterations and renovations:			
a. Under $1,000	OPAS [1]	J. 30	521
b. $1,000 or more	Grants officer		
2. Capital expenditures for land, buildings, or repairs	do	J. 3	
3. Contractual (3d party) costs	do	(2)	623
4. Equipment:			
a. Special purpose: $1,000 or more	do	J. 13b	512.3
b. General purpose	do	J. 13a	512.4
c. Cumulative expenditures which exceed budgeted amount by more than 25 pct.	OPAS	J. 13	512.5
5. News release costs	Program officer	J. 29	523
6. Participant support costs: Transfer of funds to other categories of expense.	do	(2)	518
7. Preaward costs	Grants officer	J. 25	504.3
8. Production or distribution of books, films, etc	do		700
9. Rental or lease of facilities	do		524
10. Travel:			
a. Each foreign trip and its costs	Program officer	J. 44e	731
b. Cumulative domestic travel expenditures which exceed budgeted amount by $500 or 25 pct., whichever is greater.	OPAS	J. 44f	514c
c. Dependent foreign travel	Program officer	J. 44e	514e

[1] Organizational prior approval system—see GPM 613.
[2] FMC 73-7, pt. I.B.3 and A-110, attachment J, par. 4.
[3] A-110, attachment J subpar, 3e.

CHAPTER VI—PROJECT AND GRANT MANAGEMENT

600 BACKGROUND

a. Parts I and II of Attachment A to FMC 73–7 (formerly OMB Circular A–101) contain OMB policies on the review and direction of the research effort in, and expenditure approval procedures for, research projects supported by Federal grants, contracts, and other agreements with educational institutions in the United States.

b. Various attachments to OMB Circular A–110 provide OMB policies, criteria, and procedures affecting those and related aspects of post-award administration and management of grants and other agreements to educational institutions and to other nonprofit organizations. They are comparable to various attachments to FMC 74–7 (formerly OMB Circular A–102) concerning grants to State and local governments.

c. Federal Management Circular 73–3 (formerly OMB Circular A–100) provides guidelines for Federal agencies on cost participation by all types of performing organizations (including commercial firms) in the cost of research supported by Federal agencies.

d. This Chapter implements the above Circulars for all NSF grants to all types of performing organizations. It contains the following principal topics:

610 Monitoring and Reporting Project Performance.
620 Changes in Project Direction or Management.
630 Changes in the Grant Budget.
640 Cost Sharing and Matching.
650 Project Income.
660 Suspension and Termination Procedures.
670 Grant Close-out Procedures.
680 Records Retention and Audit.

610 MONITORING AND REPORTING PROJECT PERFORMANCE

611 BACKGROUND

Succeeding GPM 612 through 615 implement the monitoring and reporting requirements of Attachment H to OMB Circular A–110 (and of Attachment I to FMC 74–7) and describe guidelines for organizational and NSF approval systems to effect them and the budget revision procedures described in GPM 630, below.

612 MONITORING PROJECT PERFORMANCE

612.1 *Grantee.* In implementation of paragraph 2 of Attachment H to OMB Circular A–110, the grantee will monitor the performance of the project to assure adherence to (1) such performance goals, time schedules, or other requirements as may be appropriate to the project and the terms of the grant instrument, and (2) sound management practices and organizational policies.

612.2 *NSF.* a. In implementation of paragraph 7 of Attachment H to OMB Circular A–110, the cognizant NSF Program Officer may make site visits, as appropriate, to keep informed of the progress of the work. Similarly, the cognizant NSF Grants Specialist may make site visits, as appropriate, to review grantee management systems.

b. The NSF Program Officer also will take appropriate action based on his review of progress reports described in GPM 615 and the final technical report described in GPM 674.

613 ORGANIZATIONAL PRIOR APPROVAL SYSTEM

613.1 *Purpose.* In order to carry out its responsibilities for monitoring project performance and for adhering to grant terms and conditions, each performing organization should have a system to ensure that authorized officials provide necessary organizational approvals in advance of any action that would result in either the performance or modification of an NSF-supported activity where such approvals are required by the grant instrument, including the obligation or expenditure of funds where the governing cost principles either prescribe conditions or require approvals. Exhibit 5–1 summarizes both organizational and NSF prior approval requirements for direct charges against NSF grant funds.

613.2 *Implementing Guidelines.* a. The organization should designate an appropriate official or officials to review and approve the types of actions described in GPM 613.1, above. Preferably, the official(s) should be the same official(s) who sign(s) or countersign(s) those types of requests which require submission to, and approval by NSF. In any event, the designated official(s) may not be the principal investigator or project director or any official having direct responsibility for the conduct of the project, or a subordinate of such individual. When independence of the designated official cannot be maintained, such as where the head of the performing organization is also the principal investigator or project director, the Organizational Prior Approval System does not apply to that grant. In such a case or whenever for any reason an organization does not have an Organizational Prior Approval System, all approvals listed in Exhibit 5–1, which would have been given by the Organizational Prior Approval System, will be given by the NSF Program Officer.

b. Types of organizational prior approvals and their documentation are:

(1) Justification of the rebudgeting requested, including identification of the budget categories affected, by the principal investigator.

(2) Review by appropriate official(s) at a management level for policy permissibility and funds availability.

(3) Review for scientific propriety, project relevance, and effective utilization of organizational resources by appropriate official(s) at an administrative level above that of the initiator of the request.

(4) Final approval, by a designated organizational official(s).

c. Grantee organizations may be more, but not less, restrictive concerning approvals of the specified items.

614 NSF PRIOR APPROVAL SYSTEM

In order to carry out that portion of its project monitoring responsibilities which involves furnishing required approvals, NSF utilizes its program and grants management staffs in the following manner:

614.1 *Program Officers.* The cognizant NSF Program Officer will review grantee requests for changes in project direction or management (GPM 620) or for rebudgeting (GPM 630 and Exhibit 5–1). Except where decision is reserved to the NSF Grants Officer, the Program Officer will furnish NSF approval (or disapproval) to the principal investigator/project director, with copies to the Authorized Organizational Representative and the NSF Grants Officer.

614.2 *Grants Officer.* Where the action proposed requires NSF Grants Officer approval, he will coordinate the response with the Program Officer, and furnish the NSF decision to the Authorized Organizational Representative, with copies to the cognizant NSF Program Officer and principal investigator/project director.

615 REPORTING PROJECT PERFORMANCE

In implementation of paragraphs 3 through 5 of Attachment H to OMB Circular

A–110, principal investigators/project directors will submit progress reports as required by GPM 615.1 through 615.3, below. Such reports will be submitted to the NSF Program Officer specified in the grant instrument in accordance with such procedures as the performing organization may prescribe. See GPM 674 for final technical report requirements.

615.1 *Content of Progress Reports.* Unless otherwise specified in the grant instrument, progress reports should include:

(1) A summary of overall progress, including results obtained to date, and a comparison of actual accomplishments with proposed goals for the period;

(2) An indication of any current problems or favorable or unusual developments;

(3) A summary of work to be performed during the succeeding budget period and

(4) Other information pertinent to the type of project being supported or as specified in the terms and conditions of the grant.

615.2 *Timing of Progress Reports.* Unless otherwise specified in the grant instrument, progress reports shall be submitted in the following frequency:

(a) For Standard Grants with an award period of two years or more, the first report should be submitted no later than 90 days after the anniversary of the effective date of the grant, with succeeding reports annually thereafter, except after the final year. If a request for renewed support (GPM 252.1) is submitted during the final year, the progress report should be attached to such request. Otherwise, only a final report and summary need be submitted.

(b) For Continuing Grants, the progress report should be part of the annual request for continued support, described in GPM 253.1.

615.3 *Significant Changes, Delays, or Events of Unusual Interest.* a. In the event the principal investigator/project director encounters problems, delays, or adverse conditions that will materially affect the ability to attain the objectives of the project or to meet such time schedules as may have been proposed, he should advise appropriate officials of the grantee organization and, with their endorsement, the cognizant NSF Program Officer.

b. NSF should be informed of any events of unusual interest which occur during the course of the project. Reports, communications, or photographs may be directed to the cognizant Program Officer.

620 CHANGES IN PROJECT DIRECTION OR MANAGEMENT

Sections 621 through 623 implement the policies contained in Part I of Attachment A to FMC 73–7 regarding the direction of projects.

621 CHANGES IN OBJECTIVES, SCOPE, OR METHODOLOGY

621.1 *Background.* Subpart I.B.1 of FMC 73–7 prescribes restrictions on changes in research methods, procedures, objectives, or phenomena under study. It recognizes that the degree of Government review or direction exercised may vary from project to project. Subparagraph 3a of Attachment J to OMB Circular A–110 also requires prior agency approvals before changes may be made in the scope or objectives of the project.

621.2 *Change in Objectives or Scope.* Neither the phenomenon or phenomena under study nor the objectives of the project stated in the proposal or agreed modifications thereto will be changed without prior NSF approval. Such changes should be proposed to the NSF Program Officer, by the Principal Investigator, in a written communication countersigned by the Authorized Organizational Representative. If approved by NSF, the grant will be appropriately amended.

621.3 *Changes in Methodology.* NSF believes that the principal investigator, operating within the established policies of the grantee, should feel free to pursue interesting and important leads which may arise during the conduct of a scientific research (or other grant-supported) project or to adopt an alternative approach which appears to be a more promising means of achieving the objectives of the project.

Significant changes in methods or procedures should be reported to appropriate grantee official(s) and to the cognizant NSF Program Officer.

622 CHANGES IN PRINCIPAL INVESTIGATOR OR LEVEL OF EFFORT

622.1 *Background.* a. The NSF decision as to whether or not to support a proposed project is based to a considerable extent upon its evaluation of the proposed principal investigator's knowledge of the field of study and his capabilities to conduct the project in an efficient and productive manner. This is reflected in Category A of the NSF criteria for the selection of research projects, Exhibit 2–1. NSF desires that the named principal investigator or project leader be continuously responsible for the conduct of the project and be closely involved with the effort. Succeeding GPM 622.2 through 622.7 translate the general FMC 73–7 requirements into NSF requirements for grants.

622.2 *Basic Requirements.* If a named principal investigator or project director plans to, or becomes aware that he will, (1) devote substantially more or less effort to the work than anticipated in the approved proposal, (2) sever his connection with the grantee organization, or (3) otherwise relinquish active direction of the project, he shall advise both the NSF Program Officer and his organization's Authorized Organizational Representative. They shall initiate action appropriate to the situation, under the guidelines which follow.

622.3 *Short-term Absence of Principal Investigator.* If a named principal investigator or project director will be absent from the project for a period of three months or less, he shall notify appropriate officials of his parent organization and the NSF Program Officer of arrangements for conduct of the project during his temporary absence.

622.4 *Long Term Absence of Principal Investigator.* In the event the principal investigator/project director will be away from the project for a period greater than three months (such as on sabbatical leave) but intends to return, arrangements for oversight of the project must be sent to NSF for approval. This information must be provided at least 30 days before departure or as soon as practicable after the prospective absence is known. It should be endorsed by the Authorized Organizational Representative and addressed to the NSF Program Officer. The Program Officer will provide written approval if the arrangements are satisfactory, but no formal amendment to the grant will be made. If the arrangements are not satisfactory to NSF, the grant may be terminated as prescribed in GPM 660, "Suspension and Termination Procedures." If the PI/PD's temporary activities might constitute a conflict of interest (e.g., working for a Federal agency), a substitute PI/PD must be appointed as described in GPM 622.7 below.

622.5 *Change in Level of Effort.* If the PI/PD will devote substantially less effort to the work than anticipated in the proposal, he will consult with appropriate officials of his organization and with the NSF Program Officer. If either determines that the reduction of effort would be substantial enough to impair the successful prosecution of the project, the Program Officer will consult the NSF Grants Officer. The Grants Officer may (1) request the grantee to nominate a replacement principal investigator or project director acceptable to the cognizant NSF Program Officer, (2) initiate the termination procedures described in GPM 660, or (3) negotiate an appropriate modification to the grant.

622.6 *Withdrawal of Principal Investigator.* In the event the named principal investigator or project director severs his connection with the grantee organization or otherwise relinquishes active direction of the project, the Authorized Organizational Representative will notify the NSF Grants Officer, and either:

(a) initiate the grant close-out procedures described by GPM 670 or

(b) nominate a substitute project leader as described in GPM 622.7.

622.7 *Substitute PI/PD.* In the event the grantee desires to continue the project with a substitute PI/PD, the Authorized Organizational Representative will advise the NSF Grants Officer of the name and qualifications of the proposed substitute. If approved by NSF, the grant will be appropriately amended. If not, the termination procedures described in GPM 660 will be initiated.

623 CONTRACTING OR TRANSFERRING THE PROJECT EFFORT

a. Excluding the purchase of commercially available supplies, materials, equipment or general support services allowable under the grant, none of the research or substantive effort under an NSF grant may be contracted, or otherwise transferred to another organization without prior NSF approval. Normally, the intent to so contract is fully disclosed in the proposal submission, and evidence of NSF prior approval appears in the grant instrument. In the event the need arises to so contract after a grant has been made, the grantee must submit to the NSF Grants Officer, the proposed performance statement and budget, a statement indicating the basis for selection of the contractor and a justification of the proposed arrangement. The request must be signed by the principal investigator/project director and endorsed by the Authorized Organizational Representative. NSF approval will be indicated by letter from the Grants Officer, which will specify which requirements contained in this Manual must be "flowed-down" to satisfy the purposes of OMB Circular A–110. (See GPM 751.1 requiring patent "flow-down" provisions.)

630 CHANGES IN THE GRANT BUDGET

631 BACKGROUND

a. Attachment J to OMB Circular A–110 contains criteria and procedures to be followed by Federal agencies in providing post-award changes in grants to non-academic nonprofit organizations, as well as educational institutions, for any type of project. Those criteria and procedures are similar to those prescribed by Attachment K to FMC 74–7 for grants to State and local governments.

b. Some of Attachment J concerns matters which traditionally have been considered in contexts other than that of revisions of financial plans (i.e., budget revisions). Therefore, NSF implementation of those which are mandatory are contained in appropriate sections of this Manual as follows:

(1) Changes in the scope or objectives of the project, GPM 621.2, "Change in Objectives or Scope";

(2) The need for additional Federal funding, GPM 250, "Additional Funding Support;" and

(3) Contracting or transferring the project effort, GPM 623, "Contracting or Transferring the Project Effort."

c. Attachment J to OMB Circular A–110 also contains the following optional requirements which NSF elects not to impose on its grantees:

(1) Prior approval for transfers between direct and indirect cost categories of the grant budget.

(2) Restrictions in transfers of funds among direct cost categories for grants in which the Federal share exceeds $100,000.

d. Since NSF does not make construction grants, the provisions of paragraphs 7 and 8 of Attachment J to A–110 are not applicable.

e. The succeeding GPM 632 contains NSF requirements to implement the remaining portions of Attachment J.

632 NSF BUDGET REVISION REQUIREMENTS

632.1 *Grantee/Principal Investigator Requirements*

a. If the Principal Investigator/Project Director or any grantee official wishes to transfer funds from an approved budget line item to one that requires prior approval, such prior approval must be obtained as summarized in Exhibit 5–1.

b. Whenever the amount of Federal funds authorized by an NSF grant is expected to exceed the requirements of the project, as outlined in the approved proposal, by more than $5,000 or 5 percent of the grant amount, whichever is greater, the Principal Investigator/Project Director, with the endorsement of the Authorized Organizational Representative, will promptly notify the NSF Program Officer. If a request for a no-cost extension (GPM 244.3), renewed support (GPM 252.1), or continued support (GPM 253.1) is under preparation, such notification should be included in that request.

632.2 *NSF Requirement.* a. Within 30 calendar days from the date of receipt of a request for the types of budget revisions outlined in 632.1, the NSF Program Officer will review the request and (1) notify the grantee organization of NSF approval/disapproval, if the Program Officer is the approving official, or (2) recommend approval/disapproval to the Grants Officer and advise the proposing official that a decision will be forthcoming, if the Grants Officer is the approving official.

b. If the notification of excess funds is made in connection with a request for renewed or continued support, the NSF Program Officer will recommend appropriate adjustments in the subsequent grant, as prescribed in GPM 253.2b, "Additional Funding Support." Otherwise, the Program Officer will consider recommending a reduction in the grant amount and the return of the excess funds.

640 COST SHARING AND MATCHING

641 BASES FOR NSF REQUIREMENTS

641.1 *Statutory Requirement.* The Appropriation Acts of the Congress providing funds to NSF and other independent agencies contain the following language:

"None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals for projects not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research."

641.2 *OMB Directives* a. Federal Management Circular 73–3 (formerly OMB Circular A–100) provides basic guidance to Federal agencies for determining:

(1) The amount of cost sharing to be obtained when cost sharing is required by statute; and

(2) Whether performing organizations should be requested to participate in the cost of the research even though cost sharing is not required by statute, and, if so, in what amount. It is applicable to all awards to all kinds of organizations (except other Federal agencies) for all kinds of research, both basic and applied. It is reproduced as Exhibit 6–1.

b. FMC 73–3 also prescribes (7.c.(2)) that the amount of cost participation by a performer may be determined by either of two methods: (1) For each individual research project, or (2) if the supporting agency desires, for the aggregate of all or some of the research projects supported by an agency at a given organization.

c. When the amount of cost sharing is determined for individual projects, OMB authorizes the supporting agency to consider the organization's participation over the total term of the project so that a relatively high contribution in one year may be offset by a relatively low contribution in another year. It also authorizes the Federal agency and the performer to agree that relatively high contributions on some projects may be offset by relatively low contributions on other projects.

d. Attachment E to OMB Circular A–110 supplements FMC 73–3 by prescribing criteria and procedures for the allowability of cash and in-kind contributions in satisfying cost sharing and matching requirements. It is reproduced as Exhibit 6–2.

642 DEFINITIONS

For the purposes of interpreting the statutory cost sharing requirement and the two OMB directives, the definitions which follow are used by NSF.

a. *Cost participation.* A generic term denoting any situation where the Government does not fully reimburse the performer for all allowable costs associated with the specified effort. The term encompasses cost sharing, cost matching, cost limitation (direct or indirect), and similar phrases. Cost participation may be in any form, including but not limited to cash, personal property or services, or real property or interest therein, needed for the project, the value of which shall be established by mutual agreement between the agency and the performer.

b. *Cost sharing.* Participation by the performing organization in more than a token amount of project costs.

c. *Federal share.* That portion of project costs that is borne by the Federal Government.

d. *Grantee share.* That portion of verifiable project costs that is borne by the grantee from its own resources or from those of third parties provided that such costs are (1) not included as contributions for any other Federally assisted project and (2) not paid by the Federal Government under another assistance agreement (unless the agreement is authorized by Federal law to be used for cost sharing or matching).

e. *Matching share.* Cost participation by the grantee in a substantial amount of project costs as required by a specific program announcement or solicitation.

f. *Project costs.* All allowable costs (as set forth in the applicable Federal cost principles) incurred by the performing organization, including the value of any in-kind contributions by that organization or non-Federal third parties in accomplishing the objectives of the grant during the project period.

g. *Solicited proposal.* A proposal resulting from a document issued by the Foundation which specifically states that proposals are being solicited. One such document is an NSF Program Solicitation. (See GPM 202, "NSF Mechanisms for Generating Proposals.")

h. *Unsolicited proposal.* A proposal not specifically solicited by a NSF Program Solicitation or a Request for Proposals.

643 NSF COST SHARING REQUIREMENTS

643.1 *Unsolicited Research Projects.* In accordance with Congressional requirements (GPM 641.1, above) NSF requires that each grantee share in the costs of each research project when the NSF grant results from an unsolicited proposal. NSF awards which provide funds solely for the following purposes are not considered to be support of "research" for statutory cost-sharing purposes:

a. International travel;

b. Construction, improvement, or operation of facilities;

c. Acquisition of research equipment;

d. Ship operations;

e. Education and training;

f. Publication, distribution, and translation of scientific data and information;

g. Symposia, conferences, and workshops;

h. Special studies authorized or required by Subsections 3a(5) through 3a(7) of the NSF Act, as amended.

As a matter of policy, NSF does not reimburse grantees for the indirect costs associated with grants solely for the support of doctoral dissertation research and considers that as satisfaction of the cost-sharing requirement. (See GPM 532.2(b))

643.2 *Solicited Research Projects.* NSF encourages organizations responding to program solicitations to contribute to the cost of performing the research unless that would be inappropriate because of the circumstances described in subparagraph 7a(2) of Exhibit 6–1. However, unless otherwise specified in a particular program solicitation, cost sharing is not a prerequisite to the award of a grant to support a project resulting from such a program solicitation.

643.3 *Cost Sharing Amount.* On each NSF-supported project requiring cost-sharing, the grantee must share in the costs at a rate not less than one percent of project costs or the amount or percentage specified in the grant. However, NSF expects that grantees will share in the costs at a level which reflects their interest in the research, the potential benefits they may derive, and their ability to cost-share. Institutions and organizations have a great deal of flexibility with regard to their approach to cost-sharing under NSF-supported projects, and thus must assume and exercise responsibility in determining appropriate levels of cost-sharing.

643.4 *Cost Sharing Method.* a. NSF does not utilize "institutional cost sharing agreements," such as those used by some granting agencies, to provide for aggregated cost sharing.

b. Cost-sharing responsibilities are assumed by the grantee upon acceptance of the grant.

643.5 *Cost Sharing Records and Reports*— a. *Grantee Records.* (1) Grantees must maintain records of all research project costs which are claimed by the grantee as being its contribution to cost participation as well as records of costs to be paid by the Government. Such records are subject to audit (Exhibit 6–1, subparagraph 7c(3)).

(2) If the grantee's cost participation includes in-kind contributions, the basis for determining the valuation for volunteer services and donated property must be documented (Exhibit 6–2, paragraph 6).

b. *Grantee Reports.* Unless otherwise required by the grant instrument, the actual

cost participation by the grantee need not be reported to NSF on SF 269, Financial Status Report (Exhibit 6-5).

644 NSF MATCHING REQUIREMENT

Some NSF programs have a requirement for grantees to match the Federal support in whole or part, as outlined in the specific program announcement. Records and reporting requirements are as in GPM 643.5, above.

650 PROJECT INCOME

651 BACKGROUND

In order to provide equitable treatment both to the Government and to the various types of organizations to which NSF awards grants, NSF will adopt the program income and income reporting provisions which follow.

652 DEFINITIONS

The following terms have the indicated meanings, derived from paragraph 1 of Attachment D to OMB Circular A-110 and from paragraph 5 of Attachment E to FMC 74-7.

a. *Project income.* Gross income earned by the grantee from a project financed in whole or in part with Federal funds. Such earnings include, but are not limited to, income from service fees, sale of commodities, usage or rental fees, and royalties received as a result of copyrights. Project income includes royalty income and other income as defined below. It excludes income derived from the assignment or licensing of patents and interest earned on advance payments (see GPM 751, "Patents and Inventions" and GPM 443, "Interest Earned on Advance Payments").

b. *Royalty income.* Project income earned by the grantee for the right to publish, manufacture, sell or distribute copyrightable materials (whether or not copyright is claimed) developed or produced with NSF support, including payments to the grantee based on sales and any interest earned thereon.

c. *Other income.* Project income other than royalty income.

d. *Total project costs.* The sum of the Federal and grantee shares of all costs (both direct and indirect) of a project, which are allowable in accordance with the applicable Federal cost principles.

653 NSF PROJECT INCOME PROVISIONS

a. *Royalty income.* Unless otherwise specified in the grant instrument, the grantee may retain royalties received as a result of copyrights produced under the grant.

b. *Other income.* Unless otherwise specified in the grant instrument, the Federal share of other project income shall be retained by the grantee and added to the funds committed to the project by NSF and the grantee and be used to further project objectives. The grantee share may be used as desired by the grantee, including financing the non-Federal share of the project. The "federal share" and the "grantee share" will reflect their respective contributions to the cost of the project.

660 SUSPENSION AND TERMINATION PROCEDURES

661 BACKGROUND

a. Succeeding GPM 662 through 664 implement the suspension and termination procedures of Attachment L to OMB Circular A-110, which are substantially the same as those of Attachment L to FMC 74-7.

b. Many NSF grantees are familiar with the general principles applicable to termination for convenience, contained in Subpart 1-8.2 of the Federal Procurement Regulations, which differ from the similarly named procedures of A-110 and FMC 74-7. To avoid confustion, NSF will use the phrase "termination by mutual agreement" instead of "termination for convenience" to implement the procedures prescribed by subparagraph 4.b. of Attachment L to A-110 and subparagraph 5.b. of FMC 74-7.

662 DEFINITIONS

The following terms have the indicated meanings:

a. *Suspension.* An action by NSF that temporarily withholds Federal support of a project pending corrective action by the grantee or a decision by NSF to terminate the grant.

b. *Termination.* The cancellation of a grant, in whole or in part, at any time prior to its expiration.

663 SUSPENSION OR TERMINATION FOR CAUSE

663.1 *NSF Policy.* a. When a grantee has materially failed to comply with the terms and conditions of a grant, NSF may (1) suspend the grant or (2) terminate the grant for cause.

b. NSF prefers that deficiencies be corrected whenever practicable. Therefore, action to suspend or terminate a grant normally will be taken only after the grantee has been informed of the deficiency and given sufficient time to correct it, in accordance with the procedures in GPM 663.2. However, this policy does not preclude immediate suspension or termination when such action is reasonable under the circumstances and necessary to protect the interests of the Government.

c. If a grant is suspended pursuant to this section, no obligations incurred by the grantee during the period of suspension will be allowable under the suspended grant. However, NSF will allow necessary and proper costs which the grantee could not reasonably avoid during the period of suspension; provided that such costs would otherwise be allowable under the applicable Federal cost principles.

d. If a grant is terminated pursuant to this section, financial obligations incurred by the grantee prior to the effective date of termination will be allowable to the extent they would have been allowable had the grant not been terminated, except that no obligations incurred during the period in which the grant was suspended (except those allowed pursuant to c, above) will be allowed. The settlement of termination costs will be in accordance with the applicable Federal cost principles.

663.2 *NSF Procedures.* a. When it is believed that a grantee has failed to comply with one or more of the terms and conditions of a grant, the Grants Officer will advise the grantee by letter of the nature of the problem and that failure to correct the deficiency may result in suspension or termination of the grant. The grantee will be requested to respond in writing within 30 days of the date of such letter, describing the action taken or the plan designed to correct the deficiency. Copies of such correspondence will be furnished to the principal investigator and to the NSF Program Officer.

b. If a satisfactory response is not received within 30 days of receipt of such a letter, the Grants Officer may issue a notice suspending authority to further obligate grant funds, in whole or in part. The notice of suspension will be sent by certified mail (return receipt requested), to the authorized organizational representative, with a copy to the PI/PD. Within the Foundation, copies will be furnished to the Division of Financial and Administrative Management (DFA) and to the Program Officer. The notice will set forth the activities covered by the suspension and its effective date, and the corrective action required by the grantee in order to lift the suspension.

c. The suspension will remain in effect for a maximum of 90 days during which time the grantee will take corrective action to the satisfaction of NSF or give assurances satisfactory to NSF that corrective action will be taken. In that event, the Grants Officer will issue a notification, addressed as in b, above, that the suspension is lifted.

d. In the event the deficiency is not corrected to the satisfaction of NSF, the Grants Officer may issue a notice of termination, addressed as in b, above. The notice will establish the reasons for the action and its effective date.

e. Within 90 days of the effective date of termination, the grantee will furnish an itemized accounting of funds expended for allowable costs and the unexpended grant balance unless request is made for review of the termination decision as prescribed in GPM 665. Within 30 days of a request therefor, the grantee will remit or otherwise credit to NSF any amounts found due, as prescribed in GPM 670, "Grant Closeout Procedures."

664 TERMINATION BY MUTUAL AGREEMENT

664.1 *NSF Policy.* Circumstances may arise in which either NSF wishes to terminate its support of a project or the grantee wishes to terminate its performance of a project. If both parties agree that continuation of the project would not produce results commensurate with the further expenditure of funds, it is NSF policy to terminate the grant by mutual agreement.

664.2 *Procedures.* a. If the grantee wishes to terminate the project, the authorized organizational representative should advise the NSF Grants Officer, with a copy to the NSF Program Officer.

b. If NSF wishes to terminate the project, the Grants Officer will advise the grantee's authorized organizational representative, with copies to the PI/PD and the NSF Program Officer.

c. Within 30 days after receipt of request from either party for termination by mutual agreement, the other party will provide an appropriate written response. In the event of disagreement between the parties, the Grants Officer will decide, subject to the review procedures prescribed by GPM 665.

d. Following termination, the close-out procedures of GPM 670 will be initiated.

665 NSF TERMINATION REVIEW PROCEDURE

665.1 *Initiation of Termination Review Procedure.* a. Any request for review of a notice of termination should be addressed to the Assistant Director for Administration, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550. It must be postmarked no later than 30 days after the postmarked date of such notice.

b. The request for review must contain a full statement of the grantee's position and the pertinent facts and reasons in support of such position.

c. The Assistant Director for Administration will promptly acknowledge receipt of the request for review, and appoint the review committee prescribed by GPM 665.2.

d. Pending resolution of the request for review, the notice of termination will have no force or effect, except that NSF may continue to withhold or defer payments under the grant during the review proceedings.

665.2 *NSF Termination Review Committee.* a. The Assistant Director for Administration will appoint a termination review committee, consisting of a minimum of three persons, none of whom may be either from the NSF program which is responsible for recommending and/or monitoring the scientific aspects of the project or from the Branch of the NSF Division of Grants and Contracts which is responsible for monitoring the administrative aspects of the grant.

b. The review committee will request the Grants Officer who issued the notice of termination to provide copies of all relevant background materials and documents. It may, at its discretion, invite representatives of the grantee and the NSF program to discuss pertinent issues and to submit such additional information as it deems appropriate. The chairman of the review committee will insure that all review activities or proceedings are adequately documented.

c. Based on its review, the committee will prepare its recommendations to the Assistant Director for Administration, who will advise the parties concerned of his decision.

670 GRANT CLOSEOUT PROCEDURES

671 BACKGROUND

Succeeding GPM 672 through 675 implement:

a. the closeout procedures of Attachment K to OMB Circular A–110 and of Attachment L to FMC 74–7;

b. the requirements of Attachment H to A–110 and of Attachment I to FMC 74–7 for a final technical or performance report;

c. the requirements of Attachment G to A–110 and of Attachment H to FMC 74–7 for a financial status report; and

d. the requirements of NSF Notice No. 62, as amended by NSF Notice No. 63, for a summary of completed projects.

672 DEFINITIONS

The following definitions apply for the purposes of closeout of NSF grants:

a. *Closeout.* The process by which NSF determines that all applicable administrative actions and all required work of the grant have been completed.

d. *Disallowed costs.* Those charges to a grant which NSF determines to be unallowable, in accordance with the applicable Federal cost principles or other conditions contained in the grant.

c. *Expenditures (Outlays).* Charges made to the project during a given period for (1) goods and other tangible property received, (2) services performed by employees, contractors, and other payees, and (3) valid commitments.

d. *Expiration date.* The date specified in the grant letter after which expenditures may not be charged against the grant except to satisfy obligations of funds to pay allowable project costs committed on or before that date. The expiration date normally is the last day of the month.

e. *Final Technical Report.* The final scientific or technical report of project performance required by Attachment I–1 to A–110 and Attachment I to FMC 74–7.

f. *Financial Status Report.* Standard Form 269,prescribed by Attachment G to A–110 and by Attachment H to FMC 74–7, to report the status of funds for non-construction projects. It replaces the report portion of the Research Grant Budget and Fiscal Report (NSF Form 98), the Education Grant Budget and Fiscal Report (NSF Form 235), and any other NSF fiscal report forms or formats prescribed by any NSF program announcements, program solicitations, or specific grant instruments. It is reproduced as Exhibit 6–5.

g. *Summary of Completed Project.* NSF Form 98A, prescribed by NSF Notice No. 62, to summarize in laymen's language the final technical report in order to answer inquiries by nonscientists as to the nature and significance of the project. It is reproduced as Exhibit 6–3. If the technical report is to be deposited in the National Technical Information Service (NTIS), the Bibliographic Data Sheet (NTIS Form 35); reproduced as Exhibit 6–4, may be substituted.

673 GUARANTEE REQUIREMENTS

a. The grantee must furnish NSF with the following, as described in GPM 674:

(1) Summary of Completed Project (Exhibit 6–3, or 6–4, as appropriate) in two copies, as well as

(2) Final technical report, in two copies

b. Within 90 days after the expiration date, the grantee also must furnish NSF with the Finnancial Status Report (Exhibit 6–4) as prescribed in GPM 675, in original and two copies.

c. The summary of Completed Project and the Financial Status Report should be submitted as a single package. Where circumstances warrant, grantees may submit the Final Technical Report separately. The documents listed above will be submitted to:

Projects Branch Division of Grants and Contracts, 1800 G Street NW., Washington, D.C. 20550.

674 FINAL TECHNICAL REPORT AND SUMMARY

674. *Background.* a. For many years, NSF has had requirements, reflected in program announcements such as Grants for Scientific Research and in program solicitations, for the submission of final technical reports. Additionally, as indicated in GPM 752, NSF traditionally has encouraged the publication of research results in the open scientific literature.

b. In recent years, there has been increased interest in providing improved access to information about the results of research supported by public funds. Therefore, NSF Notice No. 62, as amended by NSF Notice No. 63, prescribed for the submission of either a Summary of Completed Projects (NSF Form 98A) or a Bibliographic Data Sheet (Form NTIS-35), in addition to the traditional publication in scientific journals and submission of final technical reports, for grants expiring on or after October 1, 1976.

674.2 *Procedures.* a. Within 90 days following the expiration of the grant, or as otherwise specified in the grant, the grantee must submit the Summary of Completed Project, in accordance with the instructions on the reverse thereof (see Exhibit 6–3), to the address indicated in GPM 673 c, above. In the event that material for publication in the scientific literature has not yet been completed, or has not yet been accepted, the list of publications required by the form should so indicate.

b. Unless otherwise specified in the grant instrument, the final technical report should include appropriate identifying data and the following basic information:

Scientific Description of Research and Results.

Theses (if any).

Scientific Collaborators connected with grant including students (include title or status, e.g., Associate Professor, Graduate Student, etc.)

Comments (include reference to continuation if appropriate, etc.).

Signature of principal investigator and date.

c. At such time as any article resulting from the project is published in a scientific or technical journal, two reprints of the publication should be sent to the cognizant NSF Program Officer. They should be clearly labeled with the grant number and other appropriate identifying information.

675 FINANCIAL STATUS REPORT

a. The Financial Status Report (Exhibit 6–5), in an original and two copies, is to be submitted to the address specified in GPM 673 c, above, within 90 days after the expiration of each grant. The certification in item 13 must be signed by the business officer or other authorized certifying official on at least the original, with his name, title, telephone number and date shown on all copies.

b. After the Financial Status Report has been accepted by the Division of Grants and Contracts (DGC) it becomes the basis for the Division of Financial and Administrative Management (DFA) to make the final dollar adjustment on the official NSF financial records relating to that grant. (See GPM 441, "Final Unobligated Balance.")

c. NSF makes no provisions for any upward or downward adjustments to the Federal share of costs after the Financial Status Report has been accepted by DGC.

d. The administrative expense of reopening closed-out grants is disproportionate when only small sums are involved. Therefore, NSF will not normally reopen a grant account to add or delete costs amounting to $100 or less after the grant has been closed. Any post close-out expenditure adjustments of $100 or less must be absorbed by the grantee. The Federal Cash Transactions Report should remain in agreement with the Financial Status Report.

e. However, NSF retains the right to recover an appropriate amount after fully considering any recommendations on disallowed costs resulting from an audit.

680 RECORDS RETENTION AND AUDIT

681 BACKGROUND

GPM 682 implements the requirements of Attachment C to OMB Circular A–110 and of Attachment C to FMC 74–7 concerning retention and custodial requirements for records concerning grants.

682 NSF REQUIREMENTS

a. Financial records, supporting documents, statistical records, and other records pertinent to a grant will be retained by the grantee for a period of three years from submission of the Financial Status Report described by GPM 675 except that:

(1) Records which relate to audits, appeals, litigation, or the settlement of claims arising out of the performance of the project will be retained until such audits, appeals, litigation, or claims have been disposed of.

(2) Records relating to projects subject to the project income provisions of GPM 653 will be retained until three years from the end of the grantee's fiscal year in which the grant letter requirement for reporting income expires.

b. Unless court action or audit proceedings have been initiated, the grantee may substitute microfilm copies of original records.

c. The NSF Director and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the grantee organization, and of the performing organization, if different, to make audits, examinations excerpts and transcripts. Further, in accordance with subparagraph 4i of Attachment O to OMB A–110, reproduced as Exhibit 3–2, any negotiated contract in excess of $10,000, made by the grantee shall include a provision to the effect that the grantee, NSF, the Comptroller General, or any of their duly authorized representatives, shall have access to pertinent records for similar purposes.

d. In order to avoid duplicate record-keeping, NSF may make special arrangements with grantees to retain any records which are needed for joint use. NSF may request transfer to its custody of records not needed by the grantee when it determines that the records possess long-term retention value. When the records are transferred to or main-

tained by NSF, the three-year retention requirement is not applicable to the grantee. In the rare event that these provisions are exercised, NSF will negotiate a mutually-agreeable arrangement with the grantee regarding reimbursement of costs.

EXHIBITS

6-1 FMC 73-3; Cost Sharing on Federal Research
6-2 Attachment E to OMB Circular A-110: Cost Sharing and Matching
6-3 NSF Form 98A: Summary of Completed Project
6-4 Form NTIS-35: Bibliographic Data Sheet
6-5 SF 269: Financial Status Report

CHAPTER VII.—OTHER CONSIDERATIONS

This chapter discusses aspects of NSF grants not covered in the preceding chapters. Topics covered are:

700 Civil Rights Act of 1964.
710 Protection of Living Organisms.
720 Handling of Information (including questionnaires).
730 International Considerations (including travel awards and use of U.S.-flag carriers).
740 Excess Government Personal Property.
750 Intangible Property (including patents and inventions, publication and copyright, rights in ADP data banks and software).
760 Production or Distribution of Materials.
770 Equipment Title, Use, and Disposition.
780 Acquisition and Control of Materials and Supplies.
790 Miscellaneous (including bonding and insurance, liabilities and losses, tax status, national security, and pre-college students involved in experimental curriculum development projects, environmental impact, flood disaster protection, and protection of properties in the National Register of Historic Places).

700 Civil Rights Act of 1964

701 BACKGROUND

Section 602 of the Civil Rights Act of 1964 (Pub. L. 88-352; 42 U.S.C. 2000d-1), provides that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance, and requires that each Government agency which is empowered to extend such financial assistance shall issue rules or regulations implementing Title VI (Sections 601-605) of the Act with respect to such programs or activities administered by the agency. Subject to certain exceptions regarding admission policies and certain religious and military institutions, Title IX of the Education Amendments of 1972 (Pub. L. 92-318; 20 U.S.C. 1681-1786), prohibits the exclusion of persons on the basis of sex from any education program or activity receiving Federal financial assistance.

702 NSF REGULATIONS

NSF regulations to implement Title VI of the Civil Rights Act are contained in 45 CFR Part 611. Section 611.4 requires that as a condition of approval of an application for assistance, the applicant must execute the Assurance of Compliance form reproduced in Exhibit 7-1, whether or not a comparable assurance form has been filed with another Federal agency.

703 ASSURANCE OF COMPLIANCE

Prospective grantees may either reproduce the Assurance of Compliance form or request copies from the Division of Grants and Contracts. The "applicant" referred to in the form is the organization itself whose Chief Executive Officer or comparable official should sign the Assurance. The name and title of the organization and of the official should be typed on the form. The signed original should be mailed to the NSF Division of Grants and Contracts (see GPM 340.3, "Required Certifications"). Once a properly executed form has been filed with NSF, it will cover all future applications to NSF. Acceptance of a subsequent grant constitutes affirmation that the Assurance of Compliance will be fully applicable to the grant.

704 CIVIL RIGHTS ASSURANCE—SUBRECIPIENT

Each organization that proposes to be or serves as a contractor under an NSF grant (for other than the provision of commercially available supplies, materials, equipment, or general support services) must have filed with the grantee an Assurance of Compliance with Title VI of the Civil Rights Act of 1964 and the regulations thereunder. Such Assurance may be filed in one of two ways: (1) By written notification that the appropriate Assurance of Compliance form has been executed and filed either with NSF or the U.S. Department of Health, Education, and Welfare; or (2) by executing and filing with the grantee an NSF Assurance of Compliance form.

710 Protection of Living Organisms

711 HUMAN SUBJECTS (INTERIM PROVISION)

a. The protection of the rights and welfare of human subjects (including students) involved in research, development, and related activities supported by NSF grants is the responsibility of the grantee.

b. The informed consent of the individual is a vital element in the protection of human subjects. Grantees are referred for guidance to DHEW Publication No. (NIH) 72-102, "Institutional Guide to DHEW Policy on Protection of Human Subjects," dated December 1, 1972, as amended by Part 46, Subtitle A of Title 45 of the Code of Federal Regulations, dated March 13, 1975.

c. Before a grant can be made NSF must receive a statement that research involving use of human subjects has been reviewed and approved by the appropriate Institutional Review Board at the grantee organization, and that the grantee assures NSF that it will comply with DHEW policies, as amended, regarding the use of human subjects. This statement should be received prior to the final processing of an award (60 days).

712 RESEARCH INVOLVING RECOMBINANT DNA MOLECULES

With respect to research involving recombinant DNA molecules, NSF grantees and principal investigators shall comply with NSF Important Notice No. 64 (see Exhibit 7-4).

713 LABORATORY ANIMAL WELFARE ACT OF 1966

Any grantee performing research on warm blooded animals will comply with the Laboratory Animal Welfare Act of 1966 (Pub. L. 89-544, as amended, 7 U.S.C. 231 et seq.) and the regulations promulgated thereunder by the Secretary of Agriculture (CFR, Title 9, Subchapter A) pertaining to the care, handling, and treatment of warm blooded animals held or used for research, teaching or other activities supported by Federal awards. The grantee is expected to ensure that the guidelines described in DHEW Publication No. (NIH) 74-23, "Guide for the Care and Use of Laboratory Animals," are followed.

NOTE.—The grantee may request registration of his facility and a current listing of licensed dealers from the Regional Office of the Animal and Plant Health Inspection Service (APHIS), USDA, for the region in which his research facility is located. The location of the appropriate APHIS Regional Office, as well as information concerning this program, may be obtained by contacting the Senior Staff Officer, Animal Care Staff, USDA/APHIS, Federal Center Building, Hyattsville, Md. 20782.

714 MARINE MAMMAL PROTECTION ACT

The protection of marine mammals in research activities supported by NSF grants is the responsibility of the grantee.

Proposals submitted to NSF in support of marine research activities will include a statment that the grantee will comply with the Marine Mammal Protection Act of 1972, Pub. L. 92-522.

720 Handling of Information

721 QUESTIONNAIRES.—DATA COLLECTION UNDER NSF GRANTS

721.1 *Background.* In accordance with Attachment A to revised OMB Circular No. A-40, collection of information from 10 or more organizations or individuals through a questionnaire, interview, etc., is deemed to be sponsored by the Federal government when:

a. The grantee or project personnel represent to respondents that the information is being collected for or in association with a Federal agency; or

b. The grantee or project personnel use the report form to collect information requested by a Federal agency for the planning, operation, or evaluation of one of its programs; or

c. The terms and conditions of the grant provide for agency approval of the survey design, questionnaire content or data collection procedures; or

d. The terms and conditions of the grant provide for submission to the agency either of the data for individual respondents or of special tabulations.

721.2 *NSF Policy.* Data collection activities of NSF grantees are the responsibility of grantees and NSF support of a project does not constitute NSF approval of the survey design, questionnaire content or data collection procedures. No representation may be made to respondents that such data are being collected for or in association with the National Science Foundation or the government. However, this requirement is not intended to preclude mention of NSF support of the project in response to an inquiry or acknowledgment of such support in any publication of this data. (See GPM 752.4, "Acknowledgment and Disclaimer.")

722 RELEASE OF INFORMATION BY NSF

722.1 *Routine Information Releases.* a. NSF furnishes to Members of Congress a daily listing of awards (see Exhibit 7-2). This listing, arranged by State and Congressional District, displays opposite each institution or organization the name and department of the principal investigator or project director, number and title of the award, duration (support period) and award amount.

b. Comparable listings are furnished quarterly to the State Central Information Reception Agency (SCIRA) of each State in accordance with the supplemental reporting requirements of Treasury Circular 1082 (Revised). See GPM 210, "Project Notification and Review System."

c. NSF publishes annually a numbered volume, National Science Foundation Grants and Awards (year). This document, obtainable from the Superintendent of Documents, U.S. Government Printing Office, contains a list of all awards made the previous fiscal year, arranged alphabetically by State within the major program headings contained in the NSF Guide to Programs.

722.2 *Press Releases.* Grants for projects which appear to be of special interest to the general public may be made the subject of an NSF or joint NSF/Grantee Organization Press Release to the news media (see GPM 523).

722.3 *NSF Project Summaries.* At the time a grant is made in support of a project involving research, NSF furnishes to the Smithsonian Science Information Exchange (SSIE) a summary of the proposed work. Copies of this "Project Summary," (NSF Form 4, Exhibit 2-8) based on the abstract submitted by the proposing investigator, are furnished to the principal investigator or project director with the grant letter. Copies may be obtained by the general public upon request to SSIE, 1730 M Street NW., Washington, D.C. 20036. Following completion of the project, NSF may disseminate the technical report through the National Technical Information Service (NTIS), as outlined in GPM 722.5.

722.4 *Freedom of Information Act (FOIA) of 1974.* Pursuant to the Freedom of Information Act of 1974 (5 U.S.C. 552), the National Science Foundation will provide agency records, with certain exceptions, if the request is in writing and identified as an FOIA request, and if the records sought are described with sufficient specificity to permit identification. The requester must also agree to pay fees that are chargeable under the NSF regulations. Detailed procedures are contained in 45 CFR Part 612.

722.5 *Release of Technical Reports.* a. It is the policy of the National Science Foundation that the results of Foundation-funded research be made publicly available through appropriate dissemination channels. In implementing this policy, the Foundation encourages grantees to arrange for access to research results through refereed dissemination channels. These include refereed journals; edited books, monographs and other publications; and national data banks operated by government agencies and private organizations (see GPM 752, "Publication" and GPM 753, "Copyright").

Technical Reports also will be made available to others on request. In recognition of the author's interest to be the first to publish the results of his research, NSF will normally honor requests to delay release of these reports.

b. Sometimes normal channels are unable to provide for adequate dissemination of technical reports submitted by grantees. For substantive technical reports (i.e., those reporting new scientific or engineering research results, including policy research and applied research), the Foundation will arrange for dissemination through the National Technical Information Service (NTIS) of the Department of Commerce. The various NSF Program Directorates are responsible for ensuring that the appropriate arrangements for dissemination to NTIS are made. NSF may use its own program funds to meet costs associated with dissemination activities, including payment of page charges to journal publishers and processing charges for furnishing reports to NTIS or other information centers.

730 International Considerations

731 Travel to Foreign Countries

731.1 *Definition.* In grants to U.S. organizations, travel performed to, between, or within a country other than the U.S. is defined as foreign travel. The U.S. includes Guam, American Samoa, Puerto Rico, the Virgin Islands, Canal Zone, and the Trust Territory of the Pacific Islands. For awards to foreign organizations, "foreign travel" means travel outside the boundaries of the country in which the grantee is located.

731.2 *Prior NSF Approval.* If the proposal contemplates specific foreign travel, NSF approval will be indicated in the travel line item of the grant budget (see GPM 514, "Travel Costs"). If not shown the travel line of the grant budget, prior NSF approval in writing is required for each separate foreign trip, except to Canada.

731.3 *Use of United States-Flag Carriers.* a. The Comptroller General of the United States, by Decision B-138942 of June 17, 1975, (as amended) provided guidelines for implementation of Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974.

b. Except for transportation services that can be financed only with excess foreign currency, any foreign air transportation of persons or property, the expense of which will be assisted by NSF funding, must be performed on a U.S.-flag carrier if service provided by such carrier is "available."

c. If U.S. flag carriers are unable to perform transportation services that can be financed only with excess foreign currencies, transportation by foreign flag carriers is permissible.

d. For the purposes of this requirement.

(1) Passenger or freight service by a certificated air carrier is considered "available" even though:

(a) Comparable or a different kind of service by a non-certificated air carrier costs less, or

(b) Service by a non-certificated air carrier can be paid for in excess foreign currency, or

(c) Service by a non-certificated air carrier is preferred by the grantee, contractor or traveler needing air transportation, or

(d) Service by a non-certificated air carrier is more convenient for the grantee, contractor, or traveler needing air transportation.

(2) Passenger service by a certificated air carrier is considered to be "unavailable":

(a) When the traveler, while en route, has to wait six hours or more to transfer to a certificated air carrier to proceed to the intended destination, or

(b) When any flight by a certificated air carrier is interrupted by a stop anticipated to be six hours or more for refueling, reloading, repairs, etc., and no other flight by a certificated air carrier is available during the six hour period, or

(c) When the flight of a certificated air carrier, by itself or in combination with other certificated or noncertificated air carriers (if certificated air carriers are "unavailable"), takes 12 or more hours longer from the origin airport to the destination airport to accomplish the Federally funded mission than would service by a non-certificated air carrier or carriers.

e. NSF will no longer consider as an allowable cost under any of its project awards foreign travel (except to Canada) which does not have prior NSF approval.

f. Because of the risk of catastrophic loss, the Foundation does not encourage the use of charter flights as a means of mass transportation for groups of scientists not does it make arrangements for purchase of charter flight air line tickets.

732 Projects in a Foreign Country

Prior to undertaking any projects outside the United States, the grantee should ensure that such permits or licenses as may be required by the host country or the political subdivision in which the project will be performed have been obtained and that the researcher(s) will abide by the appropriate ordinances of such foreign countries. Records or evidence that such rules have been complied with should be forwarded to the NSF Program Officer prior to the undertaking of the research. Foundation funds may not be used in support of a project which is prohibited by law in the country where it is undertaken. The NSF Program Officer should be notified in advance of arrangements for the distribution of data, reports and specimens as well as arrangements for the participation of foreign scientists.

733 Passports and Visas

NSF assumes no responsibility for securing passports or visas required by any person because of participation in an NSF-supported project. It should be noted that some countries that normally do not require visas for tourists do require special visas for scientists engaged in research or studies.

734 International Travel Support Awards

734.1 *Funding Limitations.* Funds for international travel normally will not exceed the cost of the round trip air fare, at economy class or excursion rates (including applicable surcharges), between an air terminal near the point of origin and one near the point of destination and will usually be in the form of an airline ticket mailed directly to the traveler. NSF international travel support awards may not be supplemented by funds from an NSF project grant or fellowship.

734.2 *Use of U.S.-Flag Carriers Applicable to "ITS" Awards.* Individuals who travel abroad with the financial assistance of an NSF International Travel Support (ITS) shall comply with the requirements of GPM 731.3, "Use of United States-Flag Carriers."

734.3 *Per Diem.* If the traveler is an official U.S. delegate to an international conference, per diem may be provided.

734.4 *Return of Airline Ticket.* In the event the planned trip is canceled, the airline ticket must be returned immediately to the NSF Program Officer.

734.5 *International Travel Support Award Report.* Within sixty days after completion of the foreign travel, the grantee must submit an NSF Questionnaire form (copies of which will be enclosed with the airline ticket) to the NSF Division of International Programs.

740 Excess Government Personal Property

As a means of providing additional support and conserving supply and equipment funds on specific projects, NSF may sponsor the transfer of a limited quantity of excess Government personal property to NSF grantees which are public or private institutions of higher education or nonprofit organizations whose primary purpose is the conduct of scientific research. NSF may also arrange for furnishing excess property as Government property. See Important Notice No. 58 (Exhibit 7-3).

750 Intangible Property

751 Patents and Inventions

751.1 *Background.* Section 12(a) of the NSF Act requires that every grant which relates to scientific research provide for disposition of investions in a manner calculated to protect the public interest and the equities of the grantee. NSF patent regulations are contained in 45 CFR Part 650. Intangible property management standards are also contained in Attachment N to OMB Circulars A-102 and A-110. Subparagraph 4h of Attachment O to OMB Circular A-110 (Exhibit 3-2), requires patent "flow-down" provisions

in any substantive contractual agreements under grants. (GPM 623, "Contracting or Transferring the Project Effort," and GPM 751.3b)

751.2 *Applicability of NSF Patent Provisions.* NSF grants which are made for the purpose of supporting experimental or research work or which contain a significant element of any such activity will contain appropriate provisions dealing with rights to inventions made thereunder. An NSF grant made solely for support of one of the following purposes normally will not include NSF patent provisions:

a. Construction, improvement, or operation of facilities;

b. Research equipment;

c. Ship operations;

d. Education and training grants not in support of research;

e. Publication, distribution, and translation of scientific data and information;

f. Symposia and Conferences;

g. Special studies authorized or required by Subsections 3a(5) through 3a(7) of the NSF Act, as amended.

751.3 *NSF Patent Provisions.* Most NSF grants are subject to a provision governing disposition of rights in inventions made under the grant.

Except as otherwise provided in the grant letter, or where an Institutional Patent Agreement has been executed with the grantee (unless the grant letter or the terms of the IPA exclude the grant from the operation of the IPA), the following provisions will apply:

a. Whenever any invention which is, or may be, patentable is conceived or first actually reduced to practice in the course of or under this grant, the grantee shall furnish NSF with complete information thereon; and NSF shall have the right to determine whether or not and where a patent application shall be filed, and to determine the disposition of the invention and title to and rights under any patent application or patent that may result. In making such a determination, NSF shall take into account the public interest and the equities of the grantee. In any case, NSF may arrange to have the invention described in a printed publication.

b. The grantee, for itself and for its employees, agrees that all documents will be executed and all other actions necessary or proper to carry out the determination of NSF will be taken.

Except as otherwise authorized in writing by the Grants Officer, the grantee will insert in each subcontract having experimental, developmental, or research work as one of its purposes, provisions making this article applicable to the subcontractor and its employees and any lower-tier subcontractors and their employees.

Reports of inventions required under these provisions or requests for retention of rights in such inventions, as well as requests for guidance in these matters, should be addressed to the NSF Office of the General Counsel.

752 PUBLICATION

752.1 *Background.* Section 11(g) of the NSF Act authorizes the Foundation to publish or arrange for the publication of scientific and technical information so as to further the full dissemination of information of scientific value consistent with the national interest.

752.2 *NSF Policy.* In furtherance of the foregoing purposes, it is NSF policy to encourage, and, in some cases, require publication and distribution of the results of research conducted under grants. Generally, publication occurs in scientific journals or other news media, which are particularly addressed to the scientific community. Page charges for publication of scientific results in scientific journals may be budgeted for and paid as a necessary part of research costs under NSF grants. See GPM 517, "Page Charges and Publication Costs."

752.3 *Grantee Responsibilities.* The preparation, content, editing, and publication of manuscripts are the responsibilities of the principal investigator, consistent with such policies and procedures as the grantee may prescribe. Review of manuscripts prior to submission for publication will noramlly not be made by NSF. Upon publication, a minimum of two copies of reprints shall be furnished to the cognizant NSF Program Office. Where commercial publication or distribution is planned by the grantee, see GPM 760, "Production or Distribution of Materials," and GPM 650, "Project Income."

752.4 *Acknowledgement and Disclaimer.* a. Regardless of whether material is copyrighted, it will contain the following acknowledgment and disclaimer statement:

"Some (All) of the materials incorporated in this Work were developed with the financial support of the National Science Foundation Grant ----------"

All materials, except scientific articles or papers published in scientific jounrals, must also contain the following:

"However, any opinions, findings, conclusions, or recommendations expressed herein are those of the author(s) and do not necessarily reflect the views of the Foundation."

b. In those instances where the manuscript was submitted to NSF or other Federal agency prior to publication, that should also be stated in the disclaimer clause.

753 COPYRIGHT

753.1 *General.* Unless otherwise provided in the grant instrument, the grantee is free to copyright any books, publications, films, or other copyrightable materials developed in the course of or under an NSF grant. However, except for NSF Fellowship or Traineeships any such copyrighted materials shall be subject to a royalty-free, irrevocable, worldwide, nonexclusive license in the United States Government to reproduce, perform, translate, and otherwise use and to authorize others to use such materials for Government purposes. (See also GPM 760, Production or Distribution of Materials.)

753.2 *Need for Exclusivity.* In some instances, it may be necessary to guarantee exclusivity in order to obtain proper distribution arrangements. In such cases, NSF may be willing to accept a more limited license, and the grant instrument will so provide.

753.3 *Public Domain.* In some instances, NSF will require that the material be publicly disseminated and remain in the public domain, without copyright. In such cases, the grant instrument will so specify.

754 RIGHTS IN ADP DATA BANKS AND SOFTWARE

754.1 *Background.* Some NSF grants support the accumulation of a large body of machine readable data by any of a number of means including literature search, consolidation of existing material, and original creation or collection. Accumulation of such a data bank may itself be a principal purpose of the grant or the data bank may be expected to be so large and comprehensive that it would probably be useful to others for other purposes. A relatively few NSF grants may support projects which produce software as a major end product, such as methodologies for processing data, general purpose programs, and course materials, which can readily be adapted to other computers.

754.2 *NSF Policy.* Data banks and software, produced with the assistance of NSF grants, having utility to others in addition to the grantee, shall be made available to users, at no cost to the grantee, by publication or, on request, by duplication or loan for reproduction by others. The investigator who produced the data or software shall have first right of publication. Grantees will not be required to release finite data banks which are incomplete, or which contain errors, ambiguities, or distortions and will be allowed a reasonable amount of time to make necessary corrections. Privileged or confidential information will be released only in a form which protects the rights of privacy of the individuals involved. Where the collection of such information is anticipated in advance of the award, provisions for handling it should be treated in the proposal. Any dispute over the release or use of data or software will be referred to the Foundation for resolution. Any out of pocket costs incurred by the grantee in providing information to third parties may be charged to the third party. Under certain conditions, a modification or exemption from the above policy may be granted by the Foundation at the time of the award. Such an arrangement will be described in the grant letter and will take into account both the public interest and the equities of the grantee.

760 PRODUCTION OR DISTRIBUTION OF MATERIALS

761 PRODUCTION OR DISTRIBUTION

If a grantee intends to publish, sell or commercially distribute any materials developed under the grant, such may be undertaken only as described in the proposal, or if not so described, with prior NSF approval. Arrangements shall be such as to permit a number of qualified concerns to submit proposals for production and distribution.

Selection of manufacturers, publishers and distributors shall be made so as to assure wide distribution at a reasonable price. NSF may require that it be informed of and approve the plan upon which negotiations will be based, including the companies to be approached, measures to assure that qualified concerns will have an opportunity to submit proposals for production and distribution, and criteria to be used in selecting the successful bidder(s).

762 PUBLICATION OR DISTRIBUTION AGREEMENTS

Where appropriate, NSF awards may require prior NSF approval of publication or distribution agreements. All such agreements will include provisions: (i) Providing the Government with a royalty-free license to use the materials for Government purposes; (ii) granting the Government the right to examine, audit and copy publisher's or distributor's records relative to the NSF supported materials; and (iii) requiring an appropriate acknowledgement of NSF support and a disclaimer similar to that in GPM 752.4.

770 EQUIPMENT TITLE, USE AND DISPOSITION

771 BACKGROUND

a. NSF equipment management standards are contained in GPM 332.

b. Limitations on the acquisition of and the allowability of costs for equipment are contained in GPM 512.

c. This section implements portions of Attachment N to OMB Circular A-110 concerning equipment title, use, and disposition.

772 TITLE TO EQUIPMENT

772.1 *Nonprofit organizations.*—a. *Normal Situations.* Title to equipment purchased or fabricated with NSF grant funds by a college or university or other nonprofit

organization normally will vest in the grantee institution, with the understanding that such equipment (or a suitable replacement obtained as a trade-in) will remain in use for the specific project for which it was obtained (subject to the shared use provisions of GPM 204.2).

b. *Special Situations.* In special situations the grant instrument may either (1) require that title to equipment purchased by the grantee with NSF funds pass directly to the Government from the vendor, or (2) reserve the right to require the grantee to transfer title to the Government or to a third party as prescribed in GPM 773, below.

c. *Excess Government Property.* See paragraph 9 of Exhibit 7-3.

773 RIGHT TO TRANSFER TITLE

For items of equipment having a unit acquisition cost of $1,000 or more, the grant instrument may reserve the right to transfer the title to the Federal Government or to a third party named by the Federal Government when such third party is otherwise eligible by law. Such reservation will be subject to the following conditions prescribed by Attachment N to OMB Circular A-110 (paragraph 6a):

a. The property will be appropriately identified in the grant instrument.

b. The equipment will be subject to the provisions for federally-owned equipment discussed in GPM 332, "Equipment Management Standards."

c. NSF will issue disposition instructions within 120 calendar days after the end of the Federal support of the project for which it was acquired. If NSF fails to issue disposition instructions within the 120 calendar period, title vests in the grantee, subject to the provisions of GPM 772.1, above.

d. When title is transferred either to the Federal Government or to a third party the grantee will be reimbursed by the benefiting Federal agency or other third party with an amount which is computed by applying the percentage of the grantee's participation in the cost of the project to the current fair market value of the equipment, plus any reasonable or interim storage costs incurred.

780 ACQUISITION AND CONTROL OF MATERIALS AND SUPPLIES

Excluding the final inventory of books, films and similar material developed under an NSF grant, title to materials and supplies will vest in the grantee upon acquisition.

790 MISCELLANEOUS

791 BONDING AND INSURANCE

a. Attachment B to OMB Circulars A-102 and A-110 prescribe bonding and insurance requirements for grants involving construction or facility improvement exceeding $100,000 and permit agencies to require fidelity bond insurance.

b. The NSF Act (42 U.S.C. 1870c) provides NSF with authority to enter into grants, contracts or other agreements without performance or other bonds and without regard to Section 3709 of the Revised Statutes.

c. Therefore, unless the grant instrument specifically provides otherwise NSF does not require performance or other bonds or insurance.

792 LIABILITIES AND LOSSES

NSF assumes no liability with respect to accidents, bodily injury, illness, breach of contract or any other damages or loss, or with respect to any claims arising out of any activities undertaken with the financial support of an NSF grant, whether with respect to persons or property of the grantee or third parties. The grantee is advised to insure or otherwise protect itself or others as it may deem desirable.

793 TAX STATUS

Determination of the tax status of an organization or person receiving compensation in any form as a result of an NSF grant is the responsibility of the Internal Revenue Service, State and local tax authorities, and the courts.

794 NATIONAL SECURITY

NSF normally does not support classified projects. When, in the course of an NSF supported project, information or materials are developed which may affect the defense and security of the United States, the grantee must notify the appropriate NSF Program Director immediately. Classified materials should be directed to the NSF Security Officer. The performing organization may wish or need to discontinue the project under these conditions. See GPM 664, "Termination by Mutual Agreement."

795 PRE-COLLEGE STUDENTS AND EXPERIMENTAL CURRICULUM DEVELOPMENT PROJECTS

Grantees of projects which involve pre-college students in research or development on, or pilot-testing, evaluation or revision of experimental or innovative curriculum development projects will:

a. Provide to the school board, or comparable authority responsible for the schools considering participation in the project, information concerning the need for and purposes of the particular education project, the proposed content of the material to be used, the expected benefits to be derived, and other information to assist the jurisdiction in arriving at a decision on participation.

b. Obtain, after the reponsible authority has carried out its procedures, written approval for participation in the project activities.

c. Provide information and materials to the responsible school authority to assist it in carrying out its own established procedures regarding the participation of students in project activities.

d. Provide information to the Foundation describing compliance with the above provisions.

e. Provide, in accord with NSF FY 1976 House Authorization Legislation (Pub. L. 94-86), in every publication, testing or distribution agreement involving instructional material developed under a grant (including but not limited to teacher's manuals, textbooks, films, tapes or other supplementary material) that such material will be made available within the school district using such material for inspection by parents or guardians of children engaged in educational programs or projects of that school district.

796 ENVIRONMENTAL IMPACT

a. The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332) requires that Federal agencies add environmental considerations to those criteria which are traditionally used to decide on: (1) New (proposed) actions to be taken, and (2) the continued funding of ongoing actions.

b. If a proposed project may have an environmental impact, the proposal should furnish sufficient information to assist Foundation officials in assessing the environmental consequences of supporting the project. NSF will determine (1) the adequacy of the information submitted; (2) whether or not additional information is needed; and (3) whether or not an environmental statement will be necessary.

c. NSF policies on environmental considerations are contained in regulations in 45 CFR Part 640.

797 FLOOD DISASTER PROTECTION

a. The Flood Disaster Protection Act of 1973 (28 U.S.C. 4001 et. seq.) provides that no Federal agency shall approve any financial assistance for "acquisition or construction" purposes for use in any area identified by the Department of Housing and Urban Development (HUD) as an area having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968 unless the building and any related equipment is covered by adequate flood insurance.

b. NSF grantees located in special flood hazard areas identified by HUD and where the sale of flood insurance has been made available under the National Flood Insurance Act, will:

(1) With respect to NSF grants for the construction of a building or facility, furnish the necessary proof of compliance with the Act before a grant can be made, regardless of the dollar amount of the grant.

(2) With respect to NSF research grants, and any other grant where assistance for repair, alteration, or improvement of a building or facility is incidental, proof of compliance with the Act will be necessary only where the line item amount budgeted for repair, construction or improvement exceeds $10,000.

c. In the above cases where insurance is required, the proposal should contain either a certification that (a) the facilities or equipment are not located in an identified special flood hazard area or (b) adequate flood insurance under this Act has been obtained.

d. Applicants requiring flood insurance coverage should contact their local government or local federally insured financial institutions to determine areas identified as having special flood hazards and the availability of flood insurance in their community.

798 PROTECTION OF PROPERTIES IN THE NATIONAL REGISTER OF HISTORIC PLACES

The National Historic Preservation Act of 1966 (16 U.S.C. § 470) requires that Federal Agencies institute procedures to assure that where as a result of Federal action or assistance a property listed on the National Register of Historic Places (by the Federal Advisory Council on Historic Preservation) is to be substantially altered or demolished, timely steps be taken to make or have made records, including measured drawings, photographs and maps, of the property, and that copy of such records then be deposited in the Library of Congress for future use and reference.

Prospective grantees must provide such information in the proposal on such alterations or demolishments (and any changes that occur during performance of the grant) in order that NSF, in conjunction with the Advisory Council on Historic Preservation, may determine what steps need to be taken by the grantee to protect or establish and preserve the record of the property.

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[FR Doc.77-21592 Filed 7-28-77;8:45 am]

federal register

FRIDAY, JULY 29, 1977
PART V

CONSUMER PRODUCT SAFETY COMMISSION

■

RESPIRABLE FREE-FORM ASBESTOS

Proposed Rulemaking

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1145]

RESPIRABLE FREE-FORM ASBESTOS

Proposed Rules to Regulate Consumer Patching Compounds and Artificial Emberizing Materials (Embers and Ash) Containing Respirable Free-Form Asbestos, Under the Consumer Product Safety Act

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to regulate consumer patching compounds and artificial emberizing materials (embers and ash) containing respirable free-form asbestos under the Consumer Product Safety Act (CPSA) instead of the Federal Hazardous Substances Act (FHSA), to address the risk of cancer associated with inhalation of asbestos fibers. According to the CPSA, the Commission may not regulate under the CPSA a risk of injury that could be eliminated or reduced to a sufficient extent under the FHSA, unless the Commission finds by rule that it is in the public interest to do so. The Commission has preliminarily found that it is in the public interest to regulate these products under the CPSA.

DATES: Comments concerning this proposal must be received by August 29, 1977.

ADDRESS: Comments should be sent to: Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

John Liskey, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207 (301–492–6557).

SUPPLEMENTARY INFORMATION: The purpose of this notice is to propose a rule under section 30(d) of the Consumer Produce Safety Act, (CPSA), 15 U.S.C. 2079(d), to regulate consumer patching compounds and artificial emberizing materials containing respirable free-form asbestos under the CPSA. Although the risk of injury from lung cancer and mesothelioma associated with these products could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261–1274, the Commission has preliminarily determined that it is in the public interest to regulate these products under the CPSA.

The Commission believes that it is in the public interest to regulate these consumer patching compounds and artificial emberizing materials containing respirable free-form asbestos under the CPSA rather than the FHSA, since the rulemaking proceedings appropriate to regulate these products under the FHSA are likely to be lengthy and resource-consuming.

The Commission also believes it is in the public interest to regulate these products under the CPSA since it may be more difficult for interested persons to participate in rulemaking proceedings under the FHSA than the CPSA because the proceedings under the FHSA are likely to be more complex and formal.

In order to ban hazardous household substances under section 2(q)(1)(B) of the FHSA, the Commission must follow the provisions of section 701(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 371(e). Section 701(e) of the FFDCA provides for a two stage rulemaking. After the Commission proposes a regulation, analyzes comments, and issues a final regulation, adversely affected persons may submit objections to the rule and request a public hearing on the objections. If the objections are legally valid, those parts of the regulation objected to are stayed and a hearing is held to receive evidence that is relevant and material to the issues raised by the objections.

After completion of the hearing, the Commission may issue a final regulation. However, this regulation must be based only on substantial evidence of record obtained at the hearing, and must set forth detailed findings of fact on which the order is based. The Commission's past experience with formal rulemaking under section 701(e) has been that these proceedings are lengthy, resource-consuming, and often inefficient in eliciting information on which the Commission may make a decision.

In contrast, section 9(a)(2) of the CPSA requires bans to be issued in accordance with the informal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553). Although the CPSA requires the Commission to provide an opportunity for oral presentation of comments before issuing a ban, the oral presentation required by section 9(a)(2) is informal and nonadversarial. A ban under section 8 of the CPSA, while providing an adequate opportunity for public participation, is less likely to involve extensive delay, since the Commission is not required to utilize formal rulemaking. In addition, since the proceedings under section 8 of the CPSA are less complex and formal than those under the FHSA, the Commission is more likely to obtain participation from interested persons, including consumers, than if the rulemaking is conducted under the FHSA.

The Commission has also preliminarily determined that it is in the public interest to regulate consumer patching compounds and artificial emberizing materials containing respirable free-form asbestos under the CPSA rather than the FHSA, since the CPSA, unlike the FHSA, provides that persons who knowingly violate the Act are subject to civil penalties. The civil penalty provision may provide additional incentive for compliance under the CPSA.

However, if the Commission does decide to regulate these products under section 8 of the CPSA, the Commission recognizes that automatic repurchase of banned hazardous products would not be available, as it is in the case of a ban under the FHSA. Under section 15 of the FHSA, 15 U.S.C. 1274, and the accompanying regulations at 16 CFR 1500.202 and .203, hazardous substances that have been banned must be repurchased by the manufacturers, distributors, and retailers of the hazardous substance, regardless of whether the substance was banned at the time of its sale. In contrast, a ban under section 8 of the CPSA that bans products distributed in commerce on the effective date of the ban would not provide for repurchase of the banned hazardous products distributed in commerce.

PROPOSAL

The Commission therefore proposes below to regulate consumer patching compounds and artificial emberizing materials containing respirable free-form asbestos under the CPSA instead of the FHSA.

Accordingly, pursuant to provisions of the Consumer Product Safety Act (sec. 30(d), Pub. L. 92–573, 86 Stat. 1231, as amended 90 Stat. 510; 15 U.S.C. 2079(d)), the Commission proposes that Title 16, Chapter II, Subchapter B, Part 1145 be amended by adding the following new § 1145.4: [1]

§ 1145.4 Consumer patching compounds containing respirable free-form asbestos; risk of cancer associated with inhalation of asbestos fibers.

The Commission finds that it is in the public interest to regulate the risk of cancer associated with inhalation of asbestos fibers from consumer patching compounds under the Consumer Product Safety Act rather than under the Federal Hazardous Substances Act because of the desirability of avoiding possibly lengthy, resource-consuming, and inefficient rulemaking proceedings under the Federal Hazardous Substances Act and because of the availability of civil penalties under the CPSA.

The Commission also believes that the complexity and formality of the rulemaking proceedings under the FSHA, in contrast to rulemaking proceedings under the CPSA, may make it difficult for interested persons to participate.

Therefore, consumer patching compounds containing asbestos shall be regulated under the CPSA.

(Sec. 30(d), Pub. L. 92–573, 85 Stat. 1231, as amended, 90 Stat. 510 (15 U.S.C. 2079(d)).)

§ 1145.5 Emberizing materials (embers and ash) containing respirable free-form asbestos; risk of cancer associated with inhalation of asbestos fibers.

The Commission finds that it is in the public interest to regulate the risk of cancer associated with inhalation of asbestos fibers under the Consumer Product Safety Act rather than under

[1] EDITORIAL NOTE: Part 1145 consisting of §§ 1145.1 and 1145.2 was proposed at 41 FR 33638 (August 10, 1976). Section 1145.3 was proposed at 42 FR 35984 (July 13, 1977).

the Federal Hazardous Substances Act because of the desirability of avoiding possibly lengthy, resource-consuming, and inefficient rulemaking proceedings under the Federal Hazardous Substances Act and because of the availability of civil penalties under the CPSA. The Commission also believes that the complexity and formality of the rulemaking proceedings under the FHSA, in contrast to rulemaking proceedings under the CPSA, may make it difficult for interested persons to participate. Therefore, emberizing material containing respirable free-form asbestos shall be regulated under the CPSA.

(Sec. 30(d), Pub. L. 92-573, 86 Stat. 1231 as amended, 90 Stat. 510 (15 U.S.C. 2079(d)))

Interested persons are invited to submit, on or before August 29, 1977 written comments regarding this proposal. Written comments and any accompanying data or material should be submitted preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, Third Floor, 1111 18th St. NW., Washington, D.C. during working hours Monday through Friday.

Dated: July 26, 1977.

SHELDON D. BUTTS,
Assistant Secretary, Consumer Product Safety Commission.

[FR Doc.77-21843 Filed 7-28-77;8:45 am]

[16 CFR Parts 1304 and 1305]

RESPIRABLE FREE-FORM ASBESTOS

Proposal To Ban Certain Patching Compounds and Artificial Emberizing Materials (Embers and Ash)

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed banning rules.

SUMMARY: In this document, the Commission proposes to ban two consumer products containing asbestos that can be inhaled (respirable, free-form asbestos): (1) consumer patching compounds used to join or repair interior walls and ceilings (mixing of the product before it is applied and sanding of the product after it is applied releases asbestos fibers that can be inhaled) and (2) artificial emberizing materials (embers and ash) made with respirable free-form asbestos for use in fireplaces to simulate live embers and ash. Based on information discussed in this notice, the Commission believes that certain types of cancer may result from inhaling asbestos fibers released during the use of these products.

Part A of the preamble to this document deals with the general characteristics of asbestos that are applicable to both products proposed to be banned. Part B deals with consumer patching compounds. Part C deals with artificial emberizing materials.

DATES: (1) For consumer patching compounds containing respirable free-form asbestos, the proposed effective date is 30 days after publication of any final banning rule. Written comments on the proposal must be submitted by August 29, 1977. There will be an opportunity for interested persons to orally present data, views, or arguments on Monday, August 15, 1977 at 10 a.m., at the Commission hearing room, 3rd Floor, 1111 18th Street NW., Washington, D.C. Those wishing to make oral presentations should notify the Office of the Secretary by August 8, 1977.

(2) For artificial emberizing materials containing respirable free-form asbestos, the proposed effective date is the day of publication of any final banning rule. Written comments on the proposal must be submitted by August 29, 1977. There will be an opportunity for interested persons to orally present data, views, or arguments on Monday, August 15, 1977 at 10 a.m. Those wishing to make oral presentations should notify the Office of the Secretary by August 8, 1977.

ADDRESSES: Written comments should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Persons wishing to make oral presentations should contact Richard A. Danca in the Office of the Secretary 202-634-7700. All material which the Commission has that is relevant to this proceeding, including any comments that may be received on this proposal, may be seen in, and copies may be obtained from the Office of the Secretary of the Commission, 3rd Floor, 1111 18th Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

John Liskey, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207 (301-492-6557).

SUPPLEMENTARY INFORMATION: The Commission has received the following three petitions requesting the banning of consumer patching compounds and artificial emberizing materials (embers and ash) containing respirable free-form asbestos:

HP 76-18: On July 15, 1976, the Natural Resources Defense Council (NRDC) and Consumers Union (CU) petitioned the Commission under the Federal Hazardous Substances Act (FHSA) to ban consumer patching compounds containing asbestos that are used for drywall taping, spackling and sealing of points. The petitioners believe that high quantities of asbestos fibers remain in the air after these products are sanded and the the fibers substantially increase the risk of mesothelioma and lung cancer.

HP 77-9: On February 9, 1977, the Public Citizens Health Research Group (HRG) petitioned the Commission under the FSHA in part to declare that patching compounds made with tremolitic talc containing asbestos fibers (tremolite asbestos) are banned hazardous products and an imminent hazard to the public health.

HP 77-11: On April 15, 1977, a request from Ms. Rachel Scott, that the Commission had investigated as a consumer complaint, was joined by the Environmental Defense Fund (EDF). The Commission designated the requests a petition to ban artificial emberizing materials containing respirable free-form asbestos. This product is used on artifical logs and on fireplace floors beneath them to simulate live embers and ashes.

(The parenthetical numbers listed below are citations to a list of documents consulted by the staff; the list appears below just before Conclusion and Proposal.)

The Commission has granted these petitions regarding asbestos, based on information discussed more fully below. The information consists, primarily, of data on exposure of industrial workers to respirable free-form asbestos (6) and also occasional exposures of families of workers and others in locations where free-form asbestos might be prevalent, as well as in other location (47, 31, 38). Information on exposure of the public to free-form asbestos contained in individual consumer products is limited. However, there is general scientific and medical agreement that there is no known threshold level below which it is safe for people to be exposed to respirable free-form asbestos (35). Therefore, based on the available information the Commission has decided to propose a ban of these two products. In addition, information on other consumer products that may contain respirable free-form asbestos will continue to be developed in order to determine whether further regulation is necessary.

The petitions, relevant scientific and technical information, and Commission conclusions are more fully described below.

Although the three petitions were filed under the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261, et seq., and it appears that the risks of injury from lung cancer and mesothelioma described by petitioners are regulatable under the FHSA, the Commission proposes to ban these products under the Consumer Product Safety Act (CPSA), 15 U.S.C. 2051, et seq. Section 30(d) of the CPSA, 15 U.S.C. 2064(d), as amended, provides that a risk of injury associated with a consumer product which can be eliminated or reduced to a sufficient extent by action under a transferred Act, such as the FHSA, may nevertheless be regulated under the CPSA if the Commission, by rule, determines that regulation under the CPSA is in the public interest. Also published in this issue of the FEDERAL REGISTER are proposed rules issued in accordance with section 30(d) of the CPSA stating the Commission's finding that it is in the public interest to ban the products described herein under the CPSA.

PART A. BACKGROUND

"Asbestos" is a general term for any of several varieties of mineral fibers composed of silica, oxygen, hydrogen, and other elements such as sodium, calcium, iron, or magnesium. The name is derived from the ancient Greek term for

"incombustible". There are six basic varieties of asbestos minerals which are found in fiber form: chrysotile (the most common variety, and that ordinarily found in asbestos-containing products), amosite, crocidolite, actinolite asbestos, tremolite asbestos, and anthophyllite asbestos. Most of the world supply of commercial asbestos is chrysotile, the fibrous form of serpentine.

Asbestos minerals all have nonfibrous counterparts of the same chemical composition and crystal structure which are more abundant and widespread than the asbestiform variety but the crystallization of these normally nonfibrous minerals into fibrous forms is a rare occurrence in nature. (June 3, 1977, CPSC/Health Sciences, (7).)

Asbestiform minerals are generally characterized by the following properties: their ability to be broken down into smaller fibrils; great elongation; heat resistance; resistance to biotransformation; flexibility; high-tensile strength, and spinnability.

Diseases Related to Asbestos Exposure

It is important to note that the asbestos content of a given product is not necessarily the sole criterion of that product's relative health risk, for in numerous products the fibers are tightly bound or are encapsulated in the product composition. A potential health risk occurs when asbestos fibers become airborne, such as by mixing, sanding, or cleanup operations when using patching compounds. A single individual engaged in such a process may be exposed to potential asbestos fiber inhalation risk and may also cause exposure of other individuals in the vicinity.

Certain malignancies are related to exposure to asbestiform minerals. Both animal bioassay data and epidemiological studies support this conclusion.

All commercially available forms of asbestos which have been tested are carcinogenic in mice, rats, hamsters, and rabbits (IARC, 22).

Some conclusions from a Review (Huff, 21) of the major literature on asbestos are:

1. Under experimental conditions, asbestos is pathogenic in animals. Asbestos is known to be carcinogenic in humans, causing lung cancer, mesotheliomas, and pleural lesions.

2. The mechanisms of pathogenicity are poorly understood. The etiological significance of fiber size or type is controversial, and the physiochemical properties of various asbestos types as related to biological effects are incompletely defined.

3. Little is known about the clearance rates of asbestos from tissues, the transport of asbestos within the organism, or the metabolic alteration of asbestos in the body.

4. Animal models necessary to accurately predict the potential effects of asbestos in humans have not been developed.

5. Quantitative dose-response relationships between asbestos inhalation and related diseases have not been determined for animals or humans, and minimal exposure levels required to cause disease are not known.

6. Malignancies can arise 20 years or more after occupational exposure; however, they also reportedly result from indirect, non-occupational exposure.

7. Available data indicate that asbestos is a widespread environmental pollutant.

The most common diseases that might result from asbestos exposure are:

1. Asbestosis: a diffuse, interstitial, nonmalignant, scarring of the lungs;

2. Bronchogenic carcinoma: a malignancy of the interior of the lung;

3. Mesothelioma: a diffuse malignancy of the lining of the chest cavity (pleural mesothelioma), or of the lining of the abdomen (peritoneal mesothelioma);

4. Cancer of the stomach, colon, and rectum.

Asbestosis may be evidenced, in its advanced stages, by characteristic manifestations on X-ray films, by restrictive pulmonary function, or by clinical signs of finger clubbing or rales (dry, cracking sounds within the lung). Its most important symptom is dyspnea, or undue shortness of breath. The disease is progressive, even in the absence of further exposure, as those inhaled fibers which have been trapped within the lung continue their biological action. In its severe forms, death results from the inability of the body to obtain requisite oxygen or from the heart's failure to pump blood through the scarred lungs.

Mesothelioma tumors are diffuse and spread rapidly throughout the cavity of origin. They have yet to be successfully cured by any type of treatment, including chemotherapy, radiation, or surgery. Death usually results within a year of diagnosis. It may account for one death in several thousand in the absence of an environmental or occupational asbestos exposure. In some groups of asbestos workers, it may account for one death in ten.

Once established, the other asbestos-associated cancers differ little from those occurring in the general population, although there may be variations in the location of the primary site. Appropriate treatment and prognosis follow for the particular tumor. There is very limited long term survival from lung cancer therapy; and only somewhat better from treated cancer of the colon or rectum.

Asbestosis and asbestos cancer, whether it be lung cancer, pleural mesothelioma, peritoneal mesothelioma, cancer of the stomach, colon, or rectum usually do not become clinically evident until more than 20 years have passed from onset of exposure. The long latency period is now widely recognized.

While some such cancers may appear during the second decade following onset of occupational exposure, peak incidence is often not noted until 20 years or more from initial exposure. This is true both with regular, long-term, brief or intermittent exposures. While variations in the time of occurrence may depend upon intensity and duration of exposure, with heavier exposure often being associated with shorter latency periods, variations among individual cases make it impossible to predict the latency period for the risk of any particular person.

Clinical data are becoming available concerning asbestos lung scarring in individuals exposed at levels much lower than those of occupational circumstances. Among 210 family contacts of former asbestos factory workers, 38% have been reported to have X-ray changes characteristic of asbestos exposure (Anderson, Selikoff, Lilis and Daum, 1975, (1)).

In humans, the latency period for chemical carcinogens may well extend from 20 to 40 years or more. Analogous latency periods have also been demonstrated in animal studies. This means that the disease may undergo a long period of development before a tumor is actually detected.

Cancer development may be influenced by such factors as the differing susceptibility of various body organs. In animal studies it has been found that individual variability in response to carcinogens is great depending upon factors such as age, sex, hormonal status, diet, and genetic factors. Thus, individuals biologically compromised may be more susceptible than other groups.

Cancers Associated With Asbestos

In December 1972, important new information on the spectrum of asbestos cancers was presented at the Conference on the Biological Effects of Asbestos, sponsored by the International Agency for Research on Cancer of the World Health Organization. At this conference, and subsequently, data on large groups of asbestos workers became available (Selikoff, Hammond and Seidman, 1973 (41); Enterline, de Coufle and Henderson, 1972 (12)). As expected, the high risk of bronchogenic carcinoma and mesothelioma persisted among groups of factory workers. Moreover, these later studies confirmed the excess gastrointestinal cancer that had been suggested earlier, and extended the spectrum of asbestos related cancers.

(1) Lung cancer. The most important cancer afflicting asbestos workers is cancer of the lung, although mesothelioma has attracted considerable attention because of the high frequency among asbestos workers and infrequent occurrence in the population as a whole.

In many groups of asbestos workers, approximately 20% of all deaths are caused by lung neoplasms. This has been true both among asbestos product factory workers (Selikoff, Hammond and Churg, 1972 (42); and Nicholson, 1976 (35)), and among users of these products (Selikoff, Hammond and Seidman, 1973 (41)). The exact percentage varies with circumstances of exposure, age of the workers, duration of the workers' exposure and, perhaps most of all, according to the duration from the onset of their asbestos work history. In addition, the last several years have seen the discovery of another critical variable affecting the incidence of lung cancer among asbestos workers. In 1968, Selikoff and Hammond

(38) reported that lung cancer was not significantly increased in incidence among asbestos workers with no history of cigarette smoking, although when such history was present, the incidence of lung cancer increased markedly over what would be expected among other cigarette smokers, in the absence of asbestos exposure. Thus, these scientists calculated that an asbestos worker who smoked cigarettes had 92 times the risk of dying of lung cancer, as compared with like individuals without cigarette smoking or asbestos work. This finding has been confirmed by larger studies (Hammond and Selikoff, 1973 (17)) where, again, it was found that nonsmoking asbestos workers had few lung cancers while those who smoked had much more lung cancer than would have been expected had they not been asbestos workers. Calculations suggest that cigarette-smoking asbestos workers have aprpoximately eight times the risk of developing lung cancer compared to other cigarette smokers who are not occupationally exposed to asbestos.

(2) Pleural and peritoneal mesothelioma. In 1960 Wagner, Sleggs and Marchand (47) demonstrated an important association between asbestos exposure and pleural mesothelioma. This cancer, which appears to be unrelated to smoking, had previously been considered to be a very rare tumor. Numerous reports have confirmed the finding of Wagner and his colleagues that mesothelioma can be commonly associated with asbestos exposure. A subsequent report by Enticknap and Smither, 1964, (13) concerning workers in a British asbestos factory demonstrated that the same tumor could be commonly found in the abdomen (peritoneal mesothelioma), as well as in the chest.

The exact risk of death of these invariably fatal neoplasms has not been as well defined as has lung cancer, although records of cases from hospitals near one large asbestos factory indicate that it must be very common (Barrow, Conston, Livornese and Schalet, 1967, (3)). Information available from the experience of asbestos insulation workers suggests that approximately five to seven percent of deaths may be due to this neoplasm (Hammond, Selikoff and Churg, (17); Selikoff, Hammond and Seidman, 1973, (41)). More recently, it has been suggested that this estimate is too low, on the basis of the experience of workers in a British asbestos factory where calculations predicted that between 10 and 11 percent of deaths would be due to mesothelioma (Newhouse and Berry, 1975, (30)).

A recent study of mesotheliomas diagnosed in a hospital located in the vicinity of a shipyard reported an increased incidence of diffuse malignant mesothelioma since World War II, not only among exposed shipyard workers, but also among individuals with no occupational exposure. (Hasan, (20)).

(3) Gastro-intestinal cancer. Gastrointestinal cancers (cancer of the stomach, colon and rectum) are also increased in incidence among asbestos workers. A number of studies now indicate that the increase is on the order of two or three times the number of expected tumors (Selikoff, Hammond and Sediman, 1973, (41), Elmes and Simpson, 1971 (9)). Although this increased risk is relatively limited, especially when compared with lung cancer and mesothelioma, it is nevertheless of considerable importance since a two- or threefold increase in such common tumors becomes an important cause of death for the workers involved.

It has been suggested that other tumors are also increased in incidence among asbestos workers, particularly cancers of the larynx (Stell and McGill, 1973 (45); Newhouse and Berry, 1973 (34)), and of the esophagus (Selikoff, Hammond, and Seidman, 1973 (41)). However, data concerning these neoplasms are less extensive than for lung cancer, mesothelioma and gastro-intestinal cancer and further experiences are awaited. In any case, they are not very common tumors in general and any increase does not weigh heavily on the overall cancer risk of asbestos workers.

Occupational Exposure

Reports of pulmonary fibrosis or lung scarring, from inhalation of asbestos dust in factories began to appear in the literature in the early part of this century and by 1927 this lung scarring disease was known as "asbestosis" (Newhouse, 31)).

In 1930, the British Home Office Survey by Merewethier and Price (28), found that approximately half of a population of asbestos factory workers were suffering from pulmonary fibrosis, leading to the introduction of the Asbestos Factory Regulations of 1931. The objective of the Regulations, implemented in 1933, was to reduce the risk of asbestosis.

It was recognized, however, that in addition to asbestos-induced lung scarring, there was also increasing evidence of cancer associated with asbestos exposure. Some workers whose deaths were attributed to asbestosis were also found to have had lung cancer. (Nicholson, (35)).

By 1960, through epidemiological studies, an association between asbestos exposure and mesothelima had been demonstrated (Wagner (47)) and was soon substantiated by additional epidemiological studies (Newhouse (31), Selikoff (37)) and clinical diagnosis.

In 1968, the Committee of the British Occupational Hygiene Society evaluated worker exposure data in a large asbestos textile mill dating from implementation of the Asbestos Regulations of 1933 which indicated that there was "comparatively little clinical and/or roentgenological evidence of asbestosis" at that factory in a survey completed in 1966. Based on that data, the Committee concluded by setting a dust exposure level at 100 fiber-years/ml (or 2 fibers/ml for 50 years) it would provide a full working lifetime without substantial risk of developing asbestosis. (OSHA, 1975, (6).)

The National Institute of Occupational Safety and Health (NIOSH) relied heavily on the British Standard in its recommendation for promulgation of the asbestos standard set by OSHA in 1972.

Subsequent to the implementation of the OSHA permanent asbestos standard in 1972, results of a new evaluation of the earlier British factory worker population showed many abnormal X-ray findings of the lungs and pleura.

It is reported that there is now an excess lung cancer mortality rate among workers who became employed at the textile mill after 1933 and whose lack of clinical or X-ray evidence of asbestosis led to the development of the British asbestos standard.

Another report of an ongoing study of workers (and their family members) in a factory producing amosite asbestos between 1941 and 1954, when the factory closed, has shown a high incidence of X-ray abnormalities and 2 pleural mesothelioma deaths have thus far been identified (1).

It is also reported that clinical data are becoming available concerning asbestos lung scarring in individuals exposed at much lower than occupational levels. (Anderson, (1)).

It therefore appears that an exposure thought sufficiently low to reduce the risk of asbestosis has not prevented pathogenic changes, including lung cancer and mesothelioma. (Anderson, (1)).

Non-occupational, indirect occupational exposure, or intermittent or brief exposures

Recent data indicate the occurrence of asbestos cancer from exposure to low levels of asbestos, as in environmental circumstances, or from brief or intermittent exposures to higher levels.

In inhalation exposure experiments, rats exposed to asbestos dust were reported to have developed tumors, including mesotheliomas, from as little as a single 7 hours exposure (48).

Analysis of the history of asbestos exposure among individuals in a large series of cases of mesothelioma in Great Britain and South Africa have provided evidence that brief or intermittent exposure to asbestos may, after the passage of decades, result in mesothelioma (Greenberg and Davies, 1974 (16); Webster, 1973, (49)). In such circumstances, it appears that the lifetime exposure was less than 100 fibers-years/ml. The same discrepancy between present projected exposures and the risks of asbestos cancer exists when considering cases of mesothelioma resulting from household contact with asbestos among members of families or asbestos workers (Lillington, 1974 (25)), or among residents living in the vicinity of asbestos plants. Of considerable industrial importance has been the recent description of asbestos disease among shipbuilding and ship repair workers, few of whom actually work with asbestos, but many of whom were, in the past, inadvertently exposed to the asbestos dust resulting from the use of asbestos products by a relatively few of their workmates. In 1968, Harries of

the Royal Navy (19) reported cases of mesothelioma among shipyard workers at the Royal Navy dockyard in Devenport, in trades which did not directly involves worker exposure to asbestos, but in which there had been occasional opportunity for exposure merely by virtue of working in the same areas. This original finding has been widely confirmed and numerous cases of mesothelioma have since been reported in former shipyard workers (Whitewell and Rawcliffe, 1970 (50)); McEwan et al, 1970 (27)); Stumphius, 1971 (46); Greenberg and Davies, 1974, (16). Studies of populations of current shipyard workers have shown much radiological evidence of asbestos abnormalities among workers in trades only indirectly exposed to asbestos in the yards (Sheers and Templeton, 1968 (44); Fletcher, 1972, (15)).

Further, evidence has indicated that asbestos also acts as a lung carcinogen at levels much below those which will produce asbestosis. Two surveys of shipyard workers who had X-ray evidence of pleural plaques, but generally not of pulmonary fibrosis, showed a 2.5-fold excess risk of death from lung cancer and high risk of mesothelioma. (Fletcher, 1972 (15); Edge, 1975 (8)). In a study of the mortality experience of a large U.S. asbestos products manufacturing facility, it was found that workers in low dust areas, with a minimum risk of death from asbestosis, had the same high risk of death from various cancers as workers in dustier areas (Nicholson, 1975, (35)).

It is extremely difficult, if not impossible, to document brief exposures reported to have occurred 20 or more years before the onset of symptoms. To determine the type and extent of non-occupational exposure, the investigator must generally rely on relatives or persons other than the exposed patient for exposure history.

(Much of the foregoing information on asbestos-related diseases was prepared by the Occupational Safety and Health Administration (OSHA) and published at 40 FR 47651, October 9, 1975, "Occupational Exposure to Asbestos" has been helpful in preparing this proposal (6)).

CONSUMER EXPOSURE

Reports of the hazard, or potential for hazard, from exposure to asbestos resulting from use of asbestos-containing consumer products are very limited. The only known quantitative study of asbestos levels in products regulated by this Commission was reported by Rohl, et al (1975 (36)), of asbestos fiber concentrations measured during the use of consumer spackling patching and taping compounds. This study indicated that airborne fiber concentrations, exceeding the interim OSHA allowable excursion exposure level, were detected during application and cleanup operations. Fibers were detected in adjacent rooms during mixing operations and it was reported that * * * significant concentrations of asbestos remained suspended and could pervade living quarters for a considerable duration of time * * * " The authors suggest that the use of spackling and other patching compounds (in mixing, and sanding and cleanup operations) may expose the user and other members of the household to " * * * significant concentrations of asbestos".

Asbestos in the household presents a great risk due to the presence in the household of persons, such as children, who may be particularly vulnerable to carcinogens. It is generally observed that, because of the long latency period, exposure to inhalable asbestos in the some can be life-shortening for children. In this connection, Dr. Paul Kotin of the Johns-Manville Company, stated to an OSHA Advisory Committee that in his laboratory experience, cancer can be most readily induced in the young (14). This point was further clarified at a briefing before the Commission on June 9, 1977 during which Dr. Kotin stated his belief that the young are doubly vulnerable to carcinogens—first, because of a long lifetime ahead and secondly because young children grow at a more rapid rate than adolescents. Thus, he explained, "A rapidly dividing cell, a cell which has a turnover time shorter when compared to another cell, is perhaps more likely to be subject to the action of a carcinogen."

The Commission concludes that exposure to asbestos from either patching compounds or artificial emberizing materials presents an unreasonable risk of injury sufficient that either product standing alone should be banned. The Commission also notes that consumers are exposed to asbestos from sources other than the products proposed for banning. The asbestos fibers are present in the general environment has been demonstrated by studies such as those by Huff (21), Selikoff, and Harwood (38). Consumers who are exposed to asbestos fibers from artificial embers and ash and patching compounds thus receive additional doses of asbestos and can be presumed to face a greater risk than members of the population who are not so exposed, and a greater cumulative risk than if no asbestos were present in the general environment.

A bibliography of additional scientific and medical literature reviewed by the Commission is noted below and an annotated bibliography is available for review in the Office of the Secretary.

"THRESHOLD" LIMIT

Because of the variability of individual response to carcinogens and other factors, the concept of a "no effect" or "threshold level" of exposure may have little real significance on the basis of existing knowledge. While some level, below which exposure to a carcinogen does not cause cancer, may conceivably exist for any one individual, other individuals may have cancer induced by doses so low as to be effectively zero (35).

In the Proceedings of the Nineteenth Meeting of the Interagency Collaborative Group on Environmental Carcinogenesis devoted to Threshold Evaluated held at the National Institute on August 14, 1975 (23), Dr. H. F. Kraybill, Chairman, states that:

> Investigators in the field of carcinogenesis have doubted the existence of a threshold for a carcinogen or at least have maintained that there are no acceptable procedures for assessment of a safe-dose for a carcinogen (i.e. threshold). Thus, it has been concluded that it is not feasible to prove or disprove the presence or absence of a threshold-dose through downward extrapolation from the dose-response curve in regions of detectably significant dosage. The conservatism in this direction is prompted by certain realizations as to the self-replicating nature of the cancer cell, the possible existence of irreversible effects, the aspects of lasting alteration induced by a tumor-producing event, the perpetuation of the neoplastic lesion after the original inducer has disappeared from the milieu, and finally, the possibility of cancer induction from a mutation in a somatic cell.

These theoretical concepts have a bearing on the asbestos issue, particularly as the question of the existence, or nonexistence, of a threshold level of carcinogenic effect. A "no effect" level theoretically may exist, but it has not been demonstrated. Therefore, there is no known threshold level below which exposure to respirable free-form asbestos would be considered safe.

OTHER FEDERAL AGENCY ACTIONS TO REGULATE EXPOSURE TO ASBESTOS

The Occupational Safety and Health Administration of the Department of Labor (OSHA), the Food and Drug Administration (FDA) and the Environmental Protection Agency (EPA) each has a responsibility to regulate exposure to asbestos.

OSHA regulates exposure to asbestos by workers in all industrial and commercial settings except agriculture. The regulation (29 CFR 1910.1001) states that the 8-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed two fibers, longer than 5 micrometers, per cubic centimeter of air. In 1975, OSHA proposed an amendment to lower exposure to .5 fibers per cubic centimeter of breathing air. An OSHA proposal to regulate exposure by workers in the building construction industries is expected to be ready for publication within the next few months.

FDA has banned the use of asbestos in filters used in the formulation of parenteral drugs (21 CFR 211.40(j)) and, prior to the establishment of the Consumer Product Safety Commission, banned the use of asbestos in fabric used for general wearing apparel. (16 CFR 1500.17(a)(7)).

EPA regulates asbestos which is released into the air and into the water. These regulations (40 CFR 61, 427, 436) do not set standards for allowable amounts of asbestos in the breathing air but rather minimize or eliminate emissions from industrial locations. These regulations specifically prohibit the presence of asbestos in emissions from plants manufacturing materials for use in building roadways and in manufacturing items such as cloth, textiles, cement, fireproofing and friction products, paper, felt, floor materials, paints, adhesives,

sealants, caulks, and a variety of other items.

ASBESTOS REGULATIONS AFFECTING CONSUMER PRODUCTS IN OTHER COUNTRIES

In June, 1976, Canada banned the sale and importation of asbestos-containing products for use by children. In April, 1976, England introduced a voluntary labeling scheme for products containing asbestos.

In Sweden, the use of asbestos-cement products for new work was prohibited as of July, 1976, and for maintenance in existing structures will be discontinued by the end of 1977. Manufacturing of these products is not prohibited. According to the Swedish Standard for Occupational Exposure:

"The TLV of 2f/ml was lowered to 1f/ml as of January, 1977, and is scheduled to be further reduced to 0.5 f/ml by 1 January, 1978." (June 27, 1977, Asbestos Information Association (2).)

PART B. PATCHING COMPOUNDS

Asbestos fibers are used in patching compounds to reinforce a material as it cures, to control shrinkage and cracking, and to reinforce the material as the compound is alternately exposed to heat, cold and moisture after curing. Asbestos also provides a measure of sound and heat insulation to the material, and enhances the workability of the compound, particularly during troweling. The properties considered by industry to be most valuable in the preparation of patching compounds are: asbestos is not affected by fungus, mildew, vapor, etc. and it has low density; good adsorption qualities; high resistance to electricity, fire and alkaline substances; low magnetic permeability; and it is not a smooth fiber.

Patching compounds are mixtures of talcs, pigments, clays, casein, ground marble, mica or other similar materials with water and a binding material such as asbestos. Patching compounds are available in dry form (to be mixed with water by the user) or a ready-mix paste form. The product is used to cover, seal or mask cracks, joints, holes and similar openings in the trim, walls, and ceilings, etc. of building interiors.

In patching compounds, asbestos is released when using the dry form and mixing it with water, or by sanding or scraping the dried patching compound in the process of finishing and smoothing the surface as in remodeling and in cleanup operations. Such activities may present a hazard to consumers when the activity is performed either by a consumer or a professional user of these products.

Patching compounds covered by this ban are those that are customarily produced or distributed for sale to or for the personal use, consumption or enjoyment of consumers in or around a permanent or temporary household or residence, a school, in recreation or otherwise. Patching compounds that are labeled as, marketed, and sold solely for industrial use would not be within the scope of this ban. Information available to the Commission indicates that most patching compounds for industrial use are distributed in such ways that consumers have access to these products. Moreover, merely labeling a patching compound for industrial or professional use only, would not exclude such articles from the ban. If the manufacturer, distributor or retailer fosters or facilitates the product's sale to or use by consumers, the product would be considered a consumer product within the scope of this ban.

Recent court cases have examined the statutory definition of consumer product and indicate that the presence of a product in a consumer environment would be considered a primary determinant of whether that product is a consumer product under the CPSA.[1] In considering the statutory definition and its legislative history in light of these cases, it appears to the Commission that substantially all patching compounds are consumer products under the CPSA.

EVALUATION OF THE RISK

In assessing the degree and nature of the risk of injury to consumers, the Commission has reviewed experimental data and human experience information. In addition, on the basis of data by Rohl, et al. (36), the Commission's Health Sciences staff has calculated an assessment of the risk of consumer exposure which is available at the Office of the Secretary. The calculations are based on the application of a theoretical model (modification of that by Enterline and Henderson, 1976, (11), to epidemiological data cited in the literature. (Skelikoff, Hammond and Seidman, 1973, (41). For purposes of this assessment, the Commission considered the use of patching compounds by a consumer, for six hours a day four times a year, to be a high yet reasonably foreseeable yearly exposure. The increased risk of death from respiratory cancer induced by this yearly eposure is estimated at between 10 and 2,000 per million. For five years of exposure at these levels, the risk increases geometrically and is estimated at between 1,000 and 12,000 per million. Based on current information, the Commission estimates that the lower estimate of 10 per million is closer to the actual risk for a one year exposure. Nevertheless, in view of the seriousness of the injury and the cumulative effects of asbestos exposure, even this minimum figure represents an unacceptable risk. The Commission believes that reducing exposure to respirable free-form asbestos in the home represents a substantial decrease in risk to consumers, since, for many people, the major exposure to inhalable asbestos is in the home.

INDUSTRY RESOURCE CONSIDERATIONS

ASSESSMENT OF SUBSTITUTES

The elimination of asbestos from patching compounds would necessitate the use or development of substitutes which are similar to asbestos, or which impart similar qualities to the product. Several substitutes for asbestos in patching compounds are in current use. The primary economic concerns focus on the effect of substitutions on the utility derived from the product (mainly in terms of performance characteristics) and on the prices of patching compounds.

Asbestos possesses a unique combination of strength, pliability, and heat-cold-, and moisture-resistant qualities; substitutes which have been tested in these product categories often do not last as long, are less workable, and may take a long time to perfect (asbestos-free spackling compounds were at least five years in development). Some products not readily reformulable may be dropped from the market. Availability of substitutes may also be limited temporarily on a regional basis, depending on the paint and building materials industries' ability to reformulate asbestos-containing products. Many producers are, however, either presently marketing asbestos-free materials or expect to in the near future.

Substitution may also lead to higher costs of production and prices for some of these products. The total cost to most patching compound manufacturers of chemically reformulating products is not expected to be large relative to sales; it is, however, expected that some cost increases will occur which will likely be passed on in the form of higher prices (this may be 10 to 15 percent). (Preliminary Economic draft study—subsection on Spackling/Joint Compounds, OSHA, (7).)

Inventories of existing products in distribution channels may vary over a wide range. Similarly, inventory turnover cycles at various points in distribution may vary considerably.

These conditions may be further affected by OSHA's course of action on asbestos. Should a commercial-industrial fiber limit standard be imposed, the industry would probably eliminate asbestos from paints and other building materials as well as from patching compounds.

ENVIRONMENTAL ISSUES

The Commission has studied the environmental effects of this proposal as required by the National Environmental Policy Act. An environmental assessment is on file at the Office of the Secretary of the Commission and indicates, by negative declaration, that no significant effects on the environment are foreseen by the proposals issued below.

Asbestos is an ubiquitous mineral fiber that has been used for many years in the U.S. in occupational settings and in building construction. This has led to low-level, but widespread exposure of the public. Asbestos is found in the air, water, and land (in minute concentrations relative to those found in or near asbestos mines or processing facilities).

The elimination of asbestos from patching compounds available to or used or enjoyed by consumers will significantly reduce household fiber release from mixing, sanding, and clean-up. It will not, however, significantly reduce fiber

[1] *United States of America* v. *The Anaconda Co.*, et al., Misc. No. 77-0024 (D.D.C.), June 15, 1977. *Kaiser Aluminum & Chemical Corp.* v. *CPSC*, Civ. No. 76-44 (D.Dela.) March 11, 1977.

release or fiber in the general environment from all sources.

Proper disposal of present inventories is also expected to pose no significant problems since it would account for a minor portion of all asbestos disposal.

The potential environmental (i.e., health) effects of the use of substitutes is, however, an issue which merits further study by the Commission and other agencies. No conclusions about the safety of the known substitutes have yet been made. Although the Commission has no evidence that the known substitutes are hazardous, there appears to be some concern in the industry on this point. Laboratory testing may be desirable to verify this point.

The Commission requests comment on other environmental issues as well as those raised here.

EFFECTIVE DATE

The Commission has assessed the possible effects on the relevant industries of banning consumer patching compounds. Staff research indicates that asbestos-free products can probably be in distribution in about six months. The Commission also considered the possible increased hazard to consumers that might result from banning the distribution of patching compounds 30, 180, and 360 days after publication of a final banning rule. The possible increased hazard to consumers that could arise during these different time periods was considered in the context of the assessment that asbestos from patching compounds poses a significant household fiber exposure risk to consumers using or enjoying patching compounds in their homes, although it may not pose a significant environmental fiber exposure hazard. On this basis, the Commission proposes that the manufacture, sale, offering for sale, importation and distribution in commerce of consumer patching compounds be prohibited 30 days after publication by the Commission of a final banning rule. This prohibition would apply to products in inventory as well as to those manufactured after the effective date of the final regulation.

PART C. ARTIFICIAL EMBERIZING MATERIALS (ASH AND EMBERS) CONTAINING RESPIRABLE FREE FORM ASBESTOS

Artificial emberizing materials for fireplaces are generally packaged in "emberizing" kits. The emberizing material is placed under artificial logs in gas-burning fireplace systems or in artificial fireplaces for decorative purposes. The product is also glued to artificial logs, either at a factory, or by a consumer using an emberizing kit. When subjected to high temperatures, the asbestos in this product produces a glow like real embers and ash. Asbestos fibers are released when the emberizing material containing asbestos is sprinkled on the fireplace floor, when glue used by the consumer to attach the material to an artificial log melts at high temperatures, and when ordinary household air currents and downdrafts cause the asbestos in the simulated embers and ash to become airborne. (Not included in this ban are synthetic logs, generally manufactured of cellulosic products and wax, which actually are ignited and consumed by the flames.)

EVALUATION OF THE RISK

Measurements are not available of the amounts of asbestos in the air from asbestos-containing emberizing materials in homes. However, it appears that the amount of airborne asbestos in such homes would increase when air currents in the home are created by downdrafts from a fireplace chimney or other activities that stir air in any room. Since emberizing materials may contain up to 50 percent asbestos, which if not permanently bound into artificial fireplace logs would be in respirable form, the risk associated with emberizing materials is considerable since it continues to exist 24 hours a day.

INDUSTRY RESOURCE CONSIDERATIONS

ASSESSMENT OF SUBSTITUTES

The elimination of asbestos from emberizing material may result in the use of substitutes which are similar to asbestos, or which impart similar qualities to the product. Virtually all of the manufacturers have developed asbestos-free emberizing material as of June, 1977. There are at least three substitutes for asbestos currently being used in artificial emberizing material: fibrous glass, vermiculite and a synthetic fiber with asbestos-like heat-resistant qualities.

It appears that the synthetic-fiber mixture is substantially more costly than the other mixtures, including those containing asbestos. The other two substitute mixtures may be somewhat more costly to produce, depending on local raw material availability, prevailing local prices, etc. The vermiculite-only embers may not be as effective in creating the desired "glowing" look; more of the material may be required to achieve the same degree of effect provided by the asbestos-containing mixture. It is doubtful that the price of emberizing kits will be significantly affected unless a large shift to the use of synthetic-fiber-containing-material occurs.

ENVIRONMENTAL ISSUES

The Commission has assessed the environmental effects of this proposal as required by the National Environmental Policy Act. Its assessment is on file at the Office of the Secretary of the Commission and indicates, by negative declaration, that no significant effects on the environment are foreseen by the proposals issued below.

As noted in Part B, asbestos is a ubiquitous mineral fiber that has been used for many years in the U.S. in occupational settings and in building construction. This has led to low-level, but widespread, exposure of the public. Asbestos is found in the air, water, and land (in minute concentrations relative to those found in or near asbestos mines or processing facilities). The elimination of asbestos from emberizing kits is not expected to reduce free fiber emissions significantly, either nationally or regionally (most of the manufacturers are located in California). A significant portion of household fiber release is accounted for by this product, however, in homes so equipped. The Commission will issue guidelines to minimize consumer exposure to floating fibers during a cleanup and disposal of embers. Significant effects are not expected from the ban itself other than increased safety in individual homes.

The potential environmental (i.e., health) effects of the use of substitutes is, however, an issue which merits further study by the Commission and other agencies. There is little information concerning the safety of the ember material substitutes. Further study is currently under way to collect information about these substitutes and to assess the potential health effects of their use. (Fibrous glass and the synthetic fiber are similar in shape and size to chrysotile, for example).

The Commission requests comment on other environmental issues as well as those raised here.

EFFECTIVE DATE

The Commission has assessed the possible effects on the relevant industries of banning artificial fireplace embers containing free asbestos. It appears that many manufacturers have ceased shipment of asbestos-containing merchandise. The Commission has also considered the possible increased hazard that might result from banning the distribution of this product, 30, 180, and 360 days after publication of a final banning rule. The continuing availability of respirable free-form asbestos to consumers during these differing time periods and the necessity for developing and transmitting to the public information on environmentally safe means of removing the product from consumers' homes was also reviewed. Based on these considerations, the Commission proposes that the manufacture, sale, offering for sale, importation and distribution in commerce of artificial fireplace emberizing material (embers and ash) containing respirable free-form asbestos be prohibited on the day of publication by the Commission of a final banning rule. This prohibition would apply to products in inventory as well as to those manufactured after the effective date of the final regulation.

PART D. UNREASONABLE RISK OF INJURY AND FEASIBILITY OF STANDARDS

The Commission finds that these products are being and will be distributed in commerce. The Commission has considered all the information currently available to it on the risks of injury concerning respirable free-form asbestos in the products discussed above including the frequency and severity of injuries and the nature of the risks associated with these products. The Commission preliminarily determines that the presence of respirable free-form asbestos in consumer patching compounds and in artificial emberizing materials (embers

and ash) for fireplaces presents an unreasonable risk of injury to the public from lung cancer and mesothelioma and that no feasible standard under the CPSA can adequately protect the public from such risk.

The Commission stated in a recently issued consumer product safety rule banning unstable refuse bins (42 FR 30296, June 13, 1977), in discussing the lack of feasibility of a standard, that, "The Commission is not required to look at the entire class of products of which a particular hazardous product is a member. Thus, when the Commission can identify the particular products that present the unreasonable risk of injury by specifying their characteristics in certain performance or design terms, the Commission can ban these articles." With respect to the products now under consideration, the characteristic identified is the presence of respirable free-form asbestos.

The Commission believes that not all patching compounds present an unreasonable risk of injury to the public, only patching compounds containing respirable free-form asbestos. The hazard associated with this product is the free form in which the asbestos appears. While a safe patching compound can be manufactured, it is not possible to manufacture a safe patching compound containing respirable free-form asbestos because a safe level of exposure to free-form asbestos in unknown. Therefore, it does not appear that a standard for patching compounds containing respirable free-form asbestos is feasible at this time.

The product, artificial emberizing materials for fireplaces, containing respirable free-form asbestos, is used only in dry form. Thus, individual asbestos fibers are never bound together. If the asbestos fibers were coated by another material to bind the fibers, it would no longer be the same product. In considering the dry character of the product and the fact that a safe level of exposure to respirable free-form asbestos is not known, it does not appear that a standard for artificial emberizing materials containing respirable free-form asbestos is feasible at this time.

The Commission believes that no standard can render the defined products non-hazardous and concludes that only banning these products can adequately protect the public from unreasonable risks of injury associated with them.

References

The parenthetical numbers used in the preamble above refer to the following documents:

1. Anderson, H. A., Lilis, R., Daum, S. Fischbein, A. S. and Selikoff, I. J.: Household-Contact Asbestos Neoplastic Risk. Ann. N.Y. Acad. Sci. 271:311-323 (1976).

2. Asbestos Information Assoc.: Information from Representative of the Asbestos International Association Conference, Hamburg, Germany, 1976, June 27, 1977 memo.

3. Borrow, M., Conston, A., Livornese, L. I., and Schlet, N.: Mesothelioma and Its Association With Asbestos. JAMA (8): 93-97 (1967).

4. *Canada*. Consumer & Corporate Affairs, Consumer Standards Directorate, Product Safety Branch. Asbestos In Toys and Modelling Materials Issue No. 2, June, 1976.

5. Department of Labor. Occupational Safety and Health Administration: Asbestos Dust Standard. 29 CFR 1910.93a.

6. Department of Labor. Occupational Safety and Health Administration: Occupational Exposure to Asbestos. Notice of Proposed Rulemaking. FR Vol. 40, No. 197, pp. 47652-47665, (Oct. 9, 1975).

7. Department of Labor. Occupational Safety and Health Administration: Asbestos Dust in the Construction Industry. Preliminary Draft: Technical Feasibility Assessment, Spackling and Drywall Joint Compounds, p. 1-12 (1977).

8. Edge, J. R.: Asbestos Related Disease in Barrow-In-Furness Env. Res. 11:244-247 (1976).

9. Elmes, P. C. and Simpson, M. J. C.: Insulation Workers in Belfast 3. Mortality 1940-66. Br.J. Ind. Med. 28: 226-236 (1971).

10. *England*. Health & Safety Exec. Dept. of Prices and Consumer Protection. Asbestos Labeling Scheme. April 1976.

11. Enterline P., and Henderson, V.: A model for Extrapolating to Low Levels of Asbestos Exposure. Presented at Conference on Problems of Extrapolating the Results of Laboratory Animal Data to Men and Extrapolating the Results from High Dose Level Experiments to Low Dose Level Exposure Pinehurst, N.C. (March 1976).

12. Enterline, P., DeCoufle, P., and Henderson, V.: Mortality in Relation to Occupational Exposure in the Asbestos Industry. J. of Occupational Medicine 14 (12): 897-903 (1972).

13. Enticknap, J. B., and Smither, W. J.: Peritoneal Tumours in Asbestosis, Brit. J. Ind. Med. 21:20-31 (1964).

14. Environmental Defense Fund: Petition for Action under section 12 of the CPSA against fireplace ashes and Logs Containing Asbestos. Footnote 1. May 12, 1977.

15. Fletcher, D.C.: A Mortality Study of Shipyard Workers and Pleural Plaques. Br. J. Ind. Med. 29:142-145 (1972).

16. Greenberg, M., and Davies, A. L., Mesothelioma Register 1967-8, Br. J. Ind. Med. 31:91-104 (1974).

17. Hammond, E. C., and Selikoff, I. J. & Churg, J.: Neoplasia Among Insulation Workers in the United States with Sepecial Reference to Intra Abdominal Neoplasia. Ann. N.Y. Acad. Sci. 132:519-525 (1965).

18. Hammond, E. C., and Selikoff, I. J.: Relation of Cigarette Smoking to Risk of Death of Asbestos-Associated Disease Among Insulation Workers in the United States. pp. 312-317 International Agency for Research on Cancer (1973).

19. Harries, P. G.: Asbestos Hazard in Naval Dockyards. Ann. Occup, Hyg. 11:134-145 (1968).

20. Hasan, Faysal M. et al: The Significance of Asbestos Exposure in the Diagnosis of Mesothelioma: A 28 year Experience from a Major Urban Hospital. Amer. Rev. Resp. Dis. 115: 761-768 (1977).

21. Huff, J. E., Hammona, A. S., Dinger, C. A., Whitfield, B. L., and Ulrickson, G. U.: Asbestos: An overview. Env. Chemicals-Human and Animal Health 3rd Annual Conference Proceedings.

22. IARC Working Group on the Evaluation of the Carcinogenic Risk of Chemicals to Man. IARC Monographs on the Evaluation of the Carcinogenic Risk to Man: Asbestos. Intl Agency for Research on Cancer. 1977.

23. Interagency Collaborative Group on Environmental Carcinogens, 19th Meeting, NIH. Aug. 14, 1975.

24. Jones, H. B., and Grindon, A.: Environmental Factors in the Origin of Cancer and Estimation of the Possible Hazard to Man. Fd. Cosmet. Toxicol. 18:251-268 (1975).

25. Lillington, G. A. et al: Conjugal Malignant Mesothelioma. New Eng. J. Med. 291 (11): 583-584 (Sept. 12, 1974).

26. McDonald, J. C., McDonald, A. D., Gibbs, A. W., et al: The Health of Chrysotile Asbestos Mine and Mill Workers of Quebec. Arch. Env. Health 28:61 (1974).

27. McEwen, J., Finlayson, A., Mair, A., and Gibson, A.A.M.: Mesothelioma in Scotland. Br. Med. J. 4:574-578 (1970).

28. Mereweather, E. R. A., and Price, C. W.: Report on the Effects of Asbestos Dust on the Lungs and Dust Suppression in Asbestos Industry. H. M. Stationery Office, London (1930).

29. National Institute for Occupational Safety & Health: Criteria for a Recommended Standard . . . Occupational Exposure to Asbestos. (1972).

30. Newhouse, M. L., and Berry, G.: The Risk of Developing Mesothelial Among Workers in an Asbestos Textile Factory. XVII International Congress on Occupational Health, Bristol, England (1975).

31. Newhouse, M. L., and Thompson, H.: Mesothelioma of Pleura and Peritoneum Following Exposure to Asbestos in the London Area. Brit. J. Ind. Med. 22:261 (1965).

32. Newhouse, M.: Asbestos in the Work Place and the Community. Ann Occ. Hyg. 16:97-107 (1973).

33. Newhouse, M. L., and Berry, G., Predictions of Mortality from Mesothelial Tumours in Asbestos Factory Workers. Br. J. Ind. Med. 33:147-151 (1976).

34. Newhouse, M. L., and Berry, G.: Asbestos and Laryngeal Carcinoma Lancet. 2: 615 (1973).

35. Nicholson, W. J.: Case Study 1: Asbestos-The TLV Approach. N.Y. Acad. Sci. 271: 152-169 (1976).

36. Rohl, A. N., et al: Exposure to Asbestos in the Use of Consumer Spackling, Patching and Taping Compounds. Science 189:551-553 (Aug. 15, 1975).

37. Selikoff, I. J.: Asbestos and Neoplasia. Am. J. Med. 42(4): 487-496 (1967).

38. Selikoff, I. J., and Hammond, E. C. III Community Effects of Non Occupational Environmental Asbestos Exposure, Am. J. Pub. Health 58(9):1658-1666 (1968).

39. Selikoff, I. J., Churg, J., and Hammond, E. Co.: The Occurrence of Asbestosis Among Insulation Workers in the United States. N.Y. Acad. of Sci. 132: 139-155 (1965).

40. Selikoff, I. J., Hammond, E. C., and Churg, J.: Asbestos Exposure, Smoking, and Neoplasia. JAMA 204(2):106-112 (1968).

41. Selikoff, I. J., Hammond, E.C., and Seidman, H.: Cancer Risk of Insulation Workers in the United States. pp. 209-216 International Agency for Research on Cancer (1973).

42. Selikoff, I. J. Hammond, E. C. and Churg, J.: Carcinogenicity of Amosite Asbestos. Arch. Env. Health 25:183-186 (1972).

43. Selikoff, I. J., Nicholson, W. J. and Larger, A. M. Asbestos Air Pollution: Arch. Environ. Health, 25:1-13, July 1972.

44. Sheers, G.: Effcts of Asbestos in Dockyard Workers. Br. Med. J. 3:574-579 (1968).

45. Stell, P. M., and McGill, T.: Asbestos and Laryngeal Carcinoma. Lancet 2:416-417 (1973).

46. Stumphius, J.: Epidemiology of Mesothelioma on Walcheren Island. Br.J.Ind. Med. 28:59-66 (1971).

47. Wagner, J. C., Sleggs, C. A., and Marchand, P.: Diffuse Pleural Mesothelioma and Asbestos Exposure in the North Western Cape Province. Brit. J.Ind.Med. 17:260-271 (1960).

48. Wagner, J. C., et al: The Effects of the Inhalation of Asbestos in Rats. Br.d.Cancer, 29: 252-269 (1974).

49. Webster, I.; Asbestos and Malignancy. S.A.Med.J. 47:165-171 (1963).

50. Whitwell, F. and Rawcliffe, R. M.: Diffuse Malignant Pleural Mesothelioma and Asbestos Exposure. Thorax 26:6-22 (1971).

CONCLUSION AND PROPOSAL

Based on the foregoing information, the Commission proposes to declare that consumer patchnig compounds containing respirable, free-form asbestos and consumer patching compounds containing respirable free-form asbestos are banned hazardous products.

Accordingly, puursuant to provisions of the CPSA (sections 8, 9, 30(d), 86 Stat. 1215–17, 1231, as amended, 90 Stat. 506, 510; 15 U.S.C. 2057, 2058, 2079(d)), the Commission proposes that Title 16, Chapter II, be amended by adding to Subchapter B the following new Parts 1304 and 1305.

PART 1304—BAN OF CONSUMER PATCHING COMPOUNDS CONTAINING RESPIRABLE FREE-FORM ASBESTOS

Sec.

1304.1 Scope and application.
1304.2 Purpose.
1304.3 Definitions.
1304.4 Consumer patching compounds as banned hazard products.
1304.5 Effective date.

AUTHORITY: Secs. 8, 9, 30(d), Pub. L. 89-573, as amended, Pub. L. 94-284, 86 Stat. 1215-17, 1231 as amended 90 Stat. 506, 510 (15 U.S.C. 2057, 2058, 2079(d)).

§ 1304.1 Scope and application.

(a) In this Part 1304 the Consumer Product Safety Commission declares that consumer patching compounds containing respirable free-form asbestos and designed for use in such a manner that the asbestos fibers can become airborne under reasonably foreseeable conditions of use are banned hazardous products under sections 8 and 9 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2057 and 2058). This ban applies to patching compounds which are (1) used to cover, seal or mask cracks, joints, holes and similar openings in the trim, walls, ceilings, etc. of building interiors, which after drying are sanded to a smooth finish and (2) are produced and distributed for sale to or for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation or otherwise.

(b) The Commission has found that (1) these patching compounds are being or will be distributed in commerce; (2) that they present an unreasonable risk of injury; and (3) that no feasible consumer product safety standard under the CPSA would adequately protect the public from the unreasonable risk of injury associated with these products. The ban applies to patching compounds described in this Part which are in commerce or being distributed in commerce on or after the effective date of the ban.

§ 1304.2 Purpose.

The purpose of this rule is to ban consumer patching compounds containing respirable, free-form asbestos. These products present an unreasonable risk of injury due to inhalation of fibers which increase the risk of developing lung cancer and mesothelioma, diseases which have been demonstrated to be caused by exposure to asbestos fibers.

§ 1304.3 Definitions.

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) apply to this Part 1304.

(b) "Asbestos" means a group of mineral fibers composed of silica, oxygen, hydrogen and other elements such as sodium, iron, magnesium and calcium in diverse combinations and includes the following minerals: amosite, chrysotile, crocidolite, anthrophyllite asbestos, actinolite asbestos, and tremolite asbestos.

(c) "Free-form asbestos" is that which is not bound, woven, or otherwise "locked-in" to a product by resins or other bonding agents, or those from which fibers can readily become airborne with any reasonably foreseeable use.

(d) "Patching compounds" are mixtures of talc, pigments, clays, casein, ground marble, mica or other similar materials and a binding material such as asbestos which are sold in a dry form ready to be mixed with water, or such combinations in ready-mix paste form.

(e) "Consumer patching compounds" are those that are customarily produced or distributed for sale to or for the personal use, consumption or enjoyment of consumers in or around a permanent or temporary household or residence, a school, in recreation or otherwise. The Commission considers that patching compounds for application in these consumer environments are either distributed for sale to consumers or are for the personal use or enjoyment of consumers.

§ 1304.4 Consumer patching compounds as banned hazardous products.

On the basis that airborne asbestos fibers present the hazards of lung cancer and mesothelioma to the public, consumer patching compounds containing respirable free-form asbestos are banned hazardous products.

§ 1304.5 Effective date.

Thirty days after publication of final rule.

PART 1305—BAN OF ARTIFICIAL EMBERIZING MATERIALS (ASH AND EMBERS) CONTAINING RESPIRABLE FREE-FORM ASBESTOS

Sec.

1305.1 Scope and application.
1305.2 Purpose.
1305.3 Definitions.
1305.4 Artificial fireplace ash and embers as banned hazardous products.
1305.5 Effective date.

AUTHORITY: Secs. 8, 9, 30(d), Pub. L. 89-573, as amended, Pub. L. 94-284; 86 Stat. 1215-17, 1231 as amended, 90 Stat. 506, 510 (15 U.S.C. 2057, 2058, 2079(d)).

§ 1305.1 Scope and application.

In this Part 1305 the Consumer Product Safety Commission declares that artificial emberizing materials (ash and embers) containing respirable free-form asbestos generally packaged in an emberizing kit for use in fireplaces, and designed for use in such a manner the asbestos fibers can become airborne under reasonably foreseeable conditions of use are banned hazardous products under sections 8 and 9 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2057 and 2058). This ban applies to artificial emberizing materials available in separate kits or with artificial fireplace logs for use in fireplaces and sprinkled or coated by consumers on the artificial logs to simulate live embers and ashes and give a glowing appearance when subjected to high temperatures. Bags of material containing asbestos and sold separately to be sprinkled on and under artificial logs to simulate burning and glowing ashes also come within the scope of this ban.

§ 1305.2 Purpose.

The purpose of this rule is to ban artificial emberizing materials containing respirable free-form asbestos. These products present an unreasonable risk of injury due to inhalation of fibers which increase the risk of developing lung cancer and mesothelioma, diseases which have been demonstrated to be caused by exposure to asbestos fibers.

§ 1305.3 Definitions.

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) apply to this Part 1305.

(b) "Asbestos" means a group of mineral fibers composed of silica, oxygen, hydrogen and other elements such as sodium, iron, magnesium and calcium in diverse combinations and includes the following minerals: amosite, chrysotile, crocidolite, anthophyllite asbestos, actinolite asbestos, and tremolite asbestos.

(c) "Free-form asbestos" is that which is not bound, woven, or otherwise "locked-in" to a product by resins or other bonding agents, or those from which fibers can readily become airborne with any reasonably foreseeable use.

(d) "Emberizing materials" means an asbestos-containing material generally packed in an "emberizing" kit to be placed under artificial logs in gas-burning fireplace systems or in artificial fireplaces for decorative purposes. The product is also glued to artificial logs, either at a factory or by a consumer using an emberizing kit. (Synthetic logs manufactured of cellulosic products which are consumed by flames are not included in this definition.)

§ 1305.4 Artificial fireplace ash and embers as banned hazardous products.

On the basis that airborne asbestos fibers present the hazards of lung cancer and mesothelioma to the public, artificial fireplace ash and embers containing respirable free-form asbestos are banned hazardous products.

§ 1305.5 Effective date.

Date of publication of final rule.

Regarding proposed Parts 1304 and 1305 interested persons are invited to

submit written comments before the close of business August 29, 1977. Comments may be accompanied by written data, views, and arguments and should be submitted preferably in five copies, addressed to Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments and other related material may be seen in the Office of the Secretary, Third Floor, 1111 18th Street NW., Washington, D.C. during working hours Monday through Friday.

Oral presentations. Interested persons will be afforded an opportunity to make an oral presentation of data, views, or arguments in addition to the opportunity to make written comments, on any aspect of the proposed ban on August 15, 1977. The proceedings for the oral presentation will be held at 10 a.m. at the Commission's hearing room at 1111 18th Street NW., Washington, D.C. The procedural regulations for oral presentation, 16 CFR Part 1109, promulgated October 14, 1975 (40 FR 49122), shall govern this proceeding.

All persons wishing to make an oral presentation should notify Richard Danca of the Office of the Secretary, 202–634–7700, no later than close of business August 8, 1977 for scheduling purpose. A summary or outline of each oral presentation and an estimate of the length of time it will require should be filed with the Office of the Secretary at least two business days prior to the oral presentation.

Section 9(c) of the CPSA (15 U.S.C. 2058(c)) requires the Commission, prior to promulgating a consumer product safety rule, to consider and make certain findings for inclusion in that rule. In order to aid the Commission in this endeavor, the Commission is particularly interested in soliciting either by written comment or through the oral presentation, additional data, views, and arguments as to the following:

1. The degree and nature of the risk of injury the rule is designed to eliminate or reduce;

2. The approximate number of consumer products, or types of classes thereof, subject to the rule;

3. The need of the public for consumer products subject to such rule and the probable effect of such rule upon the utility, cost, or availability of such products to meet that need;

4. Any means of achieving the objective of the rule while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety;

5. The necessity of the rule to eliminate or reduce the unreasonable risk of injury associated with the consumer products subject to the rule;

6. Whether the rule is in the public interest;

7. The feasibility of a consumer product safety standard under the CPSA to protect the public adequately from the unreasonable risk of injury associated with the products which are the subject of this proposed ban;

8. The potential environmental effects of the rule; and

9. Any adverse effects that this proposed ban will have on elderly and handicapped persons.

Dated: July 26, 1977.

SHELDON D. BUTTS,
Assistant Secretary, Consumer Product Safety Commission.

[FR Doc.77-21844 Filed 7-28-77;8:45 am]

federal register

FRIDAY, JULY 29, 1977

PART VI

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

■

COLLECTIVELY BARGAINED MULTIPLE EMPLOYER APPRENTICESHIP AND TRAINING PLANS

Notice of Pendency of Proposed Class Exemption

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

[L-548, L-582]

COLLECTIVELY BARGAINED MULTIPLE EMPLOYER APPRENTICESHIP AND TRAINING PLANS

Proposed Class Exemption

AGENCY: Department of Labor.

ACTION: Proposed Class Exemption.

SUMMARY: This proposed class exemption would exempt from the prohibited transaction provisions of section 406(a)(1)(A) through (D) of the Employee Retirement Income Security Act of 1974 (the Act) certain transactions between collectively bargained multiple employer apprenticeship plans and employers making contributions to these plans if certain conditions are met. The exemption affects all employers contributing to apprenticeship plans, all employees of such contributing employers, all unions who are signatories to collective bargaining agreements which govern such plans, and all persons enrolled in such plans.

DATES: Proposed effective date: January 1, 1975. Comments must be received on or before September 16, 1977.

ADDRESSES: All written comments (at least six copies) should be addressed to Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application L-548. The applications for exemption referred to herein and all comments relating thereto will be available for public inspection at the Public Documents Room of Pension and Welfare Benefit Programs, Room N-4677, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT:

Forrest Foss, Room C-4508, Plan Benefits Security Division, Office of the Solicitor, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-6856). (Not a toll free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of Labor (the Department) of an application for a class exemption from the restrictions of sections 406(a)(1)(A) through (D) of the Employee Retirement Income Security Act of 1974 (the Act). The proposed class exemption would exempt from the prohibited transaction provisions of section 406(a)(1)(A) through (D) of the Act: (1) The purchase of personal property by a collectively bargained multiple employer employee welfare benefit plan maintained for the purpose of providing apprenticeship or other training programs (hereinafter referred to as an apprenticeship plan) from an employer who contributes to such plan (hereinafter referred to as a contributing employer) or a wholly-owned subsidiary of such an employer; and (2) the leasing of real property (excluding office space) or personal property by an apprenticeship plan from a contributing employer or a wholly-owned subsidiary of such an employer.

The International Union of Operating Engineers (IUOE), on behalf of 45 local affiliated apprenticeship and/or training plans, and the Laborers' Training and Retraining Trust Fund for Northern California have filed applications for class exemptions based upon representations which are summarized below.[1] In addition, several applications which are pending for individual exemptions contain common representations with regard to the transactions described in the proposed class exemption. If the proposed class exemption is granted, all transactions referred to in individual and class exemption applications which are similar to transactions described in the proposed class exemption will be exempt from the prohibitions of sections 406(a)(1)(A) through (D) of the Act if they satisfy the terms and conditions of the proposed class exemption.[2] Interested persons are referred to the applications for class exemption on file with the Department for the complete representations of the applicants. The applications were filed pursuant to section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Discussion

The applicants represent that apprenticeship and training programs maintained by apprenticeship and other training plans are an essential element in providing trained workers in the industries in which they operate. The proper functioning of these plans requires that, from time-to-time, they purchase goods and lease equipment or other property for use in the training programs which they maintain. It has been customary for these plans, which are jointly sponsored by unions and employers, to obtain such goods and rentals from employers who are contributors to the plans. All such employers are signatories to collective bargaining agreements with the sponsoring unions.

An employer who makes contributions to a plan is a party in interest with respect to such plan by reason of section 3(14) of the Act. As a result, the sale or lease of property between a plan and such an employer is a prohibited transaction under section 406(a) of the Act. Accordingly, without the relief which would be provided by this proposed class exemption, many apprenticeship plans would be forced to obtain the necessary goods and rentals from non-contributing, non-union employers to the exclusion of union employers, thereby requiring apprenticeship plans which were created as a result of collective bargaining to discriminate against union employers. Such a result would be completely contrary to the philosophy of collectively bargained apprenticeship plans.

The proposed class exemption is available only for multiple employer apprenticeship plans. For purposes of this exemption, a multiple employer welfare benefit plan is a welfare plan which is a multiemployer plan within the meaning of section 3(37) of the Act or a welfare plan which meets the requirements of at least subsections 3(37)(A) (i), (ii) and (v) of the Act.

The proposed class exemption is limited to transactions between apprenticeship plans and contributing employers (or wholly-owned subsidiaries of such employers) where neither such persons nor their affiliates are fiduciaries of the plan at the time of the transaction and have not been fiduciaries of the plan for a period extending through two years prior to such transaction. By its exclusion of certain parties in interest in this manner, the exemption is limited to situations in which there is less of a possibility that the party in interest can influence the plan's actions to the plan's detriment. Finally, the proposed class exemption would require that the exempted transaction be at least as favorable to the plan as an arm's-length transaction with an unrelated party would be and that the transaction be appropriate and helpful in carrying out the purposes for which the plan is established or maintained.[3]

[1] Several applications for individual exemptions granted by the Department relate to transactions of the type described in this proposed exemption. The Department has granted exemptions for transactions between apprenticeship plans and contributing employers with respect to the use by a plan, as a training and storage site, of a portion of real property owned by a contributing employer (Dicco, Inc., 41 FR 26291, June 25, 1976), the purchase by a plan of heavy machinery from a contributing employer (R.E. Coulter Gradall Rental, Inc., 41 FR 29502, July 16, 1976) and the lease by a plan of equipment on a short term basis from a contributing employer (Teamsters-Rock Products and Ready Mixed Concrete Industries Training and Upgrading Fund, 42 FR 23217, May 6, 1977).

[2] Under the provisions of section 3.04 of ERISA Proc. 75-1, an application for individual exemption will not ordinarily be considered separately if a class exemption which would encompass the transaction described in the application for an individual exemption is under consideration by the Department. Accordingly, the Department is notifying directly each applicant for an individual exemption of the fact that such applicant's application is not being considered separately from this class exemption and that, following the disposition of this proposed class exemption, such application would ordinarily be closed and, therefore, such applicant's comments with respect to this class exemption are sought by the Department.

[3] The purchasing of goods and the leasing of equipment or other property frequently is accomplished after the solicitation of competitive bids based upon specifications published by the plan. The Department considered imposing such a competitive bidding procedure as an additional condition for exemption. However, because objective standards for the imposition of such a requirement would be difficult to draft and admin-

In their applications, the class applicants requested an exemption from the prohibitions of section 406(a)(1) (A) through (D) of the Act for the provision of services and the lease of property between a contributing employer and an apprenticeship plan. The proposed exemption would not provide relief for the provision of services, including construction or repair services, to an apprenticeship plan by a contributing employer or the leasing of office space by an apprenticeship plan from a contributing employer because these transactions are already covered by the statutory exemption under section 408(b)(2) of the Act and the final regulations issued thereunder (29 CFR 408b-2, 42 FR 32389, June 24, 1977).[4] Under the exemption provided by section 408(b)(2), a party in interest (e.g., a contributing employer) may provide services (e.g. the construction of a training facility) or office space to a plan (including an apprenticeship plan) if certain conditions are met. Accordingly, the class applicants are referred to section 408(b)(2) and the regulations issued thereunder for relief for such transactions.

The proposed exemption, if granted, would be effective retroactively to January 1, 1975.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act.

(2) The pending exemption, if granted, will not extend to transactions prohibited under section 406(a)(1)(E), 406(a)(2) or 406(b) of the Act.

(3) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interest of the plan or plans and of their participants and beneficiaries, and protective of the rights of participants and beneficiaries of such plan or plans.

(4) The pending exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

(5) If granted, the pending class exemption will be applicable to a particular transaction only if the transaction satisfies the conditions specified in the exemption.

(6) All interested persons are invited to submit written comments on this pending class exemption to the address and within the time period set forth above. All such comments will be made part of the record. The comments and the applications for exemption will be available for public inspection at the address set forth above.

Proposed Exemption

Based on the applications referred to and summarized above, the Department has under consideration the granting of the following exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975): Effective January 1, 1975, the restrictions of section 406(a)(1)(A) through (D) of the Act do not apply to the transactions described in section I of this exemption, provided that the conditions set forth in section II of this exemption are met.

Section I.—Transactions. (a) The purchase of personal property by a multiple employer welfare benefit plan maintained for the purpose of providing apprenticeship or other training programs (hereinafter referred to as an apprenticeship plan) from an employer who makes contributions to such plan (hereinafter referred to as a contributing employer) or from a wholly-owned subsidiary of such an employer.

(b) The leasing of personal property by an apprenticeship plan from a contributing employer or from a wholly-owned subsidiary of such an employer.

(c) The leasing of real property (other than office space within the contemplation of section 408(b)(2) of the Act) by an apprenticeship plan from a contributing employer or from a wholly-owned subsidiary of such an employer.

Section II.—Conditions. (a) With respect to any transaction between a contributing employer or a wholly-owned subsidiary of such an employer and an apprenticeship plan referred to in section I above:

(1) Neither the contributing employer, the wholly-owned subsidiary of the employer nor any affiliate of such employer or subsidiary is a fiduciary with respect to the apprenticeship plan on the date of the transaction or has been a fiduciary respecting the apprenticeship plan at any time during the two years preceding the date of the transaction;

(2) The transaction is on terms at least as favorable to the plan as an arm's-length transaction with an unrelated party would be; and

(3) The transaction is appropriate and helpful in carrying out the purposes for which the plan is established or maintained.

(b) The apprenticeship plan which enters into any of the transactions described in section I above maintains or causes to be maintained for a period of six years from the termination of any such transaction such records as are necessary to enable the persons described in paragraph(c) of this section to determine whether the conditions of this exemption have been met, except that:

(1) This paragraph (b) and paragraph (c) below will not apply to transactions effected prior to (60 days subsequent to the date of grant of the exemption), and

(2) A prohibited transaction will not be deemed to have occurred, if due to circumstances beyond the control of the fiduciaries of such apprenticeship plan, such records are lost or destroyed prior to the end of the six year period.

(c) Notwithstanding anything to the contrary in subsections (a)(2) and (b) section 504 of the Act, the records referred to in paragraph (b) of this section are unconditionally available at their customary location for examination during normal business hours by (1) the Department of Labor, (2) employees on whose behalf contributions are made to the apprenticeship plan involved in the transaction, (3) a contributing employer to the plan, (4) the employee organization any of whose members have contributions made on their behalf to the apprenticeship plan involved in the transaction, and (5) any duly authorized employees or representatives of a person described in (1) through (4) of this paragraph.

Section III.—Definitions. For purposes of this exemption: (a) The term "multiple employer welfare benefit plan" means a welfare plan which is a multiemployer plan within the meaning of section 3(37) of the Act, or a welfare plan which meets the requirements of at least subsection 3(37)(A) (i), (ii) and (v) of the Act.

(b) The term "affiliate" of a person includes:

(1) Any person directly or indirectly controlling, controlled by, or under common control with such person;

(2) Any officer, director, partner, employee or relative of such person; and

(3) Any corporation or partnership of which such person is an officer, director, partner, or employee.

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ister on a class basis, because competitive bidding would not be appropriate for all plans in all situations and, more importantly, because a fiduciary with respect to a plan must discharge his duties with respect to such plan solely in the interest of its participants and beneficiaries and in a prudent manner pursuant to section 404(a)(1) of the Act, this requirement was not considered necessary or appropriate in this context. Rather, the proposal permits plan administrators to determine, consistent with their duties under the Act, when and how to solicit bids or otherwise effect the transactions covered by this class exemption.

[4] As noted above, this proposed exemption would cover the lease of real and personal property, other than office space, by the apprenticeship plan from a contributing employer, because such property is not covered by the statutory exemption afforded by section 408(b)(2) and the regulations adopted thereunder.

(c) The term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(d) The term "relative" means a "relative" as that term is defined in section 3(15) of the Act or a brother, a sister or a spouse of a brother or a sister.

Signed at Washington, D.C., this 20th day of July, 1977.

IAN D. LANOFF,
Administrator of Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc.77-21591 Filed 7-22-77;3:00 pm]

federal register

FRIDAY, JULY 29, 1977

PART VII

FEDERAL MARITIME COMMISSION

■

FINANCIAL RESPONSIBILITY FOR OIL POLLUTION, ALASKA PIPELINE

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket 77-24; General Order 37]

PART 543—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION, ALASKA PIPELINE

AGENCY: Federal Maritime Commission.

ACTION: Final Rule.

SUMMARY: The Federal Maritime Commission hereby issues regulations which will enable vessel operators to comply with subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act. That subsection makes the owners and operators of vessels which carry oil which has been transported through the trans-Alaska pipeline, jointly, severally, and strictly liable for damages resulting from the discharge of oil from such vessels. That subsection further requires that financial responsibility for $14 million be demonstrated before such oil may be loaded aboard a vessel. This rule is to provide the manner by which that financial responsibility can be demonstrated to the Federal Maritime Commission, and to provide for the issuance of Certificates attesting to that demonstration.

DATES: This rule is effective July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Leroy F. Fuller, Director, Bureau of Certification and Licensing, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573 (202-523-5840).

SUPPLEMENTARY INFORMATION: By publication in the FEDERAL REGISTER of June 15, 1977, the Commission proposed to promulgate a new Part 543 of Title 46 of the Code of Federal Regulations implementing the financial responsibility provisions of the Trans-Alaska Pipeline Authorization Act (the Act). Comments from the public were invited with respect to those proposed rules. Because the Commission was informed that oil from the North Slope of Alaska was to be pumped through the pipeline commencing in June of 1977, with the loading of that oil aboard vessels at Valdez, Alaska, to commence in late July or early August of 1977, the Commission provided that comments were to be filed on or before July 5, 1977. Upon the request of the Water Quality Insurance Syndicate, which asserted that it is the leading pollution liability insurer in the United States, the deadline for the submission of comments was extended to July 8, 1977.

Comments with respect to the proposed rules were received from (1) Atlantic Richfield Company (Arco), (2) Exxon Company, U.S.A., (3) the Standard Oil Company (Sohio), (4) International Ocean Transport Corporation (International), (5) the International Group of Mutual Shipowners Protection and Indemnity Associations, and the International Tanker Indemnity Association, Limited (Group), (6) the Water Quality Insurance Syndicate (Syndicate), (7) the United States Department of the Interior, and (8) the State of Alaska. The comments fall into two main categories: those dealing with procedural matters, and those dealing with the substance of the regulations.

In the first category, Exxon and Sohio informed the Commission that they intend to load oil at Valdez, Alaska on July 28, and July 15, respectively, and requested a waiver of the requirement that applications for certificates be filed 45 days in advance of the loading date.[1] International asserted that a new certificate for liability under the Act is an unnecessary duplication of certificates; that the Commission should not require that the original of the certificate be carried aboard the vessel, but that it be maintained at the home office of the certificant, with a copy aboard the vessel; and that the requirement that the certificates be renewed every two years is an unnecessary burden upon the certificants. The State of Alaska urged that underwriters should be specifically amenable to suit in Alaska, British Columbia, and the three states adjacent to the Pacific Ocean; that the Commission's insurance form and guaranty form should explicitly provide that the termination of insurance or guaranty does not affect the liability of the insurer or guarantor for incidents occurring prior to the date of termination; and that the insurance form appended to the proposed rules should be made the policy of insurance issued by the insurer to the vessel operator, instead of it being only a representation to the Commission that there is such insurance in force.

In the second category, several commentators urged the Commission to require that, in addition to those vessels actually loading oil at the terminal facilities of the pipeline at Valdez, Alaska, any vessels carrying such oil, whether by transshipment, lighterage, or other reason, prior to the time that the oil is first brought ashore at a port under the jurisdiction of the United States, also be required to evidence their financial responsibility in accordance with these regulations. Several commentators also urged that the United States and the Trans-Alaska Pipeline Liability Fund should be the only ones afforded the right of direct action against underwriters, thereby denying any other potential claimant the right of direct action. The Group would go further, and would permit the right of direct action, only if the underwriter shall have the same defenses in an action brought by a claimant against the underwriter, as the underwriter would have in an action brought by the assured against the underwriter, such as, the defense of willful misconduct on the part of the vessel operator. Arco asserted that the "quick assets" test for a self-insurer, found in section 543.6(a)(3) of the proposed rules, is impossible for it or any other oil company to meet. The Group echoed that sentiment, but the State of Alaska favored the quick assets test. The Water Quality Insurance Syndicate, which is comprised of 28 insurance companies selling marine insurance in the United States, stated that it will not provide insurance to cover the liabilities imposed by the Act, but asserted that the Act does not permit a direct action by a claimant against an underwriter.

The most extensive comments were provided by the Group. The International Group of Mutual Shipowners Protection and Indemnity Associations is comprised of 16 mutual protection and indemnity associations, which are each comprised of several shipowning companies. By means of assessments upon each member, insurance is provided to each member. The risks of the Group are further underwritten by the underwriters at Lloyds. The International Tanker Indemnity Association, Limited (ITIA) is the insurance arm of the Tanker Owners Voluntary Agreement Concerning Liability for Oil Pollution (TOVALOP). As its name implies, TOVALOP is an association of companies owning oil tankers, which, among other purposes, was constituted to provide insurance to its members covering the risk of liability for oil pollution. The underwriters at Lloyds also provide excess insurance to ITIA.

In addition to some comments already mentioned above, the Group asserted that the liability of an operator, of an insurer, for both Federal Water Pollution Control Act (FWPCA) liability and Trans-Alaska Pipeline Authorization Act liability, does not exceed $14 million in the aggregate. The Group wished to indicate its insurance of a particular vessel by the issuance of an addendum or amendment to the Commission's existing insurance form FMC-225, which deals with the insurance of the liability of vessels under the FWPCA (46 CFR 542). The Group also wished to change the definition of "operator", so as to expressly include therein an owner and any owner pro hac vice, even if not technically a demise charterer. Lastly, the Group asserted that the insurer should be permitted to cancel its insurance upon 30 days' notice to the Commission.

Oil is currently flowing through the trans-Alaska pipeline enroute to the port of Valdez, Alaska. The Commission is informed that, within the next week, the oil will have reached the port, ready for loading aboard vessels for transportation to other places in the United States. Vessels are not permitted to load oil, unless the owner or operator of that vessel has established its financial responsibility to meet its liability under the Act. These regulations provide the methods by which that financial responsibility may be established, and for the issuance of certificates attesting to that financial responsibility. Without those certificates, the oil may not be loaded aboard the vessels at Valdez. Consequently, the Commission finds that, in order not to delay the transportation of oil from Alaska to other parts of the United States, the public interest requires that these rules

[1] Due to the recent disruption of the operation of the pipeline, Sohio's loading has been delayed until July 26, 1977.

be made effective immediately upon their publication in the FEDERAL REGISTER; and hereby does so provide.

The broad purposes of the Trans-Alaska Pipeline Authorization Act, as gleaned from its text and legislative history, are to provide for the construction of the trans-Alaska pipeline without further environmental challenge; to extract the petroleum located in the reserves of the North Slope of Alaska, so as to make available that petroleum to meet the energy needs of the United States; to protect the environment, property, and persons from injury resulting from the extraction and movement of that petroleum, including injury resulting from its ocean transportation; and to provide for the repair of or compensation for any injury sustained as a result of that extraction and transportation.

The purpose of these regulations is to assure that adequate funds will be available within reach of the courts of the United States, to pay all persons suffering injury as the result of oil pollution occasioned by the transportation of North Slope oil to other parts of the United States. The term "persons" is intended to refer to any individual or entity permitted to make a claim under the provisions of the Act. These regulations are designed to provide the maximum protection to the public, without being unduly burdensome. Any ambiguity in these regulations should be resolved in a manner most likely to provide the maximum protection to the public.

There follows hereafter a section by section analysis of these final rules. The comments received with regard to the proposed rules are discussed in connection with the sections of the rules to which they are applicable.

Section 543.1, Scope. The proposed rules required demonstration of financial responsibility only with respect to vessels which actually load oil at terminal facilities of the trans-Alaska pipeline. Comments urged that the requirement to demonstrate financial responsibility be extended to the operators of all vessels, whether or not actually loading oil at the terminal facilities of the pipeline, if those vessels carry North Slope oil during any segment of the journey between the terminal facilities of the pipeline and the point where that North Slope oil is first brought ashore at a port under the jurisdiction of the United States. Paragraph (1) of subsection (c) of section 204 of the Act provides:

> Notwithstanding the provisions of any other law, if oil that has been transported through the trans-Alaska pipeline is loaded on *a vessel at the terminal facilities of the pipeline*, the owner and operator of *the vessel* (jointly and severally) * * * shall be strictly liable without regard to fault * * * for all damages * * * sustained by any person or entity * * * as the result of discharges of oil *from such vessel*. (Emphasis supplied.)

Thus, the first paragraph of the subsection clearly indicates that the owner and operator of the vessel which actually loads oil at the terminal facilities of the pipeline are liable for the discharges of oil from that vessel, but would appear to exclude any on carrying vessel from that strict liability.

However, the seventh paragraph of the subsection provides, that "(s)trict liability under this subsection shall cease when the oil has first been brought ashore at a port under the jurisdiction of the United States." Thus, that seventh paragraph casts doubt whether the first paragraph of the subsection was intended to apply only to the vessel originally loading the oil, for if strict liability does not cease until the oil has been first brought ashore, and if the oil is transshipped from the vessel which loaded it in Alaska, to another vessel for on carriage to a U.S. port, the strict liability does not cease, but the vessel which loaded it in Alaska can no longer discharge that oil, and, consequently, cannot be liable for a discharge.

It could be argued that the Congress determined that the greatest risk was to be found in vessels which actually loaded the oil in Alaska, and that discharges from only those vessels were to be protected by the Act, leaving the liability for discharges from any on carrying vessel to be determined under other applicable laws, including the Federal Water Pollution Control Act, and the several state statutes imposing liability for oil pollution. The report of the Committee of Conference, wherein the differences between the House and Senate versions of the Act were resolved, contains language supporting an interpretation that the Act is limited to vessels which originally load the oil in Alaska.[2] There, the conferees stated that:

> It is expected that tankers as large as 250,000 deadweight tons will transport North Slope crude to ports on the West Coast of the United States and elsewhere. Oil discharges from vessels of this size could result in extremely high damages to property and natural resources, including fisheries and amenities, especially if the mishap occurred close to a populated shoreline area.
>
> The Conferees concluded that existing maritime law would not provide adequate compensation to all victims, including residents of Canada, in the event of the kind of *catastrophe which might occur*. (Emphasis supplied)

Conference Report, p. 28. Thus, it can be argued that the Congress, anticipating that supertankers would be loading the oil in Alaska, sought to protect against discharges from those large vessels, and not from the smaller vessels which might be involved in the on carriage of the oil.

However, it can also be argued that the Congress intended that any vessel carrying North Slope crude should be subjected to the strict liability imposed by the Act. It can be argued, as the Department of the Interior does argue, that the specific language in paragraph (7) of subsection (c) of section 204 of the Act, dealing with the cessation of strict liability, should govern the more general imposition of liability contained in paragraph (1) of that subsection. Language can also be found in the Conference Report to support that interpretation. Thus, the Conference Report stated, that "[s]ubsection (c) imposes on the owner or operator of a vessel that is loaded with *any oil* from the trans-Alaska pipeline strict liability without regard to fault for damages sustained by any person as the result of discharges of oil from such vessel." (Emphasis supplied) Conference Report, p. 24. Again, the Conference Report states, that "[s]ection 204(c) provides, for vessels that transport North Slope oil in the coastal trade, liability standards that are much stricter than those that apply to vessels that transport *other oil in the coastal or foreign trade*." (Emphasis supplied). Conference Report, p. 28. Lastly, the conferees stated "[c]onsequently, the Conferees established a rule of strict liability for damages from discharges of the oil *transported through the trans-Alaska Pipeline* up to $100,000,000." (Emphasis supplied). Conference Report, p. 28.

The Department of the Interior, in its comments to the Commission regarding the proposed rules, stated that it is the agency charged with the implementation and interpretation of the Act, and that it interpreted the Act so as to impose strict liability upon all vessels engaged in any segment of the transportation of North Slope oil, until such time as that oil is first brought ashore at a port under the jurisdiction of the United States. The Department of the Interior, in its rules implementing the Act, provided that strict liability applied to all such vessels. 43 CFR 29.7.

When the broad purposes of the Act are considered, to wit: to push ahead with the construction and operation of the trans-Alaska pipeline without permitting further environmental challenge, and to provide compensation for injuries sustained as a result of the production and transportation of Alaskan oil; and in view of the position taken by the Department of the Interior in its final rules regarding this subject, the Commission concludes that the sounder interpretation of the Act is that its financial responsibility provisions apply to all vessels engaged in any segment of the transportation of trans-Alaska pipeline oil between the terminal facilities of the pipeline and the port under the jurisdiction of the United States where that oil is first brought ashore.

Accordingly, the Commission intends these regulations to apply to any vessel which has on board, oil which has been transported through the trans-Alaska pipeline, at any time between the time the oil is originally loaded at the terminal facilities of the trans-Alaska pipeline and the time it is first brought ashore at a Port under the jurisdictional United States, regardless of the purpose for which the oil is aboard the vessel. These rules shall apply to vessels which originally load the oil in Alaska, as well as to those vessels which receive such oil from any source and for any purpose, until such time as it is first brought ashore at a port under the jurisdiction of the United States. By the words "brought ashore" the Commission means that point where the oil is physically located

[2] Conference Report, H.R. Rep. No. 93-624, 93d Cong., 1st Sess. (1973).

on or above dry land, inland of the mean high tide mark, and at rest in such manner as to preclude the movement of the oil seaward again without the intervention of an intentional act by some person.

Section 543.2, Definitions. Most of the definitions contained in this section are self-explanatory. The definition of oil (543.2(h)) is to be given an expansive meaning. The definition of operator (543.2(i)), as it appeared in the proposed rules, was as follows:

> "Operator" or "Vessel Operator" means any person, including a demise charterer, who conducts or who is responsible for the operation of a vessel.

The Group requested that the definition be amended, so as to expressly include within its terms, an owner of a vessel, and any owner *pro hac vice*, whether or not technically a demise charterer. The Commission has not amended the definition in precisely the manner requested by the Group. Any person who conducts or who is responsible for the operation of a vessel is an operator within the meaning of the rule. The Commission has, in these final rules, made express reference to an owner or demise charterer to make it clear that he is to be considered as the operator, only if he is the person who conducts or is responsible for the operation of a vessel. In other words, so long as the person operates the vessel or is responsible for its operation, the person is an operator within the definition, whether or not the person is the titled owner of the vessel, a demise character of the vessel, any other owner *pro hac vice* of the vessel, or any other class of person. This definition of operator ties in with the reference in paragraph (g) of section 543.4 wherein it is stated that only an operator of a vessel may apply for a certificate. The Commission intends to exclude from participation in this certification program persons who do not actually operate a vessel and who are not responsible for its operation.

Section 543.3, General. The provisions of this section have been substantially expanded in these final rules. The expansion is in line with, and necessitated by, the expanded scope of the rules. By this section, the Commission intends to prohibit any vessel to receive oil that has been transported through the trans-Alaska pipeline, prior to the time that oil is first brought ashore at a port under the jurisdiction of the United States, unless the vessel actually has on board the original copy of the certificate required by the rules, and can produce that certificate to enforcement officials upon demand. Thus, the section applies to the original loading of that oil in Alaska, the subsequent loading of that oil at any other place, the transportation of that oil, the transfer of that oil from one vessel to another, and merely having the oil on board a vessel whether or not the vessel is transporting the oil, or merely storing it.

In paragraph (b) of section 543.3, the Commission makes reference to "Deepwater Port". That term is not intended to refer to any port with a deep harbor but only to a facility within the scope of the Deepwater Port Act of 1974, Pub. L. 93-627, as defined in paragraph (10) of section 3 of that Act.

Section 543.4, Certificates, How Obtained. In this section the Commission sets forth the procedure which persons shall follow in order to obtain an initial certificate or a renewal certificate. The applications may be filed only with the Commission in Washington, D.C., but the appropriate forms may be obtained at any of the Commission's offices. The rules require that the application be completely filled in. Applications with blank spaces will not be accepted for filing. In line with section 543.9, Fees, paragraph (c) of section 543.4 requires only that the application and the evidence of financial responsibility be filed at least 45 days prior to the date upon which the vessel to be certificated will need the certificate.[3] Fees may be paid at any time, but certificates will not be issued until the required fees have been paid. Because an individual may bind himself, and a partner may bind a partnership, and an officer of a corporation may bind the corporation, the Commission does not require any additional authority to be shown if such a person signs the application. However, if anyone else signs the application, the application must be accompanied with documentation of the authority of the signer to sign the application, which documentation must itself be signed by a person authorized to confer the authority.

Only persons who actually conduct or are responsible for the operation of a vessel may apply for a certificate. Owners of vessels may apply for a certificate, but only if the owner also operates the vessel.

The procedure for obtaining a renewal certificate has been moved from section 543.7, Certificates, Issuance, to this section 543.4. The Commission will not accept requests for renewal certificates which are filed more than 60 days prior to the expiration date of the existing certificate. However, requests for renewal certificates must be filed no later than 45 days before the expiration date of the existing certificate. Failure to comply with those time periods might well result in the existing certificate expiring prior to the date a renewal certificate is issued. The request for a renewal certificate must be complete at the time it is filed with the Commission. That is, all information required by the rule must be in the request at the time it is filed with the Commission. For the purposes of this rule, a request shall not be considered to have been filed unless it is complete.

All applicants and certificants have a continuing duty to keep the Commission informed of any change in facts having a bearing upon financial responsibility of the applicant or certificant. In the case of applicants, that duty is specified in paragraph (i) of section 543.4. That paragraph applies to both initial and renewal applications. It is the Commission's intention that the Commission shall be informed of any change in the facts contained in the application or supporting documentation, whether favorable or unfavorable to the applicant, before the Commission issues the certificate for which application has been made. Thus, the applicant should not wait the five days technically permitted by the rule, hoping that a certificate will be issued in the interim, for if such a certificate is issued, it might well be revoked immediately thereafter. Further, if the applicants shall fail to notify the Commission of the change within the five days, the Commission might well deny the application for the certificate. The denial would proceed pursuant to subparagraph (3) of paragraph (a) of section 543.8 of the rules.

Section 543.5, Financial Responsibility, Amount. The rules provide that the financial responsibility established under these rules (Part 543) shall be separate from, and in addition to, the financial responsibility, if any, required of a vessel operator by the Federal Water Pollution Control Act (FWPCA) and the Commission's Rules implemented pursuant to that statute (Part 542). Sohio and the Group asserted that the Act establishes a new scheme of liability for vessels carrying North Slope oil, replacing the scheme of liability established by the FWPCA, so long as those vessels are carrying North Slope oil, and that, consequently, vessels should only be required to evidence their financial responsibility in the aggregate amount of $14,000,000, rather than in the amount of $14,000,000 plus whatever amount would be required by the tonnage of the vessel under the FWPCA.

The Act may be interpreted in three different ways. First, it can be argued, as the commentators do, that the Act completely supplants the FWPCA, so long as the vessel is carrying trans-

[3] Because there is insufficient time between the promulgation of these final rules and the date upon which trans-Alaska pipeline oil will be available for loading at Valdez, Alaska, for vessel operators to file application for certificates in accordance with the time requirements of section 543.4 (c) of these rules, and because that lack of time was not caused by those operators, and because one of the purposes of the Act is to expedite the movement of oil from the North Slope of Alaska to other parts of the United States, the Commission finds that the public interest requires that the time period set forth in section 543.4(c) of the rules be waived. Accordingly, that paragraph is waived to the extent necessary to permit operators of vessels which are to load oil on or before September 5, 1977, to file an application for certificates covering those vessels any time during the months of July and August 1977, but, in any event, prior to the loading of oil aboard those vessels. This special waiver of the 45 day filing requirement is not to be construed as a waiver of any of the other requirements in section 543.3 of the rules. Thus, the fact that an application may be filed less than 45 days prior to the anticipated loading date does not mean that it will be possible for the Commission to issue certificates in time to permit the vessel to load as anticipated. Accordingly, operators are urged to file their applications for certificates as soon as possible.

Alaska pipeline oil. Second, it can be argued that the Act provides additional liability for the benefit of substantially different claimants, and for substantially different injuries, so that, in the event of an oil spill, the vessel operator could be liable to all claimants, including the United States, under the Act, and also be liable to the United States under the FWPCA. Thus, the United States would be able to recover its clean-up costs from the vessel operator under the provisions of the FWPCA to the limit of liability provided in that statute, and the United States could also recover any additional cleanup costs, and other claimants could recover their damages, against the vessel under the Trans-Alaska Pipeline Authorization Act, up to the $14,000,000 limit of that Act, even though the claims arose out of the same incident. Third, it could be argued that the strict liability for $14,000,000 imposed upon the vessel operator by the Act is an initial substitute for the strict liability imposed upon the operator under the FWPCA, but that the operator would still be liable under the FWPCA, up to the limits of liability imposed by that statute, for any cleanup costs which exceeded the proportional share of the United States of the $100,000,000 maximum liability under the Act, if the total claims arising out of one incident exceeded that $100,000,000.

Paragraph (3) of subsection (c) of section 204 of the Act provides:

> Strict liability for all claims arising out of any one incident shall not exceed $100,000,000. The owner and operator of the vessel shall be jointly and severally liable for the first $14,000,000 of such claims that are allowed. . . . The Fund shall be liable for the balance of the claims that are allowed up to $100,000,000. If the total claims allowed exceed $100,000,000, they shall be reduced proportionately. The unpaid portion of any claim may be asserted and adjudicated under other applicable Federal or state law.

Paragraph (9) of that subsection provides, that "[t]his subsection shall not be interpreted to preempt the field of strict liability or to preclude any State from imposing additional requirements."

The Conference Report contains language which would tend to support the first argument, that the Act entirely supplants the FWPCA. In the report the conferees stated:

> Strict liability is primarily a question of insurance. The fundamental reason for the limits placed on liability in the Federal Water Quality Improvement Act [$14,000,000] stemmed from the availability, or nonavailability, of marine insurance. Without a readily available commercial source of insurance, liability without a dollar limitation would be meaningless and many independent owners could not operate their vessels. Since the world-wide maritime insurance industry claimed $14 million was the limit of the risk they would assume, this was the limit provided for in the Federal Water Quality Improvement Act. There has been no indication that this level has since increased.
>
> Accordingly, the Conferees adopted a liability plan which would make the owner or operator strictly liable for all claims (*for both clean-up costs and damages to public and private parties*) up to $14 million. This limit would provide an incentive to the owner or operator to operate the vessel with due care and would not create too heavy an insurance burden for independent vessel owners lacking the means to self-insure.
>
> * * * [The financial responsibility section of the FWPCA] would be used to the extent it is consistent with the purposes of this Act; for example, references to tonnage limitations would not apply. Claims for clean-up costs would take precedence over other claims thereby preserving the provisions of the Federal Water Quality Improvement Act.
>
> * * * The States are expressly not precluded from setting higher limits or from legislating in any manner not inconsistent with the provisions of this Act. (Emphasis supplied)

Conference Report, pp. 28–29. Thus, it can be argued that the language contained in paragraph (9) of subsection (c) of section 204 of the Act, dealing with preemption of the field of strict liability, was not intended to diminish the preemption effected by the Act with regard to strict liability under federal law, but was only to provide that the Act did not preempt the field with regard to state legislation. It can be argued that the Congress recognized that $14,000,000 was the dollar limit which the maritime insurance industry was willing to underwrite. Consequently, the Congress substituted a flat $14,000,000 liability in the Act for the variable $100 per gross ton liability in the FWPCA. Under this interpretation the liability of a vessel under the Act would attach when the vessel loads trans-Alaska pipeline oil, with the liability of vessel under the FWPCA terminating at that point. The liability of the vessel under the Act would continue until such time as the trans-Alaska pipeline oil was offloaded from that vessel, with the FWPCA liability again attaching to the vessel at that point of unloading.

However, that language in the Conference Report is also susceptible of a slightly different interpretation. Thus, according to the second argument, the Congress intended the Act to open strict liability up to claimants other than the United States and for damages other than clean-up. Because of the expanded number of claimants and damages, the Congress increased the liability of the vessel from $100 per gross ton to $14 million. The Congress realized that strict liability was an unrealistic standard unless a dollar limitation was applied to that liability. The emphasis there is on some limitation, not the amount. Because $14 million was the figure used as the maximum liability in the FWPCA, the Congress carried that dollar amount over into this Act. Further, the conferees,

> Expected that tankers as large as 250,000 deadweight tons will transport North Slope crude to ports on the West Coast of the United States and elsewhere. Oil discharges from vessels of this size could result in extremely high damages to property and natural resources, including fisheries and amenities, especially if the mishap occurred close to a populated shoreline area.

Conference Report, p. 28. Thus, it can be argued that the Congress recognized that the damage which might ensue from the transportation of trans-Alaska pipeline oil, including the volume of oil which would have to be cleaned up by the United States, in the event of a discharge from a large tanker, would be much greater than the damage against which the FWPCA was intended to protect. To the extent that the United States was limited to recovery under the Act, other claimants will have a reduced pool of money from which to recover their damages. Consequently, it can be argued that the Congress intended the liability provisions of the Act to be in addition to the liability provisions already existing under the FWPCA.

For purposes of the third interpretation, we have hypothesized a tanker of 40,000 gross tons, which is involved in an incident which results in damages totalling $120 million, including $20 million in clean-up costs to the United States and $100 million in damages, for clean-up or otherwise, to persons other than the United States. Paragraph (3) of subsection (c) of section 204 of the Act provides that the first $14 million of that $120 million liability shall be apportioned to the vessel operator. $86 million of that $120 million liability would be apportioned to the Fund. Because the total claims are $120 million, the Act requires payment to each claimant to be reduced proportionately. As a result, the United States would receive only $16 million for its $20 million clean-up claim. The other claimants would receive only $84 million of their $100 million in claims. The remaining $20 million in claims, consisting of $4 million in claims by the United States for clean-up, and $16 million in claims by other claimants, may, under the Act, "be asserted and adjudicated under other applicable Federal or state law." The Federal Water Pollution Control Act is another Federal law, arguably applicable to the incident. Thus, the United States could proceed against the vessel operator under the FWPCA for an additional $4 million in clean-up costs. Because the vessel was of a size of 40,000 gross tons, the vessel operator would be liable for $100 per gross ton, or $4 million. Thus, it can be argued that, while the Act is intended to supplant the FWPCA so long as the total claims arising out of any one incident do not exceed $100 million, the Act allows the United States to recover for its clean-up costs under the FWPCA if the total damages arising out of any one incident exceed the $100 million limitation of the Trans-Alaska Pipeline Authorization Act.

The Group, being uncertain of the interrelation between the FWPCA and the Trans-Alaska Pipeline Authorization Act, would have the Commission interpret the Act in such a manner so as to conclude that vessel operators are not liable under the FWPCA in any incident covered by the Act. But, in these rules it is not necessary for the Commission to decide the question of liability. The Commission is charged with administering the financial responsibility provisions of both the FWPCA and the Trans-Alaska Pipeline Authorization Act. The Commission does not determine the liability of the vessel operator, but only makes

certain that the vessel operator has sufficient assets to pay any liability to which it might be subjected by the FWPCA and/or the Act. Since reasonable arguments can be made that liability would attach to a vessel operator under both the FWPCA and the Trans-Alaska Pipeline Authorization Act for damages arising out of the same incident, the Commission must require that financial responsibility for both of those potential liabilities be evidenced, before certificates of financial responsibility are issued. If the Commission does not require evidence of financial responsibility for both potential liabilities, and the Act is later construed as holding an operator liable under both statutes, there might well be insufficient assets to meet that liability.

Thus, section 543.5 requires that an applicant for a certificate under these rules (Part 543) must demonstrate to the Commission that it will be able to pay claimants proceeding under the Act, the $14,000,000 for which the operator is made strictly liable under the Act, and, as a separate and distinct matter, that it will be able to pay claimants proceeding under the FWPCA the amount of money for which the FWPCA makes the applicant strictly liable, which amount is calculated in accordance with Part 542 of the Commission's rules. The evidence of insurance, bond, guaranty, self-insurance, or other method of establishing financial responsibility provided under Part 542 of the Commission's Rules, may NOT be used as evidence of financial responsibility for any portion of the $14,000,000 required to be demonstrated by these rules. However, the Commission does not express thereby any view as to whether the liability of an operator in any one incident shall be greater than $14,000,000.

Section 543.6, Financial Responsibility, How Established. This section sets forth the methods whereby the financial responsibility of applicants and certificants may be established and maintained, including reporting requirements and the forms to be used in the various methods. While the Commission will issue a certificate based on a properly completed application, accompanied by the required fees, and supported by evidence of financial responsibility complying strictly with any one of the first four methods set for in paragraph (a) of this section, resort to a combination of methods will only be permitted, in the discretion of the Commission, if the Commission is satisfied that the public will be adequately protected by such combination. If an applicant seeks to establish its financial responsibility by a combination of methods, the applicant may, in the Commission's discretion, be required to furnish additional undertakings.

The methods of establishing financial responsibility are: insurance, bond, guaranty, self-insurance, and any other method, but the last only if it is specially justified to, and found acceptable by, the Commission. The first three methods are demonstrated by the applicant by the filing with the Commission of Forms FMC–225P, FMC–226P, and FMC–227P, respectively. The fourth method, self-insurance, has very extensive and detailed requirements, but drew only brief, albeit blunt, comment. The proposed rules contained the requirement that a vessel operator, wishing to self-insure, maintain, in the United States, quick assets $14 million in excess of current liabilities, and net worth also in the amount of $14 million. Such assets were defined as those which could be converted into United States currency within 30 days. Arco asserted that neither it, nor any other oil company, could meet that test. However, no reasons were given for that assertion. The Group merely echoed that sentiment, also failing to give any reason.

The Commission originally proposed the quick assets test for two purposes. First, the Commission wished to assure that self-insurers would have funds available to pay claims of injured persons expeditiously, without having to delay such payments during an extended period of time to liquidate sufficient assets. Second, the experience of the Commission with self-insurers under the Safety of Life at Sea Act, revealed that the working capital of a certificant can dissipate virtually overnight, and, in any event, well before the Commission would have notice of that change in the financial condition of the certificant. The Commission was of the view that, by requiring that a certificant maintain quick assets in the amount of $14 million, which would only be a portion of the certificant's working capital, a substantial buffer was interposed to alleviate the risk presented by the rapid dissipation of working capital. In line with that second purpose, the proposed rules required more frequent reporting of assets by certificants than is required in the present water pollution certification and passenger vessel certification programs.

However, the precise wording of the self-insurance requirement in the proposed rules, to wit: "quick assets $14 million in excess of current liabilities," went beyond the intent of the Commission. That requirement would impose an unreasonable burden upon applicants. For example, the annual financial reports of two of the largest oil companies in the United States show that these companies each had current assets of approximately $6 billion and current liabilities of approximately $4 billion. That would result in working capital of $2 billion. The precise wording of the proposed rules would require quick assets in the amount of $14 million in excess of the current liabilities. In the case of these two oil companies, this would require their maintaining quick assets of $4,014,000,000, so that their quick assets would exceed current liabilities by $14 million. That was not the intent of the Commission. It was intended that the self-insurer maintain at least $14 million of working capital, and, that at least $14 million of those current assets would be "quick assets."

The Commission has reconsidered the quick assets test altogether and has determined to abandon that test in favor of a modified working capital test. Very few of the claims arising under the Act will be of the type which may be settled within a period of one month from the date of claim. Unlike the nonperformance of passenger transportation, where the amount of the claim of the passenger left stranded on the pier is quickly determined, and provable, by the receipts for the passage monies paid, the validity of a claim of a beach front property owner for damages resulting from oil pollution might well be open to dispute both as to the existence of damage and as to the dollar cost of that damage. Consequently, the Commission no longer perceives the settlement of claims within 30 days as a realistic goal, so one of the bases for its adopting a quick assets requirement in the proposed rules is no longer valid.

Further, the Congress intended that self insurance be a viable alternative method of establishing financial responsibility. The Act makes reference to subsection (p) of section 311 of the Federal Water Pollution Control Act as the mechanism for evidencing financial responsibility under the Act. Paragraph (1) of that subsection specifically provides for self-insurance as a method of evidencing financial responsibility. In the Conference Report on the Act, the conferees stated that, "[t]his limit [$14 million] would provide an incentive to the owner or operator to operate the vessel with due care and would not create too heavy an insurance burden for independent vessel owners *lacking the means to self-insure.*" (Emphasis supplied) Conference Report, p. 29. Lastly, "quick assets" is not a commonly recognized term in accounting. The Commission foresees a virtually unlimited number of disputes as to which assets might properly be included within the term "quick assets." The Commission does not wish to impose a heavy burden upon applicants for certificates, unless that burden is required by, or contributes significantly to, the purposes of the Act. Because of the burden imposed by the quick assets test, and the perceived difficulties in its implementation, the Commission has determined that the financial responsibility of self-insuring applicants should be measured by reference to their working capital and net worth.

While the more frequent reporting requirements imposed by the rules will alleviate in some measure the risk of dissipation of the working capital of a self-insurer, prior to the time when the Commission could take action to revoke a certificate, those reporting requirements do not, alone, adequately balance that risk. One of the goals sought to be achieved by the quick assets test, to wit: a buffer sufficient to permit the Commission to perceive diminishing assets in time to require substitute evidence of financial responsibility before the public is injured, is still an essential concern of the Commission. So as to assure that an applicant is and will continue to be financially able to pay $14,000,000 in damages under the Act, the Commission is now requiring in these

rules that the applicant/certificant demonstrate that it has working capital and net worth each in the amount of $19,000,000 in order to obtain a certificate for only one vessel.

Because the vessel operator is strictly liable for $14,000,000 in damages arising out of each incident, and because the likelihood that an operator will be involved in more than one incident increases with the increase in the number of vessels operated by a particular certificant at any given time, the Commission has required applicants wishing to be issued certificates for more than one vessel to establish that they have additional assets available to pay the damages arising out of multiple incidents. However, because the dollar amount of the probable damages to which an operator may be exposed by reason of the operation of more than one vessel at any given time is not directly proportional to the number of vessels operated, the increase in assets required for self-insured operators of more than one vessel progressively decreases for each additional vessel. Thus, the self-insured operator of more than one vessel is required to have only $5,000,000 in additional assets for the second vessel, $4,000,000 for the third vessel, $3,000,000 for the fourth vessel, $2,000,000 for the fifth vessel, and $1,000,000 for the sixth vessel. No additional assets will be required for the seventh and subsequent vessels. Thus, the maximum amount of working capital and net worth which will be required from a self-insurer is $34,000,000, respectively.

Because one of the purposes of the Act is to provide to claimants a ready source of funds to compensate them for any injuries for which they may be entitled to recover under the Act, the Commission requires that the assets of a self-insurer, which may be included in computing the required working capital and net worth, must be located in the United States. Thus, working capital, acceptable for the purposes of these rules, is calculated by determining the amount of the current assets of the applicant which are located in the United States, and deducting from those current assets all of the current liabilities of the applicant, *wherever they are owed*. Similarly, net worth is calculated by determining the amount of the total assets of the applicant which are located in the United States and deducting from those assets the amount of all liabilities of the applicant, *wherever those liabilities are owed*.

Lastly, the amount required of a self-insurer under these rules is in addition to the amount required of the applicant under Part 542 of the Commission's rules, if the applicant holds a certificate under that Part 542 *as a self-insurer*. For example, an applicant who is required to show $4,000,000 under Part 542, must show the Commission $23,000,000 in working capital and net worth to get a certificate for one vessel under these rules. The requirement of additional assets imposed by subparagraph (3) of paragraph (a) of section 543.6 is different from the general requirement for separate and distinct financial responsibility imposed by section 543.5 of these rules, in that it is limited to applicants and certificants under these rules (Part 543) who are also self-insurers under Part 542 of the Commission's rules. In the event a self-insuring applicant or certificant under these rules (Part 543) holds a certificate under Part 542 of the Commission's rules by reason of insurance, bond, or guaranty, the applicant or certificant under this Part 543 is required only to demonstrate working capital and net worth in the amounts required under section 543.6(a)(3), that is $19,000,000 for one vessel, plus $5,000,000 for the second vessel, etc., so long as the insurance, bond, or guaranty under Part 542 remains in force.

Subparagraph (3) of paragraph (a) of section 543.6 requires an applicant to submit, with its application, its annual financial reports for its last fiscal year preceding the date of application. The Commission recognizes that an application for a certificate might be filed between the end of the applicant's fiscal year and receipt by the applicant of the certified financial reports for that fiscal year. In such an eventuality, it is the intention of the Commission that the applicant shall file, with the application, the certified financial reports for the last fiscal year for which certified reports have been received by the applicant. The applicant would then file with the Commission the certified financial reports for the fiscal year just ending, immediately upon receipt of those reports by the applicant.

The rules provide, in subdivision (iv) of subparagraph (3) of paragraph (a) of section 543.6, that self-insurers shall notify the Commission within five days of the date the self-insurer knew, or had reason to believe, that the amounts of working capital or net worth had fallen below the amounts required by subparagraph (3) of paragraph (a) of section 543.6. That requirement is but a specific example of the general continuing duty imposed upon all applicants and certificants to keep the Commission informed of changes which affect the financial condition of the applicant or certificant. The self-insurer is permitted only five days to make this notification because, in the case of self-insurers, time is of the essence. Similarly, the annual financial reports, the six-month financial reports, and the quarterly affidavits must be filed with the Commission at the stated times. Because the financial condition of a certificant can change drastically with little warning, the Commission intends that the deadlines for these reporting requirements be strictly complied with. The importance of these requirements is forcefully brought home by the provision that the certificates of a self-insurer who fails to timely file the reports required by subdivisions (i) and (ii) will be revoked by the Commission, on short notice to the certificant, *merely because the reports were not timely filed*, whether or not the reports are actually filed later and evidence a satisfactory financial condition. The Commission wants to stress that it expects these reports will be filed on time, and that self-insurers, faced with a deteriorating financial condition, will not delay the filing of their reports in the hope that their financial condition will improve, or in an attempt to load just one more vessel before the deteriorating financial condition is brought to the attention of the Commission. It is to guard against those risks that the revocation of certificates for failure to timely file the reports has been included in these rules and will be strictly enforced.

Because there may exist methods of establishing a vessel operator's financial responsibility other than those specifically set forth in these rules, the Commission has added as a fifth method, a catch-all provision to paragraph (a) of section 543.6. The catch-all method, newly incorporated into the rules, does not extend to modifications of the other four methods of establishing financial responsibility provided for in the rules. Specifically, the catch-all provision does not permit waivers of the amounts of assets required of a self-insurer, or to the reporting requirements imposed upon self-insurers. Rather, the catch-all method is intended to apply to a new method, for example, a letter of credit, or a rider or endorsement to an insurance policy, or some other form of financial responsibility heretofore unexamined by the Commission if, upon examination, the Commission finds it acceptable. The Commission does not intend the catch-all provision to be used with any frequency, and will require that an applicant who wishes to establish his financial responsibility by some means other than those incorporated in subparagraphs (1) through (4) of paragraph (a) of section 543.6 demonstrate that the new method is in the public interest by reference to identifiable and provable factors.

Subparagraph (4) of paragraph (a) of this section permits the filing of a guaranty as evidence of financial responsibility. In this method, one person (the guarantor) promises to stand for the debt of another (the guarantee). Often the guarantor is a parent or other corporate affiliate of the guarantee. By this subparagraph the Commission requires the guarantor to establish that it has the resources to make good on its guaranty. Thus, a guarantor must meet the same requirements as to working capital and net worth and the same reporting requirements as a self-insurer under these rules. Because a guarantor under these rules could also be a self-insurer in its own right under these rules, and/or under Part 542, and/or a guarantor under Part 542, these rules require a guarantor to demonstrate and maintain working capital and net worth each equal to the total of the obligations of the guarantor, as a guarantor and as a self-insurer. When calculating the amount of assets required of a guarantor, the amount shall not be calculated by reference to the total number of vessels which it guarantees or self-insures,

rather, separate calculations shall be made for each operator which it guarantees and for its own self-insured vessels.

In paragraph (b) of section 543.6 the Commission permits the insurance form or the surety bond form to be signed by more than one insurer or surety, respectively. However, that permission is granted only if those underwriters undertake joint and several liability for the risks evidenced by the documents signed. Because the joint liability undertaken by the underwriters, when executing an insurance form or surety form jointly, will make each of the underwriters liable for the full $14,000,000 evidenced by the document, each underwriter signing must be financially able to carry that $14,000,000 risk, without regard to the specific division of risk agreed to among them.

The proposed rules provided, in section 543.6(c), that any insurance form, guaranty, or bond provided as evidence of financial responsibility under the rules, shall expressly permit direct action by the claimant against the underwriter; and further provided that, in any such direct action, the underwriter will be entitled to invoke only those rights and defenses permitted by the Act. The forms appended to the rules contained a consent to direct action and that limitation on the rights and defenses. The Group and the Water Quality Insurance Syndicate vigorously asserted that direct action is not permitted by the Act. The Syndicate took the position that no direct action is permitted, while the Group would permit a direct action only by the United States and the Trans-Alaska Pipeline Liability Fund, excluding direct action by any other claimant.

The Act provides, in paragraph (3) of subsection (c) of section 204, that the owner and operator of the vessel shall be jointly and severally liable for the first $14 million of claims that are allowable under the Act, and further provides that, "(f)inancial responsibility for $14,000,000 shall be demonstrated in accordance with the provisions of section 311(p) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(p)) before the oil is loaded." Paragraph (3) of subsection (p) of section 311 of the Federal Water Pollution Control Act provides:

> Any claim for costs incurred by such vessel (a vessel subject to the Federal Water Pollution Control Act) may be brought directly against the insurer or other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

Paragraph (1) of that subsection (p) of section 311 requires certain vessels to evidence their financial responsibility in the amount of the lesser of $100 per gross ton or $14 million, to meet the liability to the United States to which such vessel could be subjected under section 311. Subsections (f) and (g) of that section make vessels, and third parties, liable to the United States for the costs the United States has incurred in cleaning up the discharges of oil or hazardous substances from vessels subject to the Federal Water Pollution Control Act. Thus, paragraph (3) of subsection (p) of section 311 of the FWPCA gives to all claimants under that statute, a right of direct action against an underwriter, but permits that underwriter to assert, in any such direct action, any defenses which the vessel operator would have been entitled to assert against the claimant, and any defenses which the underwriter would have been able to assert against the vessel operator, if the claim had been brought against the underwriter by the vessel operator instead of by the claimant.

There is no provision in the Trans-Alaska Pipeline Authorization Act which expressly grants a right of direct action against the underwriter by any claimant. The Act only refers to the FWPCA as the controlling statute with regard to the demonstration of financial responsibility under the Act. In the Conference Report, the House and Senate conferees stated:

> Since the Federal Water Quality Improvement Act has an existing mechanism for establishing proof of financial responsibility, reference was made to the appropriate provision (13 U.S.C. 1321(p)). Such provision would be used *to the extent it is consistent with the purposes of this Act;* for example, references to tonnage limitations would not apply. (Emphasis supplied.)

Conference Report, p. 29. Thus, the Congress intended that the financial responsibility provisions of the FWPCA should be used when establishing financial responsibility under the Act, but only to the extent that those provisions are consistent with the purposes of the Act, apparently recognizing that the purposes of the Trans-Alaska Pipeline Authorization Act were different from those of the FWPCA.

The Water Quality Insurance Syndicate asserted that:

> The Act does not grant, nor does it even suggest, the right of a claimant to make claim directly against the insurer. Section 543.6(c) of the proposed regulations purports to grant to claimants the right to institute claims directly against the insurer. This constitutes an attempt to create a new cause of action against the insurer—this can be done only by the legislature. In the absence of a statute to the contrary, there is no privity between an injured party and a liability insurer and the injured party cannot bring a direct action against the insurer.
>
> It certainly cannot be said that Congress was unmindful of the possibility of direct action against an insurer. Direct action was permitted in the Water Quality Improvement Act of 1970, then was continued by the 1972 amendments. The omission of direct action must be taken as a deliberate act of Congress. On these facts, we feel that your Commission should not deviate from the provisions of the Act.

The concept of privity of contract, generally, would not prevent a cause of action by a person other than the contracting parties, here the insurer and its assured, merely because the other person was not expressly made a party to the contract. The concept of third party beneficiary recognizes that a third person might have been intended to benefit from the contract between two parties, thereby permitting the third party to rely on undertakings in the contract in a claim against the promisor, here the insurer. While the concept of third party beneficiary has not been applied to liability insurers, it has been applied to life insurance companies. Consequently, the concept of an insurer being held to answer directly to one not expressly party to the contract of insurance is not totally alien to the common law. Even so, the Commission, by these rules, does not create a new cause of action against the insurer, rather, the Commission, as a condition of accepting insurance as adequate evidence of financial responsibility under the Trans-Alaska Pipeline Authorization Act, requires the insurers to consent to be sued by claimants. It is, among other reasons, that consent of the insurer which would give rise to the cause of action by the claimant against the insurer, not the regulations of the Commission.

While it can be argued, as the Syndicate has, that the failure of the Congress to mention direct action in the Act was a conscious act precluding direct action, the better interpretation is that the Congress intended all of the provisions of section 311(p) of the FWPCA to apply to the establishment of financial responsibility under the Act, insofar as those provisions are consistent with the purposes of the Act. A grant of direct action by the claimant against the insurer, expressly contained in the FWPCA, is decidely consistent with the purposes of the Act, for one of its purposes was to provide expeditious and easy compensation to claimants suffering injury as a result of discharges of oil. Consequently, the Commission concludes that the claimant has a right of direct action against the underwriter under the Tran-Alaska Pipeline Authorization Act.

However, the Group, while not denying the right of direct action generally, asserted that it is available only to the United States and the Trans-Alaska Pipeline Liability Fund. The Group presented no arguments as to why that should be the case. An argument can be made that, while the right of direct action against the underwriter is included within the Act by reason of the specific provision therefor in the FWPCA, that specific provision only runs to the United States in the FWPCA. Consequently, the argument would go, only the United States has a right of direct action against the underwriter under the Act. It could be further argued that, since the Fund, although established as a nonprofit corporate entity, is actually an instrumentality of the United States, the Fund should enjoy the same rights of direct action as does the United States.

However, the Congress did not use the words "United States" in that paragraph of the FWPCA which provides a right of direct action against the underwriter. The Congress used the word "claimant".

Thus, the FWPCA granted a right of direct action by all claimants under that statute. When that provision was included within the Trans-Alaska Pipeline Authorization Act by reference, the Congress intended, similarly, to grant a right of direct action to all claimants under the latter Act as well. The Commission concludes that the more expansive interpretation is more consistent with the purposes of the Act, and, adopts it in these rules.

There remains the question of what defenses are available to the underwriter in such a direct action. The Group asserted that it should have all the defenses which it would have under the FWPCA. No reasons were given for that assertion. It can be argued that, if a right of direct action against the underwriter is found in the Trans-Alaska Pipeline Authorization Act by reason of its reference to the FWPCA, then the defenses which are permitted to that direct action in the FWPCA must follow the grant of the right of direct action.

Contrarily, the House and Senate conferees stated that the FWPCA's financial responsibility provisions were to be used only to the extent they were consistent with the purposes of the Trans-Alaska Pipeline Authorization Act. The FWPCA granted the vessel operator several defenses not permitted to the vessel operator under the Trans-Alaska Pipeline Authorization Act. Under the Act, the vessel operator may escape strict liability, only if it can prove that the damages were caused (a) by an act of war, (b) by the negligence of the United States or other governmental agency, or (c) with respect to a particular claimant, by the negligence of that claimant. The Trans-Alaska Pipeline Authorization Act did not include the defenses of act of God, and causation in a third party without regard to whether or not that third party was negligent, both of which defenses are available under the FWPCA. Thus, it can be argued that the Congress intended that persons injured by discharges of trans-Alaska pipeline oil should bear a substantially smaller portion of the risk of loss than they do under the FWPCA. If the underwriters are permitted to assert against the claimant all of the defenses they would be permitted to assert against their assured, that shifting of the risk of loss would be diminished.

Thus, on balance, the Commission concludes that, to the same extent that the Act includes the right of a direct action by all claimants against the insured by its reference to section 311(p) of the FWPCA, the Act also includes the defenses to such a direct action which the underwriter would have under the FWPCA, but only to the extent that those defenses are consistent with the purposes of the Trans-Alaska Pipeline Authorization Act, and these final rules so provide. Clearly, the defenses of act of God, and causation in a third party without regard to the negligence of that third party, and causation in any third party other than the United States or other governmental entity, are not consistent with the purposes of the Act, and would not be available to an underwriter in any action brought pursuant to the Act. Further, while certain defenses which an underwriter would have against its assured in an action brought by the assured against the underwriter, which go to the very existence of a contract of insurance, such as, fraud in the execution, might be available to an underwriter in an action brought against the underwriter by a claimant under the Act, not all defenses which an underwriter might have against its assured in an ordinary contract of insurance would be available to the underwriter under the Trans-Alaska Pipeline Authorization Act. For example, the defense of wilful misconduct on the part of the vessel operator is inconsistent with the purposes of the Act. While public policy might favor a defense of wilful misconduct on the part of the vessel operator in an action by the operator against its insurer pursuant to a contract of hull insurance, the policy considerations in the hull insurance situation do not obtain in this situation involving injury to third parties and their property resulting from oil pollution. In the hull insurance situation, public policy dictates that the vessel operator, who wilfully and wrongfully scuttles the vessel in deep water, should bear the full extent of the loss which that wrongful act occasioned, so as to deter others from engaging in similar wrongful acts. If the insurer may escape paying its assured for the scuttled vessel, only the assured will suffer. But, in the oil pollution situation, aside from the loss of the vessel, the wilfully wrongful operator might well not suffer at all, while the injured claimant would bear the full burden of the injuries resulting from the oil which escaped from the scuttled vessel. This is particularly true in the case where the vessel operator is one of those corporations whose sole assets are the vessel operated by the corporation, which vessel is heavily mortgaged. In such a situation, although the vessel operator would be liable up to $14 million to the person injured as a result of the escaping oil, that vessel operator would have no assets, other than insurance, to pay the claimant, because the vessel would no longer exist or, even if it were not a total loss, the mortgagee would recover all or most of the proceeds from the sale of the vessel. Thus, the claimant would receive no monies from the operator, and, if the underwriter was permitted to interpose the defense of wilful misconduct on the part of the vessel operator, no monies from the underwriter either. But, one of the purposes of the Act was to assure that the individual claimant would be compensated, and that the risk of that compensation be borne by those transporting the oil, either as self-insurers, or through the premiums paid to an underwriter. A particular vessel is permitted to carry trans-Alaska pipeline oil only after the United States is informed that the operator of that vessel has sufficient funds, by insurance or otherwise, to pay the damages for which the operator is made liable under the Act. The Commission will issue a certificate attesting to the world that a particular vessel operator, operating a particular vessel, has sufficient funds to pay those damages. The Commission does so, upon the representation of an insurer that the liability of the operator is insured. If the insurer is then permitted to assert, by reason of some act over which the Commission has no control, that the protection of the insurance is no longer there, the purposes of the Act will be soundly defeated. Consequently, the Commission concludes that the Act should not be interpreted so as to include the defense of wilful misconduct on the part of the operator.

In paragraph (f) of this section 543.6 is found another example of the continuing duty of certificants to keep the Commission informed of changes in data relevant to the financial responsibility of those certificants. To the extent the reporting requirements set forth in paragraph (f) are different from the reporting requirements set forth in subdivision (iv) of subparagraph (3) of paragraph (a) of this section, self-insurers must also comply with this paragraph (f).

Section 543.7, Certificates, Issuance. This section, among other things, requires that the original copy of the certificate issued pursuant to these rules be carried on board the vessel, provides that the certificate will expire at a date certain, not more than two years from the date of issue, and provides that the certificate will be void if there are any erasures on or alterations of the certificate, or if the certificant is not the operator of the vessel named on the certificate. Those provisions are largely enforcement tools designed to prevent the unlawful use of certificates, and to facilitate a regular check on the validity of certificates. The ultimate purpose of these enforcement tools is to assure that the public is adequately protected.

International Ocean Transport Corporation asserted that it was unnecessary to require a new certificate under these rules, in addition to the existing certificate under Part 542 of the Commission's rules, that the Commission ought to allow any copy rather than the original of the certificate to be carried aboard the vessel, and that the renewal of certificates is an unnecessary burden upon certificants. Because the two statutes, the Act and the FWPCA, cover separate and distinct liabilities, different defenses, and different dollar limitations, and because of the practical problems involved in the revocation of certificates when the insurance covering the liability under one statute is cancelled, but the insurance under the other statute is not cancelled, the Commission concludes that two distinct certificates, one under Part 542 and one under Part 543, is the least burdensome method of carrying out its duties under the two statutes.

By requiring that the original certificate be kept on board the vessel, and that

all certificates be returned to the Commission every two years, the Commission will be able to prevent the unlawful use of certificates. If the certificant were permitted to have on board the vessel a copy of the original certificate, enforcement officials would not be in a position to know whether the certificate had been returned to the Commission for revocation. Further, permitting the certificant to keep the original at its office, rather than aboard the vessel, would facilitate the deception of enforcement officials, for the certificate could be altered, and a copy of the altered certificate, whereon the alteration would be more difficult to detect, could be kept aboard the vessel. In like manner, expiring certificates will permit the Commission to weed out unused certificates, and will facilitate the enforcement of Commission revocation. Even if the certificant does not return the certificate, eventually, it will be invalid on its face.

Paragraph (b) of section 543.7 provides the procedure to be followed when the certificant ceases to be the operator of the vessel named on the certificate. The certificant is required to return the certificate to the Commission, and, by completing the reverse side of the certificate, inform the Commission of the nature of the change. In the event the certificant is unable to return the certificate, the certificant is required to provide the same information to the Commission by letter or other written means.

Section 543.8, Certificates, Denial or Revocation. In this section, the Commission sets forth the five reasons for denying an application for a certificate, or revoking one already issued. Subparagraph (1) of paragraph (a) of that section is intended to have broad effect. Thus, if an applicant or a certificant, or any one acting on their behalf, shall willfully make any false statement to the Commission in connection with the certificate being applied for, or the certificate held, the Commission may revoke the certificate or deny the application for a certificate, even though the applicant or certificant has demonstrated that it has the assets required by these rules. Although the subparagraph speaks in terms of applications or requests for certificates and the retention of certificates, the subparagraph applies to all dealings between the Commission and applicants or certificants with regard to the certification process.

Similarly, subparagraph (3) of paragraph (a) of this section would permit the Commission to deny or revoke a certificate for failure to comply with the Commission's inquiries, regulations, or orders, without regard to whether the applicant or certificant has demonstrated that it has the assets required by these rules. Subparagraph (4) of paragraph (a) of the section relates only to the annual financial reports, the six-month financial reports, and the quarterly affidavits required of self-insurers by subdivisions (i) and (ii) of subparagraph (3) of paragraph (a) of section 543.6 of these rules. The emphasis here is upon the timely filing of those required documents, and reflects the Commission's intention to closely police self-insurers. Even if the required statements are filed, if they are not filed on time, the certificate may be denied or revoked by the Commission.

Subparagraph (5) of paragraph (a) of this section extends to the cancellation or termination of any undertaking, even if the undertaking were filed as a portion of the evidence of financial responsibility where an applicant or certificant establishes its financial responsibility by a combination of methods, as permitted by paragraph (a) of section 543.6 of these rules. Thus, if an applicant or certificant were to establish its financial responsibility by maintaining in the United States only a portion of the working capital and net worth required by subparagraph (3) of paragraph (a) of section 543.6, with the balance of the assets being evidenced by a surety bond, the certificate would be revoked, if the bond were cancelled or terminated, even though there were no change in the working capital or net worth of the certificant.

Before denying an application for a certificate or revoking a certificate which it has issued, the Commission will inform the applicant or certificant of its intention, and will afford the applicant or certificant a period of time to show the Commission that the basis for its intended denial or revocation is not true. However, the period of time afforded varies according to the urgency of the action. Thus, where the Commission intends to revoke a certificate because an undertaking is to be canceled or terminated, the Commission will revoke the certificate effective either with that cancellation or termination, or ten days after the date of the Commission's notice of intention to revoke, whichever is later. Similarly, if the reason for the intended revocation is the failure of a self-insurer to timely file the annual financial report, or the six-month financial report, or the quarterly affidavits, required by subdivisions (i) and (ii) of subparagraph (3) of paragraph (a) of section 543.6 of the rules, the revocation shall be effective 10 days after the date of the Commission's notice of intention to revoke. In both those situations the certificant shall be afforded the opportunity of a hearing, but that hearing shall be brief and circumscribed. The hearing shall be limited to permitting the certificant to show that, in the first case, the undertaking has not been canceled or terminated, or to produce other evidence of financial responsibility in accordance with these rules, and, in the second situation, that the required financial statements were filed on time. Thus, in both those situations the issues are very limited, and would not require an evidentiary hearing. Indeed, only the briefest of hearings would be required. In both those situations the risk to the public attendant upon permitting a certificant to retain a certificate is so great that expedited resolution of the questions is mandatory.

Before effecting denials of applications or revocations of certificates on any other grounds, the applicant or certificant will be afforded 30 days after the date of the notice of intention to deny or revoke to request a hearing. If a timely request for a hearing is submitted to the Commission, the Commission will grant a hearing. However, the nature of the hearing will depend upon the context of the particular case. For example, the Commission will not order a full scale evidentiary hearing, unless there are disputes as to material facts. Since the Commission, in its notice of intention to deny or revoke, will state the reasons for the intended action, there will not be any disputes as to material facts unless the applicant or certificant, in its request for a hearing, disputes specific facts. A general denial, or vague assertions, will not be sufficient to precipitate lengthy hearings.

In its comments, the Group asserted, with respect to this section, that an insurer should be permitted to cancel an insurance certificate upon 30 days' notice to the Commission. That comment appears to proceed from a misunderstanding of this section. The Group appears to confuse its "certificates of insurance" with the certificates issued by the Commission after an applicant has established its financial responsibility. This section refers to the certificates issued by the Commission, not "certificates of insurance." The cancellation or termination of those latter certificates is provided for in the insurance form appended to, and incorporated within, these rules.

The four forms to be used in complying with these rules have been incorporated within the rules by reference. The forms are to be interpreted so as to be consistent with the rules, and with the purpose of the Act which these rules implement, to wit: the maximum protection of the public. Form FMC–224P, Application for Certificate of Financial Responsibility (Alaska Pipeline), is intended to provide the Commission with information as to the identity, organization, location and vessels of each applicant. The form must be submitted to the Commission when an applicant applies for its first certificate under these rules. Thereafter, so long as the applicant holds at least one certificate, addition of vessels, changes in names of vessels, and deletion of vessels may be accomplished by letter, telegraph, or other writing. The application form is not required for those subsequent changes. Similarly, a certificant applying for a renewal of its existing certificate may do so by letter, telegraph, or other writing. However, when the application form is first submitted it must be complete. That is, all spaces on the application form must be filled in.

Forms FMC–225P, FMC–226P, and FMC–227P are the forms for insurance, surety bond, or guaranty. Each of those forms is an undertaking by an underwriter to provide sufficient monies to compensate persons making claims under the Act. Those undertakings are of indefinite duration, and may be terminated only in accordance with the provisions contained in the undertaking. Specifically, those undertakings may be terminated only by written notice to the Commission and to the vessel operator, received by the Commission at least 30

days prior to the effective date of the termination. However, even though notice of termination might be given to the Commission and the vessel operator, the vessel operator might, prior to the effective date of that termination, load trans-Alaska pipeline oil for a voyage which would continue beyond the stated effective date of termination. Consequently, the forms provide that, notwithstanding the notice given, the undertaking shall not terminate until the voyage, begun prior to the stated termination date, has been completed, and all of the oil off-loaded from the vessel. That provision will assure that there are assets available to pay claims which might arise out of that voyage in progress. The forms designate an agent in the United States empowered to receive process relating to the Act or these rules, and further provide that the Secretary of the Commission will be that agent, in the event the designated agent cannot be served.

The State of Alaska urged that underwriters should be specifically amenable to suit in Alaska, British Columbia, Washington, Oregon and California. Alaska argued that the greatest amount of vessel traffic will occur within, or adjacent to, those five jurisdictions, thereby subjecting those jurisidictions to an increased likelihood of injury. According to Alaska, direct action against an underwriter is of little value to an Alaskan native, when the agent for service of process is located in New York City. The comment of Alaska has some merit, however, its implementation would raise practical difficulties. If the Commission were to require an agent for service of process in those five jurisdictions, in would appear necessary to also require an agent for service of process in other states, such as Georgia and Louisiana, where Deepwater Ports are likely to be constructed, and virtually any other State of the United States perceiving a substantial likelihood of oil pollution injury.

The Department of the Interior's rules regarding claims settlement specifically provide that a claimant may present its claim to the Trans-Alaska Pipeline Liability Fund, in lieu of suing the operator or its underwriter, if the operator or its underwriter does not timely settle the claim of the claimant.[4] Thus, the Alaskan native would be able to receive compensation for injury without leaving the State. The Fund would then proceed against the underwriter wherever the underwriter might be found. Further, while certain operators might make only one call at a given port, it is likely that most of the operators transporting trans-Alaska pipeline oil will return to the various ports on several occasions, thereby permitting the local residents to obtain jurisdiction over the operator in the local courts. Lastly, if the claim exceeds $10,000, jurisdiction would lie in United States district court, either under the federal question rule or, arguably, under subsection (n) of section 311 of the FWPCA, which grants jurisdiction to the district courts for any action arising under that section. In the district courts, venue will lie, among other places, in the district where the cause of action arose, which would include the district where the claimant sustained the injury. Since the jurisdiction of the several district courts extends throughout the United States, the district court for the District of Alaska would have jurisdiction over the agent located in New York City. In the view of the Commission, the increased burden upon underwriters which would result from maintaining agents in the several States, outweighs the benefits to the public which would result from imposing that requirement.

The form of bond, FMC–226P, provides that, "termination (of the bond) shall not affect the liability of the Surety in connection with an incident occurring prior to the date such termination becomes effective." The insurance form, 225P, and the guaranty form, 227P, as proposed, provided that the insurance, or guaranty, are applicable only in relation to incidents giving rise to claims occurring between the effective date of the document and its termination. The insurance and guaranty forms do not contain the specific language, as to liability for incidents prior to termination, which is contained in the bond. Alaska urged the Commission to insert that specific language in the insurance and guaranty forms so as to preclude any argument that the liability is somehow different. As the State of Alaska concedes, the same result is obtained by the language presently contained in the insurance and guaranty forms. However, the addition of the specific language requested by Alaska would make more certain the liability of the insurer or guarantor for incidents occurring prior to the termination of the insurance policy or guaranty, and that language has been incorporated into forms FMC–225P and FMC–227P.

The insurance form, FMC–225P, is a representation from the insurer to the Commission, that it has insured a particular vessel operator for the liabilities to which the vessel operator might be subjected pursuant to the Act. The form is not the actual insurance policy issued by the insurer to its assured. Alaska urged the Commission to require the insurer to file with the Commission a uniform endorsement to existing insurance policies, which would contain the actual language of the policies. Alaska was concerned that the actual policy of the insurer might differ from that represented by the insurer to the Commission.

The Commission's rules on the FWPCA (Part 542) provide that an applicant may evidence its financial responsibility by providing to the Commission a duplicate original of its insurance policy. If the applicant does so, to be acceptable to the Commission, that policy must contain a uniform endorsement incorporating into the policy, the liability imposed by the FWPCA. Alternatively, the applicant may submit to the Commission a certificate of insurance, wherein the insurer represents to the Commission that the applicant is insured by it against the liabilities imposed by the FWPCA. The latter method is that which is incorporated into these rules dealing with trans-Alaska pipeline oil pollution liability (Part 543). Of the more than 25,000 vessels certificated by the Commission under the FWPCA, the Commission has received only one insurance policy containing the uniform endorsement. All other applicants for certificates, relying upon insurance as the evidence of financial responsibility, have submitted the representation of the insurer that the applicant is insured by it. That method has worked well, and has not impaired the claims of the United States against vessel operators and their insurers under the FWPCA. Consequently, the Commission did not include the optional uniform endorsement method within the proposed rules regarding trans-Alaska pipeline oil. In the view of the Commission, the fear of Alaska, that claimants might be injured, if the policy of insurance differed from the representation made to the Commission, is not well founded. Having represented to the Commission, for the purposes of causing the Commission to issue a certificate of financial responsibility, that a policy of insurance containing certain liabilities existed, an insurer is estopped from asserting that such a policy does not exist, or that the policy which does exist has terms and conditions different from those represented to the Commission. Consequently, that comment of Alaska has not been adopted.

The insurance form, FMC–225P, provides insurance to the limit of $14 million per incident. Similarly, the guaranty, Form FMC–227P, has a limit of liability of $14 million per incident. However, the bond is in a definite penal sum, without regard to the number, if any, of incidents in which vessels operated by the principal of the bond are involved. The bond is a schedule bond, and, in accord with the Commission's decision on self-insurance, the penal sum varies with the number of vessels listed in the schedule. For one vessel, the penal sum is $14 million. That sum differs from the $19 million required of a self-insurer for one vessel because the extra $5 million in working capital and net worth required of a self-insurer is intended to be a buffer as protection against the rapid dissipation of the assets of the self-insurer. That protection against dissipation is not required in the case of a bond, as the ability of the surety company to pay, is policed by other governmental agencies. Notwithstanding the maximum penal sum of $29 million, where there are six or more vessels listed in the schedule of the bond, the surety would not be liable for more than $14 million in any one incident, as the vessel operator is not liable for more than that amount. Because the bond is in an inflexible amount, the bond provides that the surety is not discharged of its obligation to pay the penal sum

[4] In any event, the Interior rules provide that *all* claims are to be physically delivered to the Fund, which has an office in Alaska, which will then send the claims on to the owner, operator, and underwriter.

unless the principal shall pay, or the surety shall keep the Commission informed of all suits filed, judgments rendered, and payments made by the surety under the bond. This requirement is to permit the Commission to require a certificant to obtain additional evidence of financial responsibility where the surety has paid a portion, or all, of its obligation under the bond. If this requirement were not present, the Commission would not know when a surety had paid all that it was obligated to pay under the bond, thereby leaving a certificant without the assets required by the Act.

Accordingly, Subchapter B of Chapter IV of Title 46 of the Code of Federal Regulations is amended by the addition of a new Part 543, as set forth below.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

PART 543—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION—ALASKA PIPELINE

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APPENDIX—FORMS

AUTHORITY: Sec. 204, Trans-Alaska Pipeline Authorization Act; sec. 311, Federal Water Pollution Control Act (86 Stat. 870); sec. 3, Executive Order 11735.

§ 543.1 Scope.

These regulations implement subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act, and apply to all operators of vessels carrying oil which has been transported through the trans-Alaska pipeline, engaged in any segment of the transportation of that oil between the terminal facilities of the trans-Alaska pipeline and the port under the jurisdiction of the United States where the said oil is first brought ashore.

§ 543.2 Definitions.

For purposes of this Part the following terms shall have the below-listed meanings:

(a) "Act" means Title II of P.L. 93–153, the Trans-Alaska Pipeline Authorization Act (87 Stat. 584, et seq.)

(b) "Applicant" means any vessel "operator," as defined in paragraph (i) of this section, who has applied for a Certificate.

(c) "Application" means Application for Certificate of Financial Responsibility (Alaska Pipeline), Form FMC–224P.

(d) "Certificant" means any operator, as defined in paragraph (i) of this section, who has been issued a Certificate.

(e) "Certificate" means a Certificate of Financial Responsibility (Alaska Pipeline) issued by the Federal Maritime Commission pursuant to these regulations.

(f) "Commission" means the Federal Maritime Commission.

(g) "Insurer" means one or more acceptable insurance companies, corporations or associations of underwriters, shipowners' protection and indemnity associations, or other persons acceptable to the Commission.

(h) "Oil" means petroleum in any form.

(i) "Operator" or "vessel operator" means any person, including, but not limited to, an owner or a demise charterer, who conducts or who is responsible for the operation of a vessel.

(j) "Owner" or "vessel owner" means any person holding legal or equitable title to a vessel; *Provided, however,* That a person holding legal or equitable title to a vessel solely as security shall not be deemed to be an owner. In a case where a Certificate of Registry has been issued, the owner shall be deemed to be the person or persons whose name or names appear on the vessel's Certificate of Registry; *Provided, however,* That where a Certificate of Registry has been issued in the name of the President or Secretary of an incorporated company pursuant to 46 U.S.C. 15, such incorporated company will be deemed to be the owner.

(k) "Person" includes, but is not limited to, an individual, a government, a firm, a corporation, an association, a partnership, a joint-stock company, a business trust, or an unincorporated organization.

(l) "Public vessel" means a vessel, not engaged in commerce, the operator of which is the Government of the United States or the government of a foreign nation.

(m) "Underwriter" means an insurer, a surety company, a guarantor, or any other person, other than the operator, which undertakes to pay the liability of the operator.

(n) "United States" means any place under the jurisdiction of the United States, including, but not limited to, the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the United States Virgin Islands, and the Trust Territory of the Pacific Islands.

(o) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

§ 543.3 General.

(a) No vessel, except a public vessel, shall load oil at a terminal facility of the trans-Alaska pipeline, unless that vessel has a Certificate covering that vessel and her operator.

(b) No vessel, except a public vessel, shall load, from any source, including, but not limited to, another vessel or a Deepwater Port as defined in the Deepwater Port Act of 1974, 88 Stat. 2126, oil, which, having been once loaded aboard a vessel at a terminal facility of the trans-Alaska pipeline, has not, at the time of such loading, yet been brought ashore at a port under the jurisdiction of the United States, unless the vessel to be loaded has a Certificate covering the vessel to be loaded and her operator.

(c) No vessel, except a public vessel, shall transfer to any other vessel, whether for storage, on carriage, or any other purpose, oil, which having been once loaded aboard a vessel at a terminal facility of the trans-Alaska pipeline, has not, at the time of such transfer, yet been brought ashore at a port under the jurisdiction of the United States, unless the vessel to which the oil is to be transferred has a Certificate covering the vessel to which the oil is to be transferred and her operator.

(d) No vessel, except a public vessel, shall have on board oil, which, having been once loaded aboard a vessel at a terminal facility of the trans-Alaska pipeline, has not yet been brought ashore at a port under the jurisdiction of the United States, unless that vessel has a Certificate covering that vessel and her operator.

(e) For the purposes of this section oil means only oil that has been transported through the trans-Alaska pipeline.

§ 543.4 Certificates, how obtained.

(a) Any operator who wishes to be issued a Certificate shall file, or cause to be filed, with the Commission an application, fees, and evidence of financial responsibility, at the following address:

Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

(b) Application forms may be obtained from the address set forth in paragraph (a) of this section, and at the Commission offices at New York, New York; New Orleans, Louisiana; San Francisco, California; and Hato Rey, Puerto Rico.

(c) A completed application, and evidence of financial responsibility, shall be filed at least 45 days prior to the date upon which the vessel to be covered by the Certificate for which application is made is to load oil which has been transported through the trans-Alaska pipeline. Applications will be processed in the order in which they are filed.

(d) All spaces on the application shall be filled in before filing. Spaces may be filled in only with the information requested, the phrase "Not Applicable," or the word "None." Each application shall contain:

(1) Complete name and mailing address of applicant;

(2) Applicant's form of organization;

(3) Date and state of applicant's incorporation or organization;

(4) Names and addresses of each partner, if applicable;

(5) Name and address of applicant's U.S. agent for service of process;

(6) Identifying data for all vessels to be covered by the Certificates for which application is made; and

(7) Identification of the evidence of financial responsibility upon which the Certificates being applied for are based.

(e) All applications and supporting documents shall be in English. All monetary terms shall be set out in United States currency.

(f) The application shall be signed by the applicant. The title of the signer shall be shown on the application. Except where the signer is disclosed as an individual applicant, a partner in a partnership applicant, or an officer of a corporate applicant, the signer shall accompany the application with a written authority to sign.

(g) Only operators may apply for a Certificate.

(h) Certificants shall request the Commission, in writing, to issue a renewal Certificate. That request shall be filed with the Commission at least 45 days, but not earlier than 60 days, prior to the expiration date of the existing Certificate. That request shall identify any item of information on the application which has changed since the initial application was filed, shall set forth the correct information in full, and shall state that all other items on the application remain correct.

(i) If, prior to the issuance of a Certificate, the applicant becomes aware of a change in any of the facts contained in the application, request for renewal, or supporting documentation, the applicant shall, in writing, within 5 days of becoming aware of the change, notify the Commission of the change.

§ 543.5 Financial responsibility, amount.

Each applicant shall establish that it is able to pay $14 million to meet its liability under subsection (c) of section 204 of the Act. The amount required by this Part is separate from and in addition to the amount, if any, required of the applicant pursuant to Part 542 of this Chapter.

§ 543.6 Financial responsibility, how established.

(a) An applicant shall establish its financial responsibility within the meaning of this Part by any one of, or by any combination acceptable to the Commission of, the following methods:

(1) Filing with the Commission an insurance Form FMC–225P, executed by an insurer which is acceptable to the Commission for purposes of this Part.

(2) Filing with the Commission a surety bond Form FMC–226P, executed by the applicant and by a surety company which is acceptable to the Commission for purposes of this Part. To be acceptable, surety companies, among other things, must be certified by the United States Department of the Treasury with respect to the issuance of Federal bonds in the penal sum of the bond.

(3) By maintaining in the United States working capital and net worth, each in the amounts as set forth below in this subparagraph. The amount of working capital and net worth to be maintained by the applicant shall be determined by the number of vessels operated by the applicant within the meaning of this Part: for one vessel, $19,000,000; for two vessels, $24,000,000; for three vessels, $28,000,000; for four vessels, $31,000,000; for five vessels, $33,000,000; and for six or more vessels, $34,000,000. For the purposes of this subparagraph, "working capital" is defined as the amount of current assets located in the United States, less all current liabilities; and "net worth" is defined as the amount of all assets located in the United States, less all liabilities. The amounts required by this subparagraph are in addition to the amount, if any, required by § 542.5(a)(3) of this chapter. Maintenance of the required working capital and net worth shall be demonstrated by submitting with the initial application the items specified in subdivision (i) of this subparagraph for the last fiscal year preceding the date of application. Thereafter, so long as the application is pending or the certificant is holding a Certificate, the applicant/certificant shall submit the items specified in subdivisions (i) and (ii) of this subparagraph and shall be subject to the provisions of subdivisions (iii), (iv), and (v) of this subparagraph:

(i) An annual, current, nonconsolidated balance sheet and an annual, current, nonconsolidated statement of income and surplus, for each fiscal year certified by an independent Certified Public Accountant. Said financial statements are to be accompanied by an additional statement from the Certified Public Accountant, certifying to the total amount of current assets and total assets included in the accompanying balance sheet, which are located in the United States and acceptable for purposes of this Part. If the balance sheet and statement of income and surplus cannot be submitted in nonconsolidated form, but are submitted in consolidated form, there must also be submitted an additional statement prepared by the involved Certified Public Accountant, certifying to the amount by which the applicant's/certificant's total assets, which are located in the United States and acceptable for purposes of this Part, exceed its total liabilities, and also certifying to the amount by which the applicant's/certificant's current assets, which are located in the United States and acceptable for purposes of this Part, exceed its current liabilities. Such additional statement must specifically name the applicant/certificant, must indicate that the amounts so certified relate only to the applicant/certificant, apart from any other entity, and must identify the consolidated financial statement to which it applies.

(ii) Supplementary statements as follows: First, a statement prepared by the Certified Public Accountant, certifying that, as of the end of the first six months of the applicant's/certificant's current fiscal year, the applicant's/certificant's working capital and net worth have not fallen below the required amounts and, second, a quarterly affidavit filed by the corporate Treasurer or equivalent stating that the working capital and the net worth, have not, as of the close of the quarter, fallen below the required amounts. Such affidavits are required only for the first and third fiscal-year quarters.

(iii) Such additional financial information as the Commission may deem necessary in particular cases shall be submitted.

(iv) All persons subject to the provisions of this subparagraph (3) shall, in addition to all other reporting requirements, notify the Commission within five days of the date such persons knew, or had reason to believe, that the amounts of working capital or net worth have fallen below the amounts required by this subparagraph.

(v) All annual financial statements required under this subparagraph (3) shall be received by the Commission within three calendar months after the close of the applicant's/certificant's fiscal year, and the six-month statements within three calendar months after close of such six-month period. Quarterly affidavits shall be received within 30 days of the close of the quarter being attested to. Upon written request, the Commission may grant a reasonable extension of the time limits imposed by this subdivision (v), provided that the request is received 15 days before the statements are due, and provided further that such request sets forth good and sufficient reason to justify the requested extension, and provided further that such requests include an estimate of the final calculation of working capital and of net worth. In no event, however, will the Commission entertain a request for an extension of more than 30 days.

(vi) Failure to timely file any statement, data, or affidavit required by this subparagraph (3) shall cause the revocation of the Certificate.

(4) Filing with the Commission a guaranty Form FMC–227P, executed by a guarantor acceptable to the Commission for purposes of this Part. To be acceptable a guarantor must comply fully with all of the provisions of subparagraph (3) of this paragraph (a). However, the amounts of working capital and net worth required to be demonstrated by such guarantor shall not be less than the aggregate amounts underwritten as a guarantor pursuant to this Part 543 and Part 542 of this Chapter and as an applicant/certificant pursuant to this Part 543 and Part 542 of this Chapter. Joint guarantors, that is, two or more entities which pool assets in order to qualify as guarantors on behalf of an applicant/certificant, will not be permitted.

(5) Any other method specially justified and acceptable to the Commission.

(b) The Commission's application Form FMC–224P, insurance Form FMC–225P, surety bond Form FMC–226P, and guaranty Form FMC–227P, as set forth in and appended to this Part, are hereby incorporated into this Part. If more than one insurer or surety joins in executing a Form FMC–225P or FMC–226P, respectively, such action shall be permitted only if such underwriters undertake joint and several liability.

(c) Forms FMC–225P, –226P, and –227P and any other undertaking, filed

pursuant to the provisions of this Part 543, shall expressly permit the commencement of an action in court for claims arising under the provisions of subsection (c) of section 204 of the Act by the claimant directly against the underwriter. Said documents also shall provide that, in the event such action is brought directly against the underwriter, such underwriter shall be entitled to invoke only (i) the rights and defenses permitted by the Act to the operator, and, (ii) the rights and defenses permitted by the Federal Water Pollution Control Act to the underwriter, insofar as those rights and defenses are consistent with the purposes of the Act, if the action were brought against the underwriter by the operator.

(d) Each Form FMC–225P, –226P, and 227P submitted to the Commission under the rules of this Part shall set forth in full the correct name of the applicant to whom Certificates are to be issued.

(e) Except in connection with hearings conducted pursuant to this Chapter, financial data filed by applicants, certificants, and underwriters shall, if specifically requested, be confidential, to the extent permitted by the Freedom of Information Act.

(f) If, at any time after a Certificate has been issued, a certificant becomes aware of a change in any of the facts contained in the application or supporting documentation, the certificant shall notify the Commission, in writing, within 10 days of becoming aware of the change.

§ 543.7 Certificates, issuance.

(a) When financial responsibility as required by this Part has been established in support of a properly completed application, a separate Certificate for each vessel listed on such application shall be issued by the Commission. Certificates will be issued only to vessel operators. The period covered by each Certificate shall be not more than two years from the date of issue, and will be indicated on each Certificate. The original Certificate issued pursuant to this Part shall be carried on the vessel named on the Certificate. Erasures or other alterations on the Certificate are prohibited, and the Certificates are void if any are made thereon.

(b) If for any reason, including a vessel's demise or transfer to a new operator, a certificant ceases to be the operator, as defined in section 543.2 of this Part, of such vessel, the certificant shall, within 30 days, complete the reverse side of the Certificate covering that vessel and return it to the Commission. Such Certificate is void whether or not returned to the Commission, and the use of such Certificate is prohibited. If such Certificate has been lost or destroyed, the certificant shall instead submit the following written information to the Commission.

(1) The number of the Certificate and the name of the vessel.

(2) The date and reason why the certificant ceased to be the operator of the vessel.

(3) The location of the vessel on the date the certificant ceased to be the operator.

(4) The name and mailing address of the person to whom the vessel was sold or transferred, if any.

§ 543.8 Certificates, denial or revocation.

(a) A Certificate shall be denied or revoked for any of the following reasons:

(1) Making any willfully false statement to the Commission in connection with an application for an initial Certificate or a request for a renewal Certificate or the retention of an existing Certificate;

(2) Failure of an applicant or certificant to establish or maintain financial responsibility in accordance with the requirements of this Part;

(3) Failure to comply with or respond to lawful inquiries, regulations, or orders of the Commission;

(4) Failure to timely file the statements or affidavits required by § 543.6(a)(3)(i) and (ii); or

(5) Cancellation or termination of any insurance form, surety bond, guaranty or other undertaking issued pursuant to this Part.

(b) Prior to the denial or revocation of a Certificate, the Commission shall advise the applicant or certificant, in writing, of its intention to deny or revoke the Certificate, and shall state the reason therefor. If the reason for the intended revocation is the cancellation or termination of any insurance, bond, guaranty, or other undertaking (§ 543.8(a)(5)), the revocation shall be effective (1) on the effective date of the cancellation or termination, or (2) 10 days after the date of the notice of intention to revoke, whichever is later, unless the certificant shall, prior to such date, provide acceptable substitute evidence of financial responsibility, or demonstrate that the insurance, bond, guaranty, or other undertaking has not been cancelled or terminated. If the reason for the intended revocation is the failure to file required statements (§ 543.8(a)(4)), the revocation shall be effective 10 days after the date of the notice of intention to revoke, unless the certificant shall, prior to the effective date, demonstrate that the required statements were timely filed. If the intended denial or revocation is based upon any other reason, the applicant or certificant may request, in writing, a hearing to show that the applicant or certificant is in compliance with the provisions of this Part, and, if such request is received within 30 days after the date of the notification of intention to deny or revoke, such hearings shall be granted by the Commission. Hearings pursuant to this Part shall be conducted in accordance with the Commission's Rules of Practice and Procedure (46 CFR Part 502).

§ 543.9 Fees.

(a) This section establishes the application fee which shall be imposed by the Commission for processing application Form FMC–224P, and also establishes the certification fee which shall be imposed for the issuance of Certificates.

(b) No Certificate shall be issued unless the application and/or certification fees set forth in paragraphs (d) and (e) of this section have been paid.

(c) Fees shall be paid in United States Dollars, by check or postal money order made payable to the Federal Maritime Commission.

(d) Each applicant submitting application Form FMC–224P for the first time shall pay an initial application fee of $100, which shall not be refunded. If, at a later date, the same applicant submits a request (including Form FMC–224P) for a Certificate to cover an additional or renamed vessel, an additional application fee shall not be required, whether or not the applicant chooses to submit another Form FMC–224P in connection with that request. However, once an application Form FMC–224P is withdrawn or denied for any reason, and the same applicant, holding no valid Certificates, wishes to reapply for a Certificate covering the same or additional vessels, a new application form and application fee of $100 shall be required.

(e) In addition to the $100 application fee, the applicant shall pay a vessel certification fee of $20 for each vessel listed in, or later added to, the application form. Where it becomes necessary to reissue a Certifiate for any reason, including, but not limited to, a change of owner, a name change, or a lost Certificate the certificant shall pay the certification fee of $20 for each reissued Certificate.

(f) Certification fees shall be refunded, upon receipt of a written request, if the application is withdrawn or denied prior to issuance of the Certificates. Overpayments in the application fees and/or the certification fees will be refunded on request only if the refund is $10 or more. However, any overpayments not refunded will be credited, for the applicant's possible future use in connection with the purposes of this Part, for a period of two years from the date of receipt of the monies by the Commission.

§ 543.10 Enforcement.

(a) In the event any vessel, is engaged in any of the activities prohibited by § 543.3, the Secretary of the Department in which the Coast Guard is operating, may (1) deny her entry to any port or place in the United States, or the navigable waters of the United States, and (2) detain her at the port or place in the United States from which she is about to depart for any other port or place in the United States.

(b) Any person subject to this Part, who fails to comply with the provisions of this Part, shall be subject to a fine of not more than $10,000 for each such failure to comply.

§ 543.11 Notice and Service of Process.

(a) Notice to the public of the issuance, denial, or revocation of a Certificate shall be published in the FEDERAL REGISTER.

(b) When executing the required forms, each applicant and underwriter

shall designate thereon a person in the United States as its agent for service of process for the purposes of subsection (c) of section 204 of the Act and of this Part. Each such designation shall be acknowledged in writing by the designee unless the designee has furnished the Commission with a "master" or "blanket" concurrence whereby the designee has agreed in advance to act as the United States agent for service of process for certain applicants or underwriters if so designated. In any instance in which the designated agent cannot be served because of death, disability, or unavailability, the Secretary, Federal Maritime Commission, will be deemed to be the agent for service of process. When serving the Secretary of the Federal Maritime Commission, in accordance with the above provision, the server shall also send to the applicant, certificant, or underwriter, as the case may be, by registered mail, postage prepaid, at its address last on file with the Commission, a copy of each document served upon the Secretary, and shall attest to that mailing at the time service is made upon the Secretary.

APPENDIX—FORMS

Form Approved:
OMB No.:

Form FMC-224P Federal Maritime Commission
Washington, D.C. 20573

GENERAL
(PART I OF 4 PARTS)

APPLICATION FOR CERTIFICATE OF FINANCIAL RESPONSIBILITY (ALASKA PIPELINE)

INSTRUCTIONS: Please type or print clearly in ink and submit this application to the Director, Bureau of Certification & Licensing, Federal Maritime Commission, Washington, DC 20573. APPLICANTS MUST ANSWER ALL QUESTIONS WITH THE INFORMATION REQUESTED OR THE PHRASE "NOT APPLICABLE" OR THE WORD "NONE." If more space is needed, please attach supplemental sheets.

THIS SPACE FOR USE BY FMC ONLY

1.(a) Legal name of applicant (name of operator of all vessels listed in Part II):

(b) English equivalent of legal name if customarily written in language other than English:

(c) Trade name, if any:

2.(a) Is this the first time the above-named applicant is submitting application Form FMC-224P for an Alaska Pipeline Certificate?

☐ Yes ☐ No

If "no," please complete item "b" below.

(b) What FMC control number was assigned to the first Form FMC-224P? _____

3.(a) State applicant's legal form of organization, i.e., whether operating as an individual corporation, partnership, association, joint stock company, business trust, or other organized group of persons (whether incorporated or not), or a receiver, trustee, or other liquidating agent, and briefly describe current business activities and length of time engaged therein:

(b) If a corporation, association, joint stock company, business trust, or other organization, please give:

Name of state or foreign country in which incorporated or organized:	Date of incorporation or organization

(c) If a partnership, please give name and address of each partner:

4. Name and address of applicant's United States agent (person or firm) authorized by applicant to accept legal service in the United States (See Part IV):

EVIDENCE OF FINANCIAL RESPONSIBILITY (PART II OF 4 PARTS)

5. List each vessel which will carry oil that has been transported through the trans-Alaska pipeline and which will require a Certificate of Financial Responsibility (Alaska Pipeline). Vessels for which the operator named in item 1(a) is not responsible should not be listed in this form. In Column (f) indicate the number "1" if the operator is also the registered owner. Indicate "2" in column (f) if the operator is not the registered owner.

(a) NAME OF VESSEL	(b) TYPE OF VESSEL	(c) COUNTRY OF REGISTRY	(d) REGISTRATION NUMBER	(e) GROSS TONS	(f) "1" or "2"

(g) If applicant indicated "2" for any vessel listed above, give:

NAME OF VESSEL	REGISTERED OWNER	OWNER'S MAILING ADDRESS

NOTE: This list of owners must be kept current by applicant.

6. Items 7 through 11 are the optional methods of establishing financial responsibility. Check the appropriate box(es) below and answer only the item(s) which are applicable to this application:

☐ Insurance (Answer item 7) ☐ Surety Bond (Answer item 8) ☐ Guaranty (Answer item 9) ☐ Self-Insurer (Answer item 10) ☐ Other (Answer item 11)

7. Name and address of applicant's insurer (Evidence of insurance acceptable to the Federal Maritime Commission must be filed before a Certificate will be issued):

8.(a) Amount of surety bond (Surety Bond Form FMC-226P must be filed before a Certificate will be issued): $_____

(b) Name and address of applicant's surety:

9.(a) Name and address of applicant's guarantor (Guaranty Form FMC-227P and all required financial data must be filed before a Certificate will be issued):

(b) Guarantor's Fiscal Year: _____ (Month) _____ (Day) to _____ (Month) _____ (Day)

10. If applicant intends to qualify as a self-insurer, attach all required financial data and indicate fiscal year:

_____ (Month) _____ (Day) to _____ (Month) _____ (Day)

11. Give a fully detailed explanation of the method desired to be utilized to establish financial responsibility and attach all supporting documentation and schedules.

DECLARATION (PART III OF 4 PARTS)

12.(a) Applicant's mailing address; street, number post office box, city, state, or country (and zip code if in the United States):	(b) Type or print in this space the name and title of the official signing this application b.
	(c) Address of principal office in United States (if any):
	(d) Area code and telephone no:

I declare that I have examined this application, including any accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. Furthermore, I declare that the applicant named in item 1(a) of Part I also is the operator for all vessels now listed in or later added to this application. I agree that in the event the agent designated in item 4 of Part I above, or his replacement as may be appointed later with the approval of the Federal Maritime Commission, cannot be served due to his death, disability or unavailability, the Secretary, Federal Maritime Commission, shall be deemed to be the agent for service of process. I have signed this application in my above-indicated capacity as an authorized official of the applicant if acting under a power of attorney, pursuant to the power vested in me by the said applicant as evidenced by the attached document.

Date_____ Signature of above official_____

PLEASE NOTE:

-Be sure that Parts I, II, and III have been completed as fully as possible and that Part III has been dated and signed.

-All applicants must complete question 4 concerning U. S. agents for service of process. Any questions should be submitted to the Federal Maritime Commission or the underwriter (insurer, surety, etc.).

-If number "2" appears in column 5(f) for any vessels listed in column 5(a), the registered owners of those vessels must be listed in question 5(g) and kept current.

The statements hereinabove set forth are made subject to penalties prescribed by law any person who knowingly and willfully makes false statements on any matter within the jurisdiction of an agency of the United States (18 USC 1001).

CONCURRENCE OF AGENT (PART IV OF 4 PARTS)

Part IV-A must be completed by the person or firm designated in item 4 of Part I to serve as applicant's United States agent for service of process. Part IV-B must be completed by the applicant. After Parts IV-A and IV-B are completed, Part IV should be submitted to the Commission by the applicant or by the agent, either separately or together with Parts I, II, and III. Part IV-A need not be completed if (1) the agent designated in item 4 of Part I already has submitted to the Commission an acceptable blanket Concurrence of Agent, agreeing to serve on behalf of any applicant who designates such agent, or (2) the applicant is a United States entity and has appointed itself as agent.

PART IV-A

It is hereby agreed that_____
(type name of United States agent)

shall serve as the herein named applicant's United States agent for service of process pursuant to the provisions of Section 543.11, Title 46, C.F.R. This designation and agreement shall cease immediately in the event that said applicant designates a new agent acceptable and agreed to by the Federal Maritime Commission.

Date:_____

Signature of person signing on behalf of agent:_____

(Title)

(Business address)

Part IV-B TO BE COMPLETED BY APPLICANT

Name of applicant (from item 1(a)):_____

Signature of person signing on behalf of applicant:_____
(Person signing here must also sign in appropriate place on Part III)

Date:_____

Type or print name and title:_____

FEDERAL MARITIME COMMISSION

INSURANCE FORM NO. _____ FURNISHED AS EVIDENCE OF FINANCIAL RESPONSIBILITY UNDER SUBSECTION 204(c) OF THE TRANS-ALASKA PIPELINE AUTHORIZATION ACT (PUBLIC LAW 93-153) 46 C.F.R. 543

_____
(Name of Insurer)

(hereinafter "Insurer") hereby certifies that for purposes of complying with the provisions of subsection 204(c), Trans-Alaska Pipeline Authorization Act (hereinafter "Act"), each of the vessel operators specified in the schedules below is insured by it, in respect to each of the vessels respectively specified therein, against liability to which such vessel operators could be subjected under subsection 204(c) of the Act in the amount of $14 million any one incident.

_____, with offices at _____, is hereby designated as the Insurer's agent for service of process for the purposes of subsection (c) of section 204 of the Act and for the purposes of the Rules of the Federal Maritime Commission (Part 543 of Title 46, Code of Federal Regulations). If the designated agent cannot be served due to his death, disability or unavailability, the Secretary, Federal Maritime Commission, shall be deemed to be the agent for service of process.

The Insurer consents to be sued directly in respect of any claim against any of said operators arising under subsection 204(c) of the Act; *provided, however,* that in any such direct action (a) its liability in any one incident shall not exceed $14 million per vessel and (b) it shall be entitled to invoke only (1) the rights and defenses permitted by subsection 204(c) of the Act to the vessel operator, and (2) the rights and defenses permitted by the Federal Water Pollution Control Act to the Insurer, insofar as those rights and defenses are consistent with the purposes of the Trans-Alaska Pipeline Authorization Act, if an action were brought against the Insurer by the operator.

The insurance evidenced by this document shall be applicable only in relation to incidents giving rise to claims under subsection 204(c) of the Act in respect to any of the below-listed vessels, occurring on or after the effective date of this document, which, as to each of such vessels, shall be the date such vessel is named in Schedule A or added to Schedule B below, and before the termination date of this document, which, as to each of such vessels, shall be the date 30 days after the date of receipt by the Federal Maritime Commission (FMC) of notice in writing that the Insurer has elected to terminate the insurance evidenced by this document in respect to any such vessel, and has so notified such vessel's operator; *provided, however,* no such termination shall become effective with respect to any vessel covered by this document, which, at the time such termination would otherwise become effective, was carrying oil which had been transported through the trans-Alaska pipeline and which had been loaded on board such vessel prior to the time such termination would otherwise become effective; and *provided further,* that such termination shall only become effective when *all* of that oil has been offloaded from such vessel. Termination of this document as to such vessels shall not affect the liability of the Insurer in connection with an incident occurring prior to the date such termination becomes effective.

Form FMC-225P

If during the currency of this document a below-named operator requests that an additional vessel be made subject to this document, and if the Insurer should accede to such request and should so notify FMC, then such vessel shall be deemed included in Schedule B hereof.

If more than one insurer joins in executing this document, such action shall constitute joint and several liability on the part of such insurers.

Effective Date of Coverage for Vessels on Schedule A:_____
day/month/year

_____
(Name of Insurer)

_____
(Mailing Address)

_____

_____

By: _____
(Signature of Official Signing on Behalf of Insurer)

_____
(Typed Name and Title of Signer)

Insurance Form No._____

SCHEDULE A
VESSELS AND OPERATORS

VESSEL	OPERATOR	GROSS TONS*

*For identification purposes only.

Insurance Form No._____

SCHEDULE B
ADDITIONAL VESSELS

VESSEL	OPERATOR	GROSS TONS*	DATE ADDED

*For identification purposes only.

Insurance Form No._____

SURETY CO. BOND NO. _____

FEDERAL MARITIME COMMISSION

ALASKA PIPELINE
OIL DISCHARGE SURETY BOND (46 C.F.R. 543)

KNOW ALL MEN BY THESE PRESENTS, that We _____ (Name of Vessel Operator)

_____ of _____ (City),

_____ (State and Country), as Principal (hereinafter called Principal), and _____ (Name of Surety)

a company created and existing under the laws of _____ (State and Country), and authorized to do business in the United States, as Surety (hereinafter called Surety), are held and firmly bound unto the United States of America and other claimants for damages under subsection 204(c) of the Trans-Alaska Pipeline Authorization Act (hereinafter "Act") in the penal sum calculated as follows: if there is one vessel listed in the attached schedule, $14,000,000; if there are two vessels, $19,000,000; if there are three vessels, $23,000,000; if there are four vessels, $26,000,000; if there are five vessels, $28,000,000; if there are six or more vessels, $29,000,000, for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Form FMC-226P

WHEREAS, the Principal intends to become or is a holder of a Certificate of Financial Responsibility (Alaska Pipeline) pursuant to the provisions of Part 543 of Title 46, Code of Federal Regulations, and has elected to file with the Federal Maritime Commission such a bond as will insure financial responsibility to meet any liability incurred under subsection 204(c) of the Act, and

WHEREAS, this bond is written to assure compliance by the Principal with the requirements of the said subsection 204(c) of the Act, and shall inure to the benefit of claimants under the said subsection 204(c),

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay or cause to be paid to claimants any sum or sums for which the Principal may be held legally liable under subsection 204(c) of the Act, then this obligation, to the extent of such payment, shall be void, otherwise, to remain in full force and effect.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penalty of the bond. In no event shall the Surety's obligation hereunder exceed the amount of said penalty, provided that the Surety furnishes written notice to the Federal Maritime Commission forthwith of all suits filed, judgments rendered, and payments made by said Surety under this bond.

Any claim for damages for which the Principal may be liable under the provisions of subsection 204(c) of the Act may be brought directly against the Surety; *provided, however,* that in the event of such direct claim the Surety shall be entitled to invoke only (1) the rights and defenses permitted by subsection 204(c) of the Act to the vessel operator, and (2) the rights and defenses permitted by the Federal Water Pollution

Control Act to the Surety, insofar as those rights and defenses are consistent with the purposes of the Trans-Alaska Pipeline Authorization Act, if an action were brought against the Surety by the operator.

This bond is effective the _____ day of _____, 19__, 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The above-named Principal or the Surety may at any time terminate this bond by written notice sent by certified mail to the other party with a copy to the Federal Maritime Commission at its office in Washington, D. C., such termination to become effective thirty (30) days after actual receipt of said notice by the Commission; *provided, however,* that no such termination shall become effective with respect to any vessel covered by this document, which, at the time such termination would otherwise become effective, was carrying oil which had been transported through the trans-Alaska pipeline or which had been loaded on board such vessel prior to the time such termination would otherwise become effective; and *provided further,* that such termination shall only become effective when *all* of that oil has been offloaded from such vessel. The Surety shall not be liable hereunder in connection with an incident occurring after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety in connection with an incident occurring prior to the date such termination becomes effective.

The Surety designates _____, with offices at _____, as the Surety's agent for service of process for the purposes of subsection (c) of section 7 of the Act and for the purposes of the Rules of the Federal Maritime Commission (Part 543 of Title 46, Code of Federal Regulations). If the designated agent cannot be served due to his death, disability or unavailability, the Secretary Federal Maritime Commission, shall be deemed to be the agent for service of process.

If more than one surety company joins in executing this bond, such action shall constitute joint and several liability on the part of such sureties.

In witness whereof, the above-named Principal and Surety have executed this instrument on the _____ day of _____, 19___.

(Please type name of signer under each signature. In the case of a partnership, each partner must sign.)

PRINCIPAL

(Individual Principal or Partner) (Business Address)

(Individual Principal or Partner)

(Individual Principal or Partner)

Corporate Principal

Business Address

By (Affix Corporate Seal)

Title

SURETY

Corporate Surety

Business Address

By (Affix Corporate Seal)

Title

SCHEDULE
VESSELS AND OPERATORS

VESSEL	OPERATOR	GROSS TONS*

*For identification purposes only.

GUARANTY NO. _____

FEDERAL MARITIME COMMISSION

GUARANTY IN RESPECT OF
LIABILITY FOR DISCHARGE OF OIL
ALASKA PIPELINE
(46 C.F.R. 543)

1. WHEREAS _____
(Name of Vessel Operator)

(hereinafter referred to as the "Operator") is the Operator of the Vessel(s) specified in the annexed schedules (hereinafter "Vessel" or "Vessels"), and the Operator desires to establish its financial responsibility in accordance with subsection 204(c) of the Trans-Alaska Pipeline Authorization Act (hereinafter referred to as "the Act"), the undersigned Guarantor hereby guarantees, subject to the provisions of clause 4 hereof, to discharge the Operator's legal liability in respect to a claim under subsection 204(c) of the Act, in the event that such legal liability has not been discharged by the Operator within 21 days after the claimant has obtained a final judgment (after appeal, if any) against the Operator from a United States Federal or State Court of competent jurisdiction, or has become entitled to payment of a specified sum by virtue of a compromise settlement agreement made with the Operator, with the approval of the Guarantor, whereby, upon payment of the agreed sum, the Operator is to be fully, irrevocably and unconditionally discharged from all further liability to the claimant with respect to such claim.

2. The Guarantor's liability under this Guaranty shall in no event exceed $14 million per incident, provided that the Guarantor furnishes written notice to the Federal Maritime Commission forthwith of all suits filed, judgments rendered, and payments made by said Guarantor under this Guaranty.

3. The Guarantor's liability under this Guaranty shall attach only in relation to incidents giving rise to causes of action against the Operator in respect of any of the Vessels for damages under subsection 204(c) of the Act, occurring on or after the effective date of this Guaranty, which, as to each of such Vessels, shall be the date such Vessel is named in Schedule A or added to Schedule B below, and before the termination date of this Guaranty, which, as to each of such Vessels, shall be the date 30 days after the date of receipt by the Federal Maritime Commission of notice in writing that the Guarantor has elected to terminate this Guaranty, with respect to any such Vessels, and has so notified the Operator; *provided, however,* that no such termination shall become effective with respect to any Vessel covered by this document, which, at the time such termination would otherwise become effective, was carrying oil which had been transported through the trans-Alaska pipeline and which had been loaded on board such Vessel prior to the time such termination would otherwise become effective; and *provided further,* that such termination shall only become effective when all of that oil has been offloaded from such Vessel. Termination of this document as to such vessels shall not affect the liability of the Guarantor in connection with an incident occurring prior to the date such termination becomes effective.

4. Any claim for damages for which the Operator may be liable under the provisions of subsection 204(c) of the Act may be brought directly against the Guarantor; *provided, however,* that in the event of such direct claim the Guarantor shall be entitled to invoke only (1) the rights and defenses permitted by subsection 204(c) of the Act to the vessel operator,

FORM FMC-227P

and (2) the rights and defenses permitted by the Federal Water Pollution Control Act to the Guarantor, insofar as those rights and defenses are consistent with the purposes of the Trans-Alaska Pipeline Authorization Act, if the action were brought against the Guarantor by the operator.

5. If, during the currency of this Guaranty, the Operator requests that a vessel operated by the Operator, and not specified in the annexed Schedules A and B, should become subject to this Guaranty, and if the Guarantor accedes to such request and so notifies the Commission in writing, then such vessel shall thereupon be deemed to be one of the Vessels included in Schedule B and subject to this Guaranty.

6. The Guarantor hereby designates _____ _____ with offices at _____ _____, as the Guarantor's agent in the United States for service of process for purposes of subsection (c) of section 204 of the Act and for the purposes of Part 543 of Title 46, Code of Federal Regulations. If the designated agent cannot be served due to his death, disability or unavailability, the Secretary, Federal Maritime Commission, shall be deemed to be the agent for service of process.

EFFECTIVE DATE: _____
(Month/Day/Year and Place of Execution)

_____
(Type Name of Guarantor)

_____
(Type Address of Guarantor)

_____

_____

By: _____
(Signature)

_____
(Type Name and Title of Person Signing Above)

_____

SCHEDULE A
VESSELS INITIALLY LISTED

VESSELS	GROSS TONS	OPERATOR

NOTE: Gross tons are for identification purposes only.

SCHEDULE B
VESSELS ADDED IN ACCORDANCE WITH CLAUSE 5

VESSEL	GROSS TONS	OPERATOR	DATE ADDED

NOTE: Gross tons are for identification purposes only.

[FR Doc.77-21823 Filed 7-28-77:8:45 am]

federal register

FRIDAY, JULY 29, 1977
PART VIII

OFFICE OF MANAGEMENT AND BUDGET

■

BUDGET RESCISSION AND DEFERRALS

Report to Congress

OFFICE OF MANAGEMENT AND BUDGET

DEPARTMENT OF DEFENSE

Proposed Budget Rescission

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith propose rescission of $105.0 million in missile procurement funds appropriated to the Department of Defense.

The details of the proposed rescission are contained in the attached report.

Jimmy Carter

THE WHITE HOUSE, July 26, 1977.

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission #	Item	Budget Authority
	Defense - Military:	
R77-20	Missile procurement, Air Force	105,000

* * * *

Rescission Proposal No: R77-20

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Defense	New budget authority (P.L. 94-419) $1,827,700,000
Bureau	Other budgetary resources 104,630,569
Appropriation title & symbol	Total budgetary resources 1,932,330,569
Missile Procurement, Air Force 1/	Amount proposed for rescission $ 105,000,000
577/93020	
OMB identification code: 57-3020-0-1-051	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☒ Multiple-year September 30, 1979 (expiration date)	☐ Contract authority
☐ No-year	☐ Other

JUSTIFICATION:

The funds proposed for rescission were appropriated together with another $185.5 million (for a total of $290.5 million), to procure 60 MINUTEMAN III (MM III) Intercontinental Ballistic Missiles (ICBM). This rescission proposal results from a decision that additional MM III missiles -- beyond the ten now in production -- are not required to meet national defense needs. The amount proposed for rescission represents funds that will remain after the estimated termination liabilities are met.

ESTIMATED EFFECTS

If this proposal is accepted, 50 ICBM's will not be procured. This will not adversely affect our national defense position. Air Force requirements for this missile will be satisfied once the ten missiles in production are delivered.

OUTLAY EFFECT (estimated in millions of dollars)

Comparison with the President's FY 1978 Budget:	
1. Budget outlay estimate for FY 1977	$1,642.0
2. Outlay savings, if any, included in the Budget outlay estimate	0
Current outlay estimates for FY 1977:	
3. Without rescission	1,641.7 2/
4. With rescission	1,620.5 2/
5. Current outlay savings (line 3 - line 4)	21.2
Outlay savings for FY 1978	52.6
Outlay savings for FY 1979	18.9
Outlay savings for FY 1980	8.4

1/ This appropriation is the subject of another rescission proposal, R77-19, for $1.4 million.

2/ This outlay estimate is net of the $0.3 million estimated to be saved if the rescission proposal, R77-19, is adopted.

R77-20

2

DEPARTMENT OF DEFENSE-MILITARY

TITLE IV

PROCUREMENT

Missile Procurement, Air Force

(Including Transfer of Funds)

Of the funds appropriated under this head in the Department of Defense Appropriation Act, 1977, $105,000,000 are rescinded.

[FR Doc.77-22014 Filed 7-28-77;8:45 am]

DEPARTMENT OF COMMERCE AND ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Budget Deferrals

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith report one new deferral of budget authority amounting to $11.0 million for the local public works program of the Department of Commerce. In addition, I am reporting a revision to a previously transmitted Energy Research and Development Administration deferral.

The details of each deferral are contained in the attached reports.

Jimmy Carter

THE WHITE HOUSE, July 26, 1977.

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Commerce:	
	Economic Development Administration	
D77-63	Local public works program	11,000
	Energy Research and Development Administration	
D77-58A	Operating expenses	37,400
	Total, deferrals	48,400

* * * *

Deferral No: D77-63

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 95-29) $4,000,000,000 Other budgetary resources 2,000,000,000 Total budgetary resources 6,000,000,000
Bureau Economic Development Administration	
Appropriation title & symbol Local Public Works Program 1372052 137/92052	Amount to be deferred: Part of year $ ____ Entire year 11,000,000
OMB identification code: 13-2052-0-1-452 Grant program [X] Yes [ ] No	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Type of account or fund: [X] Annual 1/ [X] Multiple-year September 30, 1979 (expiration date) [ ] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification:

The Economic Stimulus Appropriations Act,1977, (P.L. 95-29), provided $4 billion in supplemental funding for the Commerce Department's Local public works program (LPW). Of this amount, $15 million was authorized to remain available until September 30, 1979, to cover necessary administrative expenses, including expenses for program evaluation. It is estimated that only $4 million of these funds can be effectively used by the end of FY 1977. The deferral is planned to insure that adequate funds will be available to handle the LPW program's workload that will continue beyond the current fiscal year. This deferral action is taken pursuant to the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

This deferral will not impact the implementation of the Local public works program. The $11 million will be reserved for the remainder of fiscal year 1977, and made available to meet administrative requirements of the program in the future.

Outlay Effect:

There is no outlay effect resulting from this deferral since funds could not be used if made available.

1/ None of these funds are deferred.

D77-58A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. 77-58 transmitted to the Congress on May 18, 1977, and printed as House Document No. 95-158.

This revision of the Energy Research and Development Administration's Clinch River Breeder Reactor Plant deferral updates the justification for and the amount of the deferral. The justification now indicates that the deferral is submitted pending final resolution of the project objectives. Previously, the duration of the deferral depended on the 45-day period described in section 106 of Public Law 91-273. The amount of the deferral has been increased by $5,600,000 from $31,800,000 to $37,400,000.

Deferral No: D77-58A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Energy Research and Development Administration	New budget authority (P.L. 94-355 & P.L. 94-373) $4,669,338,000
Bureau	Other budgetary resources 1,802,626,059
Appropriation title & symbol Operating Expenses 89X0100 Clinch River Breeder Reactor Plant Project	Total budgetary resources 6,471,964,059
	Amount to be deferred: Part of year $ _____ Entire year 37,400,000*
OMB identification code: 89-0100-0-1-999	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

* Justification

The Administration has determined as part of its overall energy policy that construction of the Clinch River Breeder Reactor Plant is not required at this time. The Administration has notified the Congress of its proposed objectives for the Project and the Congress is now considering the proposed objectives. Pending resolution of FY 1978 funding for the Clinch River project, obligation of funds for all new contracts or renewal of existing contracts to continue activities or procurements in support of construction, operations, or licensing of the Clinch River plant is being deferred. The purpose of the deferral is to preclude obligation of funds for activities or procurements that may not be necessary once the project objectives are resolved.

* Estimated Effects

This deferral will have no effect on current contracts but will preclude obligation of funds for new contracts as defined above. The contracts to be deferred are for site preparation and related activities. In addition, an estimated $50 million will not be obligated due to licensing and other delays experienced by the project that are not related to this deferral action.

* Outlay Effect

There is no outlay effect resulting from this deferral because of the brief time (through the end of FY 1977) that the deferral is expected to remain in effect. However, outlays will underrun previous estimates by $7.4 million because of project delays unrelated to this deferral.

* Revised from previous report.

[FR Doc.77-22015 Filed 7-28-77;8:45 am]

federal register

FRIDAY, JULY 29, 1977

PART IX

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Alabama	AL77–1097
North Carolina	NC77–1095

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL77–1040	Apr. 1, 1977.
AL77–1075	June 3, 1977.
Alaska:	
AK77–5052	May 20, 1977.
California:	
CA77–5039	Apr. 22, 1977.
Colorado:	
CO77–5066; CO77–5067; CO 77–5068; CO77–5069; CO 77–5070.	July 1, 1977.
Florida:	
FL77–1003	Jan. 21, 1977.
Indiana:	
IN77–2083	May 13, 1977.
Maryland:	
MD77–3080	June 24, 1977.
Michigan:	
MI77–2051	May 6, 1977.
MI77–2052	May 13, 1977.
Minnesota:	
MN77–2048	May 20, 1977.
Montana:	
MT77–5057	June 3, 1977.
New Hampshire:	
NH77–2002; NH77–2011	Jan. 21, 1977.
NH77–2003; NH77–2004	Jan. 28, 1977.
Pennsylvania:	
PA77–3029	Feb. 18, 1977.
PA77–3032	Mar. 25, 1977.
PA77–3031; PA77–3043	Apr. 8, 1977.
PA77–3028; PA77–3034	Apr. 15, 1977.
PA77–3049	Apr. 22, 1977.
PA77–3050; PA77–3053; PA 77–3054; PA77–3055; PA 77–3057.	May 13, 1977.
PA77–3059	May 20, 1977.
PA77–3061	June 10, 1977.
PA77–3078	June 24, 1977.
PA77–3100	July 15, 1977.
South Dakota:	
SD77–5065	June 17, 1977.
Texas:	
TX77–4070	Apr. 1, 1977.
TX77–4097; TX77–4098	May 6, 1977.
TX77–4101	May 13, 1977.
TX77–4111	June 10, 1977.
TX77–4137	July 1, 1977.
TX77–4151; TX77–4152; TX 77–4153; TX77–4154; TX 77–4155; TX77–4158.	July 8, 1977.
Virginia:	
VA77–3082	June 24, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Louisiana:	
LA77–4104 (LA77–4169); LA77–4104 (LA77–4170).	May 20, 1977.
New York:	
NY77–3012 (NJ77–3110)	May 13, 1977.
North Carolina:	
NC75–1014 (NC77–1081)	Feb. 7, 1975.
NC76–1044 (NC77–1094)	Apr. 2, 1976.
NC77–1013 (NC77–1096)	Feb. 4, 1977.
Oklahoma:	
OK77–4087 (OK77–4168)	Apr. 29, 1977.
OK77–4109 (OK77–4171)	June 3, 1977.

Signed at Washington, D.C., this 22d day of July 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Alabama
DECISION NUMBER: AL77-1097
COUNTY: *See below
DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Barbour, Bullock, Coffee, Dale, Geneva, Henry, Houston and Russell.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	3.99				
Bricklayers	6.00				
Carpenters	4.00				
Dry wall hanger	5.00				
Electricians	3.50				
Insulators	2.50				
Laborers:					
Laborers	2.49				
Mason tenders	3.00				
Painters, brush	5.00				
Plumbers & pipefitters	3.00				
Roofers	3.00				
Sheet metal workers	4.07				
Soft floor layers	6.25				
Tile setters	5.00				

NEW DECISION

STATE: North Carolina
DECISION NO.: NC77-1095
COUNTIES: *See below
DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties, Cherokee, Clay, Graham, Jackson, Macon, and Swain Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	6.00				
Carpenters	4.32				
Carpet layers	4.00				
Cement masons	4.50				
Drywall finisher	4.00				
Drywall hanger	4.00				
Electricians	6.12				
Insulation installers	4.00				
Laborers					
Laborers	3.75				
Painters, brush	4.00				
Plumbers and fitters	4.50				
Roofers	3.81				
Soft floor layers	4.00				
Tile setters	4.00				
Truck drivers	3.75				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.00				
Bulldozers	4.50				

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # AL77-1040 - Mod. # 3 (42 FR-17752 - April 1, 1977) Madison County, Alabama					
Change:					
Electricians, Linemen	10.05	.40	3%+.30		.03
Decision # AL77-1075 - Mod. # 1 (42 FR-28756 - June 3, 1977) Blount, Jefferson, Saint Clair, Shelby, Talladega and Walker Counties, Alabama.					
Change:					
Insulation applicators	3.75				
Laborers:					
Laborers	3.33				
Painters, brush	4.50				
DECISION #AK77-5052 - Mod. #3 (42 FR 26115 - May 20, 1977) Statewide, Alaska					
Change:					
Roofers:					
Area I	$15.60	1.40	2.20		.05
Areas II and III	15.30	1.40	2.20		.05

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CA77-5039 - Mod #4 (42 FR 20991 - April 22, 1977) Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterrey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, California					
Change:					
Electricians					
San Mateo County	$13.73	1.16	3% + 1.00		.03

DECISION NO. CO77-5066 - Mod. #1
(42 FR 34157 - July 1, 1977)
Statewide, Colorado

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Gilpin, Grand, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedgwick, Summit, Washington, Weld and Yuma Counties					
Electricians	$ 11.69	.70	3%+.75		.02
Cable Splicers	11.94	.70	3%+.75		.02
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan and San Miguel Counties					
Electricians	11.15	.62	3%+.25		1½%
Cable Splicers	11.40	.62	3%+.25		1½%
Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Alamosa, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, and Rio Grande Counties					
Zone 1 (within 12 miles from Pueblo Main Post Office)					
Electricians	11.50	.62	3%+.65		1½%
Cable Splicers	12.65	.62	3%+.65		1½%
Zone II (12 to 20 miles from Pueblo Main Post Office)					
Electricians	11.90	.62	3%+.65		1½%
Cable Splicers	13.05	.62	3%+.65		1½%
Zone III (30 to 40 miles from Pueblo Main Post Office)					
Electricians	12.25	.62	3%+.65		1½%
Cable Splicers	13.40	.62	3%+.65		1½%

DECISION NO. CO77-5066 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone IV (40 miles and over from Pueblo Main Post Office)					
Electricians	$ 13.38	.62	3%+.65		1½%
Cable Splicers	14.53	.62	3%+.65		1½%
Electricians on electrical contracts less than $20,000 in Zones III and IV Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park, and Teller Counties					
Electricians	11.00	.62	3%+.65		1½%
	11.50	.72	3%+.50		.015
Painters:					
Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan, Park (Northern half), Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Washington, and Weld Counties					
Brush	10.38	.70	.85		.07
Spray, Swing Stage	10.98	.70	.85		.07
Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers and Pueblo Cos					
Brush	8.07	.50	.50		.04
Steel Painters	8.57	.50	.50		.04
Spray Painters	9.07	.50	.50		.04
Steel Spray	9.57	.50	.50		.04
Archuleta, Chaffee, Cheyenne, Dolores, El Paso, Fremont, Hinsdale, Kit Carson, La Plata, Lincoln, Mineral, Montezuma, Ouray, Park (Southern half), Rio Grande, Saguache, San Juan, San Miguel and Teller Counties					
Brush	8.94	.70	.50		.04
Spray	9.69	.70	.50		.04
Steel	9.44	.70	.50		.04
Steel Spray	10.19	.70	.50		.04

DECISION NO. CO77-5067 - Mod. #1
(42 FR 34165 - July 1, 1977)
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Electricians (Elbert and Park Counties)	$ 10.95	.42	3%+.50		.015
Electricians (Remaining Counties)	11.69	.70	3%+.75		.02
Cable Splicers (Remaining Counties)	11.94	.70	3%+.75		.02
Glaziers	11.32				
Marble Setters:					
Elbert, Lake and Park Cos.	9.86	.50	.50		
Remaining Counties	10.26	.90	.85		.04
Painters:					
Park County (Southern half)					
Brush, Roller, Taper, hand texture	8.94	.70	.50		.04
Steel and Paperhanger	9.44	.70	.50		.04
Spray	9.69	.70	.50		.04
Steel Spray	10.19	.70	.50		.04
Remaining Counties including N½ of Park County*					
Brush, Roller and Drywall Finisher	10.38	.70	.85		.07
Spray; Swing Stage, Paperhangers	10.98	.70	.85		.07
Sheet Metal Workers	11.35	3%+.50	1.41		.08
Tile Layers:					
Elbert, Lake and Park Cos.	9.86	.50	.50		
Remaining Counties	10.26	.90	.85		.04
Tile, Marble and Terrazzo Helpers:					
Helpers	7.85	.90	.85	.50	
Floor Grinders	8.00	.90	.85	.50	
Base Grinders	8.55	.90	.85	.50	

DECISION NO. CO77-5068 Mod. #1
(42 FR 34172 - July 1, 1977)
El Paso County, Colorado

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians	$ 11.50	.72	3%+.50		.015
Marble Setters	9.86	.50	.50		
Painters:					
Brush and Roller; Tapers, hand texture	8.94	.70	.50		.04
Paperhangers; Steel Spray	9.44	.70	.50		.04
Spray	9.69	.70	.50		.04
Steel Spray	10.19	.70	.50		.04
Plumbers; Pipefitters	10.15	.75	.95	1.40	.10
Sheet Metal Workers	11.35	3%+.50	1.41		.08
Tile Setters	9.86	.50	.50		
Tile, Marble and Terrazzo Helpers:					
Helpers	7.85	.90	.85	.50	
Floor Grinders	8.00	.90	.85	.50	
Base Grinders	8.55	.90	.85	.50	

DECISION NO. CO77-5069 - Mod. #1
(42 FR 34177 - July 1, 1977)
Las Animas, Otero and Pueblo Counties, Colorado

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Zone 1 (0-12 miles from P.O.)					
Electricians	11.50	.62	3%+.65		1½%
Cable Splicers	12.65	.62	3%+.65		1½%
Zone II (12-20 miles from P.O.)					
Electricians	11.90	.62	3%+.65		1½%
Cable Splicers	13.05	.62	3%+.65		1½%
Zone III (20-40 miles from P.O.)					
Electricians	12.25	.61	3%+.65		1½%
Cable Splicers	13.40	.62	3%+.65		1½%
Zone IV (Over 40 miles from P.O.)					
Electricians	13.38	.62	3%+.65		1½%
Cable Splicers	14.53	.62	3%+.65		1½%
Electricial contracts under $20,000 in Zones III and IV	11.00	.62	3%+.65		1½%
Glaziers	11.32				

DECISION NO. C077-5069 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Brush, Roller, Tapers, hand texture	$ 8.07	.50	.50		.04
Steel; Paperhangers	8.57	.50	.50		.04
Spray, Tapers using Automatic tools	9.07	.50	.50		.04
Spray Steel	9.57	.50	.50		.04
Plumbers:					
Zone I (0-15 miles from P. O.)	11.62	.75	.95		.08
Zone II (15-20 miles from P. O.)	12.19	.75	.95		.08
Zone III (20-40 miles from P. O.)	12.62	.75	.95		.08
Zone IV (Over 40 miles from P.O.)	13.645	.75	.95		.08
Sheet Metal Workers	11.35	3%+.50	1.41		.08
Tile, Marble and Terrazzo Workers:					
Helpers	7.85	.90	.85	.50	
Floor Grinders	8.00	.90	.85	.50	
Base Grinders	8.55	.90	.85	.50	
DECISION NO. C077-5070 - Mod. #1 (42 FR 34182 - July 1, 1977) Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin Counties, Colorado					
Change:					
Electricians:					
Electricians	$ 11.15	.62	3%+.25		1½%
Cable Splicers	11.40	.62	3%+.25		1½%
Glaziers	11.32				
Marble and Tile Setters, Terrazzo Workers	10.26	.90	.85		.04
Painters:					
Brush, Roller and Drywall Finishers	10.38	.70	.85		.07
Paperhangers, Spray, Swing Stage	10.58	.70	.85		.07
Sheet Metal Workers	11.35	3%+.50	1.41		.08
Tile, Marble and Terrazzo Helpers:					
Helpers	7.85	.90	.85	.50	
Floor Grinders	8.00	.90	.85	.50	
Base Grinders	8.55	.90	.85	.50	

DECISION #FL77-1003 - Mod. #1
(42 FR 4081 - January 21, 1977)
Dade County, Florida

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians	$7.70	4½%	1% + 2%	8½%	1%
Laborers:					
Mason tenders	5.025	1.00	.37		
Pipelayers	5.025	1.00	.37		
Plasterers' tenders	5.16	1.00	.37		
Laborers	4.95	1.00	.37		

DECISION NO. IN77-2083 - Mod. #3
(42 FR 24596 - May 13, 1977)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Statewide, except Lake, LaPorte, Porter, & St. Joseph Counties, Indiana					
Change:					
Carpenters:					
Jasper, Newton, & Starke Cos.	$12.03	.50	.57		.05
Elkhart County	9.98	.60	.60		.05
Bartholomew (Camp Atterbury), Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (except Edinburg), Marion, Montgomery, Morgan (except Washington), Parke (except portion lying west of a line south and north running through Jessup, Rosedale, Carbondale, and Poland), Putnam, Vermillion (north of the south city limits of Summit Grove), and Warren Cos.	10.45	.60	.50		.08
Remaining Counties	9.88	.55	.45		.05
Cement masons:					
Elkhart, Kosciusko, & LaGrange Cos.	10.48		.30		.02
Greene & Sullivan Cos.	10.55	.40	.70		.01
Ironworkers:					
Adams, Allen, Blackford, DeKalb, Delaware (northeastern 1/3 of Co.), Grant (excluding s/w portion), Huntington, LaGrange (eastern ½ of Co.), Noble, Steuben, Wabash, Wells, & Whitley Cos.	11.20	.90	1.20		.02
Elkhart, Fulton, Kosciusko, LaGrange (western ½ of Co.), Marshall, Pulaski, & Starke Cos.	10.55	.90	1.33		.03

DECISION NO. IN77-2083 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Benton, Boone (northwestern ½ of Co.), Carroll, Cass, Clinton, (western 2/3 of Co.), Fountain, Jasper (southern ½ of Co.), Miami, Montgomery, Tippecanoe, Warren, & White Cos.	$10.34	.90	1.25		.02
Fayette, Jay, Randolph, Union, & Wayne Cos.	10.96	.90	1.25		.04
Clay, Daviess, Greene, Knox, Lawrence (northwestern 1/6 of Co.), Parke, Putnam (western ½ of Co. incl. Greencastle), Sullivan, Vermillion, & Vigo Cos.	10.60	.90	1.70		.10
Dearborn, Decatur (eastern ½ of Co.), Franklin, Ohio, Ripley, & Switzerland Cos.	11.48	.90	1.05		.03
Painters:					
Adams, Allen, DeKalb, Grant, Huntington, LaGrange, Noble, Steuben, Wabash, Whitley, & Wells (northern ½ of Co. to & incl. Bluffton):					
Brush; Paperhangers; Rollers; & Tapers	8.60	.42	.45		.10
Sandblasters; Spray	9.60	.42	.45		.10
Benton, Clinton, Fountain, Montgomery, Putnam, Tippecanoe, & Warren Cos.:					
Brush; Roller	9.85				
Structural steel	10.10				
Sandblasting	10.85				
Spray	13.12				
Parke & Vermillion Cos.:					
Brush	9.65			.25	
Spray	11.15			.25	

DECISION NO. IN77-2083 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Tunnel & Sewer Construction:					
Adams, Allen, Blackford, DeKalb, Huntington, Jay, Steuben, Wells, & Whitley Cos.					
GROUP I	$10.30	.40	.40		.05
GROUP II	9.20	.40	.40		.05
GROUP III	8.80	.40	.40		.05
GROUP IV	8.00	.40	.40		.05
Line Construction:					
Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Cos.					
Linemen; Line truck ops.; Hole digger; Stool handling cable splicer	11.65	.40	3%		
Groundman	10.29	.40	3%		
Truck driver	10.60	.40	3%		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MD77-3080 - Mod. #1 (42 FR-32476 - June 24, 1977) Baltimore City, Maryland					
Change:					
Electricians	$10.60	.70	3% + .80		½ of 1%
Add:					
Line construction:					
Cable splicers, Linemen, & Equipment operators	$11.65	.45	3%		½ of 1%
Groundmen	7.34	.45	3%		½ of 1%
Truck with winch, pole or steel handling	7.81	.45	3%		½ of 1%
Truck with no winch	7.28	.45	3%		½ of 1%
DECISION #MI77-2051 - Mod. #2 (42 FR 23374 - May 6, 1977) Alger, Baraga, Chippewa, Dickinson, Gogebic, Houghton, Keweenaw, Mackinac, Marquette & Ontonagon Counties, Michigan					
CHANGE:					
Sheet Metal Workers	$10.18	.75+.08	.55		.04
DECISION #MI77-2052 - Mod. #2 (42 FR 24618 - May 13, 1976) Marquette County, Michigan					
CHANGE:					
Sheet Metal Workers	$10.18	.75+.08	.55		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MN77-2048 - Mod. #2 (42 FR 26157 - May 20, 1977) Aitken, Anoka, Benton, Blue Earth, Carlton, Carver, Chisago, Cook, Dakota, Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Itasca, Jackson, Kanabec, Koochiching, Lake, LeSueur, Martin, Meeker, Mcleod, Mille Lacs, Morrison, Mower, Nicollet, Nobles, Olmsted, Pine, Ramsey, Rice, Rock, Scott, Sherburne, Sibley, Stearns, Steel, St. Louis, Wabasha, Waseca, Washington, Winona & Wright Counties, Minnesota					
OMIT: Under Counties: Jackson County					
CHANGE: Mod. #2 - Volume 42, P.35526, dated July 8, 1977 to Mod. #1					
DECISION #MT77-5057 - Mod. #4 (42 FR 28769 - June 3, 1977) Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley Counties, Montana					
Change: PLUMBERS:					
Cascade, Glacier, Hill and Valley Counties	$11.60	.65	.95		1%
Remaining Counties	11.70	.60	.75		.10

DECISION NO. MT77-5007- Mod #2 (42 FR 7090- January 21, 1977) Merrimack County, New Hampshire	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers, and tile setters	$8.79	.55	.50		.01
Glaziers	8.12	.57	.64		.03
Laborers (Building):					
Laborers	6.76	.60	.70		.10
Plasterers' tenders	6.91	.60	.70		.10
Pipelayers, fence & guard rail erectors	7.01	.60	.70		.10
Pneumatic tool ops, pavement breakers, drillers, chipping gun ops, powdermen and blasters, boiler and stack work	7.26	.60	.70		.10
All other pneumatic tool ops or boiler and stack work	7.66	.60	.70		.10
Laborers (Heavy & Highway):					
Laborers & pipelayers	6.56	.50	.45	e	.10
Pneumatic tool ops, drillers, concrete vibrators, and electric chipping machines	7.06	.50	.45	e	.10
Plasterers and powdermen	7.31	.50	.45	e	.10
Line construction:					
Linemen	8.04	.65	1% .50	d	3/30of1%
Equipment groundman	8.24	.65	1%+.50	d	3/30of1%
Groundman	5.86	.65	1%+.50	d	3/30of1%
Driver groundman	6.03	.65	1%+.50	d	3/30of1%
Roofers	6.80				
Add:					
Footnote: e. Holidays: R,C,I provided employee works days before and after each holiday.					

DECISION NO. NH77-2003- Mod #3 (42 FR 5675- January 28, 1977) Rockingham County, New Hampshire	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers, cement masons, marble masons, plasterers, stonemasons, tile setters, and terrazzo workers	$8.79	.55	.50		.01
Electricians: Twps. of Exeter, Greenland, Hampton, Hampton Falls, Portsmouth, Newington, Newmarket, Northwood, Nottingham, Rye, Seabrook, Strathan, and S. New Market	10.50	.50	3%+.10		.02
Laborers (Building):					
Auburn, Candia, Chester, Danville, Deerfield, Center, Derry, E.Derry, Fremont, Hampstead, Londonderry, Raymond, Sandown, W.Epping, & Windham					
Laborers	6.76	.60	.70		.10
Plasterers' tenders	6.91	.60	.70		.10
Drillers, pavement breakers, pneumatic tool ops, chipping gun ops, blasters and powderman	7.26	.60	.70		.10
All other pneumatic tool ops on boiler and stack work	7.66	.60	.70		.10
Pipelayers, fence and guard rail erectors	7.06	.60	.70		.10
Laborers (Heavy):					
Auburn, Candida, Chester, Danville, Deerfield, Center, Derry, E.Derry, Fremont, Hampstead, Londonderry, Raymond, Sandown, W.Epping, and Windham:					
Laborers and pipelayers	6.56	.50	.45	f	.10
Pneumatic tool ops, drillers, concrete vibrators, & pneumatic breakers	7.06	.50	.45	f	.10
Blasters and powderman	7.31	.50	.45	f	.10
Line construction:					
Linemen	8.34	.65	1%+.50	d	.10
Equipment operator	8.74	.65	1%+.50	d	.10
Groundman	5.06	.65	1%+.50	d	.10
Driver groundman	6.81	.65	1%+.50	d	.10
Plumbers & steamfitters: Windham	10.50	.73	.69		.05
Roofers	6.00				
Add:					
Footnote:					
f. Holidays: S,C, & E provide employee works days before and after each holiday.					

DECISION NO. NH77-2004- Mod #2 (42 FR 5629- January 28, 1977) Strafford County, New Hampshire	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers, and tile setters	$8.79	.55	.50		.01
Electricians	10.50	.60	1%+.50		.02
Glaziers	8.12	.57	.64		.03
Laborers:					
Laborers	6.76	.60	.70		.10
Plasterers' tenders	6.91	.60	.70		.10
Boilers, stack work, pneumatic tool ops, driller, pavement breakers, electric chipping ops, blasters, powdermen, and creosote work	7.26	.60	.70		.10
Pipelayers, fence and guardrail erectors	7.01	.60	.70		.10
Pneumatic tools on boiler and stack work	7.66	.60	.70		.10
Line construction:					
Linemen	8.34	.65	1%+.50	d	3/5of1%
Equipment operator	8.74	.65	1%+.50	d	3/5of1%
Groundman	5.06	.65	1%+.50	d	3/5of1%
Driver groundman	6.81	.65	1%+.50	d	3/5of1%
Roofers	6.00				

DECISION NO. NH77-2011- Mod #2 (42 FR 4087- January 21, 1977) Hillsboro County, New Hampshire	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers, and tile setters (entire county)	$8.79	.55	.50		.01
Glaziers	8.12	.57	.64		.03
Laborers (Building):					
Common laborers	6.76	.60	.70		.10
Plasterers tenders	6.91	.60	.70		.10
Pipelayers, fence and guard rail erectors	7.01	.60	.70		.10
Drillers, pavement breakers, pneumatic tool ops, chipping gun ops, blasters, and powderman	7.26	.60	.70		.10
All other pneumatic tool operators on boiler and stack work	7.66	.60	.70		.10
Laborers (Heavy & Highway):					
Laborers and pipelayers	6.56	.50	.45	e	.10
Pneumatic tool ops, drillers, pavement breakers, electric chipping hammers	7.06	.50	.45	e	.10
Blasters and powdermen	7.31	.50	.45	e	.10
Line construction:					
Linemen	8.34	.65	1%+.50	d	3/30f1%
Equipment operator	8.24	.65	1%+.50	d	3/30f1%
Groundman	5.85	.65	1%+.50	d	3/30f1%
Driver groundman	6.88	.65	1%+.50	d	3/30f1%
Roofers	6.30				
Add:					
Footnote:					
e. Holidays: B,C,E provided employee works days before and after each holiday.					

DECISION #PA77-3028 - Mod. # 4 (42 FR 20098 - April 15, 1977) Adams & York Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Marble, tile & terrazzo workers	$8.20	.45	.45		
DECISION #PA77-3031 - Mod. # 5 (42 FR 18339 - April 8, 1977) Lebanon County, Pennsylvania					
Change:					
Electricians:					
Remainder of County	9.30	.45	3%		½ of 1%
Sprinkler Fitters	11.86	.65	.95		.08
DECISION #PA77-3032 - Mod. # 4 (42 FR 16373 - March 25, 1977) Lycoming County, Pennsylvania					
Change:					
Roofers & Kettlemen	9.65	.85	.80		
DECISION #PA77-3029 - Mod. # 5 (42 FR 10263 - February 18, 1977) Berks County, Pennsylvania					
Change:					
Electricians:					
Marion, Tulpehocken & Bethel Twps.	9.30	.45	3%		½ of 1%
Sprinkler Fitters	11.86	.65	.95		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-3034 - Mod. # 5 (42 FR 20100 - April 15, 1977) Schuylkill County, Pennsylvania					
Change:					
Electricians:					
Pine Grove Twp.	$9.30	.45	3%		½ of 1%
Roofers:					
Barry Branch, Butler, Delano, East Brunswick, East Union, Eldred, Foster, Fraily, Hegins, Hubley, Kline, New Castle, North Union, Porter, Rahn, Reilly, Rush, Fremont, Union, Upper Mahantango, West Penn:					
Composition	9.65	.85	.80		
DECISION #PA77-3043 - Mod. # 3 (42 FR 18783 - April 8, 1977) Carbon, Monroe County, including Tobyhanna Army Depot, and Pike County, Pennsylvania					
Change:					
Electricians					
Zone 4	10.65	.50	3%+.50	.50	.10
Zone 5	10.20	.50	3%+.50	.50	.10
Roofers					
Zone 2					
Composition & Kettlemen	9.65	.85	.80		
DECISION #PA77-3049 - Mod. # 4 (42 FR 21043 - April 22, 1977) Northumberland County, Pennsylvania					
Change:					
Roofers, Composition					
Remainder of County	9.65	.85	.80		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-3050 - Mod. # 3 (42 FR 24669 - May 13, 1977) Lackawanna, Susquehanna, Wayne, and Wyoming Counties, Pennsylvania					
Change:					
Bricklayers & Stonemasons					
Scranton in Lackawanna County	$10.70	.75	.80		.01
Electricians					
Lackawanna, Susquehanna, and Wayne Counties	10.20	.50	3%+.50	.50	.10
Wyoming County					
East of Susquehanna River	10.20	.50	3%+.50	.50	.10
Ironworkers					
Lackawanna, Wayne & Wyoming Counties					
Structural & Ornamental	11.90	e			.10
Reinforcing	11.80	e			.10
Footnote:					
e. Employer contributes $2.20 to a combined Health & Welfare Fund.					
Piledrivermen	10.77	2.13	1.30	d	.12
Soft floor layers					
Wyoming county	8.88	.40	.50		.03
Sprinkler Fitters	11.86	.65	.95		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-3053 - Mod. # 3 (42 FR 24672 - May 13, 1977) Elk, Forest, McKean & Warren Counties, Pennsylvania					
Change:					
Sprinkler Fitters	$11.86	.65	.95		.08
DECISION #PA77-3054 - Mod. # 3 (42 FR 24672 - May 13, 1977) Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford & Venango Counties,					
Change:					
Cement masons					
Zone 2	$9.95	12%	6%		
Electricians					
Zone 3	12.30	.50	3%		½ of 1%
Landscape:					
Zone 1					
Class I	6.15	.75	.60		
Class II	6.30	.75	.60		
Class III	6.65	.75	.60		
Zone 2					
Class I	6.05	.75	.60		
Class II	6.20	.75	.60		
Class III	6.55	.75	.60		
Zone III (Class I)	7.80	8%	6.5%		3.5%
DECISION #PA77-3055 - Mod. # 3 (42 FR 24688 - May 13, 1977) Greene, Somerset & Potter Counties, Pennsylvania					
Change:					
Cement masons					
Zone II	9.95	12%	6%		
Steamfitters					
Zone I	12.19	.75	1.10		.11
Sprinkler Fitters	11.86	.65	.95		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-3057 - Mod. # 2 (42 FR 24700 - May 13, 1977) Sullivan County, Pennsylvania					
Change:					
Roofers	$9.65	.85	.80		
Sprinkler Fitters	11.86	.65	.95		.08
DECISION #PA77-3059 - Mod. # 2 (42 FR 26176 - May 20, 1977) Luzerne County, Pennsylvania					
Change:					
Laborers (Hazleton)					
Unskilled and window washers	$7.31	.30	.70		
Mason tenders including scaffold builders	7.71	.30	.70		
Pneumatic, electrical & mechanical tool operators, 2" pumps-non metallic pipe-laying and making joint clay, terra cotta, ironstone vitrified concrete, handling of burning torches asphalt or other hot materials, cement finishers and blasters helpers, power buggies, walk along hoist	7.41	.30	.70		
Plasterers tenders, blasters, and wagon drill operators	7.56	.30	.70		
Roofers:					
Composition & Kettlemen	9.65	.85	.80		
Plumbers & Steamfitters					
Wilkes-Barre	11.49	.40	.75		.04
Pittston	11.50	.39	.75		.04

MODIFICATIONS P. 23

DECISION #PA77-3061 - Mod. # 2 (42 FR 30133 - June 10, 1977) Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington & Westmoreland Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians					
Zone 2	$10.66	8%	3%+.19	1.00	1½%
Landscape					
Landscape laborers	6.15	.75	.60		
Skilled landscape laborers	6.30	.75	.60		
Landscape tractor operator	6.65	.75	.60		
Painters					
Zone 5					
Commercial	8.25	.85	.70	.75	2%
Industrial	9.90	.85	.70	1.00	2%
Painters Zone 5 - to read: Twps. and Borough of Jefferson, Luzerne, Perry, Morgan, West Pike Run, West Bethlehem, East Bethlehem, Washington, Rostraver, Union, Nottingham, Carroll, Fallowfield, Somerset, North Bethlehem, Centerville Borough & California in Washington County					
Steamfitters					
Zone 1	12.19	.75	1.10		.11
DECISION #PA77-3078 - Mod. # 1 (42 FR 32478 - June 24, 1977) Lawrence & Mercer Counties, Pennsylvania					
Change:					
Landscaping:					
Landscape laborer	6.15	.75	.60		
Skilled landscape laborer	6.30	.75	.60		
Landscape tractor operstor	6.65	.75	.60		
Electricians					
Lawrence County	10.66	8%	3%+.19	1.00	1½%

MODIFICATIONS P. 24

DECISION #PA77-3100 - Mod. # 1 (42 FR 36775 - July 15, 1977) Columbia, Montour & Pike Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers					
Zone I					
Class I	$7.31	.30	.70		
Class II	7.71	.30	.70		
Class III	7.41	.30	.70		
Class IV	7.56	.30	.70		
Roofers					
Zone I	9.65	.85	.80		
DECISION NO. SD77-5065 - Mod. #2 (42 FR 31114 - June 17, 1977) Meade and Pennington Counties, South Dakota					
Change:					
Carpenters:					
Carpenters, Acoustical and Drywall Applicators	$9.41		.30	.25	.05
Piledrivermen	9.66		.30	.25	.05
Millwrights	9.91		.30	.25	.05

MODIFICATIONS P. 25

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX77-4070 - Mod. #3 (42 FR 17785 - April 1, 1977) Bowie County, Texas					
Change:					
Cement masons	$ 8.67	.25			.03
Power Equipment Operators:					
Group 1	7.79	.40	.875		.10
Group 2	8.575	.40	.875		.10
Group 3	8.975	.40	.875		.10
DECISION #TX77-4097 - Mod. #3 (42 FR 23429 - May 6, 1977) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
Change:					
Power Equipment Operators:					
Zone 1:					
Group 3	9.25	.40	.70		
DECISION #TX77-4098 - Mod. #3 (42 FR 23433 - May 6, 1977) Jefferson & Orange Cos., Texas					
Change:					
Line Construction:					
Linemen	11.685	.40	3%		1/2%
Groundmen	8.53	.40	3%		1/2%
Plasterers	10.50	.77	.30		.02
Sheet metal workers:					
Commercial	10.41	3%+.40	.27		.10
Work on a single family dwelling or multiple family housing unit less than 3 stories in height where each individual family apartment is individually conditioned by a separate & independent unit or system	6.98	3%+.40	.27		.10

MODIFICATIONS P. 26

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX77-4101 - Mod. #5 (42 FR 24705 - May 13, 1977) Bexar County, Texas					
Change:					
Plumbers-Pipefitters	$10.86	.40	.55		.10
DECISION #TX77-4111 - Mod. #2 (42 FR 30141 - June 10, 1977) Bee, Kleberg & Nueces Cos., Texas					
Change:					
Plumbers & steamfitters	9.815	.335	.35		.035
Soft floor layers	7.59	.46	.30		.04
DECISION #TX77-4137 - Mod. #2 (42 FR 34243 - July 1, 1977) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Sheet metal workers	6.61	.35	.33		.10
DECISION #TX77-4151 - Mod. #2 (42 FR 35605 - July 8, 1977) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
Change:					
Building Construction:					
Plasterers	9.54	.45	.40		.01

MODIFICATIONS P. 27

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX77-4152 - Mod. #2 (42 FR 35609 - July 8, 1977) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Asbestos workers	$10.00	.65	.55		.07
Sheet metal workers	10.17	.35	.33		.10
DECISION #TX77-4153 - Mod. #2 (42 FR 35612 - July 8, 1977) Brazos County, Texas					
Change:					
Plasterers	10.50	.77	.30		.02
DECISION #TX77-4155 - Mod. #2 (42 FR 35615 - July 8, 1977) Lubbock County, Texas					
Change:					
Asbestos workers	10.00	.65	.55		.07
Sheet metal workers	10.17	.35	.33		.10

MODIFICATIONS P. 28

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX77-4154 - Mod. #1 (42 FR 35614 - July 8, 1977) Gregg County, Texas					
Change:					
Carpenters:					
Carpenters	$ 8.00				.015
Millwrights	10.25				.015
Piledrivermen	8.50				.015
DECISION #TX77-4158 - Mod. #2 (42 FR 35618 - July 8, 1977) Travis County, Texas					
Change:					
Plasterers	9.54	.45	.40		.01
Sheet metal workers	10.35	3%+.35	.66		.07
DECISION NO. VA77-3082-Mod. #1 (42 FR 32510-June 24, 1977) The Independent Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, and Virginia Beach, Virginia					
Change:					
Carpenter, Structure	$5.50				
Truck Driver:					
Heavy Duty (over 7 cy.)	3.04				
Cranes, Derricks, and Draglines (1yd. and under)	4.80				

SUPERSEDEAS DECISION

STATE: Louisiana PARISH: Statewide
DECISION NO.: LA77-4169 DATE: Date of Publication
Supersedes Decision No. LA77-4104, dated May 20, 1977, in 42 FR 26137.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories) and Construction of Highways, Roads, Streets (does not include building structures in rest area projects) and Parking Areas (except those let with a building contract).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS					
ZONE 1	$10.345	.475	.90		.04
ZONE 2	10.03	.40	.76		.025
ZONE 3	9.45	.50	1.10		.05
ZONE 4	9.13	.45	.50		

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, Vermilion & Vernon Parishes
ZONE 2 - Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln, Natchitoches, Ouachita, Red River, Sabine, Union, Webster & Winn Parishes
ZONE 3 - Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	$10.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS					
ZONE 1	9.82	.80	.25		.06
ZONE 2	8.55	.53			
ZONE 3	10.45	.48	.30		.02
ZONE 4	10.42	.35	.20		.035
ZONE 5	9.25				
ZONE 6	8.55	.53			
ZONE 7	9.20	.40	.45		
ZONE 8	8.25		.30		
ZONE 9	9.05		.25		
ZONE 10	9.50				

DECISION NO. LA77-4169

AREA COVERED BY BRICKLAYERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Evangeline, Pointe Coupee & St. Landry Parishes
ZONE 3 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish Line on the west along U.S. Highway 190 through the lower limits of Covington, along State Highway 58, through the lower limits of Abita Springs & Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 5 - St. Tammany (north half including Covington north of Highway 190) & Washington Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Natchitoches & Sabine Parishes
ZONE 9 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 10 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS					
ZONE 1	$ 8.44	.30			
ZONE 2	9.345	.40	.33		.05
ZONE 3	8.85	.35	.30		
ZONE 4	9.98	.35	.45		.04
ZONE 5	9.72	.35	.30		.04
ZONE 6	9.555	.35	.30		.04
ZONE 7	8.90				
ZONE 8	8.95	.40	.30		.04
ZONE 9	8.80				
ZONE 10	8.70	.50	.30		.05

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes

AREA COVERED BY CARPENTERS ZONES (CONT'D)
ZONE 4 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 5 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes
ZONE 6 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 3) & Terrebonne Parishes
ZONE 7 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 9 - Natchitoches & Sabine Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (BUILDING CONSTRUCTION)					
ZONE 1	$ 8.91				
ZONE 2	9.15				
ZONE 3	8.45	.35	.50		.05
ZONE 4	9.445	.35	.30		.04
ZONE 5	8.35				
ZONE 6	6.50				
ZONE 7	8.35	.35			
ZONE 8	7.77		.25		
ZONE 9	6.50		.30		

AREA COVERED BY CEMENT MASONS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (the lower half) & Terrebonne Parishes
ZONE 5 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Natchitoches & Sabine Parishes

DECISION NO. LA77-4169

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (HIGHWAY CONSTRUCTION)					
ZONE 1	$ 7.25				
On concrete lined ditches	8.195				
ZONE 2	6.45				
ZONE 3	7.10	.30			
ZONE 4	8.50				
ZONE 5	7.60				
On concrete lined ditches	8.45	.35	.50		.05
ZONE 6	6.30				
ZONE 7	5.72				

AREA COVERED BY CEMENT MASONS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, U.S. Highway 61 in East Feliciana & West Feliciana Parishes
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu & Cameron Parishes
ZONE 5 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 6 - Allen, Assumption, Avoyelles, Beauregard, Bienville, Claiborne, DeSoto, East Feliciana (excluding U.S. Highway 61), Evangeline, Iberville, Jefferson Davis, Lafourche, Lincoln, Livingston, Madison, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Helena, St. James, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne, Vernon, Webster & West Baton Rouge Parishes
ZONE 7 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Morehouse, Sabine, Tensas, Union, Washington, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS					
Electricians					
ZONE 1	$11.10	5%	8%		3/10%
ZONE 2	10.00		1%		
ZONE 3	12.30	.35	3%+.20		1/10%
ZONE 4	11.15	.35	3%		
ZONE 5	10.60	.30	1%+.30		.03
ZONE 6	10.05	.45	3%		1/2%
ZONE 7	10.35	.85	3%		1%
ZONE 8	10.25		3%	.30	1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable splicers					
ZONE 1	$11.35	5%	8%		3/10%
ZONE 2	10.50		1%		
ZONE 3	12.55	.35	3%+.20		1/10%
ZONE 4	11.40	.35	3%		
ZONE 5	10.60	.30	1%+.30		.03
ZONE 6	10.55	.45	3%		1/2%
ZONE 7	10.85	.85	3%		1%
ZONE 8	10.50		3%	.30	1/2%

AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes
ZONE 2 - St. Tammany, Tangipahoa & Washington Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS					
ZONE 1					
Elevator constructors	$ 9.285	.495	.32	4%+a+b	.02
Elevator constructors' helpers	70%JR	.495	.32	4%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
ZONE 2					
Elevator constructors	8.795	.545	.35	4%+a+b	.02
Elevator constructors' helpers	70%JR	.545	.35	4%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				

FOOTNOTES FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

AREA COVERED BY ELEVATOR CONSTRUCTORS ZONES

ZONE 1 - Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS					
ZONE 1	$ 8.55				
ZONE 2	7.80				.01
ZONE 3	9.625	.17	.30		.01
ZONE 4	7.50		.30		
ZONE 5	6.80				
ZONE 6	8.10				

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Acadia, Ascension (north & west of Highway 22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston (north & west of Highway 22), Pointe Coupee, St. Helena, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area), Tangipahoa (west of Highway 51), Vermilion, West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (east & south of Highway 22), Assumption (south of Grand Bayou), Jefferson, Lafourche, Livingston (east & south of Highway 22), Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes
ZONE 5 - Bienville (eastern half), Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes
ZONE 6 - St. Tammany (northern portion), Tangipahoa (east of Highway 51) & Washington Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (BUILDING CONSTRUCTION)					
ZONE 1	$ 9.86	.63	.35		.04
ZONE 2	10.69	.45	.50		.04
ZONE 3	10.20	.45	.50		.04
ZONE 4	10.05	.45	.65		.04
ZONE 5	8.15	.30	.35		.04
ZONE 6	9.90	.35	.60		.025

AREA COVERED BY IRONWORKERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parishes; Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the Louisiana-Mississippi border, east of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico)

ZONE 2 - All of Ascension, Assumption, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Martin, St. Mary, West Baton Rouge & West Feliciana Parishes; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Parishes (east of a line drawn from the meeting point of the boundaries of the Parishes of Rapides, Avoyelles & Evangeline, southeast along the western city limits of Abbeville, Louisiana, to the Gulf of Mexico); Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the Louisiana-Mississipoi border, west of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico); Parts of Catahoula, Concordia & LaSalle Parishes (south of a line drawn from Natchez, Mississippi thru the city of Carter Point to the Rapides Parish Line, then west along the southern border of Rapides Parish)

ZONE 3 - All of Bossier, Caddo, DeSoto, Red River & Webster Parishes; Parts of Bienville, Claiborne, Natchitoches & Winn Parishes (west of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia & Cloutierville); Part of Sabine Parish (north of a line drawn from the Natchitoches Parish boundary west through the city of Peason to the Texas-Louisiana border)

ZONE 4 - All of Caldwell, East Carroll, Franklin, Grant, Jackson, Lincoln, Morehouse, Ouachita, Rapides, Richland, Tensas, Union & West Carroll Parishes; Parts of Bienville, Claiborne, Natchitoches & Winn Parishes (east of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia & Cloutierville); Part of Madison Parish (except the cities of Mound, Delta & adjacent areas); Parts of Catahoula, Concordia & LaSalle Parishes (north of a line drawn from Natchez, Mississippi thru the city of Carter Point to the Rapides Parish line)

ZONE 5 - That part of Madison Parish (including the cities of Mound, Delta & adjacent areas)

AREA COVERED BY IRONWORKERS (BUILDING CONSTRUCTION) ZONES (CONT'D)

ZONE 6 - All of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Parishes (southwest of Rapides Parish & west of a line south of the western most border between Rapides & Evangeline Parishes)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (HIGHWAY CONSTRUCTION)					
ZONE 1	$ 8.72				
ZONE 2	8.48				
ZONE 3	8.70				
ZONE 4	8.30				
ZONE 5	9.76				
ZONE 6	6.99				
ZONE 7	6.45				
ZONE 8	5.84				

AREA COVERED BY IRONWORKERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson & Orleans Parishes
ZONE 2 - Plaquemines, St. Bernard & St. Charles Parishes
ZONE 3 - East Baton Rouge Parish
ZONE 4 - Calcasieu Parish
ZONE 5 - Bossier & Caddo Parishes
ZONE 6 - Lafayette, Ouachita & Rapides Parishes
ZONE 7 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 8 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (BUILDING CONSTRUCTION)					
ZONE 1					
GROUP 1	$ 3.90	.10			
GROUP 2	4.05	.10			
GROUP 3	4.15	.10			
ZONE 2					
GROUP 1	5.77	.15	.10		.05
GROUP 2	5.97	.15	.10		.05
ZONE 3					
GROUP 1	7.30	.15	.10		.05
GROUP 2	7.40	.15	.10		.05
GROUP 3	7.45	.15	.10		.05
GROUP 4	8.26	.15	.10		.05
GROUP 5	7.82	.15	.10		.05
GROUP 6	7.56	.15	.10		.05
GROUP 7	7.35	.15	.10		.05
ZONE 4					
GROUP 1	6.87	.15	.27		.05
GROUP 2	6.97	.15	.27		.05
GROUP 3	7.02	.15	.27		.05
ZONE 5					
GROUP 1	6.47	.15	.27		.05
GROUP 2	6.57	.15	.27		.05
GROUP 3	6.62	.15	.27		.05
ZONE 6					
GROUP 1	7.07	.15	.20		.05
GROUP 2	7.17	.15	.20		.05
GROUP 3	7.32	.15	.20		.05
GROUP 4	7.23	.15	.20		.05
GROUP 5	7.33	.15	.20		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 7					
GROUP 1	$ 6.745	.15	.20		.05
GROUP 2	6.895	.15	.20		.05
GROUP 3	6.945	.15	.20		.05
ZONE 8					
GROUP 1	5.41	.15	.10		.05
GROUP 2	5.61	.15	.10		.05
GROUP 3	5.66	.15	.10		.05
GROUP 4	5.71	.15	.10		.05
GROUP 5	6.06	.15	.10		.05
ZONE 9					
GROUP 1	5.95	.15	.10		.05
GROUP 2	6.05	.15	.10		.05
GROUP 3	6.10	.15	.10		.05
GROUP 4	6.15	.15	.10		.05
ZONE 10					
GROUP 1	5.70	.15	.10		.05
GROUP 2	5.80	.15	.10		.05
GROUP 3	5.95	.15	.10		.05

CLASSIFICATION DEFINITIONS

LABORERS - ZONE 1

GROUP 1 - Building and labor construction

GROUP 2 - Stone mason helpers; mechanical tool operators; sewerman (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers and ditchers 4 feet or over); tender of all crafts; sandblaster (nozzlemen); Sandblaster (pot tender); laying non-metallic pipe over 4 feet deep, including sewer pipe, drain pipe and underground tile; septic tank diggers and installers, over 4 feet deep; gas & oil pipeline laborers and wrappers

GROUP 3 - Gunite tool operators

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LABORERS - ZONE 2

GROUP 1 - Building laborer; rotary drill laborers; foundation drill crewmen
GROUP 2 - Mason mixer; plaster mixer; mechanical tool operator; sandblaster; laying concrete pipe, clay pipe, plastic pipe, asbestos cement pipe, casing pipe and corrugated metal pipe, as sewer pipe, drain pipe, and underground tile (caulkers, joint wrappers, hot pot and pipe layers); gas and oil pipeline laborers, wrappers and dopers

LABORERS - ZONE 3

GROUP 1 - Building and general laborer; tenders (carpenter, plaster, cement finisher, mason); tank and vessel cleaners
GROUP 2 - Air tool operator (except jackhammer); interior of closed tanks and vessels power equipment
GROUP 3 - Mortar mixers and jackhammer operators
GROUP 4 - Blasterers
GROUP 5 - Blaster helpers; concrete cutters behind paving machine and puddlers; form setters and lines asphalt worker
GROUP 6 - Wiping joints, laying pipe and tile from puncrete
GROUP 7 - Interior of closed tanks and vessels manually

LABORERS - ZONES 4 & 5

GROUP 1 - Building and general laborers, carpenter tenders
GROUP 2 - Power tool operators (hammer men, tamper, vibrators, power buggies, concrete chippers or cutters, chain saw operators, etc.); pipelayers (non-metallic)
GROUP 3 - Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)

LABORERS - ZONE 6

GROUP 1 - Building laborers
GROUP 2 - Laborers handling steel pans, stone masons helpers, mechanical tool operators, sewermen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers and ditchers 4 feet and over), sand blaster (nozzlemen and pot tender); laying non-metallic pipe over 4 feet deep, septic diggers and installers over 4 feet deep, gas and oil pipeline laborers and wrappers
GROUP 3 - Gunite tool operators
GROUP 4 - Bricklayers tenders and mason tenders
GROUP 5 - Hod carriers using prime mover to serve a bricklayer; mortar mixers

LABORERS - ZONE 7

GROUP 1 - Common laborers
GROUP 2 - Jackhammermen, sewermen, mason tenders, plasterer tenders, stone masons helpers, vibratormen
GROUP 3 - Mortar mixers

LABORERS - ZONE 8

GROUP 1 - Common laborers; carpenter helpers; mason tenders (other than cement); Plasterers' tenders; stone mason helpers; concrete workers; scaffold builders
GROUP 2 - Air tool operators (jackhammer, vibrator, and tamper), sewer pipe joiners and setters; concrete cutters; hod carriers; creosote materials handler; acid worker; mason tenders (cement); Mortar mixer (wet or dry); motorized buggy operator; water proofers (mastic); form setters (steel paving forms)
GROUP 3 - Chain saw operator
GROUP 4 - Asphalt raker, tamper, smoother and shovelers; sewer pipe layers; blaster helpers
GROUP 5 - Powdermen

LABORERS - ZONE 9

GROUP 1 - Building laborers
GROUP 2 - Mason tenders, plasterer tenders; Asphalt rakers, asphalt smoothers
GROUP 3 - Mortar mixers
GROUP 4 - Air jack operators, vibrator operators; Sewer pipe layers, sewer pipe wipers

LABORERS - ZONE 10

GROUP 1 - Laborers, tenders (bricklayers, stonemasons, cement masons, carpenters, plasterers); Stripping & dismantling; concrete form work; loading, unloading, carrying & handling steel & steel mesh; assisting to the setting of cut stone, granite or artifical stone; building scaffolds; shoring
GROUP 2 - Mechanical tool operator (air, electric, motor, engine, etc.); Sewer pipe layers; mortar mixers (hand or machine); gunite operator; tile, terrazzo & marble setters helpers
GROUP 3 - Pipe dopers & burners

AREA COVERED BY LABORERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - St. Tammany (as far south as Bayou Lacombe and east to the Mississippi State Line at Pearlington), Tangipahoa (except that portion south of a line running due east from the western boundary of Tangipahoa Parish which follows the northern city limits of Independence, Louisiana to 20 miles east of U.S. Highway 51, then running south paralleling Highway 51 at a 20 mile distance to Lake Pontchartrain) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge & West Feliciana Parishes; Parts of Assumption, St. James, St. John the Baptist Parishes (north of a line drawn from the southern limits of the town of St. James in St. James Parish to the northern limits of the town of Napoleonville, in Assumption Parish & then directly west to the Parish line, all of St. James Parish except that part which is east of a line drawn from Lutcher, Louisiana to U.S. Highway 61 (Airline Highway) then west on U.S. 61 to Blind River and on a direct line to Manchac, Louisiana)
ZONE 5 - Livingston, St. Helena & Tangipahoa (south & west of a line running from the western parish line to a point directly east which touches the northern limits of the town of Independence, then directly south to Lake Pontchartrain) Parishes
ZONE 6 - Jefferson (except Grand Isle), Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist (on the west bank of the Mississippi River and the portion of St. John the Baptist on the east bank of the Mississippi River as far as the Sycamore Inn at Lutcher and north to Blind River and Manchac) & St. Tammany (north as far as Bayou Lacombe, east to the Mississippi State Line at Pearlington) Parishes
ZONE 7 - Assumption (north of Napoleonville), Jefferson (Grand Isle), Lafourche, St. James (on the west bank and including the town of Vacherie) & Terrebonne Parishes
ZONE 8 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides & Winn Parishes
ZONE 9 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (HIGHWAY CONSTRUCTION)					
GROUP 1					
ZONE 1	$ 5.10	.15	.10		.05
ZONE 2	4.80	.15	.10		.05
ZONE 3	4.15	.15	.10		.05
ZONE 4	5.85	.15	.10		.05
ZONE 5	4.10	.15	.10		.05
ZONE 6	3.85	.15	.10		.05
ZONE 7	3.75	.15	.10		.05
GROUP 2					
ZONE 1	5.20	.15	.10		.05
ZONE 2	4.90	.15	.10		.05
ZONE 3	4.25	.15	.10		.05
ZONE 4	5.95	.15	.10		.05
ZONE 5	4.20	.15	.10		.05
ZONE 6	3.95	.15	.10		.05
ZONE 7	3.85	.15	.10		.05
GROUP 3					
ZONE 1	5.65	.15	.10		.05
ZONE 2	5.35	.15	.10		.05
ZONE 3	4.70	.15	.10		.05
ZONE 4	6.40	.15	.10		.05
ZONE 5	4.65	.15	.10		.05
ZONE 6	4.40	.15	.10		.05
ZONE 7	4.30	.15	.10		.05
GROUP 4					
ZONE 1	5.90	.15	.10		.05
ZONE 2	5.60	.15	.10		.05
ZONE 3	4.95	.15	.10		.05
ZONE 4	6.65	.15	.10		.05
ZONE 5	4.85	.15	.10		.05
ZONE 6	4.60	.15	.10		.05
ZONE 7	4.50	.15	.10		.05

CLASSIFICATION DEFINITIONS

GROUP 1 - Laborers, including but not limited to signalman, foundation driller, and demolishing and dismantling man
GROUP 2 - Raker, concrete spreader, carpenters helpers, distributor man, finishers helpers, formsetters helpers, jackhammer operator, jetting laborer, painters helpers, pit man, pipelayer or tile layer, power monkey helper, tamper, tree pruner, stone masons helper, stoker, asphalt raker, concrete shovelers, power tool operator and motorized buggy operator
GROUP 3 - Formsetter, head or master--high type pavement
GROUP 4 - Powderman

AREA COVERED BY LABORERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - East Baton Rouge Parish
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu Parish
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS					
ZONE 1	$ 8.90				.01
ZONE 2	9.08	.20	.30		.05
ZONE 3	9.985	.30			.01
ZONE 4	10.40				
ZONE 5	7.90				.01

AREA COVERED BY LATHERS ZONES

ZONE 1 - All of Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, Vermilion, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Parishes (up to a 40 mile radius of Baton Rouge); Parts of Evangeline & St. Mary Parishes (up to a 40 mile radius of Lafayette)
ZONE 2 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne & Washington Parishes; Parts of Assumption & St. James Parishes (beyond a 40 mile radius of Baton Rouge); Part of St. Mary Parish (beyond a 40 mile radius of Lafayette)
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Evangeline (that portion beyond a 40 mile radius of Lafayette), Jefferson Davis & Vernon Parishes
ZONE 4 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River & Webster Parishes
ZONE 5 - Rapides Parish

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Linemen	$10.60	.30	1%+.30		.03
Operator hole digging equipment; operator, tractor with winch & derrick; operator line truck with winch & derrick working hot lines	75%JR	.30	1%+.30		.03
Operator using hole truck & trailer, or pole hauling & setting truck (not in energized lines)	65%JR	.30	1%+.30		.03
Operator using truck without winch; Groundmen (starting rate to 1½ years service)	45%JR	.30	1%+.30		.03
Groundmen (1½ years service or over)	50%JR	.30	1%+.30		.03
ZONE 2					
Linemen, line equipment & line truck operators	11.10	5%	8%		3/10%
Cable splicers	11.35	5%	8%		3/10%
ZONE 3					
Linemen, equipment operators	12.30	.35	3%+.20		1/10%
Cable splicers	12.55	.35	3%+.20		1/10%
Groundmen	10.30	.35	3%+.20		1/10%
ZONE 4					
Linemen & equipment operators	11.15	.35	3%		
Cable splicers	11.40	.35	3%		
Groundmen	50%JR	.35	3%		
ZONE 5					
Linemen & equipment operators	10.25		3%	.30	1/2%
Cable splicers	10.50		3%	.30	1/2%
Groundmen	60%JR		3%	.30	1/2%
ZONE 6					
Linemen & equipment operators	10.05	.45	3%		1/2%
Cable splicers	10.55	.45	3%		1/2%
Groundmen, 1st 6 months	2.85	.45	3%		1/2%
Groundmen, 2nd 6 months	3.44	.45	3%		1/2%
Groundmen, after 1 year	3.73	.45	3%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 7					
Linemen; Operators	$10.35	.85	3%		1%
Cable splicers	10.85	.85	3%		1%
Groundmen	8.35	.85	3%		1%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 2 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes

MARBLE SETTERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	$10.42	.35	.20		.035
ZONE 2	10.45	.48	.30		.02
ZONE 3	9.50				
ZONE 4	8.02		.25		
ZONE 5	8.20	.30			
ZONE 6	9.60				

AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway 190 through the lower limits of Covington, along State Highway 58 through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS' FINISHERS					
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway 190 through the lower limits of Covington, along State Highway 58, through the lower limits of Abita Springs & Talisheek & on a line due east from Talisheek to the Mississippi State Line), Tangipahoa, Terrebonne, West Baton Rouge & West Feliciana Parishes	$ 6.75	.25			
MILLWRIGHTS					
ZONE 1	$10.845				.05
ZONE 2	10.09	.35	.30		.04
ZONE 3	11.885				.07
ZONE 4	9.165	.30			
ZONE 5	9.65				
ZONE 6	9.70	.40	.30		.04
ZONE 7	9.55				
ZONE 8	9.60	.50	.30		.05
ZONE 9	10.50	.35	.30		

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AREA COVERED BY MILLWRIGHTS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (south of the Mississippi River), Assumption, Iberia (northeast of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 9) & Terrebonne Parishes
ZONE 3 - Ascension (north of the Mississippi River), East Baton Roune, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 4 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS					
ZONE 1					
GROUP 1 - Brush, wood or wall, rollers	$ 9.96				
GROUP 2 - Brush on steel, buffer on wood or wall	10.085				
GROUP 3 - Paperhanging, taping & floating	10.16				
GROUP 4 - Spray, wood & wall	10.305				
GROUP 5 - Steeplejack, sandblasting, spider operator, rubberizing & pyroflexing, steam jennies, spray on steel	10.445				
ZONE 2					
GROUP 1 - Brush; Taping; floating & texture	8.40		.10		.05
GROUP 2 - Sandblasting, industrial & steel	9.27		.10		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 3					
GROUP 1 - Painters, paperhangers & sheetrock tapers & floaters	$ 8.575	.275	.30		.05
GROUP 2 - Structural steel painters of new buildings under construction; the following overall of 30 feet; tanks, air conditioning, towers, smoke stacks, sprinkler systems, wharves & structural steel in old buildings; spray painters, swing stage painter	8.95	.275	.30		.05
GROUP 3 - Industrial	9.825	.275	.30		.05
ZONE 4					
GROUP 1 - Brush	8.10				
GROUP 2 - Brush swing stage	8.40				
GROUP 3 - Brush industrial	8.15				
GROUP 4 - Spray; Spray steel; sandblasting	9.00				
GROUP 5 - Spray swing stage	9.25				
GROUP 6 - Paperhanger	8.55				
GROUP 7 - Sheet rock finishers	8.40				
ZONE 5					
GROUP 1 - Painters, paperhangers, tapers, floaters; Commercial steel, such as churches or any commercial building with closed roof deck or walls	8.00				
GROUP 2 - Other commercial work brush spray, stage, window jacks, flagpoles & steeple work	8.50				
GROUP 3 - All industrial work including sandblasting or power tools of any kind	9.00				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 6					
GROUP 1 - Painters, tape & float & paperhangers; stage, window jacks & structural steel	$ 8.55	.40	.30		.05
GROUP 2 - Stage, window jacks & structural steel over 30 ft.	8.80	.40	.30		.05
GROUP 3 - Stage, window jacks & structural steel over 75 ft.	9.05	.40	.30		.05
GROUP 4 - Sandblasting, spray	9.15	.40	.30		.05
ZONE 7					
GROUP 1 - Painters, paperhangers, tapers, floaters	7.05				
GROUP 2 - Stage, window jacks, bosun chairs, structural steel, rollers, equipment painting; sandblasting, spray, stack, sign, tank painting, steeple jack work	8.05				
GROUP 3 - Structural steel, brush	7.55				

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 2 - Acadia, Ascension (north & west of Highway 22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston (north & west of Highway 22), Pointe Coupee, St. Helena, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area), Tangipahoa (west of Highway 51), Vermilion, West Baton Rouge & West Feliciana Parishes

ZONE 3 - Ascension (east & south of Highway 22), Assumption (south of Grand Bayou), Lafourche, Livingston (east & south of Highway 22), Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes

ZONE 4 - St. Tammany (northern portion), Tangipahoa (east of Highway 51) & Washington Parishes

ZONE 5 - Allen (northeast corner), Avoyelles, Catahoula, Evangeline, Grant, LaSalle, Rapides, St. Landry (north half) & Winn (south half) Parishes

ZONE 6 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

ZONE 7 - Bienville (eastern half), Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN					
ZONE 1	$ 9.15	.35	.30		
ZONE 2	9.98	.35	.45		.04
ZONE 3	9.82	.35	.30		.04
ZONE 4	9.345	.40	.33		.05
ZONE 5	9.40				
ZONE 6	9.20	.40	.30		.04
ZONE 7	9.30				
ZONE 8	9.20	.50	.30		.05
ZONE 9	9.495	.30			

AREA COVERED BY PILEDRIVERMEN ZONES

ZONE 1 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes
ZONE 2 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (south of the Mississippi River), Assumption, Iberia (northeast of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 1) & Terrebonne Parishes
ZONE 4 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS					
ZONE 1	$ 8.70				
ZONE 2	8.00				.01
ZONE 3	9.72				
ZONE 4	9.00				.01
ZONE 5	7.05	.30	.20		.03
ZONE 6	6.50				.01
ZONE 7	9.40			1.00	
ZONE 8	9.05		.25		
ZONE 9	8.25		.30		

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (parish line on the west along U.S. Highway 190 through the lower limits of Covington and Abita Springs along State Highway 435 to Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Natchitoches & Sabine Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS					
ZONE 1	$10.30	.45	.75		.08
ZONE 2	10.50	.64	.825		.06
ZONE 3	10.30	.50	.55		.10
ZONE 4	9.14	.40	.50	.95	.09
ZONE 5	10.38	.67	.72		.08

AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

ZONE 1 - Jefferson, Lafourche (except small portion of western part of Parish), Livingston (northeast corner), Orleans, Plaquemines, St. Bernard, St. Charles, St. James (northern 2/3 of Parish), St. John the Baptist, St. Tammany, Tangipahoa (southern 1/2 of Parish), Terrebonne (eastern 1/3 of Parish) & Washington Parishes

ZONE 2 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (eastern 1/2 of Parish), Iberville, Lafourche (small portion of western part of Parish), Livingston (except northeast corner), Pointe Coupee (except northwest corner), St. Helena, St. James (western 1/3 of Parish), St. Landry (eastern 2/3 of Parish), St. Martin (southern part of eastern 1/2 of Parish), St. Mary (except western tip), Tangipahoa (northern 1/2 of Parish), Terrebonne (western 2/3 of Parish), West Baton Rouge & West Feliciana Parishes

ZONE 3 - Allen (northeast corner), Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Evangeline (except southwest corner), Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches (south of Highway 84 & 86 from Winnfield to Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Ouachita, Rapides, Richland, Tensas, Union, Vernon (northeast of Highway 10), West Carroll & Winn (east of a line drawn from Winnfield to the junction of the Parish boundaries of Winn, Bienville & Jackson) Parishes

ZONE 4 - All of Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes; Parts of Natchitoches & Vernon Parishes (northwest from a line drawn from Natchitoches to Anacoco through Bellwood & north of Highway 111 between Anacoco & Haddens); Part of Winn Parish (west of a line drawn from Winnfield to the junction of the Parish boundaries of Winn, Bienville & Jackson)

ZONE 5 - Acadia, Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Evangeline (southwest corner), Iberia (western 1/2 of Parish), Jefferson Davis, Lafayette, Pointe Coupee (northwest corner), St. Landry (western 1/3 of Parish), St. Martin (west of Highway 31), St. Mary (western tip), Vermilion & Vernon (south of Highway 111 & southwest of Highway 10) Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION)					
ZONE 1					
GROUP 1	$ 6.81	.65	.48		.05
GROUP 2	7.15	.65	.48		.05
GROUP 3	7.47	.65	.48		.05
GROUP 4	7.55	.65	.48		.05
GROUP 5	7.86	.65	.48		.05
GROUP 6	9.27	.65	.48		.05
ZONES 2, 3 & 4					
GROUP 1	6.82	.65	.48		.05
GROUP 2	7.15	.65	.48		.05
GROUP 3	7.48	.65	.48		.05
GROUP 4	7.54	.65	.48		.05
GROUP 5	7.87	.65	.48		.05
GROUP 6	9.27	.65	.48		.05
ZONE 5					
GROUP 1	7.13	.65	.48		.05
GROUP 2	6.82	.65	.48		.05
GROUP 3	6.62	.65	.48		.05
GROUP 4	7.40	.65	.48		.05
GROUP 5	9.695	.65	.48		.05
GROUP 6	7.80	.65	.48		.05
GROUP 7	8.45	.65	.48		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 6					
GROUP 1	$ 7.54	.65	.48		.05
GROUP 2	6.97	.65	.48		.05
GROUP 3	6.77	.65	.48		.05
GROUP 4	7.25	.65	.48		.05
GROUP 5	7.95	.65	.48		.05
GROUP 6	9.06	.65	.48		.05
GROUP 7	10.11	.65	.48		.05
GROUP 8	10.36	.65	.48		.05
GROUP 9	10.61	.65	.48		.05
GROUP 10	10.86	.65	.48		.05
ZONE 7					
GROUP 1	9.80	.45	.48		.05
GROUP 2	10.05	.45	.48		.05
GROUP 3	7.12	.45	.48		.05
GROUP 4	7.51	.45	.48		.05
GROUP 5	8.12	.45	.48		.05
GROUP 6	9.55	.45	.48		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS - ZONES 1, 2, 3 & 4

GROUP 1 - Oiler

GROUP 2 - Mechanic helper

GROUP 3 - Oiler-Driver

GROUP 4 - Scaleman

GROUP 5 - Air compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreader; Finishing Machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dowell Bar Machine; Farm-Type Tractor (with all attachments except backhoe); Fireman; Fork Lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum Buff Machine; Pull Cats; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets & roads (Motorized); Winch Truck, A-Frame (other than handling steel or pipe)

GROUP 6 - Asphalt Spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum, 4 stories or more or 40 feet (on structures other than buildings); Hoist, 2 drums and over; Hydrolifts; Heavy Duty Mechanic; Motor Patrols; Piledrivers; Pump, concrete (6" & over); Road Pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cats; Shovels; Tractorvators; Welder, journeyman; Well Point System; Winch Cats (hoisting); Winch Truck, A-Frame (handling steel or pipe)

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POWER EQUIPMENT OPERATORS - ZONE 5

GROUP 1 - Scale Operator; Oiler-Driver on Motor Crane; Batch Plant Operator

GROUP 2 - Pumps under 3 inch suction; Mechanic Helper

GROUP 3 - Oiler

GROUP 4 - Fireman

GROUP 5 - Combination Oiler-Compressor; Combination Oiler-Fireman; Asphalt Spreaders; Backhoe (all types); Bulldozers; Cableways; Cherry Pickers (all types); Concrete Mixers (over 1 sack); Cranes; Deck Winch (2 drums or over); Derricks; Ditching or trenching machines (riding type); Draglines; Dredges; Fork Lifts (other than farm type) outside warehouses; Foundation Drill; Front End Loaders (except farm type); Grease Serviceman; Hoist-1 drum (4 stories or more on buildings); Hoist-1 drum (over 40 feet on structures other than buildings; Hoist (2 drum or over); Locomotives (all types); Mechanic; Mixer Plant Operator-Central Mix; Motor Patrols; Piledrivers; Pull Cat; Pump Crete-6" and over discharge; Push Cat; Road Pavers; Rollers (Plant Mix Asphalt); Scrapers; Shovels; Sidebooms; Unit Operator; Welder, Journeyman; Well Point System; Whirleys; Winch Cats (Cat D-4 and over); Winch Truck with A-Frame (5 ton and over); Work Boats-requiring licensed operator

GROUP 6 - Bush Hog; Compressor; Concrete pump-under 6" discharge; Concrete Saw; Deck Winch (1 drum); Distributors; Ditching or trenching machines (non-riding type); Dowel Bar Machine; Farm-type tractors (when used to pull discs, grass-cutters, etc.); Hoist-1 drum (under 4 stories on buildings); Hoist-1 drum (40 feet or under on structures other than buildings); Kolum Buff Machines; Mixers (1 sack and under); Motorized street sweepers self-propelled; Pump (3" and over); Test Pump-Internal combustion engine powered; Water Blast Pumps

GROUP 7 - Asphalt Plant Operator; Boom Trucks; Bull Floats; Concrete Spreader; Farm Type Front End Loaders; Finishing Machines (Roadway, riding type); Roller (other than plant mix asphalt); Straddle Buggies; Winch Truck with A-Frame (under 5 tons); Work Boat-not requiring licensed operator

POWER EQUIPMENT OPERATORS - ZONE 6

GROUP 1 - Snatch Cat; Pumps, 3 inch suction or more

GROUP 2 - Pumps, under 3 inch suction; Mechanic Helper

GROUP 3 - Oiler

GROUP 4 - Batch Plant Operator

GROUP 5 - Air Compressor; Asphalt Plant Engineer; Blade Grader; Distributor (Bitum Surface); Finishing Machine (Concrete, Paving); Hoist - 1 drum, less than 4 stories; Concrete Mixer under 16S; Oiler Driver; Pump Crete; Street & Road Sweeper; Roller (except on asphalt or brick); Roller, asphalt or brick (under 5 tons); Post-hole digger; Tractor operated Bush Hog and similar grass or bush cutting equipment

GROUP 6 - A-Frame Truck; Crew Boat Operator; Fireman; Fork Lift; Straddle Buggy; Traxcavator, Scoopmobile and similar front-end loading equipment with Scoop or Bucket under 1 cubic yard capacity; Locomotive; Well Point System; Unit Operator; Hoist - 1 drum, 4 stories or over

GROUP 7 - Backhoe; Cable Way; Concrete Mixer, 16S and up; Derrick; Crane; Dragline; Dredge; Equipment Maintenance Mechanic; Hoist - 2 drum; Locomotive Crane; Paving Mixer; Piledriver; Road Paver; Roller on asphalt or brick (5 tons or over); Shovel; Sideboom Cat; Bulldozer; Motor Patrol; Scraper; Hydrolift Crane, Hydro-lift Truck, Yard Crane, Cherry Picker, etc.; Foundation, Boring and Roaming Machine; Cement Stabilizer; Trenching Machine; Asphalt Spreader; Traxcavator & similar front end loading equipment with scoop or bucket of 1 cubic yard or more capacity; Tug Boat Operator; Turnapull, Euclid, DW-10 & other similar self-loading earth moving equipment; Concrete Pump (not Pump Crete)

POWER EQUIPMENT OPERATORS - ZONE 6 (CONT'D)

GROUP 8 - Crane Operator, 60 tons & over; Crane Operator, Boom 100 feet & over; Piledriver Operator, Leads 100 feet & over

GROUP 9 - Crane Operator, 100 tons & over; Crane Operator, Boom 150 feet & over; Piledriver Operator, Leads 150 feet & over

GROUP 10 - Crane Operator, Boom 250 feet & over; Piledriver Operator, Leads over 250 feet

POWER EQUIPMENT OPERATORS - ZONE 7

GROUP 1 - Assistant Master Mechanic

GROUP 2 - Master Mechanic

GROUP 3 - Oilers

GROUP 4 - Batch Plant Operators; Mechanic Helpers; Oilers (Drivers)

GROUP 5 - A-frame truck, except when working with ironworkers or pipefitters; Air Compressor; Asphalt Plant Engineers; Asphalt Finisher, Screed Men; Blade Graders; Boat Operator; Bullfloats; Concrete Joining Machines; Concrete Mixers, 16s and under; Concrete Spreader; Crusher Operator; Deck Winch Operator (1); Distributors, asphalt "Ditch Witch" and similar equipment; Electric Elevators (inside); Finishing Machine; Fireman; Form Graders; Fork Lifts; Hoist, 1 drum, under 4 stories; Power Subgrader; Pug Mill Operators; Pull Tractors; Pump, Pump Crete; Rollers, except on brick and asphalt; Rubber tired Front End Loader (with or without blade attachments) less than 1 cu. yd. capacity; Scale Operator; Scoopmobile; Snatch Cats; Spray Machines; Stabilizers, less than 3 drums; Straddle-Buggy; Track Machines and equivalent Machines; Tractors or Bulldozers smaller than D-6

GROUP 6 - A-Frame Truck, when working with ironworkers and pipefitters; Bulldozers D-6 and larger; Cable Ways; Concrete Mixers, over 16-s paving machines; Cranes, Derricks; Draglines and Clan Shells; Deck Winches (2); Gradealls; Hi-Ho and similar type equipment; Hoist, 1 drum, 4 stories and over; Hoist, 2 drums or more; Hydro cranes; Mechanic; Motor Patrols; Piledrivers; Rollers on brick and asphalt; Rubber Tired Front End Loader, with or without attachments, 1 cu. yd. capacity or more; Scrapers; Shovels; Backhoes (all types); Sideboom Cats; Stabiliers, 3 drums or more; Traxcavators; Trenching Machines; Unit Operator; Welder, journeymen; Well Point Systems (gas, diesel, electric, etc.); Concrete Pump/Boom Combinations

AREA COVERED BY POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 2 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry & Winn Parishes

ZONE 3 - All of Acadia, Lafayette & Vermilion Parishes; Parts of Iberia, St. Martin & St. Mary Parishes (west of a line drawn from the city of Berwick to the junction of the Iberville-St. Landry Parishes border)

ZONE 4 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

ZONE 5 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 6 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Parishes (northwest of a straight line drawn from the city of Berwick to the city of Lutcher); Parts of Iberia & southern & northern St. Martin Parishes (east and west of a line from the city of Berwick north to the eastern boundary of the city of Krotz Springs); Parts of Livingston, Tangipahoa & Washington Parishes (west of a line drawn north from the city of Lutcher to the east side of the city of Hammond to the Louisiana-Mississippi border)

AREA COVERED BY POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION) ZONES (CONT'D)

ZONE 7 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Terrebonne Parishes; Parts of Assumption, Livingston, St. James, St. Martin, St. Mary, Tangipahoa & Washington Parishes (that portion of southeastern Louisiana bounded on the north by the State of Mississippi, on the east by the State of Mississippi and the Mississippi Sound, on the south by the Gulf of Mexico and on the west by a line drawn as follows: beginning at a point on the Louisiana-Mississippi boundary in Washington Parish, Louisiana, due north of the town of Hackley, Louisiana, thence southwesterly in a straight line to a point on the east bank of the Mississippi River at the southernmost point of Lutcher (including Gramercy in the area), thence in a more southwesterly direction in a straight line to midstream of the Atchafalaya River at Morgan City-Berwick (including Morgan City in this area), thence southerly on a line following midstream of the Atchafalaya River to Atchafalaya Bay and in a line due south to the Gulf of Mexico)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION)					
GROUP 1					
ZONE 1	$ 8.45	.25	.39		.05
ZONE 2	8.31	.25	.39		.05
ZONE 3	9.10	.25	.48		.05
ZONE 4	9.08	.45	.48		.05
ZONE 5	6.69	.25	.30		.05
ZONE 6	6.14	.25	.30		.05
ZONE 7	5.53	.25	.30		.05
GROUP 2					
ZONE 1	8.70	.25	.39		.05
ZONE 2	8.56	.25	.39		.05
ZONE 3	9.35	.25	.48		.05
ZONE 4	9.33	.45	.48		.05
ZONE 5	6.94	.25	.30		.05
ZONE 6	6.39	.25	.30		.05
ZONE 7	5.78	.25	.30		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 3					
ZONE 1	$ 8.20	.25	.39		.05
ZONE 2	8.06	.25	.39		.05
ZONE 3	8.85	.25	.48		.05
ZONE 4	8.83	.45	.48		.05
ZONE 5	6.44	.25	.30		.05
ZONE 6	5.89	.25	.30		.05
ZONE 7	5.28	.25	.30		.05
GROUP 4					
ZONE 1	7.20	.25	.39		.05
ZONE 2	7.13	.25	.39		.05
ZONE 3	7.80	.25	.48		.05
ZONE 4	7.61	.45	.48		.05
ZONE 5	5.58	.25	.30		.05
ZONE 6	5.02	.25	.30		.05
ZONE 7	4.46	.25	.30		.05
GROUP 5					
ZONE 1	6.88	.25	.39		.05
ZONE 2	6.39	.25	.39		.05
ZONE 3	7.21	.25	.48		.05
ZONE 4	7.00	.45	.48		.05
ZONE 5	5.02	.25	.30		.05
ZONE 6	4.48	.25	.30		.05
ZONE 7	3.97	.25	.30		.05
GROUP 6					
ZONE 1	6.27	.25	.39		.05
ZONE 2	5.75	.25	.39		.05
ZONE 3	6.50	.25	.48		.05
ZONE 4	6.30	.45	.48		.05
ZONE 5	4.86	.25	.30		.05
ZONE 6	4.31	.25	.30		.05
ZONE 7	3.81	.25	.30		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 7					
ZONE 1	$ 5.99	.25	.39		.05
ZONE 2	5.46	.25	.39		.05
ZONE 3	6.16	.25	.48		.05
ZONE 4	5.96	.45	.48		.05
ZONE 5	4.86	.25	.30		.05
ZONE 6	4.31	.25	.30		.05
ZONE 7	3.81	.25	.30		.05
GROUP 8					
ZONE 1	7.20	.25	.39		.05
ZONE 2	7.13	.25	.39		.05
ZONE 3	7.80	.25	.48		.05
ZONE 4	7.61	.45	.48		.05
ZONE 5	5.58	.25	.30		.05
ZONE 6	5.02	.25	.30		.05
ZONE 7	4.46	.25	.30		.05
GROUP 9					
ZONE 1	7.45	.25	.39		.05
ZONE 2	7.38	.25	.39		.05
ZONE 3	8.05	.25	.48		.05
ZONE 4	7.86	.45	.48		.05
ZONE 5	5.83	.25	.30		.05
ZONE 6	5.27	.25	.30		.05
ZONE 7	4.71	.25	.30		.05
GROUP 10					
ZONE 1	6.24	.25	.39		.05
ZONE 2	5.71	.25	.39		.05
ZONE 3	6.41	.25	.48		.05
ZONE 4	6.21	.45	.48		.05
ZONE 5	5.11	.25	.30		.05
ZONE 6	4.56	.25	.30		.05
ZONE 7	4.06	.25	.30		.05

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CLASSIFICATION DEFINITIONS

GROUP 1 - 60 ton crane & over; Crane with 125' boom
GROUP 2 - Crane with 175' boom
GROUP 3 - Heavy Duty Operators-Crane all types; deck winches (2); Hi-Ho and similar type equipment; three drum (or more) stabilizers; pulls all types; concrete mixer one yard and over; all pavers; ditching or trenching machines (track type); mechanics and equipment welders; well-point systems; hoist, two drums or more; hoist, one drum, forty vertical feet or more; scrapers; bull-dozers, rubber-tired or track other than farm-type; scoopmobiles; motor patrol; gradall; rollers on hot mix; asphalt paving machines; front end loaders, other than farm-type, one cubic yard or over; shovels and backhoes, all types, and equivalent equipment; piledriver operator; sideboom cats; A-Frame trucks when handling steel or pipe; work boats requiring licensed operators; tugboats; fork lifts over ten ton capacity; and foundation drilling machines
GROUP 4 - Medium Duty Operators-Two drums stabilizers; front end loaders under 1 cubic yard; A-Frame truck except when handling steel or pipe; finishing machines (concrete); power subgraders; tow tractor (crawler type); one drum hoist under 40 vertical feet; fireman; concrete spreader; pugmill operator; bituminous distributor on surface treatment and equivalent; bull floats and equivalent; job grease man on "Highway Construction"; unit operator (all Highway Zones); work boats not requiring licensed operators; inboard motored crew boats
GROUP 5 - Light Duty Operators-Single drum stabilizers; concrete mixer under one yard; spray curing machines; rollers on subgrade; one air compressor over 125 cubic feet; form graders; asphalt finisher screed man; pump over 4 inches; scale operators; crusher operators; concrete jointing machines; concrete saw; tack machines and equivalent equipment; pump crete; electric elevator (inside); oiler-driver; farm-type, rubber-tired tractor, with attachments, except back-hoes; Kolum buff and similar equipment; fork lifts, ten ton capacity and under; outboard motored crew boats
GROUP 6 - Mechanic Helper; Batch Plant Operator
GROUP 7 - Oiler
GROUP 8 - Fireman
GROUP 9 - Fireman Operating Steam Valve
GROUP 10 - Oiler on Crane Using Air to Drive Piles

AREA COVERED BY POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, Iberville & West Baton Rouge Parishes
ZONE 3 - Bossier, Caddo & Red River Parishes
ZONE 4 - Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Bienville, DeSoto, Iberia, Livingston, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington & Webster Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

DECISION NO. LA77-4169

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS					
ZONE 1					
Roofers	$ 9.43		.10		
ZONE 2					
Roofers	8.06	.70	.65	.20	.70
ZONE 3					
Roofers	8.16	.35	.50		.04
ZONE 4					
Roofers, steep	7.35				
Roofers, flat	7.10				
Roofers, kettlemen	6.85				
ZONE 5					
Roofers	8.55		.20		.02
Kettlemen	5.93		.20		.02

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 2 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, South St. Martin, St. Mary, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS					
ZONE 1	$ 9.97	.40	.27		.10
ZONE 2	10.16	3%+.45	.70		.14
ZONE 3	10.05	.40	.50		.12
ZONE 4	9.75	3%+.55	.40		.16

AREA COVERED BY SHEET METAL WORKERS ZONES

ZONE 1 - Calcasieu Parish
ZONE 2 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS					
ZONE 1	$ 9.345	.40	.33		.05
ZONE 2	9.72	.35	.30		.04
ZONE 3	9.555	.35	.30		.04
ZONE 4	8.85	.35	.30		
ZONE 5	8.90				
ZONE 6	8.95	.40	.30		.04
ZONE 7	8.80				
ZONE 8	8.70	.50	.30		.05

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AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes
ZONE 3 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	$10.35	.65	.95		.08
TERRAZZO WORKERS					
ZONE 1	9.10	.25			
ZONE 2	10.45	.48	.30		.02
ZONE 3	7.25				
ZONE 4	8.02		.25		
ZONE 5	8.20	.30			
ZONE 6	9.60				

AREA COVERED BY TERRAZZO WORKERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

DECISION NO. LA77-4169

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS' FINISHERS					
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. John the Baptist, West St. Tammany, Tangipahoa, Terrebonne, West Baton Rouge & West Feliciana Parishes	$ 6.75	.25			
TILE SETTERS					
ZONE 1	9.10	.25			
ZONE 2	7.65	.48	.30		.02
ZONE 3	9.25				
ZONE 4	8.02		.25		
ZONE 5	8.20	.30			
ZONE 6	9.60				

AREA COVERED BY TILE SETTERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS' FINISHERS					
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes	$ 6.75	.25			
TRUCK DRIVERS (BUILDING CONSTRUCTION)					
ZONE 1					
GROUP 1	4.91				
GROUP 2	5.34				
GROUP 3	5.55				
GROUP 4	5.35				
GROUP 5	5.45				
GROUP 6	5.37				
GROUP 7	5.76				
ZONE 2					
GROUP 1	5.20				
GROUP 2	5.46				
GROUP 3	6.00				
GROUP 4	5.86				
GROUP 5	6.31				
GROUP 6	6.39				
GROUP 7	6.68				
GROUP 8	6.86				

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ZONE 3	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 5.47				
GROUP 2	5.55				
GROUP 3	5.80				
GROUP 4	5.95				
GROUP 5	6.10				
GROUP 6	6.30				
GROUP 7	6.65				

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS - ZONE 1

GROUP 1 - Teamsters, Pick-up drivers & chauffeurs
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Trucks trailer & dumps over 8 yds.; Mixers on trucks over 3 yds.; Mississippi wagons & Koehring dumpsters & similar dirt moving equipment (up to and including 8 yds.)
GROUP 4 - Mixers on trucks up to and including 3 yds.
GROUP 5 - Winch trucks
GROUP 6 - Trucks - dump
GROUP 7 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment over 8 yds.

TRUCK DRIVERS - ZONE 2

GROUP 1 - Teamster, pick-up drivers
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Truck & trailer; Dump
GROUP 4 - Mixers on trucks, up to and including 3 yds.
GROUP 5 - Mixers over 3 yds.
GROUP 6 - Winch trucks
GROUP 7 - Mississippi wagons & Koehring dumpsters, tandem and similar dirt moving equipment, up to and including 8 yds.
GROUP 8 - Mississippi wagons, Koehring dumpsters, tandem and similar dirt moving equipment, over 8 yds.

TRUCK DRIVERS - ZONE 3

GROUP 1 - Pick-up drivers, spotters & dumpers of dirt, gravel, asphalt & rock
GROUP 2 - Stake bodies; flat beds (all sizes)
GROUP 3 - Single axle dumps & water trucks; transit mix, up to & including 3 yds.
GROUP 4 - Tandem axle dump, batch and water trucks over 3 tons, pickups with trailer
GROUP 5 - Mississippi wagons, floats, tractor trailers; rubber tired tractors and wobble wheels
GROUP 6 - Euclids, lowboys, Dempsey dumpsters, Koehring-dumps, five axle trucks, transit mix over 3 yds., fuel truck
GROUP 7 - Fork lift

AREA COVERED BY TRUCK DRIVERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (HIGHWAY CONSTRUCTION)					
GROUP 1					
ZONE 1	$ 5.49				
ZONE 2	5.49				
ZONE 3	5.26				
ZONE 4	6.49				
ZONE 5	4.45				
ZONE 6	4.35				
ZONE 7	4.25				
GROUP 2					
ZONE 1	5.61				
ZONE 2	5.61				
ZONE 3	5.35				
ZONE 4	6.62				
ZONE 5	4.56				
ZONE 6	4.46				
ZONE 7	4.36				
GROUP 3					
ZONE 1	5.66				
ZONE 2	5.66				
ZONE 3	5.55				
ZONE 4	6.68				
ZONE 5	4.61				
ZONE 6	4.51				
ZONE 7	4.41				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 4					
ZONE 1	$ 5.73				
ZONE 2	5.73				
ZONE 3	5.73				
ZONE 4	6.75				
ZONE 5	4.67				
ZONE 6	4.57				
ZONE 7	4.47				
GROUP 5					
ZONE 1	5.89				
ZONE 2	5.89				
ZONE 3	6.09				
ZONE 4	6.94				
ZONE 5	4.83				
ZONE 6	4.73				
ZONE 7	4.63				

CLASSIFICATION DEFINITIONS

GROUP 1 - One ton and under; Warehouseman, material checker, receiving clerk, spotter and dumper
GROUP 2 - One and one-half (1½) tons to and including two (2) tons (exclusive of dump trucks), truck mechanic helper
GROUP 3 - Single axle dump trucks, single axle water trucks
GROUP 4 - Heavy equipment, tandem axle dump and tandem axle water trucks, winch lift, transit mix, floats, pole trailers, four axle trailers and truck mechanic
GROUP 5 - Special equipment, euclids and five axle moving equipment

AREA COVERED BY TRUCK DRIVERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - East Baton Rouge Parish
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu Parish
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

WELDERS - receive rate prescribed for craft performin operation to which welding is incidental

SUPERSEDEAS DECISION

STATE: Louisiana PARISHES: Bossier, Caddo & Calcasieu
DECISION NO.: LA77-4170 DATE: Date of Publication
Supersedes Decision No. LA77-4104, dated May 20, 1977, in 42 FR 26137.
DESCRIPTION OF WORK: Residential construction consisting if single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Bossier & Caddo Parishes	$10.03	.40	.76		.025
Calcasieu Parish	10.345	.475	.90		.04
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS:					
Bossier & Caddo Parishes	9.20	.40	.45		
Calcasieu Parish	10.45	.48	.30		.02
CARPENTERS:					
Bossier & Caddo Parishes:					
Carpenters	8.95	.40	.30		.04
Millwrights	9.70	.40	.30		.04
Piledrivermen	9.20	.40	.30		.04
Calcasieu Parish:					
Carpenters & piledrivermen	9.345	.40	.33		.05
Millwrights	10.845				.05
CEMENT MASONS:					
Bossier & Caddo Parishes	8.35	.35			
Calcasieu Parish	9.15				
ELECTRICIANS:					
Bossier & Caddo Parishes:					
Electricians	10.35	.85	3%		1%
Cable splicers	10.85	.85	3%		1%
Calcasieu Parish:					
Electricians	12.30	.35	3%+.20		1/10%
Cable splicers	12.55	.35	3%+.20		1/10%
ELEVATOR CONSTRUCTORS:					
Bossier & Caddo Parishes:					
Mechanics	8.795	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Probationary)	50%JR				
Calcasieu Parish:					
Mechanics	9.285	.495	.32	4%+a+b	.02
Helpers	70%JR	.495	.32	4%+a+b	.02
Helpers (Probationary)	50%JR				
GLAZIERS:					
Bossier & Caddo Parishes	7.50		.30		
Calcasieu Parish	8.55				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
Bossier & Caddo Parishes	$10.20	.45	.50		.04
Calcasieu Parish	9.90	.35	.60		.025
LABORERS:					
Bossier & Caddo Parishes:					
GROUP 1 - Building laborers	5.95	.15	.10		.05
GROUP 2 - Mason tenders, plasterer tenders; asphalt rakers, asphalt smoothers	6.05	.15	.10		.05
GROUP 3 - Mortar mixers	6.10	.15	.10		.05
GROUP 4 - Air jack operators, vibrator operators; Sewer pipe layers, sewer pipe wipers	6.15	.15	.10		.05
Calcasieu Parish:					
GROUP 1 - Building & general laborer; tenders (carpenter, plaster, cement finisher, mason); tank & vessel cleaners	7.30	.15	.10		.05
GROUP 2 - Air tool operator (except jackhammer); interior of closed tanks & vessels power equipment	7.40	.15	.10		.05
GROUP 3 - Mortar mixers & jackhammer operators	7.45	.15	.10		.05
GROUP 4 - Blasterers	8.26	.15	.10		.05
GROUP 5 - Blaster helpers; concrete cutters behind paving machines & puddlers; form setters & lines asphalt worker	7.82	.15	.10		.05
GROUP 6 - Wiping joints, laying pipw & tile from pumpcrete	7.56	.15	.10		.05
GROUP 7 - Interior of closed tanks & vessels manually	7.35	.15	.10		.05
LATHERS:					
Bossier & Caddo Parishes	10.40				
Calcasieu Parish	9.985	.30			.01
MARBLE SETTERS:					
Bossier & Caddo Parishes	8.20	.30			
Calcasieu Parish	10.45	.48	.30		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Bossier & Caddo Parishes:					
GROUP 1 - Painters, tape & float & paperhangers; stage, window jacks & structural steel	$ 8.55	.40	.30		.05
GROUP 2 - Stage, window jacks & structural steel over 30 ft.	8.80	.40	.30		.05
GROUP 3 - Stage, window jacks & structural steel over 75 ft.	9.05	.40	.30		.05
GROUP 4 - Sandblasting, spray	9.15	.40	.30		.05
Calcasieu Parish:					
GROUP 1 - Brush, wood or wall; rollers	9.96				
GROUP 2 - Brush on steel, buffer on wood or wall	10.065				
GROUP 3 - Paperhanging, taping & floating	10.16				
GROUP 4 - Spray, wood & wall	10.305				
GROUP 5 - Steeplejack, sandblasting, spider operator, rubberizing & pyroflexing, steam jennies, spray on steel	10.445				
PLASTERERS:					
Bossier & Caddo Parishes	9.40			1.00	
Calcasieu Parish	9.72				
PLUMBERS & PIPEFITTERS:					
Bossier & Caddo Parishes	9.14	.40	.50	.95	.09
Calcasieu Parish	10.38	.67	.72		.08
ROOFERS:					
Bossier & Caddo Parishes:					
Roofers	8.55		.20		.02
Kettlemen	5.93		.20		.02
Calcasieu Parish:					
Roofers	9.43		.10		
SHEET METAL WORKERS:					
Bossier & Caddo Parishes	9.75	3%+.55	.40		.16
Calcasieu Parish	9.97	.40	.27		.10
SOFT FLOOR LAYERS:					
Bossier & Caddo Parishes	8.95	.40	.30		.04
Calcasieu Parish	9.345	.40	.33		.05

DECISION NO. LA77-4170

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	$10.35	.65	.95		.08
TERRAZZO WORKERS:					
Bossier & Caddo Parishes	8.20	.30			
Calcasieu Parish	10.45	.48	.30		.02
TILE SETTERS:					
Bossier & Caddo Parishes	8.20	.30			
Calcasieu Parish	7.65	.48	.30		.02
TRUCK DRIVERS:					
Bossier & Caddo Parishes:					
GROUP 1 - Pick-up drivers, spotters & dumpers of dirt, gravel, asphalt & rock	5.47				
GROUP 2 - Stack bodies; flat beds (all sizes)	5.55				
GROUP 3 - Single axle dumps & water trucks; transit mix up to & including 3 yds.	5.80				
GROUP 4 - Tandem axle, dump, batch & water trucks over 3 tons, pick-ups with trailer	5.95				
GROUP 5 - Mississippi wagons, floats, tractor trailers; rubber tired tractors & wobble wheels	6.10				
GROUP 6 - Euclids, louboys, Dempsey dumpsters, Koehring dumps, five axle trucks, transit mix over 3 yds.; fuel truck	6.30				
Calcasieu Parish:					
GROUP 1 - Teamsters, pick-up drivers	4.91				
GROUP 2 - Stake bodies (all sizes)	5.34				
GROUP 3 - Trucks trailer & dumps over 8 yds.; Mixers on trucks over 3 yds.; Mississippi wagons & Koehring dumpsters & similar dirt moving equipment (up to & including 8 yds)	5.55				

DECISION NO. LA77-4170

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D)					
Calcasieu Parish (Cont'd):					
GROUP 4 - Mixers on trucks up to & including 3 yds.	$ 5.35				
GROUP 5 - Winch trucks	5.45				
GROUP 6 - Dump trucks	5.37				
GROUP 7 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment over 8 yds.	5.76				

FOOTNOTES:
a - 1st 6 mos - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. LA77-4170

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Calcasieu Parish:					
GROUP 1	$ 7.13	.65	.48		.05
GROUP 2	6.82	.65	.48		.05
GROUP 3	6.62	.65	.48		.05
GROUP 4	7.40	.65	.48		.05
GROUP 5	9.695	.65	.48		.05
GROUP 6	7.80	.65	.48		.05
GROUP 7	8.45	.65	.48		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Scale Operator; Oiler-Driver on Motor Crane; Batch Plant Operator
GROUP 2 - Pumps under 3 inch suction; Mechanic Helper
GROUP 3 - Oiler
GROUP 4 - Fireman
GROUP 5 - Combination Oiler-Compressor; Combination Oiler-Fireman; Asphalt Spreaders; Backhoe (all types); Bulldozers; Cableways; Cherry Pickers (all types); Concrete Mixers (over 1 sack); Cranes; Deck Winch (2 drums or over); Derricks; Ditching or trenching machines (riding type); Draglines; Dredges; Fork Lifts (other than farm type) outside warehouses; Foundation Drill; Front End Loaders (except farm type); Grease Serviceman; Hoist-1 drum (4 stories or more on buildings); Hoist-1 drum (over 40 feet on structures other than building); Hoist (2 drum or over); Locomotives (all types); Mechanic; Mixer Plant Operator-Central Mix; Motor Patrols; Pilefrivers; Pull Cat; Pump Crete-6" and over discharge; Push Cat; Road Pavers; Rollers (Plant Mix Asphalt); Scrapers; Shovels; Sidebooms; Unit Operator; Welder, Journeyman; Well Point System; Whirleys; Winch Cats (Cat D-4 and over); Winch Truck with A-Frame (5 ton and over); Work Boats-requiring licensed operator
GROUP 6 - Bush Hog; Compressor; Concrete pump-under 6" discharge; Concrete Saw; Deck Winch (1 drum); Distributors; Ditching or trenching machines (non-riding type); Dowel Bar Machine; Farm-type tractors (when used to pull discs, grass cutters, etc.); Hoist-1 drum (under 4 stories on buildings); Hoist-1 drum (40 feet or under on structures other than buildings); Kolum Buff Machines; Mixers (1 sack and under); Motorized street sweepers self-propelled; Pump (3" and over); Test Pump-Internal combustion engine powered; Water Blast Pumps
GROUP 7 - Asphalt Plant Operator; Boom Trucks; Bull Floats; Concrete Spreader; Farm Type Front End Loaders; Finishing Machines (Roadway, riding type); Roller (other than plant mix asphalt); Straddle Buggies; Winch Truck with A-Frame (under 5 tons); Work Boat-not requiring licensed operator

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: DUTCHESS
DECISION NO.: NY77-3110 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY77-3012 dated May 13, 1977 in 42 FR 24625
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and Highway construction

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.495	.7%	1.57		
BOILERMAKERS	12.33	5%	15%	7%	.02
BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, PLASTERERS, STONE MASONS AND TILE SETTERS	9.30	1.85	2.00	a	.05
CARPENTERS, BUILDING: Wappingers Falls, New Hackensack, Pawling and Beacon, carpenters, piledrivermen and soft floor layers	10.88	.98	.76	.85+b+c	.10
Remainder of County: Carpenters and soft floor layers	10.02	7½%	7½%	.80	.10
CARPENTERS, HEAVY AND HIGHWAY: Wappingers Falls, New Hackensack, Pawling, and Beacon: Carpenters	10.02	.85	.65	.80+b+c	.10
Remainder of County: Carpenters	10.02	7½%	7½%	.80	.10
CEMENT MASONS, BRICKLAYERS, STONE MASONS (HEAVY & HIGHWAY)	9.80	1.85	2.00	d	.05
ELECTRICIANS: Twps. of Pawling, Beacon, Fishkill, E. Fishkill	10.60	.79	3%+.75	.60	½%
Remainder of County	10.00	.75	1%+.85	5%+b+e	½%
Entire County: except Beacon and Fishkill: Repair, renovation, alteration and new installations of Electricial systems in light commercial and industrial property, herein defined to include stores, gas stations, motels and hotels	6.55	.7%	3%	.30	¼%

DECISION NO. NY77-3110	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS	10.59	.495	.32	f+g	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.41	.495	.32	f+g	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	5.295				
GLAZIERS	11.20	.66	1.66	.67	.01
IRONWORKERS, STRUCTURAL, ORNA. & REINFORCING	9.75	1.45	2.02	1.50	
LATHERS	10.80		.15		.01
LEAD BURNERS	10.75	.40	.25		.01
LINE CONSTRUCTIONS:					
Lineman	11.10	.50	1%+.50	i	3/8%
Cable splicer	12.21	.50	1%+.50	i	3/8%
Groundman digging machine operator	9.99	.50	1%+.50	i	3/8%
Groundman mobile equipment operator	8.88	.50	1%+.50	i	3/8%
Groundman truck driver	8.325	.50	1%+.50	i	3/8%
Groundman dynamite man & Mechanic	8.88	.50	1%+.50	i	3/8%
MARBLE SETTERS HELPERS	10.45			j	
PAINTERS:					
Brush	9.08	.52	.20	k	
Bridges, towers, fire escapes, smoke stacks, flag poles, swing state, window jacks, boat swain chair, safety belts, and spray structural steel	10.08	.52	.20	k	
PILEDRIVERMEN:					
Dock & wharf builders	11.45	1.40	1.78	.70	.04
PLUMBERS AND STEAMFITTERS	10.00	1.50	.60	1.30	.05
ROOFERS, ASPHALT SHINGLE	7.65	1.00	1.65	1	.35
ROOFERS, SLATE & TILE, ASBESTOS, SLAB, ASPHALT BUILTUP	10.15	1.00	1.65	1	.35
ROOFERS, PITCH, PITCH BUILTUP	10.65	1.00	1.65	1	.35
SHEET METAL WORKERS	10.24	10%	.17%	10%	.02
SPRINKLER FITTERS	11.86	.65	.95		.08
TERRAZZO WORKERS' HELPERS	10.50				
TILE SETTERS' HELPERS	10.15				
WELDERS - receive prescribed for craft performing operation to which welding is incidental					

DECISION NO. NY77-3110

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; Christmas Day.

FOOTNOTES:

a. PAID HOLIDAYS: A through F; and 2 hours off on election day for the purpose of voting.

b. Employees receive 2 hours off on election day for purpose of voting.

c. PAID HOLIDAYS: A through F providing the employee works 7 days before and after the holiday.

d. PAID HOLIDAYS: A through F; Washington's Birthday; Good Friday; Columbus Day; Veteran's Day and November Election Day.

e. PAID HOLIDAYS: A through F provided the employee is on the payroll 2 weeks prior to the holiday.

f. PAID HOLIDAYS: Athrough F.

g. Employer contributes 2% of the basic hourly rate for 6 months to 5 years of service or 4% of the basic hourly rate for 5 years or more of service as vacation pay credit.

h. PAID HOLIDAYS: A through F; Washington's Birthday; Good Friday; and Christmas Eve providing the employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regular scheduled work days immediately preceeding and following the holiday.

i. PAID HOLIDAYS: A through F, Washington's Birthday; Election Day for President; and Election of Governor of New York provided the employee works the day before and the day after the holiday.

j. PAID HOLIDAYS: A through F, Washington's Birthday; Lincoln's Birthday; Good Friday; and Columbus Day provided the employee is employed 3 days before the holiday or any of the 3 days following the holiday.

k. PAID HOLIDAYS: Independence Day providing the employee works within the period of June 20 to July 4th.

l. Employee receives 2 hours off with pay on Election Day for the purpose of voting provided the employee has received 4 hours pay that day.

DECISION NO. NY77-3110

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers: BUILDING					
General laborers	$7.68	.86	1.50	a+.40	
Hod carriers (plasters' helpers), scaffold builders (padlock & self-supporting scaffold 14 ft. or under all runways), mortar mixers (machine & hand), concrete mixers (by machine under 21-E), vibrators, form setters, pipe layers, asphalt rakers, handling reinforcement rods, working labor foremen, drillers & jackhammer op., signalmen, gunniting, motor buggs, water pump 2" or under, Barco machines, wreckers, paving breakers, power saw operator, other machine operators	7.93	.86	1.50	a+.40	
Blasters, laser beam op.	8.08	.86	1.50	a+.40	

FOOTNOTE:

a. Two hours off with pay on Election Day.

DECISION NO. NY77-3110

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SEWER, ROAD, STREET AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payment			
		H & W	Pensions	Vacation	App.
Laborers:					
General laborers	$7.85	.86	1.55	a	
Concrete men, joint setter, signal man, mason tender, pipe layer, riprap and dry stone layers, asphalt workers, screed bar operator, steel tod carrier, jackhammerman, wagon driller, air-trac operator, nippers, powderman, high scalers, power buggy operator, vibratory operator, other compactor, wrecking laborers, gunite and sandblasting, coal passer	8.10	.86	1.55	a	
Concrete finisher on Highways, blaster, form setter, laser beam operator	8.45	.86	1.55	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

a. Holiday's: A through F and Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Veteran's Day and November Election Day provided the employee works (7) calendar days before or after the holiday.

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DECISION NO. NY77-3110

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS, BUILDING:					
GROUP I	$13.48	6%+1.00	10%+b	a	1½%
GROUP II	12.565	6%+1.00	10%+b	a	1½%
GROUP III	12.4225	6%+1.00	10%+b	a	1½%
GROUP IV	12.28	6%+1.00	10%+b	a	1½%
GROUP V	11.1375	6%+1.00	10%+b	a	1½%
GROUP VI					
A	14.795	6%+1.00	10%+b	a	1½%
B	13.9925	6%+1.00	10%+b	a	1½%
C	9.78	6%+1.00	10%+b	a	1½%
D	12.9925	6%+1.00	10%+b	a	1½%
E	11.7075	6%+1.00	10%+b	a	1½%
F	12.565	6%+1.00	10%+b	a	1½%
G	17.7075	6%+1.00	10%+b	a	1½%
H	11.1375	6%+1.00	10%+b	a	1½%
I	17.4225	6%+1.00	10%+b	a	1½%
J	15.7075	6%+1.00	10%+b	a	1½%
K	16.7075	6%+1.00	10%+b	a	1½%
L	13.98	6%+1.00	10%+b	a	1½%
M	14.48	6%+1.00	10%+b	a	1½%
GROUP VII	13.7075	6%+1.00	10%+b	a	1½%

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION

GROUP I

Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-euclid loader or similar type, cherry picker (cableway), compressor (steel erection), conway or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ram), paver (concrete), pulsemeter, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-½ yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame

DECISION NO. NY77-3110

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION (CONT'D)

GROUP II
Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scraper-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller

GROUP III
Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-½ yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection excavation), well drilling machine, well point system

GROUP IV
Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hooper-sand-stone-cement, mixer-concrete-under 21E, Muching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plasterer roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cuting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine

GROUP V
Concrete saw, mechanic's helper, oiler (fuel truck), oiler (grease truck), paint compressor, welder's helper

GROUP VI
A. Master mechanic
B. Helicopter hoist op.
C. Oiler, asphalt paver, utility man
D. Welder - certified
E. SEcond engineer on cranes 30 ton and over
F. Cable splicer
G. Helicopter pilot
H. Helicopter signalman
I. Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton and regardless of how the same is rigged (except for pile rigs)

DECISION NO. NY77-3110

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION (CONT'D)

GROUP VI (CONT'D)
J. Cranes (crawlers or truck) 100 ft. but less than 149 ft
K. Cranes (crawlers or truck) 149 ft. and over
L. Loaders op. (over 5 yd. capacity)
M. Shovel op. (over 4 yd. capacity)

GROUP VII
Concrete-portable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overheadcrane, power house plant, telephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material

FOOTNOTES:
a. Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, November Election Day, Veteran's Day, Thanksgiving Day and X-Mas Day.

b. Employer contributes $2.00 per day to an Annuity Fund.

DECISION NO. NY77-3110

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS: Repainder of County

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, trascavators, core and well well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CKB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$9.99	.85	.60	a	.10
GROUP 2	10.06	.85	.60	a	.10
GROUP 3	10.17	.85	.60	a	.10
GROUP 4	10.36	.85	.60	a	.10
GROUP 5	10.69	.85	.60	a	.10
GROUP 6	10.84	.85	.60	a	.10
GROUP 7	11.02	.85	.60	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

DECISION NO. NY77-3110

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY					
GROUP I	$11.75	6%+1.00	9½%+.25	a	1½%
GROUP II	10.96	6%+1.00	9½%+.25	a	1½%
GROUP III	10.825	6%+1.00	9½%+.25	a	1½%
GROUP IV	10.70	6%+1.00	9½%+.25	a	1½%
GROUP V	9.70	6%+1.00	9½%+.25	a	1½%
GROUP VI	11.95	6%+1.00	9½%+.25	a	1½%
GROUP VII	11.325	6%+1.00	9½%+.25	a	1½%
GROUP VIII	9.70	6%+1.00	9½%+.25	a	1½%
GROUP IX	11.625	6%+1.00	9½%+.25	a	1½%
GROUP X	10.70	6%+1.00	9½%+.25	a	1½%
GROUP XI	10.575	6%+1.00	9½%+.25	a	1½%
GROUP XII					
A	10.7875	6%+1.00	9½%+.25	a	1½%
B	9.575	6%+1.00	9½%+.25	a	1½%
C	8.75	6%+1.00	9½%+.25	a	1½%
D	15.45	6%+1.00	9½%+.25	a	1½%
E	12.20	6%+1.00	9½%+.25	a	1½%
F	15.20	6%+1.00	9½%+.25	a	1½%
G	12.95	6%+1.00	9½%+.25	a	1½%

POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY

GROUP I

Auger, auto grader, backhoe Oliver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader-euclid loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, concrete portable hoist, C.M.I. or similar Conway or similar mucking machines, crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsometer, push button (buzz box) elevator, road mix machines, Ross carrier and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" Frame

DECISION NO. NY77-3110

POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY (CONT'D)

GROUP II
Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types welder, scrapers 20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over

GROUP III
Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor plant, concrete pump, conveyor belt machine-irrespective of motor size, firemen, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1¼ yds. and under, locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, well drilling machine, well point system

GROUP IV
Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, curb cutter machine, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mulching grass spreader, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, fine grading machine

GROUP V
Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck)

GROUP VI
Hoist engineer-steel, sub-struct., engineer-pile driver

GROUP VII
Welder-certified crawlers or truck: 100 ft. but less than 149 ft. $2.00 per hour additional crawlers or truck: 149 ft. and over $3.00 per hour additional loader operators: Over 5 cu. yd. capacity $.50 per hour additional shovel operators: Over 4 cu. yd. capacity $1.00 per hour additional

DECISION NO. NY77-3110

POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY (CONT'D)

GROUP VIII
Stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4" roller motorized (walk behind, welder's helper

GROUP IX
Compressor (steel erection)

GROUP X
Compressor, lighting unit (portable and generator), welding machine (steel erection excavation)

GROUP XI
Compressor to 125 cu. ft., dust collector, mixer-concrete under 21E, beater-all types, pump 4" and over, pump station (water and sewer), pump-gypsum, etc., pump-plasterer, steam jenny syphon pump-air-steam, tar-joint machine, vibrator (1 to 5)

GROUP XII
A. Jersey spreader, pavement breaker (air ram), post hole digger
B. Safety man 60 ton crane & over, helicopter signalman
C. Oiler asphalt paver, utility man
D. Helicopter pilot
E. Helicopter hoist operator
F. Engineer, tower crane, 3900 monitowac or over or similar (rail, truck, or crawler mounted
G. Master mechanic

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; November Election Day and Veteran's Day.

DECISION NO. NY77-3110

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr.
REMAINDER OF COUNTY:					
GROUP I	$10.15	.90	.60	a	.15
GROUP II	9.82	.90	.60	a	.15
GROUP III	9.10	.90	.60	a	.15
GROUP IV	8.27	.90	.60	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays A through F; providing the employee works the working d[ay] before and after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (6" or [over]), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar) fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over, head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 5"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

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POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generaters, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener shell winder, steam cleaner, tractor.

DECISION NO. NY77-3110

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
Drivers on LeTourneau tractors, double barrel Euclids, Athey wagon and similar equipment (except when hooked to scrapers), low beds, I-Beam, pole trailers, road oil distributors, tire trucks tractors and trailers with 5 axle and over	10.00	.95	.95	a+b	
Equipment 25 yards and over up to and including 30 yard bodies cable dump trailers, powder snf dynamite trucks	9.90	.95	.95	a+b	
Equipment up to and including 24 yards bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks and all other tractor trailers	9.70	.95	.95	a+b	
Ten wheelers, grease trucks and tiller men	9.60	.95	.95	a+b	
Straight trucks	9.50	.95	.95	a+b	
Pick-up trucks used for hauling material parts escort man over the road	9.50	.95	.95	a+b	
Helpers	9.40	.95	.95	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day

FOOTNOTE:
a. Holidays: A through F; Washington's Birthday; Election Day; Veteran's Day, Lincoln's Birthday, Election Day, Good Friday.

b. 3 day bereavement pay (spouse, mother, father, mother in law, father in law grandmother, grandfather, sister, brother, children, grandchildren.

SUPERSEDEAS DECISION

STATE: North Carolina COUNTY: See below*
DECSIION NUMBER: NC77-1081 DATE: Date of Publication
Supersedeas Decision No.: NC75-1014 dated February 7, 1975 in 40 FR-6111
DESCRIPTION FO WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Avery, Buncombe, Haywood, Henderson, McDowell, Madison, Mitchell, Transylvania, & Yancey Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	5.70				
Bricklayers	5.75				
Carpenters	4.50				
Cement masons	4.60				
Drywall finisher	5.75				
Drywall hanger	5.72				
Electricians	5.10				
Laborers:					
Laborer	3.10				
Asphalt raker	3.55				
Mortar mixers	4.25				
Pipelayers	4.30				
Painters, brush	3.81				
Plumbers & fitters	4.96				
Roofers	3.35				
Sheet metal workers	4.87				
Soft floor layers	5.50				
Tile setters	6.00				
Truck drivers	3.10				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.00				
Bulldozer	4.00				
Front end loader	4.00				
Rollers	3.50				
Paving machine	3.88				

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA COUNTY: WAKE
DECISION NO.: NC77-1094 DATE: DATE OF PUBLICATION
Supersedes Decision No. NC76-1044, dated April 2, 1976, in 41 FR 14294.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning Mechanics	$ 5.25				
Bricklayers	6.00				
Carpenters	4.99				
Cement Masons	4.00				
Drywall Mechanics	5.20				
Electricians	4.96				
Elevator Constructors:					
Mechanics	7.44	.545	.35	4% +a+b	.02
Helpers	5.21	.545	.35	4% +a+b	.02
Probationary Helpers	3.72				
Glaziers	6.00				
Ironworkers:					
Structural & Ornamental	5.00				
Reinforcing	5.50				
Laborers:					
General	3.00				
Air tool operators (jack-hammers, vibrators)	3.75				
Mason tenders	3.25				
Mortar mixers	3.50				
Pipelayers	3.25				
Lathers	7.40				
Marble Setters	6.50				
Painters	4.00				
Plasterers	6.25				
Pipefitters	5.20	.13		.10	
Plumbers	4.91				
Roofers:					
Roofers	4.04				
Waterproofers	4.65				
Sheet Metal Workers	4.90				
Soft Floor Layers	5.08				
Terrazzo Workers	6.50				
Tile Setters	7.00				
Truck Drivers	3.00				
Welders - rate for craft					

DECISION NO. NC77-1094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Backhoe	$ 3.94				
Bulldozer	4.50				
Crane	5.55				
Finishing machine	4.50				
Front end loader	3.75				
Motor grader	4.75				
Roller	4.00				
Scraper	4.00				
Tractor	4.00				

FOOTNOTES:

a. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

b. Employer contributes 4% of the basic hourly rate for employees with 5 years or more of service or 2% of the basic hourly rate for employees with 6 months to 5 years of service as Vacation Pay Credit.

SUPERSEDEAS DECISION

STATE: North Carolina COUNTIES: *See below
DECISION NUMBER: NC77-1096 DATE: Date of Publication
Supersedes Decision No.: NC77-1013 dated February 4, 1977 in 42 FR 7065.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Brunswick, New Hanover, & Pender

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	5.00				
Bricklayers	5.00				
Carpenters	5.00				
Cement masons	4.00				
Drywall hangers	5.39				
Drywall finishers	5.42				
Electricians	4.60				
Insulation installer	3.79				
Laborers:					
Laborer	3.00				
Mason tenders	3.27				
Mortar mixers	3.00				
Painters, brush	4.00				
Plumbers & pipefitters	5.54				
Roofers	5.20				
Soft floor layers	4.50				
Tile setters	5.16				
Truck drivers	3.75				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.00				
Bulldozers	4.50				
Loader, front end	4.28				
Tractor	3.50				

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTIES: Tulsa, Creek, Craig, Ottawa, Delaware, Mayes, and Rogers

DECISION NO. OK77-4168 DATE: Date of Publication

Supersedes Decision No. OK77-4087 dated April 29, 1977 in 42 FR 22107

DESCRIPTION OF WORK: Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.80	.35	.60		.015
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS-STONEMASONS:					
Tulsa, Delaware, Ottawa, Craig and Rogers Counties	10.09	.45	.40	.33	.06
Mayes County	9.36	.45	.40	.04	
CARPENTERS:					
Area I	9.18	.45	.75		.07
Area II	8.12	.33	.30		
MILLWRIGHTS-PILEDRIVERMEN:					
Area I	9.48	.45	.75		.07
AREA II	8.37	.33	.30		

CARPENTERS-MILLWRIGHTS-PILEDRIVERMEN AREA DEFINITIONS

AREA I - Tulsa, Creek, Craig, Rogers and Mayes Counties.

AREA II - Delaware and Ottawa Counties.

CEMENT MASONS:					
Cement masons	9.28		.40		.06
Power tool operator	9.53		.40		.06
ELECTRICIANS:					
Electricians	10.65	.46	3%+.40	.30	.07
Cable splicers	10.85	.46	3%+.40	.30	.07
ELEVATOR CONSTRUCTORS	9.66	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPER	70%JR	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPER (Probationary 6 months)	50%JR				
GLAZIERS:					
Area I	9.16	.50	.30		.01
Area II	8.05			.25	

GLAZIERS AREA DEFINITIONS

AREA I - Tulsa, Creek, Mayes, and Roger Counties.

AREA II - Craig, Delaware and Ottawa Counties

IRONWORKERS	10.10	.45	.65		.12
LABORERS:					
Group I	7.20	.25	.40		
Group II	7.50	.25	.40		
Group III	7.60	.25	.40		
Group IV	8.05	.25	.40		

LABORERS CLASSIFICATION DEFINITIONS

Group I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures; cleaning when the man is directly tenders; and common laborers.

Group II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to 4 inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machines, and gunite mixing machines, including placing of concrete; handling creosoted or treated materials, liquid acids, or like materials, when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signal men and cutting torch operators in connection with laborers work; concrete grader.

GROUP III - Wagon drill operator

GROUP IV - Powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 8.65		.30		.01
LINE CONSTRUCTION:					
Linemen	9.85		3%		1/2%
Cable splicers	10.44		3%		1/2%
Hole digger operator	8.94		3%		1/2%
Heavy equipment operator (pole or cat equivalent)	8.94		3%		1/2%
Jack Hammerman	7.37		3%		1/2%
Line truck driver (winch op.)	8.09		3%		1/2%
Powderman	8.94		3%		1/2%
Groundman	6.57		3%		1/2%
Truck driver (flat bed ton and half and under)	7.02		3%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Craig, Ottawa and Delaware Counties):					
Brush, roller, tapers, paperhangers	$ 7.92		.30		
Spray, steamclean, sandblast, and pot tenders	8.295		.30		
PAINTERS (Tulsa, Creek, Rogers and Mayes Counties):					
Brush	8.55		.25	.85	.02
Highwork and stage	8.95		.25	.85	.02
Spray and sandblasting	8.95		.25	.85	.02
Hot or bituminous	9.85		.25	.85	.02
Sheetrock handtools	8.55		.25	.85	.02
Sheetrock power tools	8.90		.25	.85	.02
Hazardous work	10.75		.25	.85	.02
PIPEFITTERS	11.02	.50	.65		.08
PLASTERERS	9.45				.01
PLUMBERS	11.27	.35	.55		.08
POWER EQUIPMENT OPERATORS:					
Group I	10.75	.45	.50		.12
Group II	10.50	.45	.50		.12
Group III	10.25	.45	.50		.12
Group IV	10.00	.45	.50		.12
Group V	9.75	.45	.50		.12
Group VI	9.50	.45	.50		.12
Group VII	9.25	.45	.50		.12
Group VIII	8.85	.45	.50		.12
Group IX	8.50	.45	.50		.12
Group X	8.50	.45	.50		.12
Group XI	8.25	.45	.50		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
All crane type equipment with 250' of boom or over (including jib)

GROUP II
All crane type equipment with 200' of boom or over (including jib)

GROUP III
All crane type equipment with 150 - 200' of boom (including jib)

GROUP IV
All crane type equipment with 100 - 150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rated by mfg), sideboom (booms (30' & over), guy derrick

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP V
Heavy duty mechanic, welder, crane-hood & overhead monorail, whirley, panel board, batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe (3/4 yd & over); sideboom (under 30'), gradeall, hydro crane, cherry picker, hoist while operating 2 or more drums, hoists while doing stacks & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)

GROUP VI
Motor patrol (blade), fork lift (35' & over), dozer (engine h.p. 65 or over) fordson tractor or like equipment with hoe or loader equipment of ditcher, scraper type equipment, tournapull, DW 10, 15, 16, 20, 21 and similar rubber tired equipment, euclid, TS-24 and similar, loader operator or Hi-lift (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, powder driven hole digger with less than 30' mast, trenching machine, concrete pump-boom type - Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications

GROUP VII
Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. & under, air compressor, over 500 cu. ft. (1) pumps, Battery, 3 to 6, fork-lift, bobcat and similar equipment, generator plant engineer, diesel elec., winch truck with A-frame, roller, all types, outside elevator or building type of personnel, hoist, concrete buster or tamper, heaters under jurisdiction of Operating Engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor with or without attachments, batch plant operator (portable), conveyor-operator duel, continuous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines -- Engineers for machines not listed under the above classifications shall receive the scale comparable to those classifications

GROUP VIII
Greaser, tilt top trailer operator

GROUP IX
Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft., and under (1 or 2), welding machine (1 or 2) pump (1 or 2), fuelman, conveyor operator-single-continuous belt bulk handling

GROUP X
Asphalt lay machine back end man, mechanic helper and welder helper

GROUP XI
Truck crane oiler driver or track crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$ 8.40	.45	.25		.04
SHEET METAL WORKERS	9.53	.50	.66		.10
SOFT FLOOR LAYERS	7.71		.35	744b	.03
SPRINKLER FITTERS	11.15	.65	.95		.08
TERRAZZO WORKERS	9.90		.30		
TERRAZZO WORKERS' & Tile layers helper	8.19				
TERRAZZO WORKERS' Helpers floor machine operator	8.30				
TERRAZZO WORKERS' Helpers base machine operator	8.51				
TILE LAYERS	9.90		.30		
TRUCK DRIVERS: (DELAWARE COUNTY)					
Group I	7.55				
Group II	7.65				
Group III	7.75				
Group IV	7.70				
Group V	7.85				

DELAWARE COUNTY - TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I - Pick-up 1½ tons, or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.
GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, tourner pulls, or other heavy material moving equipment, tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV - Ready mix concrete trucks up to but not including 3 yards
GROUP V - Ready mix concrete trucks 3 yards and over

TRUCK DRIVERS(TULSA, CREEK, CRAIG, OTTAWA, MAYES & ROGERS COUNTIES)					
Group I	7.68				
Group II	7.73				
Group III	7.83				
Group IV	7.83				
Group V	7.83				

TULSA, CREEK, CRAIG, OTTAWA, MAYES AND ROGERS COUNTIES - TRUCK DRIVERS CLASSIFICATION DEFINITIONS

Group I - Truck drivers, including pick-up, 1½ tons or 2½ yards up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake body or bus driver.
Group II - 3 tons or 4 yards up to but not including 4 tons or 6 yards.
Group III - 5 tons or 6 yards and over including heavy equipment.
Group IV - Ready mix concrete truck
Group V - Tractor-trailer and similar equipment

FOOTNOTES:
a - 1st 6 mos. none; 6 mos. to 5 yrs. - 2%; over 5 years - 4% of basic hourly rate.
b - Paid Holidays - A through F
PAID HOLIDAYS:
A-New Year's Day; Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTIES: Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Seminole and Pottawatomie

DECISION NO.: OK77-4171 DATE: Date of Publication

SUPERSEDES DECISION NO. OK77-4109 dated June 3, 1977 in 42 FR 28807

DESCRIPTION OF WORK: Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.05	.45	1.00		.02
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYER-STONEMASONS:					
Oklahoma, Cleveland, Canadian and McClain Counties	10.02	.50	.50		.05
Lincoln, Pottawatomie and Seminole Counties	9.50	.50	.30		.05
Kingfisher County	8.45				
Logan County	8.90	.45	.50		.05
Caddo and Grady Counties	9.10	.50	.30		.05
CARPENTERS - ZONE I					
Carpenters	7.95	.35	.25		.05
Power saw operator	8.20	.35	.25		.05
Millwrights-Piledrivermen	9.50	.45	.45		.09
CARPENTERS - ZONE II					
Carpenters	9.25	.45	.45		.09
Millwrights-Piledrivermen	9.50	.45	.45		.09
Power saw operator	9.50	.45	.45		.09
CARPENTERS - ZONE III					
Carpenters	9.11	.45	.25		.09
Power saw operator	9.36	.45	.25		.09
Millwrights-Piledrivermen	9.36	.45	.25		.09
CARPENTERS - ZONE IV					
Carpenters	7.85	.30	.25		.02
Millwrights-Piledrivermen	8.675	.30	.25		.02
CARPENTERS - ZONE V					
Carpenters	7.25				
Millwrights-Piledrivermen	9.50	.45	.45		.09

CARPENTERS AREA DEFINITION

ZONE I - Northern 1/2 of Lincoln County bound on the South by Interstate 35 on the East of Highway 99

ZONE II - Pottawatomie County and part of Lincoln County south of Turner Turnpike; the City limits of Moore in Cleveland County; all of Oklahoma, Canadian, Kingfisher and Logan Counties.

ZONE III - McClain County and Cleveland County (except that area covered by the City limits of Moore)

ZONE IV - Seminole County

ZONE V - Caddo and Grady Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Lincoln, Oklahoma, McClain, Caddo, Grady, Cleveland, Canadian, Logan & Kingfisher Cos.	$ 9.23	.40			
ELECTRICIANS:					
Zone I	10.05	.50	3%+.50		1/2%
Zone II	10.30	.50	3%+.50		1/2%
Zone III	10.55	.50	3%+.50		1/2%
CABLE SPLICERS:					
Zone I	10.30	.50	3%+.50		1/2%
Zone II	10.55	.50	3%+.50		1/2%
Zone III	10.80	.50	3%+.50		1/2%

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITION

ZONE I - the area within the twelve mile radius of the main Post Office located in one of the cities listed as follows: El Reno, Moore, Norman, and Oklahoma City.

ZONE II - the area between the twelve mile zone 1 radius to thirty mile radius of the zone 1 post office, except where zone 2 intercepts another zone 1 area.

ZONE III - the area outside zones 1 and 2 and within the local union area.

ELEVATOR CONSTRUCTORS	8.855	.545	.35	2½%+a+b	.02
ELEVATOR CONSTRUCTORS HELPER	70%JR	.545	.35	2½%+a+b	.02
ELEVATOR CONSTRUCTORS HELPER(PROB.)	50%JR				
GLAZIERS	8.60				
IRONWORKERS	10.10	.45	.65		.12
LABORERS:					
ZONE I					
Group I	7.20	.25	.40		
Group II	7.45	.25	.40		
ZONE II					
Group I	5.95	.25	.40		
Group II	6.20	.25	.40		
ZONE III					
Group I	6.10	.25	.40		
Group II	6.40	.25	.40		
ZONE IV					
Group I	5.80	.25	.40		
Group II	6.05	.25	.40		

LABORERS CLASSIFICATION DEFINITION

GROUP I - Unskilled laborers

GROUP II - Air tool operator (jackhammer-vibrator), mason tenders, mortar mixers, pipelayers (concrete and clay), plasterers tenders

AREA COVERED BY LABORERS ZONES

ZONE I - Oklahoma, Canadian, Logan, Pottawatomie, Lincoln and Cleveland Counties.

ZONE II - McClain, Caddo and Grady Counties

ZONE III - Seminole County

ZONE IV - Kingfisher County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 9.00				.01
LINE CONSTRUCTION:					
Linemen	9.85		3%		1/2%
Cable splicers	10.44		3%		1/2%
Hole digger operator	8.94		3%		1/2%
Heavy equipment operators (or pole cat equivalent)	8.94		3%		1/2%
Line truck driver (winch op.)	8.09		3%		1/2%
Jack hammerman	7.37		3%		1/2%
Powderman	8.94		3%		1/2%
Groundman (1st year)	5.12		3%		1/2%
Groundman	6.57		3%		1/2%
Truck driver (flat bed, ton and half and under)	7.02		3%		1/2%
MARBLE MASONS	9.40		.30		
PAINTERS:					
Brush	8.45	.50	.35	.35	.03
Spray under 30 feet	8.95	.50	.35	.35	.03
Spray over 30 feet	9.45	.50	.35	.35	.03
Sandblasting under 30 feet	8.95	.50	.35	.35	.03
Sandblasting over 30 feet	9.45	.50	.35	.35	.03
Hazardous work	8.95	.50	.35	.35	.03
Paperhanging	9.45	.50	.35	.35	.03
Tapers using machine tools	8.95	.50	.35	.35	.03
PLASTERERS	9.30				.01
PLUMBERS-PIPEFITTERS	10.97	.60	.85		.10
POWER EQUIPMENT OPERATORS:					
Group I	10.75	.45	.50		.12
Group II	10.50	.45	.50		.12
Group III	10.25	.45	.50		.12
Group IV	10.00	.45	.50		.12
Group V	9.75	.45	.50		.12
Group VI	9.50	.45	.50		.12
Group VII	9.25	.45	.50		.12
Group VIII	8.85	.45	.50		.12
Group IX	8.50	.45	.50		.12
Group X	8.50	.45	.50		.12
Group XI	8.25	.45	.50	.12	

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I

All crane type equipment with 250' of boom or over (including jib)

GROUP II

All crane type equipment with 200' of boom or over (including jib)

GROUP III

All crane type equipment with 150 - 200' of boom (including jib)

GROUP IV

All crane type equipment with 100 - 150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rated by mfg), sideboom (booms (30' & over), guy derrick

GROUP V

Heavy duty mechanic, welder, crane-hood & overhead monorail, whirley, panel board, batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe (3/4 yd & over); sideboom (under 30'), gradeall, hydro crane, cherry picker, hoist while operating 2 or more drums, hoists while doing stacks & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)

GROUP VI

Motor patrol (blade), fork lift (35' & over), dozer (engine h.p. 65 or over) fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, tournapull, DW 10, 15, 16, 20, 21 and similar rubber tired equipment, euclid, TS-24 and similar, loader operator or Hi-lift (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, powder driven hole digger with less than 30' mast, trenching machine, concrete pump-boom type - Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications

GROUP VII

Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. & under, air compressor, over 500 cu. ft. (1) pumps, Battery, 3 to 6, fork-lift, bobcat and similar equipment, generator plant engineer, diesel elec., winch truck with A-frame, roller, all types, outside elevator or building type of personnel, hoist, concrete buster or tamper, beaters under jurisdiction of Operating Engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor with or without attachments, batch plant operator (portable), conveyor-operator duel, continuous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines -- Engineers for machines not listed under the above classifications shall receive the scale comparable to those classifications

GROUP VIII

Greaser, tilt top trailer operator

GROUP IX

Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft., and under (1 or 2), welding machine (1 or 2) pump (1 or 2), fuelman, conveyor operator-single-continuous belt bulk handling

GROUP X

Asphalt lay machine back end man, mechanic helper and welder helper

GROUP XI

Truck crane oiler driver or track crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$ 8.80	.45	.25		.04
SHEET METAL WORKERS	10.38	.45	.40		.05
SOFT FLOOR LAYERS:					
Resilient floor layers and carpet layers	9.10	.50		.25	.03
SPRINKLER FITTERS	11.15	.65	.95		.08
TERRAZZO WORKERS	9.40		.30		
TERRAZZO WORKERS FINISHER	6.98				
TERRAZZO BASE MACHINE MAN	7.28				
TERRAZZO FLOOR MACHINE MAN	7.08				
TILE SETTERS	9.40		.30		
TILE & MARBLE FINISHERS:					
Experienced finishers	6.65				
TRUCK DRIVERS:					
Group I	6.92				
Group II	6.92				
Group III	6.62				

TRUCK DRIVERS CLASSIFICATION DEFINITION

GROUP I - Truck drivers for heavy equipment such as lowboys, heavy winch and floats

GROUP II - Heavy earth moving equipment such as dump trucks and Euclids.

GROUP III - Truck drivers and swampers, such as dump trucks, flat beds, stake bodies, and 3/4, and 1/2 ton pick-up trucks.

WELDERS - received rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

A. 1st 6 mos. - none; 6 mos. to 5 yrs. 2%; over 5 yrs. - 4% of basic hourly rate.

B. Paid Holidays A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

[FR Doc.77-21605 Filed 7-28-77;8:45 am]

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