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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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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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Title 3—The President

PROCLAMATION 4518

National Lupus Week, 1977

By the President of the United States of America

A Proclamation

The medical challenge which the disease lupus erythematosus presents is the subject of many research projects in hospitals and medical centers throughout the United States. The disease most often strikes during its victims' most active and productive years, and can affect many organs of the body with inflammation and changes in structure and function.

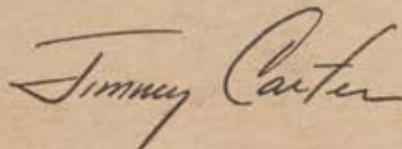
The cause of lupus still eludes investigators, but promising leads into its relationship to the immune system, as well as to other factors, may yield new understanding of the origin of this chronic inflammatory disease, which afflicts an estimated fifty thousand new victims annually.

The Federal Government is supporting an aggressive program of research into the cause and treatment of lupus, which, it is hoped, will ultimately lead to its prevention or control. Genetic studies suggesting the role of heredity in the occurrence of lupus have begun to provide important information. The study of immunity, the body's ability to resist disease, is now pointing the way to an understanding of the relationship to lupus of abnormal immune reactions of the body. Although a cure must await further knowledge of the basic cause, presently available forms of treatment can frequently delay the often grave consequences of the disease.

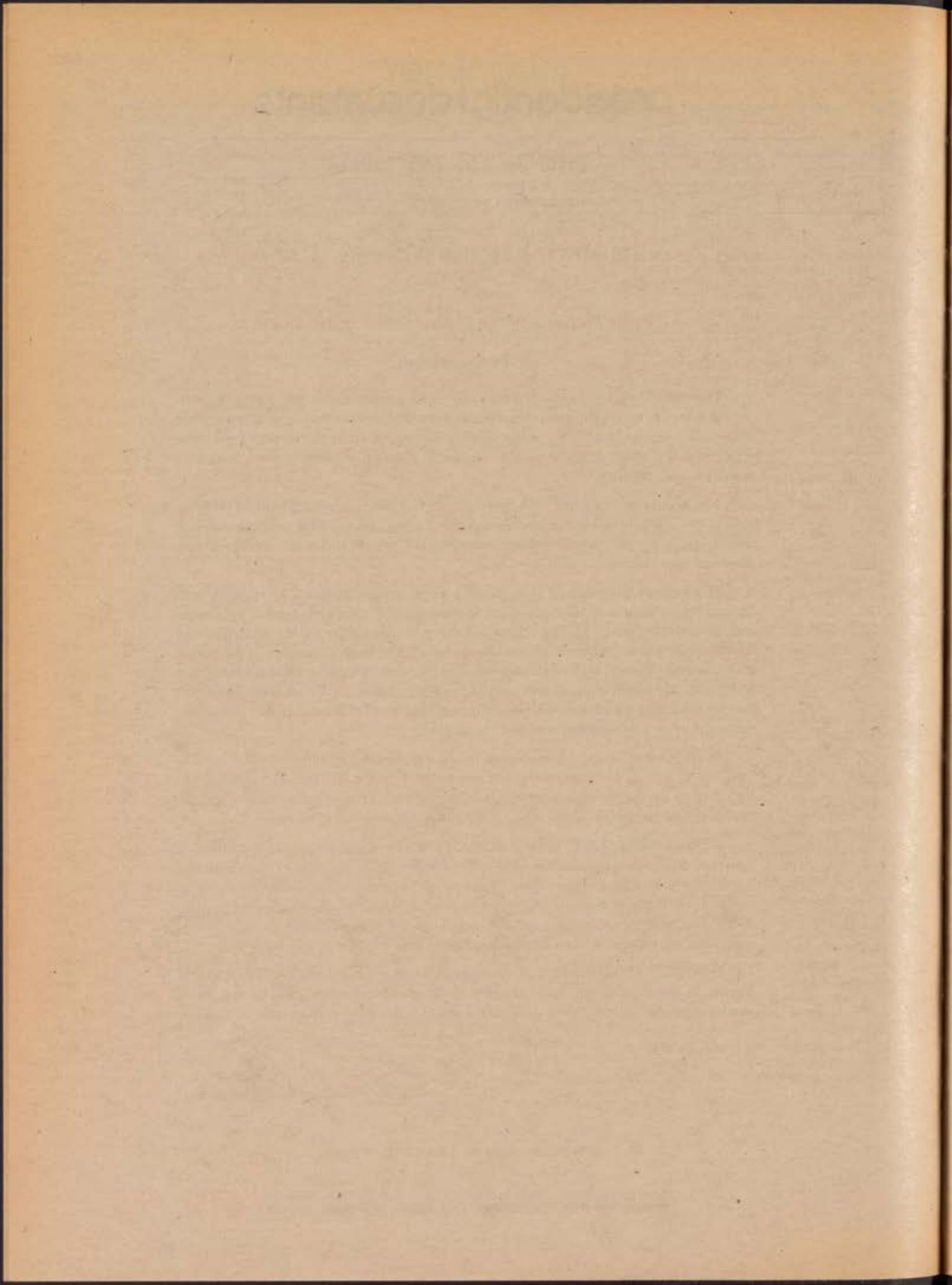
In recognition of the seriousness of lupus and America's commitment to its control, the Congress, by joint resolution approved July 25, 1977, has requested the President to issue a proclamation designating the week of September 18 through 24, 1977, as National Lupus Week and calling for its appropriate observance.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week of September 18 through 24, 1977, as National Lupus Week. I invite the Governors of the several States and the Commonwealth of Puerto Rico, the Mayor of the District of Columbia, the chief officials of local governments, the medical profession, and the people of the United States to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and second.



[FR Doc.77-25864 Filed 8-31-77;4:42 pm]



rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

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

PART 701—NATIONAL RURAL ENVIRONMENTAL PROGRAMS FOR 1975 AND SUBSEQUENT YEARS

Forestry Incentives Program

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to revise the regulations concerning cost-sharing with the same landowner more than once on the same acreage. Previous rules allowed cost-sharing only once except where plantations were heavily overtopped by hardwood sprouts. This rule would allow repetitive timber stand improvement measures on the same acreage where recommended by the service forester as sound silvicultural practice.

EFFECTIVE DATE: September 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert J. Mondloch, (ASCS) (202-447-6221).

SUPPLEMENTARY INFORMATION:

The Forestry Incentives Program provides cost-sharing for landowners to reforest or improve existing stands of forest trees. Previous rules allowed cost-sharing only once on the same acreage with the same landowner, except where plantations needed release from hardwood sprouts. This rule has been found to be too restrictive and silviculturally unsound. Direct seeding is an economical way of reforestation yet frequently requires thinning within 3 years. Successive thinnings in a dense stand may be the only feasible way of treatment. Thinning followed by a later pruning is a common and sound practice. The winter planting season is rapidly approaching. Accordingly, it is hereby found and determined that compliance with notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

Accordingly, 7 CFR § 701.41 is amended to read as follows:

§ 701.41 Restoration of practices.

(a) Cost-sharing may be authorized under the program only for the establishment or installation of the practices contained in this part. Cost-sharing may not be authorized for repeating any of the practices in this part with the same owner on the same acreage, except as provided in paragraph (b) or (c) of this section.

(b) Cost-sharing may be authorized for the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed under the program only if all of the following conditions exist:

(1) Replacement or restoration of the practice is needed to solve the problem;

(2) The failure of the original practice was not due to the lack of proper maintenance by the current operator; and

(3) The county committee believes that the replacement or restoration of the practice merits consideration under the program to an equal extent with other practices.

(c) Cost-sharing may be authorized for timber stand improvement measures carried out in repetitive steps where, in the judgement of the forester, the stand treatment warrants such silvicultural practice.

(Sec. 4, 49 Stat. 164, Secs. 7-15, 16(a), 16(f), 16A, 17, 49 Stat. 1148, as amended, 71 Stat. 176, 71 Stat. 426, 72 Stat. 864, 75 Stat. 233, 86 Stat. 678; (16 U.S.C. 590g-590o, 590p(a), 590pA, 590q); Secs. 1001-1009, 87 Stat. 241 (16 U.S.C. 1501-1510).)

Signed at Washington, D.C., on August 23, 1977.

RAY FITZGERALD,
Administrator, Agricultural
Stabilization and Conservation
Service.

[FR Doc. 77-25292 Filed 9-1-77; 8:45 am]

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

[Lemon Reg. 108]

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 September 4-10, 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: September 4, 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 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 consider 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 very similar to last week, good on size 140's and smaller, but poorer on larger sizes. Average f.o.b. price was \$6.73 per carton the week ended August 27, 1977, compared to \$6.65 per carton the previous week. Track and rolling supplies at 165 cars were up 15 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 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 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 had 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 August 30, 1977.

§ 910.408 Lemon Regulation 108.

(a) * * *

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 4, 1977, through September 10, 1977, is established at 200,000 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: August 31, 1977.

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

[FR Doc. 77-26913 Filed 9-1-77; 12:04 pm]

[Pear Reg. 7, Amdt. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Grade, Size, and Container

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment increases the percentage of size 165 fresh Bartlett and Max-Red (Max-Red and Red Bartlett) varieties of pears grown in

California which may be shipped, effective August 29, 1977. The amendment takes into consideration the marketing situation facing the California pear industry, and is consistent with the size composition of the estimated crop.

EFFECTIVE DATE: August 29, 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.* Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of recommendations and information submitted by the Pear Commodity Committee, established under the marketing agreement and order, and other available information, it is found that the regulation of handling of pears, as provided in this amendment will tend to effectuate the declared policy of the act.

Amendment of the regulation is necessary to permit pear handlers to ship a larger percentage of 165 size pears, because of the large amount of small sized pears, particularly in the Lake District, and as estimates of total fresh shipments are reduced. The committee now estimates total 1977 season fresh Bartlett pear shipments at 3,400 carlots, compared with 4,210 estimated earlier. The amendment should result in increased shipments because it would increase the amount of size 165 pears permitted to be shipped to 17.647 percent, from the current 5.263 percent.

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 of this amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of pears.

The provisions in paragraph (a) (2) of § 917.445 Pear Regulation 7 (42 FR 35937) are hereby amended to read as follows:

§ 917.445 Pear Regulation.

(a) * * *

(2) Any box or container of Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears unless such pears are of a size not smaller than the size known commercially as size 150; *Provided*, That a handler may ship, during

quantity of such pears which are smaller than the size known commercially as size 150 if (i) such smaller pears are not smaller than the size known commercially as size 165, and (ii) the quantity of such smaller pears shipped from such shipping point does not, at the end of any day during the aforesaid period, exceed 17.647 percent of such handler's total shipments of such pears, shipped from the same shipping point, which are not smaller than the size known commercially as size 150;

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

Dated: August 29, 1977, to become effective August 29, 1977.

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

[FR Doc. 77-25689 Filed 9-1-77; 8:45 am]

Title 9—Animals and Animal Products CHAPTER 1—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

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

PART 73—SCABIES IN CATTLE

Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to quarantine portions of Monterey and San Benito Counties in California because of the existence of cattle scabies. Psoroptic cattle scabies was confirmed in Monterey and San Benito Counties, California, by Veterinary Services Laboratories. Therefore, in order to prevent the dissemination of cattle scabies it is necessary to quarantine the infested areas.

EFFECTIVE DATE: August 29, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: These amendments quarantine portions of Monterey and San Benito Counties in California because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

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

In § 73.1a, a new paragraph (d) is added to read:

§ 73.1a Notice of quarantine.

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

1. That portion of Monterey County comprised of secs. 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36, T. 15 S. R. 5 E.

2. That portion of Monterey County comprised of secs. 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, and 27, T. 16 S., R. 5 E.

3. That portion of Monterey County comprised of secs. 17, 18, 19, 20, 29, 30, 31, and 32, T. 15 S., R. 6 E.

4. That portion of Monterey County comprised of secs. 5, 7, 18, and 19, T. 16 S., R. 6 E.

5. That portion of San Benito County comprised of secs. 15, 16, 21, 22, 28, 33, and 34, T. 15 S., R. 6 E.

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

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

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

Done at Washington, D.C., this 29th day of August 1977.

NOTE.—The Animal and Plant Health Inspection Service 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.

PIERRE A. CHALOUX,
Deputy Administrator,
Veterinary Services.

[FR Doc. 77-25692 Filed 9-1-77; 8:45 am]

PART 78—BRUCELLOSIS

Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

BRUCELLOSIS AREAS

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Animal and Plant Health Inspection Service is amending

its Brucellosis Regulations. These amendments update the Brucellosis regulations by providing the current status of various counties and States which have been designated Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, or Noncertified Areas for purposes of interstate movement of cattle and bison from such areas. This action is required because of the change in the Brucellosis status of the areas affected.

EFFECTIVE DATE: September 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. A. D. Robb, U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, Hyattsville, Maryland, Room 805, (301-436-8713).

(b) Specific Counties Within States.

SUPPLEMENTARY INFORMATION:

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 78.1(1): Butte and Clark Counties in Idaho; Decatur, Monroe, and Sioux Counties in Iowa; and Barber, Brown, Chase, Clark, Ellsworth, Gray, Hamilton, Kearny, Kiowa, Meade, Ness, Pottawatomie, Pratt, Rawlins, Republic, Rooks, Rush, Saline, Shawnee, Stanton, and Wichita Counties in Kansas.

Accordingly, §§ 78.20, 78.21, and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively, are amended to read as follows:

§ 78.20 Certified Brucellosis-Free Areas.

The following States, or specified portions thereof, are hereby designated as Certified Brucellosis-Free Areas:

(a) Entire States.

Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

Alabama. Dale, Geneva.

Arkansas. Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Cleveland, Columbia, Dallas, Drew, Fulton, Garland, Grant, Greene, Johnson, Madison, Marion, Monroe, Montgomery, Newton, Ouachita, Pike, Searcy, Sharp, Stone, Union, Woodruff.

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips,

Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld.

Florida. Baker, Bay, Brevard, Calhoun, Citrus, Dixie, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Santa Rosa, Seminole, Taylor, Wakulla, Walton, Washington.

Georgia. Appling, Atkinson, Bacon, Banks, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chatham, Chatham, Clarke, Clayton, Cook, Crawford, De Kalb, Echols, Edgingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Jeff Davis, Johnson, Jones, Lanier, Laurens, Liberty, Long, McIntosh, Monroe, Peach, Rabun, Richmond, Schley, Screven, Stephens, Taylor, Telfair, Toombs, Treutlen, Twiggs, Upson, Ware, Washington, Wayne, Wheeler, White, Wilkinson.

Idaho. Ada, Adams, Bear Lake, Benewah, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Clark, Clearwater, Custer, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Owyhee, Payette, Power, Shoshone, Valley, Washington, Yellowstone National Park.

Illinois. Adams, Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Henry, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Mason, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pike, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, Woodford.

Iowa. Adair, Adams, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cherokee, Chickasaw, Clarke, Clay, Clinton, Dallas, Davis, Decatur, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Johnson, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Pocahontas, Polk, Pottawattamie, Poweshiek, Plymouth, Scott, Shelby, Sioux, Tama, Taylor, Van Buren, Wapello, Warren, Washington, Webster, Winnebago, Winnesiek, Woodbury, Worth, Wright.

Kansas. Barber, Brown, Chase, Cheyenne, Clark, Comanche, Doniphan, Ellsworth, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Johnson, Kearny, Kiowa, Lane, Logan, Marshall, Meade, Ness, Norton, Pawnee, Phillips, Pottawatomie, Pratt, Rawlins, Republic, Riley, Rooks, Rush, Saline, Scott, Shawnee, Sheridan, Stanton, Thomas, Trego, Wallace, Washington, Wichita.

Kentucky. Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

Mississippi. Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

Missouri. Audrain, Dunklin, Gasconade.

Hickory, Jackson, Laclede, Lewis, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

New Mexico. Bernalillo, Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Lincoln, Los Alamos, Luna, McKinley, Otero, Rio Arriba, Sandoval, San Juan, Santa Fe, Sierra, Socorro, Taos, Torrance.

South Dakota. Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codrington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, Marshall, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, Ziebach.

Tennessee. Anderson, Blount, Campbell, Carter, Claiborne, Davidson, Fentress, Grainger, Greene, Grundy, Hamblen, Hancock, Jefferson, Johnson, Knox, Lake, Lewis, Meigs, Morgan, Perry, Polk, Roane, Robertson, Scott, Sequatchie, Sevier, Sullivan, Union, Van Buren, Warren, White.

Texas. Brewster, Childress, Comal, Crane, Ector, Gray, Hansford, Hartley, Hemphill, Irion, Jeff Davis, Kerr, Kimble, Lipscomb, Llano, Loving, Mason, Newton, Pecos, Reagan, Roberts, Sterling, Terrell, Val Verde, Ward, Winkler.

Utah. Beaver, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Albonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Conamo, Comerio, Corozal, Culebra, Dorado, Pajardo, Guanica, Guayama, Guaynabo, Guayanilla, Gurabo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, Yauco.

§ 78.21 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) Entire States.

Alaska, Louisiana, Nebraska, Oklahoma.

(b) Specific Counties Within States.

Alabama. Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Etowah, Escambia, Fayette, Franklin, Greene, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Law-

rence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas. Arkansas, Ashley, Chicot, Clark, Cleburne, Conway, Craighead, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Jefferson, Lafayette, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Nevada, Perry, Phillips, Poinsett, Polk, Pope, Prairie, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, White, Yell.

Colorado. Mesa, Yuma.

Florida. Alachua, Bradford, Broward, Charlotte, Clay, Collier, Columbia, Dade, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Sumter, Suwanee, Union, Volusia.

Georgia. Baker, Baldwin, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Dawson, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Henry, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Madison, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Rockdale, Seminole, Spalding, Stewart, Sumter, Talbot, Tallahassee, Tattnall, Terrell, Thomas, Tift, Towns, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitfield, Wilcox, Wilkes, Worth.

Idaho. Bannock, Bingham, Bonneville, Caribou, Cassia, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, Teton, Twin Falls.

Illinois. Massac.

Iowa. Allamakee, Appanoose, Cerro Gordo, Clayton, Crawford, Delaware, Guthrie, Harrison, Jefferson, Jones, Ringgold, Sac, Story, Union, Wayne.

Kansas. Allen, Anderson, Atchison, Barton, Bourbon, Butler, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Finney, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Jefferson, Jewell, Kingman, Labette, Leavenworth, Lincoln, Linn, Lyon, Marion, McPherson, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Osage, Osborne, Ottawa, Reno, Rice, Russell, Sedgwick, Seward, Sherman, Smith, Stafford, Stevens, Sumner, Wabaunsee, Wilson, Woodson, Wyandotte.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston,

Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, Georges, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, LeFlore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktubbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri. Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Charlton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, De Kalb, Dent, Douglas, Franklin, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Iron, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Hadison, Maries, Marion, McDonald, Mercer, Miller, Mississippi, Monroe, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

New Mexico. Chaves, Curry, De Baca, Eddy, Guadalupe, Lea, Mora, Quay, Roosevelt, San Miguel, Union, Valencia.

South Dakota. Jones, Stanley.

Tennessee. Bedford, Benton, Bledsoe, Bradley, Cannon, Carroll, Cheatham, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, Decatur, DeKalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Hamilton, Hardeeman, Hardin, Hawkins, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lauderdale, Lawrence, Lincoln, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Monroe, Montgomery, Moore, Obion, Overton, Pickett, Putnam, Rhea, Rutherford, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Washington, Wayne, Weakley, Williamson, Wilson.

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimitt, Donley, Duval, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harris, Harrison, Haskell, Hays, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston,

Howard, Hudspeth, Hunt, Hutchinson, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Porter, Presidio, Rains, Randall, Real, Red River, Reeves, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Schackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, Zavala.

Utah, Box Elder, Cache.

Wyoming, Lincoln.

Puerto Rico, Arecibo, Camuy, Carolina, Huitillo, Las Piedras, Naguabo.

§ 78.22 Noncertified Areas.

The following States, or specified portions thereof, are hereby designated as Noncertified Brucellosis Areas:

(a) *Entire States.*

(b) *Specific Counties Within States.*

Missouri, Morgan.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.25.)

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 29th day of August 1977.

NOTE.—The Animal and Plant Health Inspection Service 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.

PIERRE A. CHALOUX,
Deputy Administrator,
Veterinary Services.

[FR Doc. 77-25693 Filed 9-1-77; 8:45 am]

CHAPTER III—FOOD SAFETY AND QUALITY SERVICE MEAT AND POULTRY INSPECTION DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

Minimum Cooking Requirements for Cooked Beef Roast

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes the requirement that all cooked beef roast be cooked to a minimum internal temperature of 145° F. (63° C.). There has been increasing evidence in recent months that *Salmonella* food poisoning has been caused by consumption of cooked beef roast. Heating cooked beef roast to the required temperature will destroy the *Salmonella* food poisoning organisms.

EFFECTIVE DATE: September 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. R. Engel, Director, Scientific Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-2326).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Recent outbreaks of human salmonellosis involving the consumption of commercially produced cooked beef roast have been carefully investigated and evaluated by the epidemiologists and laboratories of local, State, and Federal agencies. The data produced supports the following conclusions:

1. The physical nature of raw beef roasts is such that the penetration of microorganisms, including *Salmonella* into the deepest portions of the roasts may occur. Gaps in intermuscular fascia, knife cuts and deep folds are some of the physical features that contribute to such penetration. Deep inoculation of *Salmonella* bacteria and other microorganisms may also occur during boning, packing, defrosting and precook handling of the raw roasts or by the flow of natural juices during the cooking process.

2. There is presently no minimum temperature requirement for all beef roasts cooked during processing. Consequently, some cooking procedures currently in use do not assure the death of *Salmonella* bacteria in the interior of cooked beef roasts. In investigating some recent cases of human salmonellosis, Food Safety and Quality Service employees have conducted epidemiological studies and follow-up laboratory examinations of cooked beef roasts. They have discovered the same species of *Salmonella* in the interior of the roasts and in the human subjects. Results of these studies are

available from Dr. R. Engel. (RA)

3. The failure of current cooking procedures for this product to kill all *Salmonella* bacteria has resulted in a significant public health hazard. In the last 24 months alone commercially produced cooked beef roast has been incriminated as the product responsible for 10 outbreaks involving a conservatively estimated 110 cases of human salmonellosis.

4. A minimum temperature of 145° F. (63° C.) in all parts of each beef roast is necessary to assure the death of all *Salmonella* bacteria that may be present. This conclusion is supported by numerous scientific papers on the time-temperature relationships required to kill *Salmonella* bacteria in foods. Some of these references are:

Angelotti et al. 1959. Time-temperature effects on salmonellae and staphylococci in foods. I. Behavior in broth cultures and refrigerated foods. Technical Report F 59-2. U.S. Dept. of Health, Ed. and Wel.; Public Health Service; Ch., O.

Baird-Parker, A.C. et al. 1970. The effect of water activity on the heat resistance of heat sensitive and heat resistant strains of salmonellae. J. App. Bact. 33, 515-522.

Moran, A.B. 1975. Report on beef cooked to temperature lower than 145° F. Parts one, two and three. USDA, APHIS, MPI. Unpublished.

Ng., H. et al. 1969. Heat resistance of *Salmonella*: the uniqueness of *Salmonella senftenberg* 775 W. App. 1. Micro. 17, No. 1 (78-82).

Bayne, H.G. et al. 1964. Heat resistance of *Salmonella typhimurium* and *Salmonella senftenberg* 775-W in chicken meat. Poultry Sci. 43:1302-1303.

Of the 10 outbreaks mentioned in paragraph 3 above, six have been discovered since the beginning of August. Of the conservatively estimated 110 cases of salmonellosis, 54 have been discovered since the first of August. Most of this great increase in the number of cases found results from intensive Federal-State investigation into the incidence of human salmonellosis following the consumption of this product.

The Administrator has now determined that an imminent health hazard exists. Therefore, under the authority contained in the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), he hereby amends Part 318 of the Federal Meat Inspection Regulations (9 CFR Part 318) to add a new § 318.17 to read as follows:

§ 318.17 Cooking requirements for cooked beef roast.

Cooked beef roast shall be prepared by a cooking procedure that produces a minimum temperature of 145° F. (63° C.) in all parts of each roast.

(Section 21, 34 Stat. 1264, 21 U.S.C. 621; 42 FR 35625, 35631.)

Immediate regulation of this problem is required in order to protect the public health. Further, it does not appear that additional relevant information would be made available by public participation in rulemaking proceedings on this amendment. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect

to this amendment are impracticable, unnecessary, and contrary to the public interest, good cause is found for making this amendment effective less than 30 days after publication in the *FEDERAL REGISTER*.

NOTE.—The Food Safety and Quality Service 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., on August 31, 1977.

ROBERT ANGELOTTI,
Administrator,
Food Safety and Quality Service.

[FR Doc. 77-25868 Filed 9-1-77; 8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Amendments Clarifying Entitlements Treatment of Exchanges for the Strategic Petroleum Reserve

AGENCY: Federal Energy Administration.

ACTION: Final rule.

SUMMARY: The Federal Energy Administration (FEA) hereby adopts amendments to the domestic crude oil allocation (entitlements) program to clarify the entitlements treatment of exchanges or matching purchase and sales transactions which the Federal Government enters into in connection with the acquisition of crude oil for storage in the Strategic Petroleum Reserve (SPR). This rule provides that refiners or other firms which enter into exchanges or matching purchase and sales transactions with the Federal Government for the delivery of crude oil for storage in the SPR shall not receive entitlements for the delivery of that crude oil. In such cases, the entitlements shall be issued to the refiner or other firm from which the Federal Government purchases imported crude oil for purposes of satisfying its obligation pursuant to the exchange or matching purchase and sale transaction.

EFFECTIVE DATE: Date of issuance, as set forth below.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (FEA Reading Room), 12th and Pennsylvania Avenue NW., Room 2107, Washington, D.C. 20461 (202-566-9161).

Allen Hoffard (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461 (202-566-9833).

Michael E. Carosella (SPR Program Office), 1726 M Street NW., Room 330, Washington, D.C. 20461 (202-634-5500).

Douglas McIver (Entitlements Program Office); 2000 M Street NW., Room 6128I, Washington, D.C. 20461 (202-254-8660).

Michael Paige or Fred Wolgel (Office of General Counsel), 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 (202-566-9565—Paige); (202-566-2454—Wolgel).

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

II. DISCUSSION OF COMMENTS

III. AMENDMENTS ADOPTED

I. BACKGROUND

On August 3, 1977, FEA issued a notice of proposed rulemaking and public hearing which proposed amendments to the domestic crude oil allocation (entitlements) program to clarify the entitlements treatment of exchanges or matching purchase and sales transactions having the same effect as exchanges which the Government enters into in connection with the acquisition of crude oil for the SPR (42 FR 39990, August 8, 1977). Under the provisions of a final rule adopted on April 25, 1977, refiners or other firms receive entitlements for sales of imported crude oil for storage in the SPR (42 FR 21761, April 29, 1977).

In its August 3 notice, FEA explained that in many instances it will be less expensive and more efficient to acquire crude oil for the SPR through exchanges or matching purchase and sales transactions than to acquire crude oil only through direct purchases. Because there has been uncertainty as to which firm would receive entitlement issuances for sales of crude oil to the SPR where such sales are in connection with an exchange or matching purchase and sale transaction, FEA issued the August 3 notice to propose a rule to clarify the entitlements treatment in such instances.

The August 3 notice of proposed rulemaking basically provided that refiners or other firms which enter into exchanges or matching purchase and sales transactions with the Federal Government for the delivery of crude oil for storage in the SPR would not earn entitlements for the delivery of that crude oil. The proposal provided that the entitlements would be earned by the refiner or other firm from which the Federal Government purchases crude oil for purposes of satisfying its obligation pursuant to the exchange or matching purchase and sale transaction.

II. DISCUSSION OF COMMENTS

FEA received five comments in response to the August 3 notice. Four of the comments supported the proposal. The fifth comment argued that the adjustment to crude oil runs to stills made by the firm selling the replacement oil to the Government should be limited to the volume of crude oil actually delivered into the SPR. For example, if firm A delivered 99,000 barrels of crude oil for storage in the SPR pursuant to an ex-

change agreement with the Government, and the Government purchased 100,000 barrels of crude oil from firm B for delivery to firm A, firm B would be permitted to include only 99,000 barrels in its crude oil runs to stills if this suggestion was adopted. FEA does not believe that it is equitable to treat firms selling crude oil to the Federal Government for redelivery to another firm on a basis any different than firms selling crude oil directly for storage in the SPR. Accordingly, FEA has determined not to adopt this suggestion.

III. AMENDMENTS ADOPTED

The amendments adopted today are, with one exception discussed below, as proposed in the August 3 notice of proposed rulemaking. Section 211.67(d) (6) is amended to provide that a refiner will not earn entitlements for delivery of crude oil to the Federal Government for storage in the SPR, where that delivery is part of an exchange or part of a matching purchase and sale transaction which has the same effect as such an exchange. In such cases, the entitlements shall be earned by the refiner or other firm from which the Government purchases imported crude oil for purposes of satisfying its obligation pursuant to the exchange or matching purchase and sale transaction. The entitlement issuances to such refiner or other firm shall be on the same basis as those with respect to refiners or other firms from which imported crude oil is acquired for storage in the SPR. Section 211.67(d) (7) is also amended to provide the same entitlements treatment as described above for firms other than refiners that enter into exchange agreements or matching purchase and sales transactions with the Federal Government.

An example of the application of the amendments adopted would be as follows: the Government would contract to receive 100 barrels of crude oil delivered to the SPR in the month of July from firm A, in exchange for which the Government would deliver 100 barrels of imported crude oil to firm A in September. In September, the Federal Government would purchase 10 barrels of imported crude oil from firm B to be delivered to firm A and thus fulfill the Government's obligation under the exchange agreement. Under the amendments adopted today, firm B would earn entitlements for delivering 100 barrels of imported crude oil to the Government for redelivery to firm A on the same basis as if the imported crude oil were delivered to the Federal Government for storage in the SPR. Under the reporting procedures described in the April 25 final rule, firm B's September sale to the Government would be reported in October as an adjustment to firm B's August crude oil runs to stills.

In the August 3 notice of proposed rulemaking, FEA stated that the proposed amendments would not affect the treatment of crude oil exchanges or matching purchase and sales transactions under § 211.67(g). Under § 211.67

(g), no domestic crude oil is deemed transferred in an exchange or matching purchase and sale transaction in which only quality and location differentials are given effect in the calculation of the exchange ratio. The amendments adopted today will permit the Federal Government to acquire domestic crude oil for storage in the SPR, in those limited cases where that domestic crude oil is not purchased directly, but is acquired through an exchange for imported crude oil purchased by the Government. It is important to note here that the FEA is currently in the process of evaluating whether or not domestic crude oil should be purchased directly for storage in the SPR.

The amendments adopted today do not limit the Government to exchanges and matching purchase and sales transactions in which only quality and location differentials are given effect, and provide that in any case where a refiner or other firm delivers crude oil to the SPR pursuant to an exchange or matching purchase and sale transaction, no domestic crude oil shall be deemed to have been transferred. Thus, refiners and other firms who enter into exchanges or matching purchase and sales transactions with the Federal Government will be deemed to retain the domestic crude oil given up in such transactions even where such agreements reflect factors other than quality or location differentials. The provisions of § 211.67(g)(2) have been incorporated by reference, so that refiners or other firms will include the volumes of domestic crude oil given up in such transactions in their crude oil receipts at the time such volumes would be included in a firm's crude oil receipts under the provisions of § 211.67(g)(2). Section 211.67(g)(2) generally provides that the volume of domestic crude oil given up in an exchange are included in a firm's crude oil receipts at the time the crude oil acquired pursuant to the exchange would have constituted a crude oil receipt.

The FEA has determined that the August 3 notice of proposed rulemaking 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. 94-163, 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 amended as set forth below.

Issued in Washington, D.C., August 30, 1977.

ERIC J. FYCI,
Acting General Counsel.

Section 211.67 is amended by adding the following at the ends of the first sen-

tences of subparagraphs (6) and (7) of paragraph (d):

§ 211.67 Allocation of domestic crude oil.

(d) *Adjustments to volume of crude oil runs to stills.*

(6) * * *; and *provided further, that*, in any case where the United States Government acquires crude oil for storage in the Strategic Petroleum Reserve pursuant to an exchange or matching purchase and sale transaction, the refiner from which that crude oil is acquired for storage in the Strategic Petroleum Reserve shall not be eligible for any entitlement issuances under this subparagraph (6), nor shall any domestic crude oil be deemed to have been transferred by that refiner in that exchange or transaction and such retained volumes of domestic crude oil shall be included in its crude oil receipts under the provisions of § 211.67(g)(2), but a refiner or firm other than a refiner from which the United States Government acquires imported crude oil for purposes of satisfying its obligation pursuant to that exchange or transaction shall be eligible for entitlement issuances on the same basis as refiners from which imported crude oil is acquired for storage in the Strategic Petroleum Reserve.

(7) * * *; and, *provided further, that*, in any case where the United States Government acquires crude oil for storage in the Strategic Petroleum Reserve pursuant to an exchange or matching purchase and sale transaction, the firm from which that crude oil is acquired for storage in the Strategic Petroleum Reserve shall not be eligible for any entitlement issuances under this subparagraph (7), nor shall any domestic crude oil be deemed to have been transferred by that firm in that exchange or transaction of such retained volumes of domestic crude oil shall be included in its crude oil receipts under the provisions of § 211.67(g)(2), but a refiner or firm other than a refiner from which the United States Government acquires imported crude oil for purposes of satisfying its obligation pursuant to that exchange or transaction shall be eligible for entitlement issuances on the same basis as refiners from which imported crude oil is acquired for storage in the Strategic Petroleum Reserve.

[FR Doc. 77-25741 Filed 9-1-77; 8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart P—Certification and Recertification; Requests for Payment Replacement of Lost, Stolen or Forged Medicare Checks

AGENCY: Health Care Financing Administration, HEW.

ACTION: Final rule.

SUMMARY: This rule provides procedures for the replacement of lost, stolen, or forged Medicare checks. It also provides that state law will govern reclamation proceedings to recover the amounts of checks paid to unauthorized persons. The rule is necessary because (1) the Medicare law does not include any directions as to the procedures to follow in these situations and (2) checks issued by Medicare fiscal intermediaries and carriers are not covered by Federal law and regulations governing checks issued by the Treasury of the U.S. The rule is intended to provide procedures in regulation form to reimburse beneficiaries for their Medicare checks which have been lost, stolen, or destroyed and to protect the Medicare trust funds from theft or fraud.

DATES: The amendments will be effective October 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Stanley Katz, Division Director, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-9319.

SUPPLEMENTARY INFORMATION: On February 20, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 FR 7785). The Notice made known proposed amendments to Subpart P, Regulations No. 5 (20 CFR Part 405) regarding replacement of lost, stolen, or forged Medicare checks.

The amendments relate principally to Medicare checks drawn on commercial banks rather than the Treasury of the United States, and provide for: (1) Issuance of new checks by the Health Care Financing Administration's (HCFA's) Medicare fiscal intermediaries and carriers if the original checks have been lost, stolen, or paid to unauthorized persons; (2) reclamation proceedings to recover the proceeds of checks paid to unauthorized persons; and (3) issuance of substitute checks, if the original checks have not been negotiated, for example because they were mutilated or destroyed.

Since checks issued by Medicare fiscal intermediaries and carriers to disburse title XVIII health insurance program funds are drawn on commercial banks, rather than the Treasury of the United States, they are not subject to Federal law and regulations governing Treasury checks. These regulations, therefore, provide that the HCFA rather than the Treasury Department, will coordinate investigations to determine whether Medicare checks issued by intermediaries and carriers were paid to unauthorized persons as a result of a forged endorsement. These investigations may include analysis of all types of evidence of unauthorized negotiation in addition to that relating to the endorsement itself. The amendments also provide that appropriate State laws will be utilized in the reclamation proceedings to recover the proceeds of forged checks or checks paid

to unauthorized persons. The desired result of the amendments will be more prompt reimbursement to beneficiaries by the HOFA of Medicare checks which have been lost, stolen or destroyed. Under ordinary circumstances, a check may be replaced following an administrative determination that a check was lost, stolen or paid on a forged or unauthorized endorsement. The title of Subpart P of Part 405 is being revised to encompass the scope of the new amendments.

Interested persons were given 30 days from the date of publication in the FEDERAL REGISTER to submit data, views or arguments with regard to the proposed changes. Comments and suggestions received with regard to this Notice of Proposed Rule Making (NPRM), responses thereto, and changes in the proposed amendments are summarized below:

Three comments were received in response to the proposed amendments:

1. The first suggested that the requirements in the amendments for settlement of a claim prior to the recovery of the check be changed to provide that the payee must not knowingly have participated, either directly or indirectly, in the proceeds of the negotiation or payment. The amendments published under NPRM stated that the payee must not have participated either directly or indirectly in the proceeds of the negotiation or payment, and did not distinguish between "knowing" and "unknowing" participation in the proceeds. The suggested change was not adopted. Since a payee who participated in the proceeds has already benefited from the program payment, settlement in the payee's favor would permit payment in excess of the benefit amount due, rather than provide protection against the loss of the proceeds of the check.

2. The second comment requested that § 405.1696 be revised to provide that corporate trustees appointed by the various State courts to act in a representative capacity for payees be authorized to sign claims based only upon information and belief. If a payee is deceased or incompetent, the authorized representative may file a claim for replacement or reissuance of a lost, stolen, destroyed, or forged check issued on behalf of the payee based upon the representative's best information and belief. Therefore, paragraphs (b) and (c) of § 405.1696 have been amended to clarify the limited responsibility of an authorized representative in this respect.

3. The third comment suggested that consideration should be given to establishing maximum time periods for the check replacement and reclamation procedures set forth in §§ 405.1696 (a), (b), and (c) and 405.1697. It is not feasible to adopt this proposal because the length of time required to complete an investigation and the time required by the HCFA to verify forgery will vary considerably based upon the particular circumstances in each case. It is the intent of the amendments that carriers and

intermediaries issue replacement checks and make settlement as soon as the safeguards against abuse in §§ 405.1696 (b) and (c) are met.

4. Some editorial changes have been made. "Health Care Financing Administration" or "HCFA" has been substituted for "Social Security Administration" or "SSA." This reflects the Reorganization Order of the Secretary of Health, Education, and Welfare (42 FR 13262) of March 9, 1977, which transferred the Bureau of Health Insurance, SSA and delegations pertaining to the Bureau from the Commissioner of SSA to the Administrator, Health Care Financing Administration. The Bureau is responsible for administering the Medicare program.

After due consideration of the comments received, the amendments are hereby adopted as revised and set forth below.

(Secs. 205(a), 1102, 1814, 1815, 1816, 1833, 1842, 1871, 1872, and 1874; 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 79 Stat. 294, as amended, 79 Stat. 297, 79 Stat. 302, as amended, 79 Stat. 309, as amended, 79 Stat. 331, and 79 Stat. 332; 42 U.S.C. 405(a), 1302, 1395f, 1395g, 1395h, 1395i, 1395u, 1395hh, 1395il, and 1395kk.)

(Catalog of Federal Domestic Assistance Programs No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

NOTE.—The Health Care Financing Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 (November 27, 1974) as amended by Executive Order 11949 (December 31, 1976) and OMB Circular A-107.

Dated: July 27, 1977.

ROBERT A. DERSON,
Administrator, Health Care,
Financing Administration.

Approved: August 30, 1977.

HALE CHAMPION,
Acting Secretary of Health,
Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below.

1. The title of Subpart P of Part 405 which presently reads "Certification and Recertification; Requests for Payment" is revised to read as follows:

Subpart P—Certification and Recertification; Claims and Benefit Payment Requirements; Check Replacement Procedures

2. New §§ 405.1695 through 405.1697 are added to read as follows:

§ 405.1695 Replacement of U.S. Government checks that are lost, stolen, defaced, mutilated, destroyed, or paid on forged endorsements.

The Treasury Department is responsible for the investigation and settlement of claims in connection with Treasury checks issued on behalf of the Health

Care Financing Administration (HCFA) when HCFA serves as fiscal intermediary (see §§ 405.651, 405.654) for direct dealing Medicare providers. The HCFA will forward reports of lost, stolen, defaced, mutilated, destroyed, or forged Treasury checks to the Treasury Department disbursing center responsible for issuance of the check. Replacement or reclamation of such Treasury checks will be undertaken in accordance with Treasury Department regulations (31 CFR Parts 235, 240 and 245).

§ 405.1696 Replacement of intermediary and carrier checks that are lost, stolen, defaced, mutilated, destroyed, or paid on forged endorsements.

(a) The Health Care Financing Administration (HCFA) is responsible for coordinating the investigation and settlement of claims in connection with intermediary and carrier checks, including the determination that a check endorsement has been forged. Those checks which are suspected of having a forged endorsement will be analyzed by the HCFA and a determination will be made concerning the authenticity of the endorsement. A payee dissatisfied with such a determination may obtain an independent administrative review upon request. HCFA will forward reports concerning lost, stolen, defaced, mutilated, destroyed, or forged carrier and intermediary checks to the issuing office of the Medicare intermediary or carrier.

(b) The carrier or intermediary will make settlement in favor of the payee prior to the recovery of the amount of the check (see § 405.1697) if the facts in the case establish:

(1) That the check is still outstanding and has not been paid; or

(2) That the check has been paid on a forged endorsement of the payee's name, and:

(i) The payee has not participated either directly or indirectly in the proceeds of such negotiation or payment, and

(ii) The payee states in writing, after examining the check or copy thereof, that the endorsement on the check is not the payee's; or the payee's authorized representative states in writing, after examining the check or copy thereof, that the endorsement on the check is not the payee's to the best of the representative's knowledge or belief.

(c) If the check has not been paid, the carrier or intermediary will enter and maintain a stop payment order against the check, and will issue another check. In those cases where the beneficiary or his authorized representative requests another check in place of a defaced, mutilated, or destroyed check, the carrier or intermediary will obtain any remains of the check available and issue a substitute check.

§ 405.1697 Reclamation proceedings in cases of forgery of intermediary and carrier checks.

Checks issued by Medicare fiscal in-

intermediaries and carriers to disburse title XVIII health insurance program payments are drawn on commercial banks and not the Treasury of the United States; and for this reason, such checks are not subject to the Federal laws and Treasury Department regulations which govern Treasury checks. When the Health Care Financing Administration determines that a check has been paid on a forged endorsement, the intermediary or carrier will make settlement in favor of the payee pursuant to § 405.1696 (b) (2), and the Medicare intermediary or carrier will take appropriate action to recover the amount of the forged check in accordance with the applicable State law.

[FR Doc. 77-25714 Filed 9-1-77; 8:45 am]

[Reg. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart K—Income and Exclusions

Subpart L—Resources and Exclusions

EXCLUSION OF JUDGMENT PAYMENTS TO MEMBERS OF THE GRAND RIVER BAND OF OTTAWA INDIANS

AGENCY: Social Security Administration, DHEW.

ACTION: Final rules.

SUMMARY: The amendments to Regulations No. 16, Subparts K and L of Title 20 of the Code of Federal Regulations (20 CFR) concern an exclusion of per capita judgment payments made to, or held in trust for, members of the Grand River Band of Ottawa Indians from consideration as income or a resource under the Supplemental Security Income (SSI) program. The amendments are required by section 6 of Pub. L. 94-540, effective October 18, 1976, and exclude from consideration as income or a resource funds received or held in trust pursuant to a judgment in Indian Claims Commission docket numbered 40-k. The purpose of the amendments is to reflect this exclusion.

EFFECTIVE DATE: The amendments shall be effective September 2, 1977.

ADDRESSES: Although the Notice of Proposed Rule Making is being dispensed with for the reasons cited in the Supplementary Information section, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Md. 21203, on or before October 17, 1977.

Copies of all comments receive in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North

Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Mr. S. J. Weissman, Legal Assistant Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone: 301-594-7341.

SUPPLEMENTARY INFORMATION:

Pub. L. 94-540 provides for the disposition of funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Grand River Band of Ottawa Indians in Indian Claims Commission docket numbered 40-K. The judgment funds are to be distributed on a per capita basis to, or held in trust for, persons determined to be eligible by the Secretary of the Interior.

Section 6 of Pub. L. 94-540 further provides that the funds distributed per capita or held in trust shall not be considered income or resources or otherwise utilized as a basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act or any other Federal or federally assisted program.

Thus, such payments will not be considered as income or a resource for SSI benefit purposes. The amendments, in accordance with the statutory exclusion, will prevent SSI benefit reduction for eligible Grand River Band of Ottawa Indians and allow a limited number to become eligible for SSI benefits.

These amendments to the regulations are being published in final because they are substantive rules which grant an exclusion of certain income and resources as required by section 6 of Pub. L. 94-540. Thus, the Notice of Proposed Rule Making is being dispensed with because a delay in implementing these amendments would be impracticable, unnecessary, and contrary to the public interest (5 U.S.C. 553(b) (B)).

Accordingly, 20 CFR 416.1146(b) and 416.1236(a) (2) are being revised to reflect the exclusion in Pub. L. 94-540.

(Secs. 1102, 1611, 1612, 1613, 1631, Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1466, 86 Stat. 1468, 86 Stat. 1470, and 86 Stat. 1475 (42 U.S.C. 1302, 1382, 1382a, 1382b, 1383); sec. 6, Pub. L. 94-540, 90 Stat. 2504)

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

NOTE:—The Social Security 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 22, 1977.

DON WORTMAN,
Acting Commissioner of
Social Security.

Approved: August 27, 1977.

HALE CHAMPION,
Acting Secretary of Health,
Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below:

1. Section 416.1146 is amended by revising paragraph (b) to read as follows:

§ 416.1146 Exclusions from income; provided by other statutes.

For the purpose of § 416.1145(a), payments or benefits provided under a Federal statute other than title XVI of the Social Security Act where exclusion from income is required by such statute include:

(b) Judgment payments to members of the Blackfeet and Gros Ventre Tribes of Indians under the provisions of Pub. L. 92-254 (86 Stat. 65, 25 U.S.C. 1264); and judgment payments distributed to members of the Grand River Band of Ottawa Indians in Indian Claims Commission docket numbered 40-K under the provisions of Pub. L. 94-540 (90 Stat. 2503).

2. Section 416.1236 is amended by revising paragraph (a) (2) to read as follows:

§ 416.1236 Exclusions from resources; provided by other statutes.

(a) For the purpose of § 416.1210(j), payments or benefits provided under a Federal statute other than title XVI of the Social Security Act where exclusion from resources is required by such statute include:

(2) Judgment payments to members of the Blackfeet and Gros Ventre Tribes of Indians under the provisions of Pub. L. 92-254 (86 Stat. 65, 25 U.S.C. 1264); and judgment payments distributed to, or held in trust for, members of the Grand River Band of Ottawa Indians in Indian Claims Commission docket numbered 40-K under the provisions of Pub. L. 94-540 (90 Stat. 2503).

[FR Doc. 77-25679 Filed 9-1-77; 8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Subpart B—Redelegations of Authority from the Commissioner of Food and Drugs

ELECTRONIC PRODUCTS

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations for delegations of authority regarding exemptions from performance standards and prohibited acts for certain classes of electronic products, and in addition, amends a regulation to correct a reference to the Public Health Service

RULES AND REGULATIONS

Act. This regulation will provide for a more timely and orderly decisionmaking process.

EFFECTIVE DATE: September 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert L. Miller, Office of Administration (HFA-340), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-4976).

SUPPLEMENTARY INFORMATION: The amendment to § 5.87 gives the Deputy Director of the Bureau of Radiological Health the same authorities as those granted to the Director of the Bureau of Radiological Health concerning exemptions from performance standards for electronic products and adds a new delegation of authority to the Director and Deputy Director of the Bureau relating to exemptions from prohibited acts. Section 5.91 is being revised to correct a typographical error in the reference to the Public Health Service Act.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting," or unless it is not legally permissible.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (secs. 354 through 360F, 82 Stat. 1173-1186 (42 U.S.C. 263b through 263n)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 5 is amended by revising §§ 5.87 and 5.91 to read as follows:

§ 5.87 Exemption of electronic products from performance standards and prohibited acts.

The Director and Deputy Director of the Bureau of Radiological Health are authorized to exempt from performance standards any electronic product intended for use by departments or agencies of the United States under section 358(a)(5) of the Public Health Service Act, and to exempt an electronic product or class of products from all or part of the provisions of section 360B(a) of the Public Health Service Act under section 360B(b) of that act.

§ 5.91 Dealer and distributor direction to provide data to manufacturers of electronic products.

The Director and Deputy Director of the Bureau of Radiological Health and the Director of the Division of Compliance of that Bureau are authorized to direct dealers and distributors of electronic products to furnish information on first purchasers of such products to the manufacturer of the product under section 360A(f) of the Public Health Service Act.

Effective date: This regulation shall be effective September 2, 1977.

(Secs. 354 through 360F, 82 Stat. 1173-1186 (42 U.S.C. 263b through 263n).)

Dated: August 25, 1977.

WILLIAM F. RANDOLPH,
Acting Associate
Commissioner for Compliance.
[FR Doc. 77-25675 Filed 9-1-77; 8:45 am]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 75F-0207]

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

Subpart C—Substances for Use as Components of Coatings

RESINOUS AND POLYMERIC COATINGS

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The agency is amending the food additive regulations to provide for the use of a copolymer as a modifier of resinous and polymeric coatings for food-contact articles. This order is based on a petition proposing such a regulation.

DATES: Effective September 2, 1977. Objections by October 3, 1977.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204 (202-472-5690).

SUPPLEMENTARY INFORMATION:

Notice was given in the FEDERAL REGISTER of September 3, 1975 (40 FR 40568), that a food additive petition (FAP 5B3059) had been filed by the law firm of Keller and Heckman, 1150 17th St. NW., Washington, D.C. 20036, on behalf of Monsanto Co., proposing that § 175.300 Resinous and polymeric coatings (21 CFR 175.300) (formerly § 121.2514, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), be amended in paragraph (b) (3) (xx) to provide for the safe use of a copolymer of 2-ethylhexyl acrylate and ethyl acrylate as a component of resinous and polymeric coatings for food-contact articles.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 175.300 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 175 is amended in § 175.300(b)(3)(xx) by alphabetically inserting a new item in the list of substances, to read as follows:

§ 175.300 Resinous and polymeric coatings.

(b) * * *

(3) * * *

(xx) Acrylics and their copolymers as the basic polymer:

2-Ethylhexyl acrylate-ethyl acrylate copolymers prepared by copolymerization of 2-ethylhexyl acrylate and ethyl acrylate in a 7/3 weight ratio and having a number average molecular weight range of 5,800 to 6,500 and a refractive index, n_D^{25} (40 percent in 2,2,4-trimethyl pentane of 1.4130-1.4190; for use as a modifier for nylon resins complying with § 177.1500 of this chapter and for phenolic and epoxy resins listed in paragraph (b) (3) (vi) and (viii) of this section, respectively, at a level not to exceed 1.5 percent of the coating.

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 3, 1977, file with the Hearing Clerk, 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 regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. 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. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective September 2, 1977.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: August 26, 1977.

WILLIAM F. RANDOLPH,
Acting Associate
Commissioner for Compliance.
[FR Doc. 77-25655 Filed 9-1-77; 8:45 am]

[Docket No. 77F-0064]

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

Plasticizers in Polymeric Substances

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Based on a petition by Dow Chemical U.S.A., the agency is amending the food additive regulations to provide for safe use of polypropylene glycol as a

plasticizer for polystyrene plastics intended to contact food.

DATES: Effective September 2, 1977; objections by October 3, 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:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204 (202-472-5690).

SUPPLEMENTARY INFORMATION: Notice was given in the FEDERAL REGISTER of April 19, 1977 (42 FR 20347) that a petition (PAP 6B-3233) had been filed by Dow Chemical U.S.A., Midland, MI 48640, proposing that § 178.3740 *Plasticizers in polymeric substances* (21 CFR 178.3740) be amended to provide for safe use of polypropylene glycol as a plasticizer for polystyrene plastics intended to contact food.

The Commissioner of Food and Drugs, having evaluated the data in the food additive petition and other relevant material, concludes that the regulation should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 178 is amended in § 178.3740 by alphabetically inserting a new item in paragraph (b), to read as follows:

§ 178.3740 Plasticizers in polymeric substances.

(b) List of substances:

Substances	Limitations
Polypropylene glycol (CAS registry No. 25322-89-4) (minimum mean molecular weight 1,200).	For use only in polystyrene plastics, identified in sec. 177.1640(a)(1), in an amount not to exceed 6 pct by weight of the finished food-contact article.

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 3, 1977 submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall spe-

cifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective September 2, 1977.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: August 23, 1977.

WILLIAM F. RANDOLPH,
Acting Associate
Commissioner for Compliance.

[FR Doc. 77-25424 Filed 9-1-77; 8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 76N-0453]

ANTIBIOTIC DRUGS

Vidarabine Monohydrate; Vidarabine Monohydrate Ophthalmic Ointment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the antibiotic drug regulations to provide for the certification of vidarabine monohydrate ophthalmic ointment. Pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act, the manufacturer has supplied sufficient data and information to establish the safety and efficacy of vidarabine monohydrate ophthalmic ointment.

EFFECTIVE DATE: September 2, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs, having evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of vidarabine monohydrate ophthalmic ointment, concludes that the data supplied by the manufacturer concerning the subject antibiotic

drug product are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Parts 430, 436, and 455 (21 CFR Parts 430, 436, and 455) to provide for its certification.

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), Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 430—ANTIBIOTIC DRUGS: GENERAL

1. Part 430 is amended:
a. In § 430.4 by adding new paragraph (a) (44), to read as follows:

§ 430.4 Definitions of antibiotic substances.

(a) * * *
(44) *Vidarabine*. Vidarabine is a purine glycoside antibiotic substance produced by the growth of *Streptomyces antibioticus*, and each of the same substances produced by any other means is a kind of vidarabine.

b. In § 430.5 by adding new paragraphs (a) (60) and (b) (60), to read as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *
(60) *Vidarabine*. The term "vidarabine master standard" means a specific lot of vidarabine that is designated by the Commissioner as the standard of comparison in determining the potency of the vidarabine working standard.

(b) * * *
(60) *Vidarabine*. The term "vidarabine working standard" means a specific lot of a homogeneous preparation of vidarabine.

c. In § 430.6 by adding new paragraph (b) (62) to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

(b) * * *
(62) *Vidarabine*. The term "microgram" applied to vidarabine means the vidarabine activity (potency) contained in 1.0674 micrograms of the vidarabine master standard.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended in § 436.33(b) by alphabetically inserting a new item into the table to read as follows:

§ 436.33 Safety test.

(b) * * *

Antibiotic drug	Diluent (diluent number as listed in sec. 436.31)	Test dose		Route of administration as described in para. (c) of this section
		Concentration in units or milligrams of activity per milliliter	Volume in milliliters to be administered to each mouse	
Vidarabine.....	5-40 mg.....	0.5 Intraperitoneal.

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

3. Part 455 is amended:

a. In Subpart A by adding new § 455.90a to read as follows:

§ 455.90a Sterile vidarabine monohydrate.

(a) Requirements for certification—

(1) *Standards of identity, strength, quality, and purity.* Vidarabine monohydrate is the monohydrate form of 9-β-D-arabinofuranosyl-9H-purin-6-amine. It is a white to off-white powder. It is so purified and dried that:

(i) Its vidarabine content is not less than 845 micrograms and not more than 985 micrograms of vidarabine per milligram.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) Its loss on drying is not less than 5 percent and not more than 7 percent.

(v) Its specific rotation in dimethylformamide at 25° C is -60.5 ± 4.5 .

(vi) It passes the identity test for vidarabine.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 (b) of this chapter, this drug shall be labeled "vidarabine".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for vidarabine content, sterility, safety, loss on drying, specific rotation, and identity.

(ii) Samples required:

(a) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(b) For sterility testing: 20 packages, each containing approximately 200 milligrams.

(b) *Tests and methods of assay—*(1) *Vidarabine content—*(i) *Apparatus and reagents—*(a) Glass chromatographic column, 1.0 centimeter internal diameter and 30 centimeters long, with a coarse fritted glass disc in the bottom and fitted with a stopcock in the stem.

(b) Anion exchange resin: IRA 904 (Rohm & Haas) or equivalent.

(c) Borate buffer, pH 10: Dissolve 12.37 grams of boric acid in 900 milliliters of distilled water. Adjust the solution to pH 10 with 5N sodium hydroxide and dilute to 1,000 milliliters with distilled water.

(d) Propylene glycol—5 percent solution: Add sufficient distilled water to 50 milliliters of propylene glycol to make a volume of 1,000 milliliters.

(e) Resin column: Soak 3 grams of the anion exchange resin overnight in 50 milliliters of borate buffer, pH 10. Slurry the resin in the buffer and transfer mixture into the chromatographic column. Withdraw the buffer and wash the resin with an additional 25 milliliters of borate buffer, pH 10. Wash the buffer from the resin by passing 25 milliliters of distilled water through the chromatographic column. Place a small pledget of glass wool on top of the resin.

(ii) *Preparation of vidarabine sample and working standard solutions:* Accurately weigh approximately 30 milligrams of the vidarabine sample or working standard into a 100-milliliter volumetric flask. Add approximately 80 milliliters of distilled water and heat on a steam bath for 15 minutes. Shake until the powder is dissolved. Cool to room temperature and dilute to volume with distilled water.

(iii) *Procedure.* Support the resin column in a vertical position and place a 100-milliliter volumetric flask under the tip. Transfer 4.0 milliliters of the standard solution to the resin column. Open the stopcock and allow the standard solution to enter the resin. Elute the resin column with 5 percent propylene glycol solution at a rate of approximately 1 milliliter per minute. Continue to collect the eluate until volume reaches the 10-milliliter mark of the volumetric flask. Using a suitable spectrophotometer equipped with 1.0-centimeter cells and 5 percent propylene glycol solution as the blank, determine the absorbance of the eluted working standard solution at the absorbance peak at approximately 255 nanometers. Treat each sample solution in a similar manner. Calculate the vidarabine content as follows:

$$\text{Microgram per milligram} = \frac{A_2 \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram}}{A_1 \times \text{weight of sample in milligrams}}$$

where:

A_1 = Absorbance of the eluted sample solution at 255 nm;

A_2 = Absorbance of the eluted working standard solution at 255 nm.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (2) of that section, except use 100 milligrams in lieu of 300 milligrams.

(3) *Safety.* Proceed as directed in § 436.33 of this chapter, except observe the mice for 14 days.

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

(5) *Specific rotation.* Using a solution containing 10 milligrams of vidarabine per milliliter in dimethylformamide and a polarimeter tube 1.0 decimeter in length, proceed as directed in § 436.210 of this chapter, except determine the specific rotation at 365 nanometers.

(6) *Identity.* Proceed as directed in § 436.211 of this chapter, using the 0.5 percent potassium bromide disc prepared as described in paragraph (b) (1) of that section.

b. In Subpart D by adding new § 455.390 to read as follows:

§ 455.390 Vidarabine monohydrate ophthalmic ointment.

(a) Requirements for certification—

(1) *Standards of identity, strength, quality, and purity.* Vidarabine monohydrate ophthalmic ointment contains in each gram vidarabine monohydrate equivalent to 28.11 milligrams of vidarabine in a suitable and harmless base. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of vidarabine that it is represented to contain. It is sterile. It passes the test for metal particles. The vidarabine monohydrate used conforms to the standards prescribed by § 455.90a(a) (1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of this chapter, this drug shall be labeled "vidarabine ophthalmic ointment".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The vidarabine monohydrate used in making the batch for vidarabine content, sterility, safety, loss on drying, specific rotation, and identity.

(b) The batch for vidarabine content, sterility, and metal particles.

(ii) Samples required:

(a) The vidarabine monohydrate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 16 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Vidarabine content.* Proceed as directed

in § 455.90a(b) (1); except, prepare the sample as follows: Accurately weigh approximately 1 gram of the ointment into a 100-milliliter volumetric flask. Add approximately 80 milliliters of distilled water and heat on a steam bath for 15 minutes. Shake to dissolve the vidarabine. While the ointment is still liquid,

add 10 milliliters of heptane. Swirl gently to dissolve the ointment. Cool to room temperature and add sufficient distilled water to raise the heptane layer into the constricted portion of the flask. Aspirate off the heptane layer and discard it. Bring the water layer to mark with distilled water. Calculate the percent vidarabine content as follows:

All vials must be filled with a sufficient excess of drug to enable the withdrawal of the quantity the vial is labeled to contain. The Commissioner has considered this comment and has concluded that no change in the proposed regulation is necessary.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512 (n), 59 Stat. 463 as amended, 82 Stat. 350-351 (21 U.S.C. 357, 360b(n) and under authority delegated to the Commissioner (21 CFR 5.1), Part 432 is amended in § 432.1 by revising paragraph (b) to read as follows:

§ 432.1 Packaging requirements.

(b) If it is intended for parenteral use and the container is glass, it shall be transparent and colorless or light-resistant as defined by the U.S.P. The containers are closed either by fusion or by application of suitable closures, in such manner as to prevent contamination or loss of content. Multiple-dose containers are closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each container shall be filled with a quantity or a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and administration of the labeled quantity or volume, whether administered in single or multiple doses.

Effective date: This amendment shall become effective October 3, 1977.

(Secs. 507, 512(n), 59 Stat. 463 as amended, 82 Stat. 350-351 (21 U.S.C. 357, 360b(n)).)

Dated: August 26, 1977.

WILLIAM P. RANDOLPH,
Acting Associate
Commissioner for Compliance.

[FR Doc.77-25412 Filed 9-1-77;8:45 am]

[Docket No. 76N-0171]

PART 510—NEW ANIMAL DRUGS

Chloroform as an Ingredient of Drugs for Animal Use; Final Order Establishing New Animal Drug Status

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The document establishes that animal drugs containing chloroform as an ingredient are new animal drugs and that they must be the subject of an approved new animal drug application for marketing. This action is taken because chloroform has been determined to be a carcinogen.

EFFECTIVE DATE: October 3, 1977.

FOR FURTHER INFORMATION CONTACT:

David N. Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301-443-3183).

$$\text{Percent vidarabine} = \frac{A_1 \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram}}{A_2 \times \text{weight of ointment in milligrams} \times 10}$$

where:
A₁ = Absorbance of the eluted sample solution at 255 nm;
A₂ = Absorbance of the eluted working standard solution at 255 nm.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e) (3) of that section.

(3) *Metal particles.* Proceed as directed in § 436.206 of this chapter.

Since the conditions prerequisite to providing for certification of this drug have been complied with and as the matter is noncontroversial, the Commissioner finds for good cause that prior notice and public procedure are impracticable and unnecessary, and that the amendment may become effective upon the day of publication. Interested persons may, on or before October 3, 1977 file with the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments, in quadruplicate and identified with the docket number found in brackets in the heading of this document. Comments received may be seen in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m., Monday through Friday. Any changes in this regulation justified by such comments will be the subject of a further amendment.

Effective date. This regulation shall be effective September 2, 1977.

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

Dated: August 26, 1977.

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

[FR Doc.77-25422 Filed 9-1-77;8:45 am]

[Docket No. 76N-0337]

PART 432—PACKAGING AND LABELING OF ANTIBIOTIC DRUGS

Packaging of Antibiotic Drugs for Parenteral Use

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule clarifies the packaging requirements for drugs intended for parenteral use. It provides for single-dose and light-resistant containers and use of container materials other than glass, in response to the need for additional kinds of containers.

EFFECTIVE DATE: October 3, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs proposed in the the FEDERAL REGISTER of September 15, 1976 (41 FR 39328), that § 432.1 (21 CFR 432.1) be amended to clarify the packaging requirements for drugs intended for parenteral use.

The present description of containers used for antibiotic drugs intended for parenteral use provides only for containers of colorless, transparent glass with closures through which hypodermic needles may be introduced. But the need for, or desirability of, additional kinds of containers has become apparent. In fact, some parenteral antibiotic drug products have been approved for marketing in ampules, prefilled syringes, and amber-colored glass vials. The proposal provided for such single-dose and amber-colored containers and it removed the restriction that excludes container materials other than glass.

Interested persons were given 60 days to submit written comments on the proposal.

One comment came from a glass manufacturer who felt that the term "light amber color" was ambiguous and that the container should conform to the United States Pharmacopoeia (U.S.P.) light transmission standards for light-resistant containers.

The Commissioner considers this comment valid, but he finds that the terminology "light-resistant as defined by the U.S.P." is more appropriate than the wording suggested in the comment. This definition in the U.S.P. takes into account the light transmission standards suggested by the respondent. The Commissioner is revising the regulations accordingly.

A second comment concerned the addition of the words "labeled quantity" to the part of the regulations that requires each container to be filled with a sufficient excess of drug. The respondent interpreted these words to mean that each vial must be labeled with the number of doses contained therein.

The intent of the proposed regulation was not to require any labeling changes. The words "labeled quantity" were added merely to provide for vials containing the antibiotic drug as a dry powder in contrast with those containing a solu-

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of November 30, 1976 (41 FR 52482), the agency issued a proposal that all animal drugs containing chloroform as an ingredient are new animal drugs within the meaning of section 201(w) of the Federal Food, Drug, and Cosmetic Act or misbranded under section 502 of the act (21 U.S.C. 321(w), 352). Interested persons were given till December 30, 1976, to submit comments. No comments were received in response to the proposal. Therefore, the Commissioner of Food and Drugs is establishing the regulation as proposed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 301, 501, 502, 512, 701(a), 52 Stat. 1042-1043 as amended, 1049-1050 as amended, 1055, 82 Stat. 343-351 (21 U.S.C. 331, 351, 352, 360b, 371(a)) and under authority delegated to the Commissioner (21 CFR Part 5.1), Part 510 is amended to add § 510.413 to read as follows:

§ 510.413 Chloroform used as an ingredient (active or inactive) in animal drug products.

(a) Chloroform has been used as an ingredient in animal drug products such as cough preparations, liniments, and some pastes. Although considered safe for many years, recent information has become available associating chloroform with carcinogenic effects in animals. Studies conducted by the National Cancer Institute have demonstrated that the oral administration of chloroform to mice and rats induced hepatocellular carcinomas (liver cancer) in mice and renal tumors in male rats.

(b) Any drug product intended for use in or on animals and containing chloroform as an ingredient is deemed to be either (1) a new animal drug within the meaning of section 201(w) of the act, and unsafe within the meaning of section 512 of the act and adulterated under section 501 of the act and subject to regulatory action under sections 301, 501, and 512 of the act; or (2) misbranded under section 502 of the act, and therefore subject to regulatory action under sections 301 and 502 of the act. Any animal drug product containing chloroform in residual amounts from its use as a processing solvent during manufacture of the drug product, or from the synthesis of a drug ingredient, is not, for the purpose of this regulation, considered to contain chloroform as an ingredient.

(c) Any holder of an approved new animal drug application for a drug product containing chloroform as an ingredient shall submit to the Food and Drug Administration on or before October 3, 1977, a supplemental application providing for a revised formulation removing chloroform as an ingredient.

(1) The supplemental application shall contain:

(i) A full list of articles used as components and a full statement of the composition of the drug product.

(ii) The date that the composition of the drug product will be changed.

(iii) Data showing that the change in composition does not interfere with any assay or other control procedures used in manufacturing the drug product, or that the assay and other control procedures are revised to make them adequate.

(iv) Data available to establish the stability of the revised formulation and, if the data are too limited to support a conclusion that the drug will retain its declared potency for a reasonable marketing period, a commitment from the applicant:

(a) To test the stability of marketed batches at reasonable intervals;

(b) To submit the data as they become available; and

(c) To recall from the market any batch found to fall outside the approved specifications for the drug.

(v) Copies of the label and all other labeling to be used for the drug product—a total of nine copies if in final printed form, three copies if in draft form.

(2) If such drug product contains more than 1 percent chloroform, the revised formulation containing no chloroform shall not be marketed before the receipt of written notice of approval of the supplemental application by the Food and Drug Administration.

(3) If such drug product now contains 1 percent or less chloroform, the revised formulation containing no chloroform may be marketed after submission of the supplemental application but prior to the receipt of written notice of its approval by the Food and Drug Administration.

(d) Any sponsor of a "Notice of Claimed Investigational Exemption for a New Animal Drug" (INAD notice) for an animal drug product containing chloroform as an ingredient shall amend the INAD notice on or before October 3, 1977, to revise the formulation removing chloroform as an ingredient.

(e) The Commissioner will initiate action to withdraw approval of a new animal drug application or terminate an INAD notice in accordance with the applicable provisions of section 512 of the act and Parts 511 and 514 of this chapter upon failure of a holder of an approved new animal drug application or sponsor of an INAD notice to comply with the provisions of paragraph (c) or (d) of this section.

(f) Any drug product intended for animal use containing chloroform as an ingredient that is introduced or delivered for introduction into interstate commerce following the effective date of this regulation will be subject to regulatory action under sections 301, 501, 502, and 512 of the act.

Effective date: October 3, 1977.

(Secs. 301, 501, 502, 512, 701(a), 52 Stat. 1042-1043 as amended, 1049-1050 as amended, 1055, 82 Stat. 343-351 (21 U.S.C. 331, 351, 352, 360b, 371(a)).

Dated: August 25, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 77-25413 Filed 9-1-77; 8:45 am]

**SUBCHAPTER E—ANIMAL DRUGS, FEEDS,
AND RELATED PRODUCTS**

**PART 520—ORAL DOSAGE FORM NEW
ANIMAL DRUGS NOT SUBJECT TO CER-
TIFICATION**

Phenylbutazone Tablets and Boluses

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 Western Research Labs, Inc., providing for the use of a 100 milligram phenylbutazone tablet for the relief of inflammatory conditions associated with a musculoskeletal system of dogs. This application reflects the National Academy of Sciences/National Research Council (NAS/NRC) evaluation of the product.

EFFECTIVE DATE: September 2, 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: In accordance with section 512(i) of the act, Part 520 of the regulations is amended to reflect approval of a new animal drug application (NADA 102-824V) filed by Western Research Labs, Inc., 301 South Cherokee St., Denver, Colo. 80223.

This application concerns a product which is similar to those evaluated by the National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group (see the FEDERAL REGISTER of August 12, 1970 (35 FR 12790)). The NAS/NRC report reviewed certain drug products containing phenylbutazone marketed by Jensen-Salsbery laboratories, specifically:

1. Jen-Sal Butazolidin Injectable, 20 percent (200 milligrams per milliliter).

2. Jen-Sal Butazolidin Bolus (horses only), 4 grams per bolus.

3. Jen-Sal Butazolidin Tablets (horses only), 1 gram per tablet.

4. Jen-Sal Butazolidin Tablets (dogs only), 100 milligrams per tablet.

The Academy evaluated these drugs as probably effective as a nonhormonal anti-inflammatory agent for use in horses and dogs. The Academy noted that:

1. The package insert implies the drug results in permanent cures for certain conditions. The Academy felt these statements are not supported by adequate documentation.

2. The analgesic activity of the drug has not been documented. The Academy notes this effect may be the result of the drug's anti-inflammatory properties.

3. No controlled experimental studies appear to have been performed in dogs or horses.

4. The drug's use in the treatment of otitis externa in dogs is doubtful.

5. Instructions for dosage in dogs could be improved.

6. Package label for the injectable drug does not state route of administration.

7. Evidence has not been supplied indicating the boluses and tablets disintegrate in the gastrointestinal tract to produce the desired effects.

The Food and Drug Administration concurred in the Academy's evaluation and concluded that additional labeling information was required on the dosage schedule to improve clarity, such as reference to frequency of administration and maximum daily dose. It further stated that veterinary drugs of this type are prescription drugs and should bear the veterinary prescription legend. Holders of NADA's were provided 6 months to submit adequate documentation in support of the labeling used.

Jensen-Salsbery Laboratories submitted supplemental NADA's providing for safe and effective use of phenylbutazone tablets, boluses, and injections in dogs and horses. Their applications were approved by a regulation in the FEDERAL REGISTER of May 26, 1972 (37 FR 10662). These products were approved for the relief of inflammatory conditions associated with the musculoskeletal system in dogs and horses. It is administered orally to dogs at a dosage level of 20 milligrams per pound of body weight in three divided doses daily with the maximum daily dosage of 800 milligrams. It is administered orally to horses at a dosage level of 1 to 2 grams per 500 pounds of body weight daily, not to exceed 4 grams per day. Use of the drug is limited to veterinary prescription use and for nonfood animals only. It is administered intravenously at one-half the oral dosage.

The current regulation for oral use of phenylbutazone tablets and boluses in dogs and horses is editorially revised to reflect that the drug has been NAS/NRC reviewed, that the existing approvals comply with the evaluation, and that submission of similar applications reflecting the same conditions of use and dosage regimen need not include data required by § 514.111 (21 CFR 514.111), but require submission of bioequivalency and safety data.

In accordance with the freedom of information regulations and § 514.11(e) (2) (ii) of the animal drug regulation (21 CFR 514.11(e) (2) (ii)), a summary of the safety 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), Food and Drug Administration, Department of Health, Education, and Welfare, Rm. 4-85, 5600 Fishers Lane, Rockville, Md. 20857, between 9 a.m. and 4 p.m., Monday through Friday, except on Federal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 520

is amended by revising § 520.1720a, to read as follows:

§ 520.1720a Phenylbutazone tablets and boluses

(a) *Specifications.* Each tablet contains 100, 200, or 400 milligrams, or 1 gram of phenylbutazone. Each bolus contains 2 or 4 grams of phenylbutazone.

(b) *Sponsor.* See sponsor numbers in § 510.600(c) of this chapter, as follows:

(1) No. 017220 for use of 100- or 400-milligram or 1-gram tablets, or 2- or 4-gram boluses, in dogs and horses.

(2) No. 000010 for use of 100- or 200-milligram or 1-gram tablets in dogs and horses.

(3) Nos. 000031, 000591, 000856, 000864, 011519, and 012518 for use of 100-milligram or 1-gram tablets in dogs and horses.

(4) Nos. 000832 and 011519 for use of 100-milligram tablet in dogs.

(5) No. 011398 for use of 1-gram tablets in horses.

(c) *Conditions of use—(1) Dogs—(i) Amount.* Twenty milligrams per pound of body weight daily.¹

(ii) *Indications for use.* The drug is used for the relief of inflammatory conditions associated with a musculoskeletal system.¹

(iii) *Limitations.* Administer in three divided doses daily. Do not exceed a total daily dose of 800 milligrams regardless of body weight. Administer at a relatively high dosage level for the first 48 hours and then reduce gradually to a maintenance dosage level with the lowest dosage maintained at a level capable of producing the desired clinical response. Federal law restricts this drug to use by or on the order of a licensed veterinarian.¹

(2) *Horses—(i) Amount.* One to two grams per 500 pounds of body weight daily.¹

(ii) *Indications for use.* The drug is used for the relief of inflammatory conditions associated with the musculoskeletal system.¹

(iii) *Limitations.* Do not exceed a daily dosage of 4 grams per day. Administer at a relatively high dosage level for the first 48 hours and then reduce gradually to a maintenance dosage level with the lowest dosage maintained at the level capable of producing the desired clinical response. Not for use in animals intended for food purposes. Federal law restricts this drug to use by or on the order of a licensed veterinarian.¹

Effective date. September 2, 1977.

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

Dated: August 25, 1977.

PHILIP D. CAZIER,
Acting Director,

Bureau of Veterinary Medicine.

[FR Doc. 77-25423 Filed 9-1-77; 8:45 am]

¹These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter.

PART 546—TETRACYCLINE ANTIBIOTIC DRUGS FOR ANIMAL USE

CFR Correction

In Title 21 (Parts 500-599) of the Code of Federal Regulations, revised as of April 1, 1977, Footnote 1 in § 546.110c beginning on page 305 and cited in paragraphs (c) (5) (iii) (a) and (b) and (iv) (a) and (b) was inadvertently omitted on page 307. It reads as set forth below:

¹These claims are NAS/NRC reviewed and are deemed effective. Applications for these uses need not include the effectiveness data specified by § 514.111 of this chapter.

[Docket No. 77N-0186]

PART 570—FOOD ADDITIVES

Irradiation and Radiation Sources; Republication

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document republishes the authority for irradiation in the production, processing, and handling of animal feed and pet food. This authority was inadvertently omitted in the Food and Drug Administration recodification of regulations relating to animal feed and pet food.

EFFECTIVE DATE: September 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert S. Brigham, Bureau of Veterinary Medicine (HFV-238), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, (301-443-6243).

SUPPLEMENTARY INFORMATION:

In a document published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302), FDA recodified certain regulations relating to food for human consumption. Among the regulations recodified were those which concern irradiation in the production, processing, and handling of food for human consumption. The regulations were transferred from former Part 121, which related to food for human consumption as well as, in certain instances, to animal feed and pet food. In a companion document in the same issue of the FEDERAL REGISTER (42 FR 14091), the recodified regulations that also pertained to animal feed and pet food were transferred to Part 570, which pertains to animal feed and related products. However, the regulations pertaining to authority for irradiation in the production, processing, and handling of animal feed and pet food were inadvertently omitted in the companion document.

Since this document merely republishes the authority for irradiation in the production, processing, and handling of animal feed and pet food, notice and public procedure are not required.

Therefore, Part 570 is amended by adding new § 570.12 to read as follows:

§ 570.12 Irradiation in the production, processing, and handling of animal feed and pet food.

Regulations providing for irradiation in the production, processing and handling of food in Part 179 of this chapter are incorporated in Subchapter E as applicable to use in the production, processing, and handling of animal feed and pet food.

Effective date: This amendment shall be effective September 2, 1977.

Dated: August 26, 1977.

WILLIAM F. RANDOLPH,
*Acting Associate
Commissioner for Compliance.*

[FR Doc.77-25656 Filed 9-1-77;8:45 am]

SUBCHAPTER F—BIOLOGICS

[Docket No. 77N-0047]

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

Normal Serum Albumin (Human) and Plasma Protein Fraction (Human); Extension of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Extension of effective date.

SUMMARY: This document extends the time within which manufacturers must comply with §§ 640.82(d) and 640.92(d) concerning the sodium content of Normal Serum Albumin (Human) and Plasma Protein Fraction (Human). The Commissioner has concluded that a 6-month extension of the effective date will provide sufficient time for manufacturers to comply with the regulations and relieve any undue hardships in implementing the processing changes.

DATES: Effective September 2, 1977; compliance with §§ 640.82(d) and 640.92(d) by February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

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: The Commissioner of Food and Drugs issued in the FEDERAL REGISTER of May 31, 1977 (42 FR 27575) additional standards for Normal Serum Albumin (Human) and Plasma Protein Fraction (Human). Under §§ 640.82(d) and 640.92(d), the Commissioner required that the sodium content of the final Normal Serum Albumin (Human) and Plasma Protein Fraction (Human) products, respectively, shall be 130 to 160 milliequivalents per liter, regardless of protein concentration. Although these sodium requirements are more stringent than those originally proposed in the FEDERAL REGISTER

of February 20, 1975 (40 FR 7456), the Commissioner concluded that the more stringent requirements would significantly improve the safe use of these products. (See 42 FR 27577, paragraph 22.) It was anticipated that the prescribed range for sodium content could be implemented at the same time as the other additional standards since most products currently on the market contain at least 130 milliequivalents sodium per liter. However, the Commissioner has received requests from manufacturers to extend the effective date for compliance with §§ 640.82(d) and 640.92(d). It has been noted that the establishment of an absolute minimum of 130 milliequivalents will require changes in processing from the methods that currently result in most, but not all, products achieving this level. These processing changes will have to be tested to assure that they do not adversely affect the product as it is approved in the license application and now in use. Verification will promote a safe transition to the new method and the continued quality of the product.

Accordingly, the Commissioner is granting a 6-month extension. Changes in processing methods, and the results of verification testing, must be submitted to the Director, Bureau of Biologics, in the form of a license amendment. Manufacturers should note that the labeling requirements remain effective November 28, 1977.

Therefore, in order to provide sufficient time for the manufacturers to comply with the regulations, the Commissioner extends the effective date for compliance with §§ 640.82(d) and 640.92(d) to February 28, 1978.

Dated: August 25, 1977.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner
for Compliance.*

[FR Doc.77-25674 Filed 9-1-77;8:45 am]

SUBCHAPTER J—RADIOLOGICAL HEALTH

[Docket No. 75N-0259]

PART 1010—PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS: GENERAL

Exemptions From Performance Standards for Products Intended for United States Government Use

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule provides for exemptions from radiation safety performance standards for electronic products that are intended for use by departments or agencies of the United States. The rule is made to facilitate Federal procurement or construction of needed electronic products, which generally differ in design and application from those used by the general public. The rule provides that either the manufacturer or procuring agency may request the exemption.

EFFECTIVE DATE: October 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Melvyn R. Altman, Bureau of Radiological Health (HF-460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-3426).

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of September 30, 1975 (40 FR 44846), the Commissioner of Food and Drugs proposed to add new § 1010.5 (21 CFR 1010.5) to provide for exemptions from radiation safety standards for electronic products intended for use by departments or agencies of the United States.

In part, the proposal would have made the commercial manufacturer of an electronic product responsible for applying for any needed exemption from standards after procurement specifications had been finalized by the Federal agency.

In response to comments received concerning the proposal and those provided at a public meeting of January 29, 1976 (see meeting notice published in the FEDERAL REGISTER of December 19, 1975 (40 FR 58883)), the Commissioner withdrew the earlier proposal and issued a revised proposed rule in the FEDERAL REGISTER of October 1, 1976 (41 FR 43412).

The procedures in the October 1, 1976 proposal provided that products to be exempted under section 358(a)(5) of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, 42 U.S.C. 263b et seq.) might be manufactured either by Federal agencies or by private concerns. It also provided that either the procuring agency or the manufacturer could apply for the exemption. In addition, it was broadened to include administrative procedures for exemption applications under section 360B(b) of the act for electronic products or classes of products intended for U.S. government research, investigations, studies, demonstrations, or training, or for reasons of national security.

Four comments were submitted in response to the reproposal: one a supplement to a letter that commented on the September 30, 1975 proposal, two from manufacturers of electronic products, one from a hospital, and the fourth from an association of physicians. A summary of the comments on the reproposal and the Commissioner's conclusions follow:

1. One comment suggested that a statement of assumption of liability should be required from the procuring agency and from the manufacturer and implied that the applicant for exemption should be required to specify, in its application, the mechanism that would be used in taking corrective action in case of nonadherence to radiation safety procurement specifications.

In paragraph 5 of the preamble to the October 1, 1976 reproposal, the Commissioner stated that the procuring agency, as a matter of course, will be responsible for assuring that acquired products meet the contract procurement specifications and that, if the procuring agency does not require that a manufacturer take corrective action in cases of nonadherence, FDA could withdraw the exemption from the agency. Similarly, if the manufacturer has obtained the exemption and does not adhere to its provisions, FDA could withdraw the exemption. No new evidence of the need for a statement of assumption of liability was presented by the comment, and the Commissioner still disagrees that such a statement is necessary. He also believes that it is not reasonable to require applicants to specify, in advance, plans for corrective action mechanisms. Corrective action procedures would depend on the nature and severity of the radiation safety problems associated with the products in question. Accordingly, no change is made in the final rule.

2. One manufacturer appeared to object to the proposed regulation because he assumed that exemptions for products intended for local and State government agencies could not be obtained. Another comment suggested that exemptions should be available to nongovernment manufacturers and assemblers of medical X-ray equipment.

The Commissioner notes that although § 1010.5 provides the administrative exemption procedures only for products intended for Federal agencies, section 360B (b) of the act authorizes exemption for any product or class of products intended for research, investigations, studies, demonstrations, or training, or for reasons of national security, regardless of whether the product or class is intended for Federal agency use. No procedural regulations for exempting products not intended for Federal agency use have been promulgated because, to date, there have been no requests for such exemptions. Because there exists authority under section 360B(b) of the act, requests for exemptions for products not intended for Federal use could be granted. Conditions may, however, be imposed on such exemptions as necessary to protect the public health and safety.

3. One comment requested that procurement specifications be required as part of all applications for exemptions.

The October 1, 1976 reproposal established two separate sets of criteria (§ 1010.5 (a) (1) and (a) (2)) for exemption eligibility, only one of which included a requirement that procurement specifications must provide for control of radiation emissions. The Commissioner advises that the two sets of criteria were established to include exemption authority under two separate provisions of the act. Section 358(a)(5) of the act requires that the procuring agency prescribe procurement specifications governing emissions of electronic product radiation, while section 360B(b) of the

act contains no such requirement. The Commissioner therefore believes that to require procurement specifications for all exemption requests is beyond the intent of the act, and, in addition, would be an unnecessary burden in some cases.

4. One comment suggested that the procuring agency should be notified of exemptions granted, amended, or withdrawn.

The Commissioner agrees to provide such notification when so requested by the procuring agency. Section 1010.5(b) is amended accordingly.

5. One comment urged that § 1010.5 (e) (2) be revised so that the procuring agency would be solely responsible for compliance with modifications to an exemption imposed by the Director, Bureau of Radiological Health, under his authority to amend or withdraw an exemption.

The Commissioner believes that a change in this regulation is not needed. As stated in paragraph 2 of the preamble to the reproposal, the potential problems and additional expense resulting from modification of an exemption could be dealt with by appropriate contingency clauses written into the procurement contract or by mutual agreement between the procuring agency and the manufacturer on an amended contract.

6. One comment suggested that the regulation would be improved by certain word changes.

The Commissioner agrees. In response to the comment and on his own initiative, he is making the following changes where appropriate: the words "issued" and "approved" are changed to "granted", and the word "inform" is changed to "notify". In addition, in the first sentence of § 1010.5(e) (1) the word "containing" is replaced with the phrase "including in the written notice of exemption"; and in § 1010.5(b) the words "this part" are replaced with "this subchapter."

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (secs. 358 and 360B, 82 Stat. 1177-1179 (42 U.S.C. 263f and 263j) and under authority delegated to the Commissioner, (21 CFR 5.1) Part 1010 is amended by adding new § 1010.5 to Subpart A, to read as follows:

§ 1010.5 Exemptions for products intended for United States Government use.

(a) *Criteria for exemption.* Upon application by a manufacturer (including assembler) or by a United States department or agency, the Director, Bureau of Radiological Health, Food and Drug Administration, may grant an exemption from any performance standard under Subchapter J of this chapter for an electronic product, or class of products, otherwise subject to such standard when he determines that such electronic product or class is intended for use by departments or agencies of the United States and meets the criteria

set forth in paragraphs (a) (1) or (2) of this section.

(1) The procuring agency shall prescribe procurement specifications for the product or class of products governing emissions of electronic product radiation, and the product or class shall be of a type used solely or predominantly by a department or agency of the United States.

(2) The product or class of products is intended for research, investigations, studies, demonstration, or training, or for reasons of national security.

(b) *Consultation between the procuring agency and the Food and Drug Administration.* The United States department or agency that intends to procure or manufacture a product or class of products subject to electronic product radiation safety standards contained in this subchapter should consult with the Bureau of Radiological Health, Food and Drug Administration, whenever it is anticipated that the specifications for the product or class must deviate from, or be in conflict with, such applicable standards. Such consultation should occur as early as possible during development of such specifications. The department or agency should include in the specifications all requirements of such standards that are not in conflict with, or are not inappropriate for, the special or unique uses for which the product is intended. The procuring agency should indicate to the Bureau of Radiological Health if it desires to be notified of the approval, amendment, or withdrawal of the exemption.

(c) *Application for exemption.* An application for exemption, or for amendment or extension thereof, shall be submitted in quintuplicate to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. For an exemption pursuant to the criteria prescribed in paragraph (a) (1) of this section, the application shall include the information prescribed in paragraph (c) (1) through (12) of this section. For an exemption pursuant to the criteria prescribed in paragraph (a) (2) of this section, the application shall include the information prescribed in paragraph (c) (3) through (12) of this section. An application for exemption, or for amendment or extension thereof, and correspondence relating to such application shall be made available for public disclosure in the office of the Hearing Clerk, except for confidential or proprietary information submitted in accordance with Part 4 of this chapter. Information classified for reasons of national security shall not be included in the application. Except as indicated above, the application for exemption shall include the following:

(1) The procurement specifications for the product or class of products that govern emissions of electronic product radiation.

(2) Evidence that the product or class of products is of a type used solely or predominantly by departments or agencies of the United States.

(3) Evidence that such product or class of products is intended for use by a department or agency of the United States.

(4) A description of the product or class of products and its intended use.

(5) An explanation of how compliance with the applicable standard would restrict or be inappropriate for this intended use.

(6) A description of the manner in which it is proposed that the product or class of products shall deviate from the requirements of the applicable standard.

(7) An explanation of the advantages to be derived from such deviation.

(8) An explanation of how means of radiation protection will be provided where the product or class of products deviates from the requirements of the applicable standard.

(9) The period of time it is desired that the exemption be in effect, and, if appropriate, the number of units to be manufactured under the exemption.

(10) The name, address, and telephone number of the manufacturer or his agent.

(11) The name, address, and telephone number of the appropriate office of the United States department or agency purchasing the product or class of products.

(12) Such other information required by regulation or by the Director, Bureau of Radiological Health, to evaluate and act on the application.

(d) *Amendment or extension of an exemption.* An exemption is granted on the basis of the information contained in the original application. Therefore, if changes are needed in the radiation safety specifications for the product, or its use, or related radiation control procedures such that the information in the original application would no longer be correct with respect to radiation safety, the applicant shall submit in advance of such changes a request for an amendment to the exemption. He also shall submit a request for extension of the exemption, if needed, at least 60 days before the expiration date. The application for amendment or extension of an exemption shall include the following information:

(1) The exemption number and expiration date.

(2) The amendment or extension requested and basis for the amendment or extension.

(3) If the radiation safety specifications for the product or class of products or the product's or class of products' use or related radiation control procedures differ from the description provided in the original application, a description of such changes.

(e) *Ruling on an exemption.* (1) The Director, Bureau of Radiological Health, may grant an exemption including in the written notice of exemption such conditions or terms as may be necessary to protect the public health and safety and shall notify the applicant in writing of his action. The conditions or terms of the exemption may include specifications concerning the manufacture,

use, control, and disposal of the excess or surplus exempted product or class of products as provided in the Code of Federal Regulations, Title 41, Subtitle C. Each exemption will be assigned an identifying number.

(2) The Director, Bureau of Radiological Health, shall amend or withdraw an exemption whenever he determines that such action is necessary to protect the public health or otherwise is justified by provisions of the act or this subchapter. Such action shall become effective on the date specified in the written notice of the action sent to the applicant, except that it shall become effective immediately when the Director determines that it is necessary to prevent an imminent health hazard.

(f) *Identification of equipment covered by exemption.* The manufacturer of any product for which an exemption is granted shall provide the following identification in the form of a tag or label permanently affixed or inscribed on such product so as to be legible and readily accessible to view when the product is fully assembled for use or in such other manner as may be prescribed in the exemption:

CAUTION

This electronic product has been exempted from Food and Drug Administration radiation safety performance standards prescribed in the Code of Federal Regulations, Title 21, Chapter I, Subchapter J, pursuant to Exemption No. _____, granted on _____

Effective date. This regulation shall become effective on October 3, 1977.

(Secs. 358 and 360B, 82 Stat. 1177-1179 (42 U.S.C. 263f, 263j))

Dated: August 25, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 77-25676 Filed 9-1-77; 8:45 am]

[Docket No. 75N-0331]

PART 1020—PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS

Performance Standard for Diagnostic X-Ray Systems and Their Major Components

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule amends the performance standard for diagnostic X-ray systems and their major components to:

(1) change the applicability of the X-ray standard to include image receptor supports for mammographic X-ray systems and add a definition of these components, (2) revise the X-ray field limitation and alignment requirements for mammographic X-ray systems and attachments, (3) establish a limit on the transmission of the X-ray beam through the image receptor support on mammographic X-ray systems, (4) allow alternative means for limiting and aligning the X-ray field for certain special pur-

pose X-ray systems, and (5) modify the test method for measuring exposure reproducibility.

EFFECTIVE DATES: November 1, 1977, except § 1020.31(b)(2) and (1), which will be effective September 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Harvey Rudolph, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-3426).

SUPPLEMENTARY INFORMATION:

In the FEDERAL REGISTER of February 23, 1976 (41 FR 7957), the Commissioner of Food and Drugs proposed to amend § 1020.31 (21 CFR 1020.31) regarding X-ray field limitation and alignment, beam transmission, and exposure reproducibility. Fifteen comments were received on that proposal within the 60-day comment period. In response to several of the comments and a request by a manufacturers' association, a public meeting was held on July 21, 1976 (see the FEDERAL REGISTER of July 19, 1976 (41 FR 29739)) to discuss the reasonableness and technical and clinical feasibility of the proposal. As a result of that meeting and the comments on the original proposal, the Commissioner issued a second notice of proposed rulemaking, which was published in the FEDERAL REGISTER of March 4, 1977 (42 FR 12441), to add "image receptor support" to the list of definitions in § 1020.30(b) (21 CFR 1020.30(b)) and to the list of components that must be certified by the manufacturer in § 1020.30(a)(1) (21 CFR 1020.30(a)(1)). A 30-day public comment period was allowed for the second proposal, during which only one comment was received.

Of the 15 comments received in response to the February 23, 1976 proposal, 2 were submitted by medical practitioners, 1 by the Environmental Protection Agency, 1 by a State health agency, 10 by representatives of affected manufacturers, and 1 by a national manufacturers' association. The comment on the March 4, 1977, proposal was submitted by a manufacturer. The issues raised in these letters have been analyzed, and a summary of the Commissioner's analysis and final actions follows.

A. IMAGE RECEPTOR SUPPORTS

One comment expressed concern that the use of the phrase "in a horizontal plane" in the definition of image receptor support in § 1020.30(a)(54) might be misinterpreted to mean that the image receptor support could only be maintained in a horizontal orientation. The Commissioner recognizes that in most mammographic X-ray systems the image receptor support can be rotated out of a horizontal position so that different views of the breast may be recorded. The definition contained in § 1020.30(b)(54) does not prohibit such a design. The intent of the definition is to assure that the X-ray beam transmission limit con-

tained in § 1020.31(1) will be applied to any image receptor support capable of holding the image receptor in the horizontal plane, whether the support is fixed or movable, such that any possible gonad dose is minimized. The definition does not place any restriction on an image receptor support that may be provided with the mammographic X-ray system. It merely describes the type of image receptor support that must be certified as meeting the requirements of the X-ray standard. Therefore, no change from the proposal is required.

B. REPRODUCIBILITY TESTING

Two comments stated that the proposed amendment to § 1020.31(b)(2) concerning exposure reproducibility would have little effect on retake rates and that very little dose savings would occur. In addition, two other comments claimed that the 0.05 coefficient of variation of radiation exposures specified in § 1020.31(b)(1) was too strict when combined with the proposed change in exposure reproducibility testing and suggested either an effective date of 2 years following publication of the final rule to allow for possible redesign or a 0.1 coefficient of variation.

Comments of this type were received at the time the diagnostic x-ray equipment performance standard, §§ 1020.30 through 1020.32 (21 CFR 1020.30 through 1020.32), was first proposed and published in the FEDERAL REGISTER of October 8, 1971 (36 FR 19607). The Commissioner determined then that the 0.05 coefficient of variation was necessary to eliminate inconsistency and the resultant need for retakes and to facilitate the establishment of optimum technique charts for minimizing patient exposure. For example, if the assumption is made that the exposure latitude for a diagnostically useful film is +20 percent and that the exposures follow a normal distribution, x-ray equipment which just meets a 0.1 coefficient of variation requirement would produce diagnostically unusable radiographs 5 percent of the time independently of the care exercised by the equipment operator. Under the same assumptions, equipment meeting a 0.05 coefficient of variation requirement, however, would reduce this contribution to the retake rate to less than 1 percent.

The proposed amendment requires that variable controls for technique factors be set to alternate values during reproducibility testing. The comments have interpreted this as being stricter than the current regulations. Before the promulgation of the x-ray standard, x-ray exposure reproducibility data were obtained from manufacturers using a protocol similar to the proposed testing procedure. A summary of this data is on file with the Hearing Clerk. At that time, it was found that most of the x-ray generators being sold could meet the reproducibility criteria. Although the Commissioner acknowledges that the revision in the test method may be a more stringent test than currently used by some manufacturers, adequate evi-

dence has not been submitted to justify an effective date in excess of 1 year following publication of this final rule.

Several comments questioned the ability of certain existing x-ray systems to meet the reproducibility requirements. They claimed that equipment with continuously variable x-ray generator controls would have difficulty due to the poor response characteristics of electrically driven motors. It was also noted that parallax errors introduced by the reading of meters and dial settings could contribute significantly to poor reproducibility. The Commissioner agrees that these types of problems can occur and that for such x-ray systems the new compliance testing procedure may prove more stringent. However, in order to be useful, the reproducibility requirements must be met under clinical conditions. In diagnostic radiology, an x-ray system with variable technique factors will probably be subject to frequent changes in the setting of the x-ray controls. The proposed test method is intended to simulate the clinical environment to assure that the benefits of reproducible x-ray exposures will accrue in practical situations. Because appropriately designed meters and dials can correct errors such as parallax and because no data have been submitted to show that the requirements cannot be met by state-of-the-art designs, the Commissioner concludes that the proposed amendment concerning reproducibility testing will become final without change.

C. FIELD LIMITATION FOR EQUIPMENT USED WITH INTRAORAL IMAGE RECEPTORS

One comment on proposed § 1020.31(f)(1) stated that, considering the size of intraoral film packets and the level of current technology with regard to aligning the image receptor, field sizes ought to be limited to 5.0 and 6.0 centimeters (cm), respectively. For several commonly used film sizes in dental radiography, such a restriction would mean that full coverage of the film with the x-ray field would not always be obtained. When errors due to positioning of dental film packets are also considered, connecting problems could become substantial. Further restriction of the x-ray field could lead to a higher incidence of non-diagnostic dental radiographs and possibly to more wasted radiation than would be saved by the added field restriction. The Commissioner rejects this comment because no data were presented to demonstrate that such a requirement would provide equivalent diagnostic information or would not lead to an increase in the retake rate.

In the preamble to the final order establishing the diagnostic x-ray equipment performance standard, published in the FEDERAL REGISTER of August 15, 1972 (37 FR 16461), the Commissioner responded to a comment concerning the precision of the numerical requirements of the standard in which he stated that normal roundoff procedures could be employed in determining compliance with

such numerical requirements. It was, in part, problems with interpretation of this statement that led to the proposal to specify the field limitation requirements of § 1020.31(f)(1) more accurately. Since the proposal was published, it has been noted that similar problems can be foreseen in the interpretation of the accuracy implied by other numerical limits contained in the diagnostic x-ray equipment standard. Hence, the Commissioner has determined that an overall policy should be established regarding the accuracy of limits given in the x-ray standard and how roundoff procedures may or may not be applied in determining compliance.

While roundoff of measurement results might generally be permissible, section 360B(a)(5)(B) of the Public Health Service Act (42 U.S.C. 263j) states that it is prohibited for a manufacturer "to issue * * * a certification * * * when the issuer, in the exercise of due care, would have reason to know that such certification is false or misleading in a material respect." Therefore, manufacturers may not use roundoff procedures that result in the certification of a product known to exceed a limit imposed by a performance standard. The Commissioner has concluded that numerical limits contained in the x-ray standard should continue to be stated in absolute terms to avoid giving the erroneous impression that numerical roundoff could permit certification of a noncompliant product. Thus, if the standard limits the x-ray field to a 6 cm diameter circle, a measured maximum field dimension greater than 6 cm may not be a basis for certification of compliance. Under this policy, the proposal to amend § 1020.31(f)(1) is unnecessary and is withdrawn.

The Commissioner is aware that misinterpretations in the use of the numerical roundoff methods may have led to questionable certification of diagnostic x-ray components or systems. In this sense, such treatment of numerical limits as absolute limits may have the effect of an additional restriction on certification procedures. In order not to impose undue hardship, the Commissioner proposes to use his authority under section 360C(d) of the Public Health Service Act (42 U.S.C. 263k(d)) and may, if the deviation is insubstantial, consider as minor violations any certifications found to be invalid due to misapplication of numerical roundoff methods until September 5, 1978. After that date, it will be the obligation of all manufacturers to adjust rejection levels or any other quality control criteria such that they assure total compliance with the absolute limits set by the diagnostic x-ray equipment performance standard.

D. FIELD LIMITATION AND ALIGNMENT FOR MAMMOGRAPHIC AND OTHER SPECIAL PURPOSE X-RAY SYSTEMS

Several comments stated that the difficulty in patient positioning associated with mammography and the need to include the majority of the breast in the examination may not have been evalu-

ated sufficiently in proposing the requirement in § 1020.31(f) (3) that the x-ray beam be contained entirely within the image receptor. It was suggested that the x-ray beam be allowed to extend past the edge of the image receptor adjacent to the chest wall by up to 2 percent of the source-image receptor distance. In addition, during the July 21, 1976, meeting, it was demonstrated that if the beam were confined within the boundary of the image receptor, some loss of diagnostic information could occur. This is true for most image receptors and poses a significant problem for xeroradiography where the strong electric field gradient at the edge of the exposed area of the image receptor causes a loss of toner particles such that diagnostic information is lost. The overlap of the x-ray field with a small portion of the chest wall would allow the entire breast up to the chest wall to be visualized.

The Commissioner agrees with these arguments and notes that, due to the low energy x-rays used in mammography and the typical angle of incidence of the x-ray beam to the chest wall and the high attenuation of the x-ray beam in the bony structure of the chest wall, the allowed overlap will not cause a significant gonad dose. Therefore, § 1020.31(f) (3) in this final order reflects the suggested change.

The labeling requirements for mammographic x-ray systems and components proposed in § 1020.31(f) (4) caused confusion among several of those commenting on the proposal. One comment expressed the opinion that the proposal could only be applied to mammography systems where the beam-limiting device and image receptor support were marketed by the same manufacturer. Two other comments indicated that the proposal to change § 1020.31(f) (4) (ii) and (iii) appeared to specify compatibility of the beam-limiting device and image receptor support to a degree that would be commercially restrictive and might prohibit the use of general purpose x-ray systems for mammography. It was also argued that the regulation could be interpreted to require that the image receptor itself contain labeling information. This subject of labeling was also discussed at the July 21, 1976 open meeting.

The Commissioner concludes that the issues raised in the comments received on the original proposal and the discussion at the open meeting necessitate a revision of the proposed amendment. In addition, he has determined that it is necessary to have a more simple and concise statement of the labeling requirements for mammographic x-ray systems that use the beam-limiting device for compression of the breast. Thus, the proposed changes in § 1020.31(f) (4) (ii) and (iii) are set forth in § 1020.31(f) (3) in this final regulation and reworded to reflect the concerns expressed in the comments.

One additional comment pointed out an ambiguity in the original wording of proposed § 1020.31(f) (4). As written, it

appeared that systems designed for use with extraoral as well as intraoral image receptors would be subjected to the field limitation and alignment requirements for either type of use rather than for only extraoral use. This was not the Commissioner's intent, and the final rule contains clarifying language on this point.

E. X-RAY BEAM TRANSMISSION LIMIT FOR MAMMOGRAPHIC X-RAY SYSTEMS

Two comments noted that although the transmission limit was intended for systems designed only for mammography, the proposal does not accurately reflect this and could be interpreted as applying to other types of x-ray systems that may use mammographic attachments. The Commissioner agrees and has clarified § 1020.31(b) in this final rule.

In the comments and the public meeting on the proposal, questions were raised over the usefulness and achievability of the transmission limit of 0.1 milliroentgen per tube activation. One consideration was the contribution of scatter radiation to the measurements made. The added weight and bulk of the image receptor support were additional concerns. In general, there was little disagreement on the utility of minimizing the magnitude of the transmitted X-Ray beam. However, there was some concern that the trend toward the use of higher peak kilovoltages (kVp) in mammography would make it difficult to achieve such a low transmission limit.

The transmission limit is intended to minimize that portion of the unused X-Ray beam which can be reduced by means of a performance standard. The Commissioner recognizes that the contribution to patient dose from scattered radiation would be difficult to control and notes that the proposal was designed only to minimize that portion of the beam which passes through the image receptor. The final rule clarifies this point. Even assuming a peak tube potential of 70 kVp (much higher than currently used for mammography) and the worst case exposure conditions, the added weight of lead or lead-equivalent material necessary to reduce the exposure beneath the image receptor supports on systems now manufactured is not significant. The Commissioner is aware that the trend toward the use of higher peak tube potentials makes the transmission limit more difficult to achieve. However, it is also true that the higher peak tube potentials generate X-Ray beams that also penetrate body tissues more readily and could contribute to a greater gonad dose. He has, therefore, determined that the transmission limit shall remain as 0.1 milliroentgen per tube activation.

There were two comments regarding the requirement that compliance be tested at the maximum peak tube potential. They noted that many systems use tubes rated at voltages higher than the maximum voltage allowed by other components of the system. The Commissioner recognizes that this problem could occur, and has concluded that the final

rule must state that compliance be measured at the maximum rated peak tube potential for the system. For example, if the generator supplied with the system can operate only at or below 50 kilovolts and the X-Ray tube is rated at 75 kilovolts, compliance will be measured at 50 kilovolts and at the maximum rated product of tube current and time for that potential.

The Commissioner has carefully considered the environmental effects of the amendments and, because the action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. Copies of the FDA environmental impact assessment and other pertinent background data on which the Commissioner relies in promulgating these amendments are on file and may be seen at the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to him (21 CFR 5.1), the Commissioner amends Part 1020 as follows:

1. In § 1020.30 by adding paragraphs (a) (1) (v) and (b) (54) to read as follows:

§ 1020.30 Diagnostic X-ray systems and their major components.

(a) * * *

(1) * * *

(v) Image receptor support devices for mammographic X-ray systems manufactured after September 5, 1978.

* * *

(b) * * *

(54) "Image receptor support" means, for mammographic systems, that part of the system designed to support the image receptor in a horizontal plane during a mammographic examination.

* * *

2. In § 1020.31 by revising paragraphs (b) (2), (d), (e), and (f) (2); by revising paragraph (f) (3) and redesignating it as (f) (4); and by adding new paragraphs (f) (3) and (l) to read as follows:

§ 1020.31 Radiographic equipment.

* * *

(b) * * *

(2) *Measuring compliance.* Determination of compliance shall be based on 10 consecutive measurements taken within a time period of 1 hour. Equipment manufactured after September 5, 1978 shall be subject to the additional requirement that all variable controls for technique factors shall be adjusted to alternate settings and reset to the test setting after each measurement. The percent line-voltage regulation shall be determined for each measurement. All values for percent line-voltage regulation shall be within ± 1 of the mean value for all measurements. For equipment having

automatic exposure controls, compliance shall be determined with a sufficient thickness of attenuating material in the useful beam such that the technique factors can be adjusted to provide individual exposures of a minimum of 12 pulses on field emission equipment rated for pulsed operation or no less than one-tenth second per exposure on all other equipment.

(d) *Field limitation and alignment for mobile and stationary general purpose x-ray systems.* Except when spot-film devices or special attachments for mammography are in service, mobile and stationary general purpose radiographic x-ray systems shall meet the following requirements:

(e) *Field limitation and alignment on stationary general purpose x-ray equipment.* Except when spot-film devices or special attachments for mammography are in service, stationary general purpose x-ray systems shall meet the following requirements in addition to those prescribed in paragraph (d) of this section:

(f) * * *
(2) *X-ray systems designed for one image receptor size.* Radiographic equipment designed for only one image receptor size at a fixed SID shall be provided with means to limit the field at the plane of the image receptor to dimensions no greater than those of the image receptor, and to align the center of the x-ray field with the center of the image receptor to within 2 percent of the SID, or shall be provided with means to both size and align the x-ray field such that the x-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor.

(3) *Systems designed for or provided with special attachments for mammography.* Radiographic systems designed only for mammography and general purpose radiographic systems, when special attachments for mammography are in service, shall be provided with means to limit the useful beam such that the x-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor at any designated SID except the edge of the image receptor designed to be adjacent to the chest wall where the x-ray field may not extend beyond this edge by more than 2 percent of the SID. This requirement can be met with a system which performs as prescribed in paragraphs (f) (4) (i), (ii), and (iii) of this section. When the beam-limiting device and image receptor support device are designed to be used to immobilize the breast during a mammographic procedure and the SID may vary, the SID indication specified in paragraphs (f) (4) (ii) and (iii) of this section shall be the maximum SID for which the beam-limiting device or aperture is designed. In addition, each image receptor support intended for installation on a system designed only for mammography shall have clear and permanent

markings to indicate the maximum image receptor size for which it is designed.

(4) *Other x-ray systems.* Radiographic systems not specifically covered in paragraphs (d), (e), (f) (2) and (3), and (g) of this section and systems covered in paragraph (f) (1) of this section, which also are designed for use with extraoral image receptors and when used with an extraoral image receptor, shall be provided with means to limit the x-ray field in the plane of the image receptor so that such field does not exceed each dimension of the image receptor by more than 2 percent of the SID, when the axis of the x-ray beam is perpendicular to the plane of the image receptor. In addition, means shall be provided to align the center of the x-ray field with the center of the image receptor to within 2 percent of the SID, or means shall be provided to both size and align the x-ray field such that the x-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor. These requirements may be met with:

(i) A system which performs in accordance with paragraphs (d) and (e) (1) of this section; or, when alignment means are also provided, may be met with either:

(ii) An assortment of removable, fixed-aperture, beam-limiting devices sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed. Each such device shall have clear and permanent markings to indicate the image receptor size and SID for which it is designed; or

(iii) A beam-limiting device having multiple fixed apertures sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed. Permanent, clearly legible markings shall indicate the image receptor size and SID for which each aperture is designed and shall indicate which aperture is in position for use.

(1) *Transmission limit for image receptor supporting devices used for mammography.* For x-ray systems manufactured after September 5, 1978 which are designed only for mammography, the transmission of the primary beam through any image receptor support provided with the system shall be limited such that the exposure 5 centimeters from any accessible surface beyond the plane of the image receptor supporting device does not exceed 0.1 milliroentgen for each activation of the tube. Exposure shall be measured with the system operated at the minimum SID for which it is designed. Compliance shall be determined at the maximum rated peak tube potential for the system and at the maximum rated product of tube current and exposure time (mAs) for that peak tube potential. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

Effective date: The new paragraph (1) in § 1020.31 (21 CFR 1020.31) concern-

ing the x-ray transmission limit for mammographic x-ray systems and the change to § 1020.31(b) (2) for reproducibility testing will be effective on September 8, 1978. All other amendments will be effective on November 1, 1977.

(Sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f).)

Dated: August 22, 1977.

WILLIAM F. RANDOLPH,
Acting Associate
Commissioner for Compliance.

[FR Doc.77-25425 Filed 9-1-77; 8:45 am]

Title 5—Administrative Personnel
CHAPTER I—CIVIL SERVICE
COMMISSION

PART 213—EXCEPTED SERVICE

Community Services Administration
AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Staff Assistant, Office of Interagency and External Affairs, is excepted from the competitive service under Schedule C because it is confidential in nature.

EFFECTIVE DATE: September 2, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3373(g) (2) is added as set out below:

§ 213.3373 Community Services Administration.

(g) Office of Interagency and External Affairs. * * *

(2) One Staff Assistant.

(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.77-25784 Filed 9-1-77; 8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration
AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C one position of Special Assistant to the Assistant Administrator for Regulatory Programs because the position is confidential in nature.

EFFECTIVE DATE: September 2, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3388(o) (1) is amended as set out below:

§ 213.3388 Federal Energy Administration.

(o) Office of the Assistant Administrator for Regulatory Programs.

(1) Three Special Assistants to the Assistant 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.77-25785 Filed 9-1-77; 8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. 3323]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

Communities with Minimal Hazard Areas
AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the Special Flood Hazard areas, that it is appropriate at this time to convert the communities listed below to the Regular Program without determining base flood elevations.

EFFECTIVE DATE: Date of this notice.
FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. 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: In these areas, there is no reason not to make full limits of coverage available. The available limits of coverage for flood insurance in these communities is increased to \$70,000 for 1-4 family residential structures, \$200,000 for other residential and commercial structures, \$20,000 for contents of residential structures, and \$200,000 for contents of commercial structures. Flood insurance is available at Zone C rates throughout the entire community.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Association servicing company for the State.

The effective date of conversion to the Regular Program will not appear in the

Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER.

Section 1915.7 is added; the entry reads as follows:

§ 1915.7 List of communities with minimal hazard areas.

State	County	Community name
Alabama.....	Butler.....	City of Georgiana.
Do.....	Geneva.....	City of Hartford.
Do.....	Coffee.....	Town of New Brockton.
Do.....	Covington.....	Town of River Falls.
Idaho.....	Boundary.....	City of Bonners Ferry.
Iowa.....	Dubuque.....	City of Epworth.
Kansas.....	Harvey.....	City of Burdett.
Do.....	Johnson.....	City of Lake Quivira.
	and Wyan- dotte.....	
Louisiana.....	Bossier.....	Town of Benton.
Do.....	Tangipahoa.....	Town of Independence.
Do.....	Madison.....	Village of Mound.
New York.....	Wyoming.....	Village of Perry.
Do.....	Lewis.....	Village of Turin.
North Carolina.....	Halifax.....	Town of Hobgood.
Ohio.....	Butler.....	City of Hamilton.
Oklahoma.....	Washing- ton.....	Town of Copan.
Pennsylvania.....	Lehigh.....	Township of Upper Saucon.
Washington.....	King.....	City of Seattle.

(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 by 39 FR 2787, January 24, 1974.)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-25568 Filed 9-1-77; 8:45 am]

Title 28—Judicial Administration

CHAPTER 1—DEPARTMENT OF JUSTICE

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Paroling, Recommitting and Supervising Federal Prisoners; Correction

AGENCY: The United States Parole Commission.

ACTION: Correction.

SUMMARY: This document is to correct certain typographical errors in the publication of the Commission's rules which appeared on August 5, 1977, at 42 FR 39808.

EFFECTIVE DATE: August 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael A. Stover, Office of the General Counsel, United States Parole Commission, 320 First Street NW., Washington, D.C. 20537, Telephone 202-724-3092.

SUPPLEMENTARY INFORMATION: The publication of the Commission's rules which appeared at 42 FR 39808, August 5, 1977 contained several typographical errors which require correction. These are as follows:

In § 2.14 *Subsequent proceedings*. In paragraph (b) (1), the words "presumptive parole dates" should read "presumptive parole date". (42 FR 39812) In (b) (2) (iii) "commence" should be substituted for the word "commerce". (42 FR 39812)

In § 2.17 *Original Jurisdiction Cases*, paragraph (b) (2) (ii) should read:

(b) * * *

(2) * * *

(i) * * * Was part of a large scale criminal conspiracy or a continuing criminal enterprise" instead of "was part of a large scale criminal conspiracy of a criminal enterprise." (42 FR 39812)

In § 2.20 *Paroling Policy Guidelines: statement of general policy*. In the offense severity table, the words "(in months)" should appear under the heading "Guidelines for decisionmaking" and not under the sub-heading "offender characteristics". (42 FR 39813, 39814 and 39815).

In § 2.23 *Delegation to hearing examiners*. In paragraph (b), first sentence, substitute the word "required" for the word "requested". (42 FR 39815)

In § 2.33 *Release of Plans*. Omit the word "of" in the title of this rule (42 FR 39817).

Accordingly, pursuant to the provisions of 18 U.S.C. 4203(a) (1) and 4204 (a) (6), 28 CFR Chapter I, Part 2, is amended as set forth above, effective August 29, 1977.

Dated: August 29, 1977.

CURTIS C. CRAWFORD,
Acting Chairman.

United States Parole Commission.

[FR Doc.77-25699 Filed 9-1-77; 8:45 am]

Title 40—Protection of Environment

CHAPTER 1—ENVIRONMENTAL PROTECTION AGENCY

[FRL 750-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Alabama—Approval of Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: This rule includes the incorporation by reference of EPA's New Source Performance Standards (40 CFR Part 60), and the requirements for continuous monitoring of stationary sources (40 CFR 51.19).

ADDRESSES: Copies of the information submitted by Alabama and the Alabama plan itself may be examined by the public during normal hours at the following locations:

Air Programs Branch, Air & Hazardous Materials Division, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Ga. 30308.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Alabama Air Pollution Control Commission, State of Alabama Department of Public Health, 645 South McDonough Street, Montgomery, Ala. 36104.

FOR FURTHER INFORMATION CONTACT:

Elliot Cooper, Environmental Protection Agency, 345 Courtland Street NE, Atlanta, Ga. 30308, 404-881-3286.

SUPPLEMENTARY INFORMATION: On October 28, 1976, the State of Alabama submitted for EPA's approval these revisions to the Alabama State Implementation Plan after proper notice and public hearing (October 4, 1976). Subsequently, EPA announced receipt of these revisions in the FEDERAL REGISTER on January 24, 1977. Comments were solicited and no comments were received.

No provision was made for the continuous monitoring of nitrogen oxide emissions from fossil fuel-fired steam generators and nitric acid plants since no Air Quality Control Regions in Alabama are required to develop a control strategy for nitrogen dioxide. Also, opacity monitoring for existing petroleum refinery fluid bed catalytic cracking unit catalyst regenerators is not required in the proposal since no units of greater than 20,000 barrels per day of fresh feed capacity exist in Alabama. Accordingly, 40 CFR Part 52 is amended as follows:

Subpart B—Alabama

1. In § 52.50, paragraph (c) is amended by adding subparagraph (17) as follows:

§ 52.50 Identification of Plan.

(c)

(17) Regulations equivalent to EPA's New Source Performance Standards (40 CFR Part 60) and continuous monitoring of stationary sources (40 CFR 51.19) (Sec. 110, Clean Air Act (42 U.S.C. 1857c-5))

Dated: June 23, 1977.

BARBARA BLUM,
Acting Administrator.

[FR Doc. 77-25662 Filed 9-1-77; 8:45 am]

SUBCHAPTER C—AIR PROGRAMS

[FRL 771-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Ten large fossil fuel utilization facilities in the Southeastern Massachusetts Air Pollution Control District (SEMAPCD) are approved to burn 2.2 percent sulfur content residual fuel oil in accordance with revised Regulation 5.1, "Sulfur Content of Fuels and Control Thereof." Four fuel burning sources in the affected size category in the SEMAPCD are disapproved and must

continue to burn 1.0 percent sulfur content fuel oil. Final action has not been taken for the three remaining sources in the affected size category.

EFFECTIVE DATE: September 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Wallace Woo, Air Branch, EPA Region I, Room 2113, JFK Federal Building, Boston, Mass. 02203 (617-233-5609).

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10872) pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the Massachusetts Implementation Plan for the attainment of National Ambient Air Quality Standards (NAAQS).

On June 3, 1977 there was published in the FEDERAL REGISTER (42 FR 28554) a proposal for a change in the sulfur content of fuel burned by large fossil fuel burning sources in the (SEMAPCD). The SEMAPCD is the same geographic area as the Massachusetts portion of the Metropolitan Providence Interstate Air Quality Control Region (AQCR). The revision would allow fossil fuel utilization facilities in the SEMAPCD having an energy input capacity rated at one hundred million Btu per hour or greater to burn fossil fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2 percent sulfur content residual fuel oil by weight) until May 1, 1978. All other sources would continue to burn fossil fuel with a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0 percent sulfur content residual fuel oil by weight), in conformance with the originally-approved State Implementation Plan (SIPP).

The revision also requires that the use of the higher sulfur fuel by each source be approved and a permit be granted by the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) prior to use, in order to insure that the NAAQS will not be violated. The Massachusetts Department has the authority to set conditions of approval, including requiring particulate stack testing and the establishment of a network of total suspended particulate (TSP) monitors and continuous ambient sulfur dioxide monitors at specified locations in the vicinity of the approved facility.

Exceedence of the NAAQS for SO₂ recorded by any monitor in the vicinity of the facility would be grounds for requiring an immediate and permanent return to the use of lower sulfur fuel by the source involved. Further, no source will be permitted to continue burning higher sulfur fuel if the stack testing results show that the source has particulate emissions in excess of the emission limitation under the present SIP. All permits granted will be revocable if there is evidence of noncompliance with any other applicable SIP regulation.

On the basis of air quality dispersion modeling, the Regional Administrator listed in the proposed rulemaking notice ten sources which could be approved to burn the higher sulfur fuel without causing NAAQS violations for SO₂. He also listed four sources which were shown by the modeling to have the potential to violate the NAAQS for SO₂ if they were to burn the higher sulfur content fuel. He did not propose action on the three remaining sources in the applicable size category, pending further evaluation of their air quality impact. These sources will be temporarily excluded from implementing the provisions of the revision until final action is taken.

During the comment period, comments were received from the Federal Energy Administration (FEA) and Olin Corporation (Olin).

FEA recommended that temporary fuel switching be permitted when SO₂ levels are predicted to exceed the NAAQS. Fuel switching as a means of maintaining the NAAQS, also known as a "supplementary control system" (SCS), is an illegal control strategy in this situation. As set forth in the FEDERAL REGISTER of February 18, 1976 (41 FR 7452), SCS is only acceptable in very limited instances, none of which apply here. Consequently, EPA cannot consider such a recommendation.

FEA also expressed concern that an exceedence of the NAAQS for SO₂ would be grounds for an immediate and permanent return to the lower sulfur fuel by the source involved. A decision to revoke the permit at this point would be based upon an evaluation of the exceedence. However, as stipulated by the Massachusetts Department, a violation of the NAAQS for SO₂ will result in an automatic revocation of the approval to burn the higher sulfur fuel. A violation of the NAAQS is defined as two exceedences of the NAAQS, since each monitoring site is allowed one excursion above the standard per year. Violations of the NAAQS are not permitted by the Clean Air Act.

Both the primary and secondary NAAQS are considered in evaluating the approvability of the sources and in determining whether standards are violated.

Olin informed the Regional Administrator that they no longer operate the plant in Freetown, for which SO₂ primary and secondary standards violations were predicated. It has come to EPA's attention that the plant is now owned by Polaroid Corporation and is not presently in operation. However, in disapproving this plant, EPA is continuing to rely on the information and modeling provided in the Massachusetts Department's technical support documentation.

After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts Implementation Plan.

(Sec. 110(a), Clean Air Act, as amended, (42 U.S.C. 1857c-5(a)).)

Dated: August 29, 1977.

DOUGLAS M. COSTLE,
Administrator.

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

Subpart W—Massachusetts

1. Section 52.1120(c) is amended by adding a new paragraph (12) as follows:
§ 52.1120 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(12) A revision to Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Southeastern Massachusetts Air Pollution Control District, submitted on December 30, 1976 by the Secretary of Environmental Affairs.

2. Section 52.1126 is amended by adding a new paragraph (d) as follows:

§ 52.1126 Control strategy: Sulfur oxides.

(d) Massachusetts Regulation 5.1 for the Southeastern Massachusetts Air Pollution Control District is approved except as to the following sources which remain subject to the previously approved requirements of Regulation 5.1 which stipulates that sources are permitted to burn fossil fuel having a sulfur content not in excess of 0.55 pounds per million. Btu heat release potential (approximately equivalent to 1.0 percent sulfur content residual fuel oil by weight):

Facility formerly operated by Olin Chemicals and now owned by Polaroid Corp., Freetown, Mass.
Duro Finishing Co., Fall River, Mass.
Stevens Realty Co., Fall River, Mass.
Taunton Municipal Light, West Water Street plant, Taunton, Mass.
Harodite Finishing Co., Dighton, Mass.
Montaup Electric Co., Somerset Station, Somerset, Mass.
New England Power Co., Brayton Point Station, Somerset, Mass.

[FR Doc.77-25742 Filed 9-1-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 4—DEPARTMENT OF AGRICULTURE

PART 4-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Architect-Engineer Services

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule amends the Agriculture Procurement Regulations by adding new section covering architect-engineer (A-E) services which supplements coverage in the Federal Procurement Regulations.

DATE: This rule is effective on September 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Douglas I. Metzger, Office of Operations, Procurement, Grants and Agreements Management Staff, United States Department of Agriculture, Washington, D.C. 20250 (202-447-7527).

SUPPLEMENTARY INFORMATION: This amendment involves matters relating to agency management and contracting and, while not subject by law to the notice and public procedure requirements for rule making under 5 U.S.C. 553, is subject to the Secretary's Statement of Policy (38 FR 13804). The amendment corrects or clarifies existing policy. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedures with respect to the amendment are impracticable and unnecessary.

1. The Table of Contents is amended by adding the following new subpart:

Subpart 4-4.10—Architect-Engineer Services

4-4.1001 General.
4-4.1004-1 Establishment of architect-engineer evaluation boards.
4-4.1004-4 Action by agency head or his authorized representative.

AUTHORITY: 5 U.S.C. 301, 40 U.S.C. 486(c).

Subpart 4-4.10—Architect-Engineer Services

2. New Subpart 4-4.10 is added as follows:

§ 4-4.1001 General.

Architect-engineer services for projects which fall within the definition of a "public building" contained in section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612) may be procured only after obtaining proper authorization from GSA in accordance with Subpart 101-19.4 of this title and Subpart 104-17.4 of the Agriculture Property Management Regulations.

§ 4-4.1004-1 Establishment of architect-engineer evaluation boards.

(a) Each agency headquarters and each field contracting office where architect-engineer (A-E) contracts are awarded shall establish an architect-engineer evaluation board in accordance with § 1-4.1004-1 of this title. The board shall be established in coordination with the contracting officer. It shall be composed of at least three members, one of which will serve as chairman. All members shall be selected from the technical program area and appointed in writing by an appropriate official. The contracting officer, while not a member of the board, will act in an advisory capacity in matters of procurement policies and procedures and should be intimately involved in the total evaluation process.

§ 4-4.1004-4 Action by agency head or his authorized representative.

(a) Review and final selection of qualified architect-engineer firms, as prescribed in § 1-4.1004-4 of this title, shall be made by an appropriate agency management official from the technical or administrative area who is not currently serving as a member of the evaluation board.

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

Done at Washington, D.C. this 29th day of August 1977.

E. ALVAREZ,
Director, Office of Operations.

[FR Doc.77-25686 Filed 9-1-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Docket No. 35867¹]

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

PART 1310—FREIGHT RATE TARIFFS AND CLASSIFICATIONS OF MOTOR COMMON CARRIERS

Construction, Filing, and Posting of Tariffs of Common Carriers of Property by Motor Vehicle and Tariffs of Certain Common Carriers by Water

AGENCY: Interstate Commerce Commission, Washington, D.C. 20423.

ACTION: Final rules.

SUMMARY: Regulations proposed in 1973 to govern the construction, posting, and filing of tariffs of motor common property carriers and certain water carriers are being further modified and adopted. This further modification is necessary to eliminate objectionable requirements brought to our attention by numerous parties. This action generally will grant additional relief to the carriers.

EFFECTIVE DATES: The effective date of the regulations is October 5, 1977. New tariffs filed on or after October 5, 1978 must conform to the new regulations. Tariffs on file on that date must conform 1 year later.

FOR FURTHER INFORMATION CONTACT:

William P. Gelsenkotter, Chief, Section of Tariffs, Interstate Commerce Commission, Washington, D.C. 20423 Phone No. 202-275-7739.

SUPPLEMENTARY INFORMATION: The Commission on July 5, 1973, instituted a rulemaking proceeding (38 FR 20852) under docket No. 35867 to con-

¹This proceeding is consolidated with Docket No. 35867 (Sub-No. 1), Standard Headings and Standard Item Numbers for Commonly Published Rules in Tariffs of Class I Motor Carriers of Property and of Agents.

sider the revision of regulations which govern the construction, filing, and posting of tariffs of common carriers of property by motor vehicle and tariffs of common carriers of property by water which contain joint motor-water rates or provisions governing such rates. Many substantial and important changes were proposed. It was indicated that the regulations needed revising for the purposes of, among other things, (1) updating; (2) clarifying; (3) incorporating the modifying provisions of general special permission authorities; (4) adding restrictions to eliminate or correct practices which have been the source of justifiable complaints; (5) canceling regulations no longer needed; and (6) accomplishing overall tariff simplification and improvement.

The Commission on July 16, 1974, instituted a related rulemaking proceeding (39 FR 4787) under docket No. 35867 (Sub-No. 1) to consider the amendment of the regulations which were proposed under docket No. 35867 for the purpose of including therein regulations for the prescription of standard headings and standard item numbers for assignment to the most commonly published rules in tariffs of Class I common carriers of property by motor vehicle and in tariffs of publishing agents of common carriers of property by motor vehicle.

The participation was substantial. Upon consideration of the entire record, the Commission decided to adopt, with modification, the regulations proposed in docket No. 35867 and to not adopt the regulations proposed in docket No. 35867 (Sub-No. 1). A report and order (41 FR 30591) was served July 9, 1976, ordering the modified rules into effect April 15, 1977, and discontinuing the proceedings.

Petitions for reconsideration of the modified rules have been filed. The petitioners request many changes, of which some have real merit. The Commission has therefore decided, through the instant document, to further modify the regulations proposed in docket No. 35867 and to adopt the regulations as further modified. The document also reflects a number of changes made on the Commission's own motion.

Part 1310 of this title will be amended to reflect the modifications. This part will replace Subpart B of Part 1307. The date on and after which new tariff publications must conform to the regulations is October 5, 1978. The date by which all publications must conform is October 5, 1979.

Issued at Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.

In § 1310.0, paragraph (c) is amended to read as follows:

§ 1310.0 General Provisions.

(c) * * *

(1) Except as otherwise authorized, all tariff publications filed on or after October 5, 1977, but prior to October 5,

1978, shall conform either to the regulations in this part or to those in Subpart B of Part 1307. Once any original tariff or an amendment to a tariff is filed under the regulations in this part, any reissue of or subsequent amendment to that tariff shall also conform to the regulations in this part. Except as otherwise authorized by special tariff authority, all tariff publications filed on or after October 5, 1978, must conform to the regulations in this part. Except as otherwise authorized by special tariff authority or in §§ 1310.3(b)(3), 1310.4(a), 1310.4(e)(1), 1310.4(f)(3), 1310.4(h), and 1310.27(a) (rules 3, 4, and 27), all tariff publications filed prior to October 5, 1978, which do not conform to the regulations in this part shall be brought into conformity therewith on or before October 5, 1979.

(2) For reasons it considers to be sufficient, the Commission may direct the reissue of any tariff, power of attorney, or concurrence at any time. However, prior to October 5, 1983, the Commission will not strike from its files, nor direct the reissue of, powers of attorney and concurrences already on file on October 5, 1978, solely because they are on the old previously prescribed MFXA and MFXC forms.

In § 1310.1 paragraphs (e) and (g) (3) are amended to read as follows:

§ 1310.1 Filing tariffs (rule 1).

(e) *Tariff publications not consecutively numbered.* An original tariff, a supplement, or an original or revised page tendered for filing which is out of the sequence required by the regulations of this part must be accompanied by a separate letter affirming that a publication bearing the skipped over designation will be filed and indicating the approximate date of such filing.

(g) * * *

(3) Rates, charges, rules, or other provisions which have been filed with the Commission must be allowed to become effective and remain in effect for a period of at least 30 days before being changed, canceled, or withdrawn, unless otherwise authorized by the Commission. Check sheets (see § 1310.10(d)(13) of this part) in loose-leaf tariffs are not subject to the requirements of this subparagraph (3).

In § 1310.2, paragraph (d) is amended to read as follows:

§ 1310.2 Posting tariffs (rule 2).

(d) *Period of notice.* Except as otherwise authorized, each tariff publication must be posted continuously from a date at least 30 days prior to the effective date. When the Commission permits or requires a different period of notice for filing, the tariff publication shall be posted at least that number of days before the effective date.

In § 1310.4, paragraphs (a), (e) (1), (f) (3), (f) (4), and (h) (1) are amended to read as follows:

§ 1310.4 Form, size, and printing (rule 4).

(a) *Form, size, durability, and method of printing.* Except as otherwise provided in this part as to certain kinds of tariffs, all original tariffs filed on and after the conformity date of this part, and amendments, to such tariffs, shall be of size not less than 8 by 11 inches and not more than 8½ by 11 inches. If, prior to such date, a tariff on file is of a different size, amendments thereto must either be of the same dimensions as the original tariff or be of the prescribed size, except that once an amendment of the prescribed size is filed, all subsequent amendments thereto must also be of that size. Reissues of the tariff shall be of the prescribed size. All original tariffs and amendments thereto shall be in book, pamphlet, single sheet, or loose-leaf form, be in the English language, and printed or prepared by other process on paper of good quality providing durable copies. Copies filed with the Commission and posted shall be clearly and permanently legible in every respect, free from blurring or distortion of content, and free from smudged or darkened background. Typewritten sheets, handwritten material, carbon copies, or proof sheets shall not be used for filing or posting. All copies filed and posted must be identical. (See § 1310.9(g) (rule 9) blanket supplements.)

(e) * * *

(1) Pages of an original bound tariff or supplements thereto filed on or after the conformity date of this part shall be consecutively numbered employing Arabic numerals. The title page shall not be numbered. If the reverse side of the title page is used for the publication of tariff matter, it shall bear the page number "2," the next page "3," and so on. If the reverse side of the title page is left blank, that side shall be unnumbered, the next page numbered "1," the next "2," and so on. Except for the title page, all pages containing tariff matter shall be numbered. Any numbered page intentionally left blank shall so state thereon. Both the inside and outside of a back cover to a bound tariff or supplement may contain printed matter. At the bottom of the last numbered page the following shall be shown: "(The End)." Original bound tariffs and supplements thereto (if any) on file prior to the conformity date need not be amended to revise the page numbering system of such publications, but all subsequent supplements shall comply.

(f) *Loose-leaf Tariffs.*

(3) Pages of an original loose-leaf tariff filed on or after the conformity date of this part shall be consecutively numbered employing Arabic numerals

only. Fractional or decimal numbers, or letter prefixes or suffixes, may not be used. The first page following the title page shall be designated as "Original Page 1," the next page designated as "Original Page 2," and so on. Omit the words "No." and "Number." Tariffs filed prior to the conformity date of this part which do not show page 1 (original or revised) on the first page following the title page need not be reissued provided the tariffs otherwise comply with the requirements of this part. See § 1310.10(d) (7) and (8) (rule 10) for number designations to be employed on original pages added subsequent to the filing of an original tariff.

(4) Each page shall show the page designation in the upper corner opposite the binding edge corner. When the tariff is one published on both sides of the sheet, this would be the upper righthand corner on one page and the upper left-hand corner for the next higher numbered page published on the reverse side. The page designation of a tariff published on both sides of the sheet may be shown in both upper corners of each page. See § 1310.10(d) (rule 10) as to cancellation of prior issues of the same page, and § 1310.3(b)(2) (rule 3) for placement of the ICC number.

(h) *Items and numbering systems.*

(1) The Commission believes that simplicity would be better served by a reduction in the number of different categories of provisions, each with its own numbering system. Items, with item numbers, should be employed to the greatest extent possible. Rule numbers and index numbers may not be used for tariff provisions, except that tariffs filed prior to the conformity date of this part which contain such numbers shall continue the same system in subsequent amendments for the life of such tariffs. (Section numbers, class-rate table numbers, and note numbers, and numbers or letters within an item, may be used.) When arranging the contents, items should be relatively limited in size for convenience in handling amendments, but each essentially complete in itself. An original tariff should allow sufficient unused numbers within each numerical sequence used therein so that the use of other than whole numbers will be unnecessary when assigning numbers to future provisions. All numbering systems shall employ Arabic numerals.

In § 1310.5, paragraph (b) is amended to read as follows:

§ 1310.5 Title page of original tariffs (rule 5).

(b) *ICC number and cancellation notice.* In the upper righthand corner shall be shown the tariff's ICC number. Immediately thereunder shall be shown the ICC (MF-ICC) number of each tariff, if any, canceled thereby, except that if the cancellations are numerous, the ICC (MF-ICC) numbers of the tariffs canceled may be shown immediately preced-

ing the table of contents, and a reference to that cancellation notice shown under the ICC number on the title page.

In § 1310.6 paragraphs (f) (3) (iii), and (h) (1) are hereby amended to read as follows:

§ 1310.6 Contents of tariff (rule 6).

(See §§ 1310.14, 1310.22, 1310.24, 1310.25, 1310.27, and 1310.28 (rules 14, 22, 24, 25, 27, and 28) for provisions which may be filed on less than 30 days' notice.)

(f) * * *

(3) * * *

(iii) If a tariff names a rate from or to a state or county without specifying the points in such state or county, a reference to the number of the item (or page) containing such rate shall be shown at the beginning of or in its proper alphabetical sequence in the appropriate index.

(h) * * *

(1) Except where the regulations in this part permit omission of reference to certain kinds of governing tariffs, each tariff governed in any way by others must provide a list of such tariffs, arranged in columnar form, the columns headed as follows:

Title or Kind of Tariff
Issuing Agent or Carrier
Tariff No.
ICC (MF-ICC) No.
For Special Provisions See.....

Each such governing tariff shall be separately listed, the information called for by the headings fully explained, and the table headed by a provision reading:

This tariff is governed, except as otherwise provided herein, by the following described tariffs, and by supplements or loose-leaf page amendments thereto or successive issues thereof:

If there are no separate items explaining or further qualifying the application of any such particular tariff, the last column should be omitted.

In § 1310.7, paragraphs (a) (9) and (p) (2) are amended to read and paragraph (r) is added as follows, and in paragraph (k) add the hyphenated word "One-factor" before the word "Through", in the caption; in the next line, after the word "joint", add the hyphenated word, "one-factor".

§ 1310.7 Statement of rates (rule 7).

(a) * * *

(9) Joint rates having intermodal application only over motor and water carriers, and rates restricted to apply only on shipments having a prior or subsequent movement by water carriers may be stated in cents, in dollars, or in dollars and cents per cubic foot or other space-occupied basis, provided it is clearly and explicitly stated how the determination is made.

(k) [Amended]

(p) * * *

(2) Any tariff naming class rates may provide for the application of such rates from or to unnamed points by including the rule set forth in subparagraph (4) of this paragraph. Before a tariff may include the rule, the tariff must provide, as a minimum, class rates for all points within the territorial coverage thereof which the carriers or carriers participating in the rule have authority to serve which are shown as points on the official state maps issued by the particular state authorities or on commercial maps equivalent thereto.

(r) *Statement required when classification basis exceeded.* It is a principle of longstanding that classification classes or ratings and rules, together with the class rates governed thereby, generally provide the highest rates and charges which an article should bear. It follows that any tariff provision (e.g. exceptions rating, commodity rate, charge, rule, et cetera) the application of which in any case would result in a higher charge than otherwise would result from application of the classification class or rating and rules to the class rates would require special justification. Therefore, accompanying the tender to the Commission of a tariff, supplement, or loose-leaf page which names such a tariff provision, there shall be a clear statement by the publishing motor common carrier or agent of the justification relied upon to warrant the higher charges. Any such publication not accompanied by a statement of justification shall be subject to rejection. This paragraph does not apply (1) in connection with minimum charges for small shipments (provided they are based on weights not over 500 pounds), (2) with respect to publication of rates and provisions for a special service which under the tariff the shipper has the option of using by requesting it in writing (e.g., expedited service, exclusive use of vehicle, et cetera), and (3) where no class rates are maintained by the carrier for whose account the class or rating, commodity rate or rule is published. Nor does this rule serve to prohibit publications of class rate arbitraries under authority of section 1310.7 (b) of this part. (See §§ 1310.7(h) (3) and 1310.13 for provisions governing the alternation of commodity rates with class rates, and see § 110.17(c) prohibiting alternation of exceptions with the classification.)

In § 1310.9, paragraphs (b) (1) and (d) (2) are amended to read as follows:

§ 1310.9 Supplements (rule 9).

(See §§ 1310.14, 1310.22, 1310.24, 1310.25, 1310.27, and 1310.28 (rules 14, 22, 24, 25, 27, and 28) for provisions which may be filed on less than 30 days' notice.)

(b) * * *

(1) Every supplement of ten or more pages issued to a bound tariff, except blanket supplements and general increase or reduction conversion table supplements, shall provide near the front of the supplement a cumulative list of all items and numbered units that have been added, canceled, or changed by supplement together with reference to

the number of the supplement where each is last shown.

(d) * * *

(2) Except as otherwise authorized, the following is the maximum number of supplements to a tariff that may be in effect at any time and the maximum number of pages they may contain.

Number of pages in original tariff, including title page, inclusive	Number of effective supplements permitted	Maximum number of pages effective supplements may contain
1 to 2	None	None
3 to 4	1 ¹	2 1/2
5 to 8	1	4
9 to 16	2	8
17 to 80	2, plus 2 additional supplements of not to exceed 4 pages each.	Not to exceed 50 pct of the number of pages in the original tariff.
81 to 200	3, plus 2 additional supplements of not to exceed 4 pages each.	Do.
201 to 500	4, plus 2 additional supplements of not to exceed 4 pages each.	Do.
501 to 800	5, plus 1 additional supplement of not to exceed 4 pages.	Do.
801 or more	6, plus 1 additional supplement of not to exceed 4 pages.	Do.

¹ The tariff of 3 or 4 pages, if supplemented hereunder, must be canceled within 180 days of the effective date of such supplement.

In § 1310.10, paragraphs (b) (3), (d) (9), (g) (2), and (h) are amended to read and paragraph (j) (13) is added as follows:

§ 1310.10 Amendments (rule 10).

(See §§ 1310.14, 1310.22, 1310.24, 1310.25, 1310.27, and 1310.28 (rules 14, 22, 24, 25, 27, and 28) for provisions which may be filed on less than 30 days' notice.)

(b) * * *

(3) The list of participating carriers published in a loose-leaf tariff may be amended only by republication of the page upon which it appears. Additions, cancellations, and changes shall be indicated as such. The names of canceled carriers shall be republished on a separate page or on pages at the end of the participating carrier list, indicating when the cancellation was first effective, until all provisions in the tariff referring specifically to the canceled carrier have been removed from the effective pages, after which the cancellation listing of the carrier may be omitted. Reference shall be made on the page or pages containing the participating carrier list to the page or pages containing the list of canceled carriers.

(d) * * *

(9) The number of sheets containing thereon pages (including check sheets) canceled from the tariff may not exceed six times the number of sheets containing effective tariff matter (including check sheets). Sheets containing only pages on which no tariff matter is printed except for notations such as "Intentionally left blank," "Tariff provisions canceled. This page series discontinued," or "Rates canceled," or except for provisions necessary to accommodate the format of the tariff such as the page designation, the ICC designation, the name of the carrier or agent, the name

of the issuing party, and the address of the carrier or agent, are not included in the count of sheets containing effective matter within the meaning of this rule. The tariff must be canceled by the time this maximum ratio is reached.

(g) * * *

(2) The reissued matter shall be uniformly designated by a number within a square (or an authorized substitute—see § 1310.6(m) (7) (rule 6), the number corresponding to the number of the supplement from which the matter is reissued, and the explanation thereof must appear in the supplement in which the reference mark is used. The explanation must identify the matter as reissued and either (i) specify the date upon which the supplement became effective (for example, "[1] Reissued from Supplement No. 1, effective [here show effective date of supplement]" or (ii) be published in substantially the following manner:

(with number enclosed) Reissued from supplement bearing the number enclosed within the square. See item [here insert number of item referred to, explaining the method of denoting reissued matter in supplements].

If the latter method is used, the rules section of the tariff shall contain an item (the number of which will be inserted in the explanation of the reference mark denoting matter reissued from a prior supplement) reading substantially as follows:

METHOD OF DENOTING REISSUED MATTER IN SUPPLEMENTS

Matter brought forward without change from a supplement being canceled into another supplement will either be designated as reissued (i) by a complete statement to that effect in direct connection with the reissued matter, indicating the number of the supplement in which the reissued matter first appeared in its currently effective form, or (ii) by a reference mark [here show or , which ever single type is adopted in the tariff] enclosing a number, the number being that of the supplement in which the reissued matter first appeared in its cur-

rently effective form. To determine its original effective date, consult the supplement in which the reissued matter first became effective.

(h) *Change in the explanation of reference marks and notes.* A change in the explanation of a general reference mark or general note (a reference mark or note adopted for general and continued use in the tariff—see § 1310.6(n) (2) (rule 6)) governing tariff provisions published elsewhere in the tariff or prior supplement should not require the tariff user to conduct a search for its use in order to determine the effect. Therefore, any change in or cancellation of an explanation of such a reference mark or such a note, or change in or cancellation of an item or other provisions such explanation refers to in turn, shall be accompanied by

(1) A republication of all tariff provisions in the tariff as amended which employ the use of the reference mark or note;

(2) The publication of the number of each item or page (positioned with the changed or canceled explanation or changed or canceled tariff provision referred to in turn by the explanation), identifying the supplement, if any, containing tariff provisions which refer to the reference mark or note; or

(3) The publication of a notation (positioned with the changed or canceled explanation or changed or canceled tariff provision referred to in turn by the explanation) explaining the change and the general effect the change will have on the provisions employing the mark or note. Sufficient details must be published to clearly indicate the intent of the change. For example, if a reference explained as "minimum weight 40,000 pounds" is changed to "minimum weight 50,000 pounds," the notation would include information to the effect that the change results in increasing the minimum weight by 10,000 pounds for each truckload and therefore would substantially increase freight charges on all shipments which move under tariff provisions subject to the change.

Also, each page containing such a change or cancellation shall bear a notation at the top to the effect that the page contains a changed or canceled reference mark or note, or changed or canceled tariff provision referred to by the mark or note. This paragraph shall not apply to the explanation of the reference mark (E) or (E) used in referring to an item showing expiration dates.

(j) * * *

(13) Conversion supplements and companion supplements or loose-leaf pages forming part of the same general adjustment as the conversion supplements may change tariff matter which will not have been in effect for 30 days. Subsequent supplements or loose-leaf pages filed prior to the effective date of the conversion supplement may change or cancel on lawful notice matter changed by the conversion supplement

before the change in the conversion supplement has been in effect for 30 days.

In § 1310.11, paragraphs (a) (9) and (b) (5) are amended to read as follows:

§ 1310.11 Transfer or cancellation of provisions (rule 11).

(a) * * *

(9) Transfer of provisions from an agent's tariff to the tariff of a carrier. A carrier's tariff may not direct the cancellation of a tariff, either in whole or in part, of an agent. Transfer may only be effected by cancellation by the agent and publication by the carrier, each as to its own issue. A common effective date for both actions shall be arranged to prevent conflict in rates or absence of any effective rates. The tariffs shall refer to each other in the manner and to the extent provided in § 1310.11(b) (6) of this part.

(b) * * *

(5) Amend the tariff to be canceled in part in the regular manner (by supplement if a bound tariff, or by revised pages if a loose-leaf tariff), making specific cancellations of provisions. If a bound tariff, and the amount of tariff matter it would be necessary to publish to comply would require more than four complete pages (including the title page), or if a loose-leaf tariff, and the reissuance of more than one-fourth the effective pages would be required to comply, the cancellation may be effected by a statement for the purpose published in a special supplement issued to the tariff. The statement shall specifically identify the material canceled (numbers of the items, units, tables, sections, pages, etc.) and state what provisions in what tariffs will thereafter apply in the absence thereof. The supplement must be permitted to remain in effect for the life of the tariff, or in the case of loose-leaf tariffs until all the affected pages have been reissued (such reissued pages must refer to the supplement action). A supplement to a bound tariff may contain both cancellation in the regular manner and cancellation by statement. A supplement containing only matter necessary for the partial cancellation is exempt from supplemental limit provisions of this part. In bound tariffs, any reissue in a subsequent supplement of an item or unit affected by the statement form of cancellation shall specifically cancel the prior item or unit "as amended by" the canceling supplement.

In § 1310.14, paragraph (d) is amended to read as follows:

§ 1310.14 Suspended matter (rule 14).

(d) *Suspended matter reissued before supplement announcing suspension is issued.* If a bound tariff and if, prior to the filing of the supplement announcing suspension, a carrier or agent files a later supplement which contains as reissues the matter suspended in the previous supplement, the supplement announcing the suspension shall specifically by statement (not reissue) cancel from the

later supplement such reissued matter. Such statement of cancellation must itself have an effective date, and such date must be the same as the date upon which the reissued matter is indicated to become effective in the later supplement, giving not less than 10 days' notice. As used in this paragraph, "reissued matter" means matter republished without change and designated or referenced as reissued matter in the manner required by § 1310.10(g) (rule 10). Items or other tariff provisions which direct the cancellation of a previous showing of such matter do not constitute reissued matter which the suspension supplement may cancel, even though no actual change in the provision is made. Tardiness in filing any supplement announcing a suspension may result in the rejection of the later supplement which cancels the suspended matter.

In § 1310.17, paragraph (d) is amended to read as follows:

§ 1310.17 Classification, exceptions, rules, and dangerous articles tariffs; precedence of class rates (rule 17).

(d) *Rules tariffs.* Governing rules and similar provisions may be published in a separate tariff filed in the name of an agent or a carrier. As to any one rate tariff published by a carrier as its own issue there may not be more than one governing rules tariff of its own issue and not more than one governing rules tariff of its agent's issue. As to any one rate tariff published by an agent there may not be more than one governing rules tariff, which must be the issue of that agent. A carrier may not publish in its own issue rules which cover the same service, practice, or privilege provided for its account in the tariff of its agent. Either the agent's tariff rule must indicate nonapplication for its account, or the carrier's tariff rule must be indicated as an exception to the rule of its agent and clearly identify what rule. An exception, when taken, must indicate it is to the complete rule, section, or other identifiable unit affected, and an exception must be a complete rule, section, or other identifiable unit in itself. Every effort should be made to republish entire rules that are relatively small or that name relatively few exceptions. For the purposes of this paragraph, the following tariffs shall not be considered rules tariffs.

1. Tariffs containing exclusively rules and charges applying to terminal and other services and other matters covered by § 1310.15 (rule 15).

2. Classification tariffs authorized by paragraph (a) of this section.

3. Classification exceptions tariffs authorized by paragraph (c) of this section, provided they do not contain rules or other provisions authorized to be included by § 1310.17(c) (4) (rule 17).

4. Rate basis books authorized by § 1310.18 (rule 18).

5. Tariffs containing rules and regulations governing the acceptance and

transportation of dangerous articles (hazardous materials).

6. Substituted freight service directories authorized by § 1310.30 (rule 30).

7. Tariffs confined to providing basis numbers (by intersection of headline and sideline points) for determination of class rates or column commodity rates in other tariffs.

8. Tariffs authorized by § 1310.19 (rule 19) of this part listing carriers' operating authorities.

9. Tariffs containing exclusively rules and practices governing the investigation and disposition of loss and damage claims.

10. Distance guides authorized by § 1310.16 (rule 16).

In § 1310.26, paragraphs (g) (5) and (i) are amended to read as follows:

§ 1310.26 Applications for special tariff authority.

(g) * * *

(5) Except in connection with an application to correct clerical, typographical, or otherwise obvious errors in publication, the application shall state whether or not such carriers have been advised of the proposed provisions and whether or not they have been advised that it is proposed to file such provisions on less (or on not less) than 30 days' notice. If competitive carriers have expressed their views in regard to the proposed provisions, a brief statement of their views shall be given.

(i) *Confirmatory application.* When special tariff authority is requested by telegram because of an emergency which does not permit timely filing, the telegram must state all pertinent facts required in this section and include a statement that a written application and filing fee is being sent. An application (with the required fee) confirming the request shall be transmitted as soon as possible after the telegraphic request, and, in any event, not later than noon of the next working day. (The application and fee must be transmitted regardless of whether the request is granted or denied.)

In § 1310.27, paragraph (a) is amended to read as follows:

§ 1310.27 Concurrences or powers of attorney—transfer of agent (rule 27).

(a) *Different situations.* The construction, filing, cancellation or revocation of powers of attorney or concurrences, and the construction and filing of publications when one agent takes over another involve many different kinds of situations each of which requires different procedures to be followed. Below are summarized many kinds of situations together with a reference in each instance to the paragraph in this section that contains the regulations governing that situation.

- (1) To authorize an individual to act as agent, see paragraphs (b) (1) and (b) (2) of this section.
- (2) To authorize a corporation to act as agent, see paragraphs (b) (1) and (b) (3) of this section.
- (3) To limit the authority of a power of attorney, see paragraphs (b) (4) and (b) (5) of this section.
- (4) To give concurrence in a particular tariff of a carrier, see paragraphs (c) (1) and (c) (2) of this section.
- (5) To give general concurrence to a carrier, see paragraphs (c) (1) and (c) (3) of this section.
- (6) When the principal agent dies or is disabled, see paragraphs (j), (k) (2), (k) (3), and (l) of this section.
- (7) When the alternate agent dies or is disabled, see paragraphs (k) (2), (k) (3), and (l) of this section.
- (8) When an agent takes over another agent or a corporation as agent changes its name, see paragraphs (k) (1), (k) (3), and (l) of this section.
- (9) To cancel a power of attorney or concurrence, see paragraph (o) of this section.
- (10) To revoke a power of attorney or concurrence, see paragraph (p) of this section. Instruments already on file October 5, 1978, prepared on the previously prescribed MFXA and MFXC forms are not required to be reissued effective before October 5, 1983, solely to convert to the new forms. Nevertheless, carriers should act to replace them as soon as possible, but in any event before such date.

[FR Doc.77-25737 Filed 9-1-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ENTRY AND USE

Use of Roads and Trails Within Charles M. Russell National Wildlife Range and UL Bend National Wildlife Refuge, Mont.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that all vehicular traffic within the Charles M. Russell National Wildlife Range and the UL Bend National Wildlife Refuge will be restricted to established roads and trails not closed to the general public.

DATES: Year around (September 1, 1977 through August 31, 1978).

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Charles M. Russell National Wildlife Range, P.O. Box 110, Lewistown, Mont. 59457; telephone: 406-538-8707.

SUPPLEMENTARY INFORMATION:

§ 26.34 Special regulations concerning public access, use and recreation for individual wildlife refuges.

Entrance to, travel on, and the exit from the Charles M. Russell National Wildlife Range and the UL Bend National Wildlife Refuge is permitted only on well-established roads and trails not closed to the general public. All off-road vehicle use is prohibited including the retrieval of downed game.

1. An "established" road or trail should be regarded and identified as one which:

- (a) Appears to be permanent; and
- (b) Is wide enough to accommodate the vehicle being used upon it; and

(c) Is either a road or trail which has been excavated, graded or constructed or one which has been so habitually used by vehicular, animal or pedestrian traffic that the surface of the ground has been permanently displaced or eroded and is substantially free of grass or other vegetation.

2. Tracks or trails which have become overgrown with vegetation are not established roads or trails.

Boundaries of these wildlife refuge areas are delineated on maps available at the refuge headquarters at Lewistown, Mont. and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Mont. 59101.

The provisions of this special regulation supplement the regulations which govern use of roads and trails on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

LARRY L. CALVERT,
Refuge Manager, Charles M.
Russell National Wildlife Range.

AUGUST 18, 1977.

[FR Doc.77-25610 Filed 9-1-77;8:45 am]

PART 26—PUBLIC ENTRY AND USE

Opening of Charles M. Russell National Wildlife Range and UL Bend National Wildlife Refuge, Mont., to Camping

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to camping within both the Charles M. Russell National Wildlife Range and the UL Bend National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Year around (September 1, 1977 through August 31, 1978).

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Charles M. Russell National Wildlife Range, P.O. Box 110, Lewistown, Mont. 59457; telephone: 406-538-8707.

SUPPLEMENTARY INFORMATION:

§ 26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.

Camping on the Charles M. Russell National Wildlife Range is permitted year-round. All forms of camping are limited to 14 days within any 30-day period, except in State parks where State regulations apply. These special regulation areas are delineated on maps available at refuge headquarters, Lewistown, Mont., and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Mont. 59101.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26. The Public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

LARRY L. CALVERT,
Refuge Manager, Charles M.
Russell National Wildlife
Range.

AUGUST 12, 1977.

[FR Doc.77-25611 Filed 9-1-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 948 and 980]

IRISH POTATOES GROWN IN COLORADO— AREA NO. 2, VEGETABLES: IMPORT REGULATIONS

Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would require fresh market shipments of potatoes grown in Colorado—Area No. 2 to be inspected and meet minimum grade, size and maturity requirements. The regulation should promote orderly marketing of such potatoes by keeping less desirable qualities and sizes from being shipped to consumers.

DATE: Comments due September 19, 1977.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

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 Area No. 2. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Colorado Area No. 2 Potato Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at its public meeting in Monte Vista, Colo., on August 18, 1977.

The grade, size, maturity and inspection requirements recommended herein are similar to those which have been issued during past seasons. They are necessary to prevent potatoes of low quality or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop and standardize the quality of the potatoes shipped from the pro-

duction area in order to provide the consumer with a more acceptable product.

The proposed requirements this year would be U.S. No. 2 or better grade, with a minimum size of 2 inches for round varieties, 1 $\frac{1}{8}$ inches for long varieties and 1 $\frac{1}{2}$ inches for export. Size B may be shipped if U.S. No. 1, or better grade. Maturity requirements would be "moderately skinned" for all varieties, except that for the Russet Burbank and Red McClure varieties, any grade better than U.S. No. 2 must be no more than "slightly skinned." These maturity requirements would terminate on October 31, 1977.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be permitted to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Seed would be exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments would be exempt. Also potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipments differ from those for domestic markets. While the standard quality requirements are desired in foreign markets, smaller sizes are more acceptable. Therefore, different requirements for export shipments are proposed.

The proposal is as follows:

§ 948.378 Handling regulation.

During the period September 26, 1977, through June 30, 1978, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d), (e), or (f) of this section. The maturity requirements specified in paragraph (b) shall terminate October 31, 1977, at 11:59 p.m. M.S.T.

(a) *Minimum grade and size requirements.* (1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 1 $\frac{1}{8}$ inches minimum diameter.

(3) *All varieties.* Size B, if U.S. No. 1, or better grade.

(4) *All varieties for export.* 1 $\frac{1}{2}$ inches minimum diameter.

(b) *Maturity (skinning) requirements.* (1) *Russet Burbank and Red McClure varieties.* For U.S. No. 2 grade not more than "moderately skinned" and for other grades not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (c) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

- (i) Livestock feed;
- (ii) Relief or charity; or
- (iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of seed pursuant to § 948.6 but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (d) for any of the special purposes set forth therein shall:

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without

regard to the requirements of paragraphs (a), (b) and (c) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (7 CFR 51.1540-51.1566), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form of stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1, Import regulations (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the period September 26, 1977, through June 30, 1978, shall meet the grade, size, and quality requirements specified in paragraph (a) of this section, and during the period September 26 through October 31, 1977, shall be not more than "moderately skinned."

Dated: August 30, 1977.

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

[FR Doc. 77-25738 Filed 9-1-77; 8:45 am]

[7 CFR Part 1133]

MILK IN THE INLAND EMPIRE MARKETING
AREA

Termination of Proceeding on Proposed
Suspension of Certain Provisions of the
Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of proceeding on proposed suspension of rules.

SUMMARY: This action terminates a proceeding on a proposal to suspend certain provisions of the Inland Empire milk marketing order. The provisions relate to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. Suspension of the provision, for the months of September, October and November 1977, was requested by a cooperative association to help it continue the association of members' milk with the order.

Several cooperative associations and a number of dairy farmers filed comments

opposing the proposed suspension. Because of the conflicting viewpoints by interested parties, no action to change the order is being taken until the matter can be explored in depth at a public hearing.

FOR FURTHER INFORMATION CONTACT:

Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250 (202-447-7183).

SUPPLEMENTARY INFORMATION: Prior document in this proceeding; Notice of Proposed Suspension of Certain Provisions, issued August 4, 1977; published August 9, 1977 (42 FR 40216).

Notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), of the termination of the proceeding as set forth in a notice of a proposal to suspend certain provisions of the order regulating the handling of milk in the Inland Empire marketing area. The aforesaid notice of proposed suspension was issued August 4, 1977 (42 FR 40216). Interested persons were invited to submit views, data or arguments to the Hearing Clerk not later than August 18, 1977.

The provisions that were proposed to be suspended for the months of September, October and November 1977 are as follows:

In § 1133.13(c) (1) and (2), the words "50 percent in any of the months of September through March, and", and the words "in any of the months of April through August".

STATEMENT OF CONSIDERATION

The proposed suspension would have increased the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants during the months of September through November 1977. In the case of a cooperative, the limit would be increased from 50 percent to 70 percent of its total member milk received at all pool plants or diverted therefrom. For the operator of a pool plant, the higher 70 percent limit would apply to the milk received at or diverted from such pool plant from producers who are not members of a cooperative that has diverted milk. The suspension was requested by a cooperative association that supplies the market with a substantial part of its fluid needs and handles much of the market's reserve milk supplies.

The cooperative contends that a substantial increase in milk production by producers supplying the market coupled with a decline in fluid milk sales make it necessary for the cooperative to divert to nonpool plants more reserve milk supplies beginning in September than normally. Without the suspension, the cooperative expects that some milk of its member producers who have regularly supplied the fluid market will be excluded from the pool in September. The cooperative asked for the suspension on

an interim basis pending an opportunity to review the diversion provisions at a hearing.

A number of dairy farmers individually and several cooperative associations representing a substantial number of producers on the market submitted written views opposing the proposed suspension.

The principal objection to the proposed relaxation of allowable diversions for the three-month period was the concern that additional unneeded Grade A milk supplies would be pooled that would further depress producer returns. It was pointed out by some dairy farmers who filed views on this matter that because of recent drought conditions in the area, producers have been faced with higher feed costs. In this connection, it was contended that the additional milk that would be pooled through a relaxation of the diversion allowance would be from areas generally outside of the market's normal supply area and from dairy farmers who have been unaffected by drought conditions. This situation, they suggest, would impose additional hardships on producers regularly associated with the fluid market.

In view of the conflicting viewpoints among interested parties, it is concluded that the requested suspension should not be implemented on the basis of this proceeding. Instead, the matter should be considered at a public hearing where the issue may be explored in depth. Accordingly, the proceeding begun in this matter on August 4, 1977, is hereby terminated.

A notice of hearing is being issued concurrently with this termination of proceeding.

Signed at Washington, D.C., on August 29, 1977.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc. 77-25690 Filed 9-1-77; 8:45 am]

[7 CFR Part 1133]

[Docket No. AO-275-A29]

MILK IN INLAND EMPIRE MARKETING
AREA

Hearing on Proposed Amendments To
Tentative Marketing Agreement and
Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: The hearing is being held to consider a dairy farmer cooperative's proposal to temporarily amend certain provisions of the Inland Empire milk marketing order. The provisions proposed to be amended relate to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. The cooperative association contends that the requested order changes are needed to help it continue the association of member milk with the

order during the next several months. The proposed changes would apply September, October and November 1977.

DATE: September 15, 1977.

ADDRESS: Ramada Inn, Spokane International Airport, Spokane, Wash.

FOR FURTHER INFORMATION CONTACT:

Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-7183).

SUPPLEMENTAL INFORMATION: Notice is hereby given of a public hearing to be held at the Ramada Inn, Spokane International Airport, Spokane, Wash., beginning at 9:30 a.m., local time, on September 15, 1977, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Inland Empire marketing area.

The hearing is called 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).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to proposal No. 1. Evidence also will be taken to determine whether, in the alternative, any such emergency conditions would warrant the use of a temporary suspension procedure to effectuate prompt implementation of any action found, on the basis of the testimony and evidence, to be imperative.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY NORTHWEST DAIRYMEN'S ASSOCIATION

PROPOSAL 1

Amend § 1133.13(c) (1) and (2) by deleting the words "50 percent in any of the months of September through March, and", and the words "in any of the months of April through August," to be applicable only for the months of September through November 1977.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL 2

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, James A. Burger, West 1028 Rosewood Avenue, P.O. Box 7504, Spokane, Wash., 99208; or from the Hearing Clerk, Room 1077-South, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on August 29, 1977.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc. 77-25691 Filed 9-1-77; 8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 205]

OIL IMPORT REGULATIONS

Amendments to Guidelines for Granting Exception Relief

AGENCY: Federal Energy Administration.

ACTION: Proposed rulemaking.

SUMMARY: The Federal Energy Administration (FEA) hereby gives notice of a proposal to amend the Guidelines for granting exception relief from Part 213 (Oil Import Regulations). Under this proposal, persons authorized to import residual fuel oil into District I on a fee-exempt basis pursuant to an historical allocation, will be exempt from fees with respect to all of their projected requirements for the current allocation period. This amendment is intended to alleviate dislocations in the distribution of fee-exempt licenses which could impair competition among residual fuel oil marketers, and increase costs to consumers during the upcoming heating season. In addition, in order that the present exclusion of nonhistorical importers from the program not be exacerbated by this action, and thereby lead to economic hardship, FEA is also proposing to authorize all other persons desiring to import residual fuel oil into District I during the current allocation period to do so on a fee-exempt basis.

Written comments will be received and a public hearing will be held with respect to this proposal:

DATES: Comments by September 22, 1977, 4:30 p.m.; requests to speak by September 19, 1977, 4:30 p.m.; hearing date: September 28, 1977, 9:30 a.m.

ADDRESSES: Comments and requests to speak to: Executive Communications, Room 3317, Federal Energy Administration, Box OY, Washington, D.C. 20461; Hearing location: Room 2105, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), 2000 M Street NW., Room 2222, Washington, D.C. 20461 (202-254-3345).

Ed Vilade (Media Relations), 12th & Pennsylvania Ave. NW., Room 3104, Washington, D.C. 20461 (202-566-9833).

Robert Moore (Regulatory Programs), 2000 M Street NW., Room 6114C, Washington, D.C. 20461 (202-254-8620).

Sandra Sherman (Office of General Counsel), 12th & Pennsylvania Avenue NW., Room 5119, Washington, D.C. 20461 (202-566-9380).

SUPPLEMENTARY INFORMATION:

- I. Background.
- II. Proposed Amendment.
- III. Comment Procedure.

I. BACKGROUND

Under Proclamation No. 3279, as amended, as implemented by § 213.15 of the Mandatory Oil Import Regulations, 1,450,000 barrels per day of residual fuel oil may be allocated, fee-exempt, during the current allocation period (May 1, 1977-April 30, 1978) to deepwater terminal operators in PAD District I who participated in the Mandatory Oil Import Program in 1973. Under the scheduled phase-out of fee exemptions in the Proclamation, this figure represents fifty percent (50%) of the level in effect on April 1, 1973, i.e., 2,900,000 barrels per day. This latter figure was the amount of residual fuel oil for which companies requested import authority under the quota system, which exempted imports of residual fuel oil from any limitation, and authorized firms to import amounts necessary to satisfy their contractual obligations. When the fee system replaced the quota system on May 1, 1973, this figure was carried over, subject to the scheduled phase-out, and initial fee-exempt allocations were distributed by reference to the amounts that firms had previously certified were required for their needs during the period from April 1, 1973, through March 31, 1974.

Thus, under the terms of the transition from the quota to the fee, the requirements of all terminal operators were initially satisfied, and they were in the same relative competitive position, as far as exemption from the fee was concerned. However, because some firms had substantially overestimated their needs and in light of changes in marketing patterns and expansions subsequent to 1973, and notwithstanding the uniform phase-out of the fee, the relative competitive position of these operators no longer bears any relation to their initial position, with some firms having much larger fee-exempt allocations than others in relation to their total needs. Thus, some firms have a surplus of fee-exempt licenses in the current allocation period, while other firms will be required to purchase varying amounts of fee-paid licenses at \$0.63 per barrel in order to meet contractual obligations. FEA has calculated that for the current allocation period, the ratio of imports to allocations made pursuant to § 213.15 ranges from 0 percent to 130 percent. Similarly the ratio of projected 1977 imports to 1973 actual imports ranges from 0 percent to

366 percent. Hence, the maldistribution of fee-exempt licenses among District I importers is exceptionally severe. Thus, notwithstanding that there are sufficient fee-exempt allocations to meet all projected import requirements for the current allocation period (1.3 million barrels per day), the intention of the Program that fees begin to take effect when demand exceeds exemptions will be thwarted. In addition, since certain firms will be required to purchase licenses, it is probable that the cost to consumers will be increased, notwithstanding the availability of sufficient fee-exempt licenses, since the market price of residual fuel oil would be determined to a large extent by the highest cost supplies. Under this assumption, of course, holders of fee-exempt licenses would realize a significantly higher return on their sales of residual fuel oil than those firms required to purchase licenses. Under any assumption as to residual fuel oil prices, holders of fee-exempt licenses would possess a real competitive advantage.

In order to alleviate the dislocation in fee exemptions which has developed since the fee system was established, FEA is proposing to amend its regulations as described below. This amendment also reflects FEA's concern that any remedial action taken by it not create inequities with respect to nonhistorical importers currently excluded from § 213.15, who would be ineligible for any benefits conferred on participating importers.

II. PROPOSED AMENDMENTS

Under the proposal, the "Guidelines for the Disposition of Requests for Exceptions from Part 213", Appendix II of Subpart D of Part 205, would be amended by adding Special Guideline I. This special guideline would provide that for the allocation period of May 1, 1977, through April 30, 1978, any person desiring to import residual fuel into District I would be deemed to be experiencing extreme hardship to the extent that his available fee-exempt licenses, if any, are less than his contractual obligations or other projected needs for that period. In order to meet those obligations and needs, such persons will be authorized to obtain additional fee-exempt licenses by certifying the amount of their incremental requirements to the Director of Oil Imports. The Director would issue the additional licenses except where he determines that issuance thereof would not be in accordance with the objectives of the Proclamation. Once issued, such licenses would be subject to the applicable provisions of Part 213, including the prohibition on sale or transfer of product licenses at § 213.22. Any licenses remaining unused at the end of the allocation period would expire. In order to facilitate this procedure, FEA is also proposing to amend § 205.52 to provide an exception to the general rule that applications for relief from Part 213 be filed with the Office of Exceptions and Appeals. Applications for an allocation would, rather, be filed directly with the Director of Oil Imports.

Under the proposal, firms not currently eligible for allocations under § 213.15 will be able to receive allocations under Special Guideline I. This is intended to prevent any economic hardship that could result with respect to such persons if FEA's proposed remedial action were limited to historical importers.

It should be noted that FEA is continuing to evaluate the Mandatory Oil Import Program and may adopt further changes in the future. Thus, any allocations granted pursuant to the Guideline proposed in this notice, would be subject to future revocation or change.

III. COMMENT PROCEDURES

1. 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 identified on the outside envelope and on documents submitted with the designation "Special Guideline I: Residual Fuel Oil," Box OY. Fifteen copies should be submitted. All comments received by FEA will be available for public inspection in the FEA Reading Room, Room 2106, Federal Building, 12th and Pennsylvania Avenue NW., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

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.

2. PUBLIC HEARINGS

a. *Request procedure.* The times and places for the hearings are 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 next business day following the date of the hearing.

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.s.t., September 21, 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.s.t., September 27, 1977.

b. *Conduct of the hearings.* The FEA reserves the right to select the persons

to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. 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 hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if 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 hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.s.t., September 22, 1977. Any person who wishes to ask a question at the hearings 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 hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, 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 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

In the event that it becomes necessary for the FEA to cancel a hearing, FEA will make every effort to publish advance notice in the FEDERAL REGISTER of such cancellation. Moreover, FEA will notify all persons scheduled to testify at the hearing. However, it is not possible for FEA to give actual notice of cancellations or changes to persons not identified to FEA as participants. Accordingly, persons desiring to attend a hearing are advised to contact FEA on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

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 Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185, Trade Expansion Act of 1962, Pub. L. 87-794, as amended; Proclamation No. 3279, as amended.)

In consideration of the foregoing, it is proposed to amend Part 205 of Chapter II of Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., August 29, 1977.

ERIC J. FYGL,
Acting General Counsel,
Federal Energy Administration.

1. Section 205.52 is amended in paragraph (b) by adding a new subparagraph (3) to read as follows:

§ 205.52 Where to file.

(b) * * *

(3) All applications for exemption to § 213.15 by persons seeking to import residual fuel oil into District I in order to satisfy contractual obligations or other projected needs for the allocation period May 1, 1977, through April 30, 1978, shall be filed with the Director of Oil Imports in accordance with Special Guideline I in Appendix II of this subpart.

2. Appendix II of Subpart D of Part 205 is amended by adding a new Special Guideline I to read as follows:

SPECIAL GUIDELINES I

For the allocation period May 1, 1977 through April 30, 1978, any person desiring to import residual fuel oil into District I shall be deemed to be experiencing an exceptional hardship to the extent that his available fee-exempt licenses, if any, are less than his contractual obligations or other projected needs for that period. Any person so deemed may receive additional fee-exempt licenses in the amount required to meet such obligations or needs by certifying his additional requirements to the Director of Oil Imports. The Director shall issue a license for the amount certified, except where he determines that issuance thereof would not be in accordance with the objectives of Proclamation No. 3279, as amended.

Any license issued pursuant to this Special Guideline shall be subject to the limitations contained in § 213.15(e). Licenses which remain unused at the end of the allocation period shall expire at that time.

[FR Doc.77-25683 Filed 9-1-77; 8:45 am]

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Notice of Opportunity for Comment

AGENCY: Federal Energy Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Administration gives notice that it intends to develop test procedures for heat pumps and that interested persons may submit written data, views, and arguments with respect to the development of test procedures for heat pumps.

DATES: Comments by September 15, 1977, 4:30 p.m., e.d.t.

ADDRESSES: Comments to Room 3309, Federal Energy Administration, Box OI, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, (Program Office), Room 207—Old Post Office Building, 12th & Pennsylvania Avenue NW., Washington, D.C. 20461 (202-566-4635).

Elliott D. Light, (Office of the General Counsel), Room 7150—Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C. 20461 (202-566-9750).

SUPPLEMENTARY INFORMATION: The Energy Policy and Conservation Act (Act) (Pub. L. 94-163), as amended by section 161 of the Energy Conservation and Production Act (Pub. L. 94-385), requires the implementation of an energy conservation program for consumer products other than automobiles. Section 323 of the Act requires the Federal Energy Administration (FEA) to prescribe test procedures for covered products. Among their uses, the test procedures will be used in monitoring the progress of manufacturers toward meeting the energy efficiency improvement targets prescribed in accordance with section 325 of the Act and by the Federal Trade Commission in developing labeling rules under section 324 of the Act. Labeling rules are intended to provide consumers with energy information which will assist them in making purchasing decisions concerning appliances.

FEA intends to request that the National Bureau of Standards develop test procedures for heat pumps pursuant to section 323 of the Act. At this time, FEA is interested in comments from interested persons on the design of test procedures to serve both the labeling and targets elements of the appliance program.

Interested persons are invited to submit comments with respect to the development of test procedures for heat pumps. Comments are especially desired on the following: the technical aspects of testing heat pumps; the cost and time required to perform such testing; any data concerning the number of heat pumps in use, the number of hours of operation of heat pumps in both their cooling and heating modes and the geographical distribution of heat pumps. Comments should be sent to Executive Communications, Room 3309, Box OI, Federal Energy Administration, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on documents submitted to FEA

with the designation "Heat Pumps—Development of Test Procedures." Fifteen copies should be submitted. All comments received by September 15, 1977, before 4:30 p.m., e.d.t., will be considered.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of that information or data and to treat it accordingly.

Issued in Washington, D.C., August 29, 1977.

ERIC J. FYGL,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-25678 Filed 9-1-77; 8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 134]

COUNTRY OF ORIGIN MARKING

Extension of Time for Comments Concerning Proposed Change of Position Relating to Country of Origin Marking of Radios, Stereo Systems, Television Sets, and Other Similar Consumer Electronic Products

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Notice of extension of time for comments.

SUMMARY: This notice extends the period of time permitted for the submission of comments in response to the Customs Service's proposal to change its position with respect to the acceptable country of origin marking of radios, stereo systems, television sets, and other similar consumer electronic products. This extension will permit the preparation and submission of more detailed comments by interested members of the public.

DATES: Comments must be received on or before October 3, 1977.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

John T. Roth, Attorney, Regulations and Legal Publications Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION: On August 3, 1977, the Customs Service published in the FEDERAL REGISTER (42 FR 39227) a notice of its intention to change its position with respect to the acceptable country of origin marking of radios, stereo systems, television sets, and other similar consumer electronic products. This change is being considered because many such articles of foreign

origin carry a brand name which does not suggest foreign origin and, when offered for sale, are displayed in such a manner that a prospective purchaser is unable to examine the merchandise to determine the country of origin until the article has been purchased and unpacked at home. The Customs Service has determined that its current practice of permitting these articles to be marked as to country of origin on the back of the article, where labels showing the model number and other technical data are normally affixed, may no longer result in the articles being conspicuously marked in a manner that will indicate to the ultimate purchaser the country of origin.

The Customs Service proposes to require that radios, stereo systems, television sets, and similar consumer electronic products be marked with the country of origin on the front, top, or sides of the article in a manner which would ensure the visibility of the marking when the article is on display. The Customs Service continues to invite written comments from the public regarding this proposed rule, but all comments must be received on or before October 3, 1977.

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

[FR Doc. 77-27512 Filed 9-1-77; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 145, 150, 172, 180, 189,
310, 430, 510, 589, and 700]

[Docket No. 77N-0065]

SACCHARIN AND ITS SALTS

Proposed Rule Making; Extension of
Comment Period

AGENCY: Food and Drug Administration.

ACTION: Extension of time for comment on proposed rule.

SUMMARY: This document extends to October 3, 1977, the comment period on the Commissioner of Food and Drugs' proposal to restrict the use of saccharin, published in the FEDERAL REGISTER of April 15, 1977 (42 FR 19996). The comment period on that proposal expired on August 31, 1977.

DATE: Written comments by October 3, 1977.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

GENERAL

Ronald J. Wylie, Compliance Regulations Policy Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-3480).

FOODS

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204 (202-472-5690).

HUMAN DRUGS

Paul Fehnel, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-3640).

COSMETICS

Heinz Eiermann, Bureau of Foods (HFF-440), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204 (202-245-1530).

VETERINARY DRUGS

Edward Ballitch, Bureau of Veterinary Medicine (HFV-231), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-3363).

SUPPLEMENTARY INFORMATION:

In the FEDERAL REGISTER of April 15, 1977 (42 FR 19996), the Commissioner issued a proposal to revoke the interim food additive regulation (21 CFR 180.37) permitting the use of saccharin in certain types of human food; to establish a regulation prohibiting the use of saccharin in food for animals; to eliminate saccharin from all cosmetics and most human drugs and all animal drugs; and to permit the marketing of saccharin as a single-ingredient drug sold over the counter pending the submission and final action on new drug applications (NDA's) for such products.

In the FEDERAL REGISTER of July 1, 1977 (42 FR 33768), the Commissioner extended the comment period until August 31, 1977, to permit comments to be submitted on two recent epidemiological studies that relate to the effects of saccharin consumption on humans.

On August 18, 1977, the Calorie Control Council filed suit in the United States District Court for the Northern District of Georgia under the Freedom of Information Act (5 U.S.C. 552) seeking documents from the Food and Drug Administration (FDA) related to saccharin (*Calorie Control Council et al. v. Food and Drug Administration*, N.D. Ga., Civil Action No. C-77-1374A). The Council's suit seeks an order compelling FDA to comply with its requests under the Freedom of Information Act and to keep the comment period open for 60 days thereafter. By letter dated August 19, 1977, the Council was advised that the comment period would be kept open until October 3, 1977, in order to provide time to ascertain the status of the various requests under the Freedom of Information Act filed by the Council and to discuss disposition of these requests. The letter also stated that a request for a further extension of the comment pe-

riod would be entertained once the status of those requests is determined.

The Commissioner has decided that the extension of the comment period already granted to the Calorie Control Council should apply to all interested persons.

Accordingly, interested persons may, on or before October 3, 1977, submit to the Hearing Clerk (HFC-20), 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 the Commissioner's proposal. The envelope containing the comments should be prominently marked "Saccharin." Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 29, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 77-25627 Filed 8-30-77; 10:26 am]

LIBRARY OF CONGRESS

[37 CFR Part 201]

[Docket RM77-7]

NONDRAMATIC LITERARY OR MUSICAL WORKS

Objection to Noncommercial Performances

AGENCY: Library of Congress, Copyright Office.

ACTION: Proposed rule.

SUMMARY: The purpose of this notice of proposed rulemaking is to inform the public that the Copyright Office of the Library of Congress is considering the adoption of a new regulation designed to implement clause (4) of section 110 of the Act for General Revision of the Copyright Law. This clause provides for the service of notices of objection for the purpose of preventing certain noncommercial performances of nondramatic literary and musical works. The proposed regulation would establish requirements governing the content and manner of service of the notices.

We invite interested persons to participate in the making of the new regulation by submitting relevant written views, arguments, or other comments.

DATES: Initial comments should be received on or before September 23, 1977. Reply comments should be received on or before October 3, 1977.

ADDRESS: Five copies of all written comments should be submitted, if by mail, to: Office of the General Counsel, Copyright Office, Library of Congress, Caller Number 2999, Arlington, Va. 22202; or, if by hand, to: Office of the General Counsel, Copyright Office, Room 519, Crystal Mall, Bldg. No. 2, 1921 Jefferson Davis Highway, Arlington, Va.

FOR FURTHER INFORMATION CONTACT:

Jon Baumgarten, General Counsel,
Copyright Office, Library of Congress,
Washington, D.C. 20559 (703-557-
8731).

SUPPLEMENTARY INFORMATION:

Section 110(4) of the first section of Pub. L. 94-553 (90 Stat. 2541) deals with the performance of nondramatic literary or musical works otherwise than in transmissions to the public. It provides generally that such a performance, even if carried out before an audience, is exempt from copyright liability if two basic conditions are both met: (1) The performance must be "without any purpose of direct or indirect commercial advantage"; and (2) there must not be "payment of any fee or other compensation for the performance to any of its performers, promoters, or organizers."

Assuming these conditions are met, the exemption applies if there is "no direct or indirect admission charge" or, alternatively, if "the proceeds, after deducting the reasonable costs of producing the performance, are used exclusively for educational, religious, or charitable purposes." * * * In cases where proceeds are to be derived from an admission charge, the statute also provides a procedure under which a copyright owner can prevent the performance by serving an advance notice of objection.

Under the statute, this notice must be in writing and signed by the copyright owner or the owner's authorized agent. It must be served on the person responsible for the performance at least seven days before the date of the performance, and it must state the reasons for the objection. The Act also provides that notices of objection must "comply in form, content, and manner of service with requirements that the Register of Copyrights shall prescribe by regulation."

We propose that these matters be covered by the addition of a new § 201.13 to the regulations of the Copyright Office. Proposed § 201.13 assumes that, at the time when he or she serves the notice, the copyright owner has already acquired some advance knowledge or report of a planned performance. Since the proposed regulation does not of itself impose any obligation on the person responsible for the performance to give the copyright owner advance notice of it, the chances are that, at the time the copyright owner serves a notice of ob-

jection, some information about the performance will be lacking. For example, the copyright owner may not know the precise time when the performance is to be given, or its exact place, or the particular works to be performed, or whether or not an admission fee is to be charged. For these reasons, we are proposing certain alternatives concerning the information to be included in a notice. Also, since a notice of objection can be effective only if there is an admission charge, we are proposing to require the copyright owner to make clear that, if no admission fee is charged, the notice will have no legal effect and can be disregarded.

In setting forth alternatives concerning the contents of the notice, we have tried not only to take into account the difficulties faced by copyright owners lacking specific information, but also to judge these difficulties in the light of the legislative history of section 110(4). This history suggests that notices of objection were not intended to consist of general or blanket prohibitions, but were intended to be the result of individual copyright owners' decisions based on personal objections to having their works used without permission for "educational, religious, or charitable" fund-raising activities with which they were not in sympathy.² The proposed regulation attempts to strike a reasonable balance between the statute's intention to tie the objection to the circumstances of a particular performance and the practical problems facing a copyright owner if information required in the notice is too detailed.

Accordingly, proposed § 201.13(c)(1) (ii) does not require that the notice include the exact date or place of performance where either fact is not known to the copyright owner. However, the notice must be directed to a specific performance, and not merely to any future performance for which the recipient might be responsible. The proposed rule would require the copyright owner, as an alternative to identifying a particular time and place, to state all of the information available to the owner about the plans for the performance, and the source of that information. This alternative is not intended to waive or otherwise affect the seven-day requirement for advance service imposed by the Act.

Proposed § 201.13(c)(1) (iii) requires, as a general rule, that the notice of objection specify the title and at least one author of each work covered by the copyright owner's notice of objection. However, since the owner may not know precisely which works are planned to be included in the performance, no limit is placed on the number of works that can be covered by a particular owner's notice. Moreover, recognizing that some copyright owners may object to a particular performance of any and all of their works, and that the total number of works involved may be too large to permit separate identification, § 201.13(c)(2) proposes to permit the serving

² See, e.g., H.R. Rep. No. 94-1476, 94th Cong., 2d Sess., Sept. 3, 1976, at 86.

of a notice of objection covering a group of works without separate identification under certain carefully defined conditions.

In addition to comments on the foregoing and the proposed regulation general, we invite specific comments on the following:

(1) Section 102 of the Transitional and Supplementary Provisions of Pub. L. 94-553 states: "This Act becomes effective on January 1, 1978, except as otherwise expressly provided by this Act. * * * Since section 110(4) requires the service of notice 'at least seven days before the date of the performance,' and performances may take place during the first seven days of 1978, what should be the effective date of the regulation?"

(2) In view of the short time period provided for notice, should the regulation provide for service by telegram, or similar means of communication, as alternatives to personal service or service by first-class mail?

Copies of all comments will be available for inspection and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday, in the Public Information Office of the Copyright Office, Room No. 101, Crystal Mall, Building 2, 1921 Jefferson Davis Highway, Arlington, Va.

Proposed Regulation. We propose to amend Part 201 of 37 CFR Chapter II by adding a new § 201.13 to read as follows:

§ 201.13 Notices of objection to certain noncommercial performances of nondramatic literary or musical works.

(a) *Definitions.* (1) A "Notice of Objection" is a notice, as required by section 110(4) of title 17 of the United States Code as amended by Pub. L. 94-553, to be served as a condition of preventing the noncommercial performance of a nondramatic literary or musical work under certain circumstances.

(2) A "performing rights society" is an organization coming within the definition provided by section 116(e)(3) of title 17 of the United States Code as amended by Pub. L. 94-553.

(b) *Form.* The Copyright Office does not provide printed forms for the use of persons serving Notices of Objection.

(c) *Contents.* (1) A Notice of Objection must clearly state that the copyright owner objects to the performance, and must include all of the following:

(i) Reference to 17 U.S.C. § 110(4) as the statutory authority on which the Notice of Objection is based;

(ii) The date and place of the performance to which an objection is being made; however, if the exact date or place of a particular performance, or both, are not known to the copyright owner, it is sufficient if the Notice describes all of the information the copyright owner has about the plans for a particular performance and the source of that information.

(iii) Clear identification, by title and at least one author, of the particular nondramatic literary or musical work or works, to the performance of which the copyright owner thereof is lodging objection. A Notice may cover any number of

¹ In dealing only with the notice of objection to be served by the copyright owner, we have followed the literal text of the Act. It has been argued that "it appears to have been Congress' intention that those responsible for the performance would notify the copyright owner or his duly authorized agent of the details of the planned performance. . . ." Korman, *Performance Rights in Music Under Sections 110 and 118 of the 1976 Copyright Act*, 22 N.Y.L.S.L. Rev. 621, 627, (1977). The proposed regulation is not intended in any way to prejudice or affect the validity or invalidity of this argument.

separately identified copyrighted works owned by the copyright owner serving the objection. A blanket notice without separate identification of copyrighted works, and purporting to cover all or a part of the works written by, owned by, or capable of being licensed by a particular individual or organization, shall have no legal effect except under the conditions specified in clause (2) of this paragraph (c).

(iv) A concise statement of the reasons for the objection.

(2) A blanket notice lacking separate identification of the particular copyrighted works covered by the objection shall be valid only if all of the following conditions are met and the Notice so states:

(i) Among the owners of copyrights in the works covered by the Notice, there shall be at least one owner who is common to all such copyrights, and the Notice shall clearly identify that owner and shall be served by or with the authority of such owner.

(ii) The copyright owner serving or authorizing service of the Notice: (A) lacks complete knowledge of the particular works to be performed; and (B) wishes to lodge objection to a particular performance of any or all works of which he or she is copyright owner.

(iii) The total number of nondramatic literary or musical works covered by the Notice must be more than one hundred, making it impracticable to identify them separately.

(iv) If the Notice is served on behalf of the copyright owner by an agent or performing rights society, such owner must have expressly authorized the agent or society to object to the particular performance and to include within the scope of the objection all of the works covered by the Notice.

(v) The Notice shall identify, by name, address, and telephone number, a particular individual whom the person responsible for the performance can contact to determine whether a particular work planned for performance is in fact covered by the Notice.

(3) A Notice of Objection must also include clear and prominent statements explaining that:

(i) A failure to exclude the works identified in the Notice from the performance in question may subject the person responsible for the performance to liability for copyright infringement; and

(ii) The objection is without legal effect if there is no direct or indirect admission charge for the performance, and if the other conditions of 17 U.S.C. § 110(4) are met.

(d) *Signature and Identification.* A Notice of Objection shall bear the actual handwritten signature of the copyright owner or the owner's duly authorized agent, accompanied by the full name, address, and telephone number of that person, typewritten or printed legibly by hand. A Notice signed on behalf of a copyright owner by an agent or performing rights society shall clearly iden-

tify the copyright owner whom the agent or society represents.

(e) *Service.* A Notice of Objection shall be served on the person responsible for the performance by personal service, or by first-class mail.

(17 U.S.C. 207, and under the following sections of Title 17 of the United States Code as amended by Pub. L. 94-553; §§ 110(4); 702.)

Dated: August 26, 1977.

BARBARA RINGER,
Register of Copyrights.

Approved by:

DANIEL J. BOORSTIN,
Librarian of Congress.

[FR Doc. 77-25713 Filed 9-1-77; 8:45 am]

INTERSTATE COMMERCE COMMISSION

(49 CFR Part 1003)

[EX PARTE NO. 55 (Sub-No. 26)]

LIST OF FORMS

Revision of Application Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rules.

SUMMARY: The Interstate Commerce Commission (Commission) is proposing to revise the application forms for permanent motor carrier, broker, water carrier and freight forwarder authority, by requiring the inclusion of certain additional material by applicants and witnesses through which minimal prerequisites for a grant of operating authority could be established. The Commission also proposes an internal restructuring of its case processing procedure. These revisions would expedite the issuance of certificates, permits and licenses in those proceedings where no opposition is encountered.

DATES: Written comments should be filed with the Commission on or before October 3, 1977.

ADDRESSES: Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423. Phone: (202-275-7292).

SUPPLEMENTARY INFORMATION: On June 2, 1977, a Staff Task Force was established for the purpose of investigating the Commission's present-day administration of the Interstate Commerce Act, particularly as it relates to motor carriers, and recommending improvements in motor carrier regulation. In its report, issued July 6, 1977, the Staff Task Force, after concluding that the increase in motor carrier application filings during the current (1977) fiscal year necessitated the easing and stream-

lining of entry controls, made 39 specific recommendations for improving motor carrier regulation. The proposed revisions contemplated in this rulemaking are an outgrowth of Recommendation No. 1 contained in the Staff Task Force report.

OVERVIEW OF CURRENT APPLICATION AND CASE PROCESSING PROCEDURES AND NEED FOR IMPROVEMENT

Current Commission application and case processing procedures are multifaceted processes, the first (or initiating) part of which involves the filing by applicant of a standardized form which essentially calls for (1) the identity of applicant, (2) the authority sought, (3) a caption or summary of the authority sought suitable for publication in the Federal Register (4) the authority held, (5) the statutory impediments (common control or dual operations), if any, to authorization of the proposed service, and (6) a certification of support from a supporting witness indicating a willingness to appear and testify concerning the need for a proposed service. After the application is received at the Commission, it is examined by clerical staff for completeness and accuracy but not for legal sufficiency and compliance with current policy relative to commodity and territorial descriptions. Thereafter a caption is sent to the Federal Register for publication to afford notice to competitors and other interested persons. A 30-day protest period is allowed following publication in the Federal Register, after which time the proceeding is either designated for handling under the modified procedure or assigned to an oral hearing. The order designating the proceeding for handling under the modified procedure also will fix the date on or before which an applicant must submit to the Commission and serve upon protestants, if any, its verified statements in support of the application (case-in-chief).

After an applicant's verified statements in support of the application have been filed, if the application is unopposed (or if, following submission by applicant of its verified statements in support of the application, protestants withdraw their protests), the application proceeding is referred immediately to a decisionmaker for disposition. Following decision, an order is prepared and served upon applicant which, in the event the sought authority is granted, is then required to comply with applicable provisions of the Interstate Commerce Act and the Commission's rules and regulations before an appropriate certificate, permit, or license finally may be issued.

While current case processing procedure may appear to be suitable in opposed application proceedings, it is unnecessarily time-consuming where applications are unopposed. Over 6 months is now required to process the average unopposed application proceeding. Although the proposed revisions would affect all application proceedings, whether

opposed or unopposed, substantial savings would be realized by applicants, their supporting witnesses, and the Commission only in unopposed application proceedings. This represents, however, a significant number of proceedings. During the 6-month period ending June 30, 1977, an average of 145 unopposed application proceedings, or approximately 25 percent of all (opposed and unopposed) application proceedings decided on their merits, were processed each month.

DISCUSSION OF PROPOSED REVISIONS

A substantial portion of the delay and expense inherent in the application and case processing procedures outlined above could be eliminated, at least insofar as unopposed application proceedings are concerned, by the simple expedient of requiring applicants and their supporting witnesses to supply enough information with their applications to enable the Commission lawfully to authorize the proposed service where the application is unopposed. As a necessary adjunct to revision of the application forms, the Commission coincidentally would restructure its internal case processing procedure.

Under the proposed revisions, applicants would be required to append to their application forms (1) a current balance sheet and income statement, (2) a list describing their equipment and their pertinent terminal locations, (3) a brief statement concerning the feasibility of the proposed operation, and (4) a certification of familiarity with applicable safety regulations. Applicants' supporting witnesses would be required to include in their certifications of support (1) a brief description of the transportation services currently employed, and (2) the extent to which the proposed service, if authorized, would be used.

For its part, the Commission, in restructuring its internal case processing procedure, would restaff its existing captions unit with qualified paralegal personnel who, upon receipt of applications conforming to the revised standards, would review the applications for completeness, accuracy, and legal sufficiency and, if necessary would modify descriptions to conform to the current Commission policy or simplifying grants of authority. The applications would then be referred through an appropriate decisionmaker to the FEDERAL REGISTER as a short-form order. Each short-form order so published would (1) recite the authority sought, (2) make other necessary and appropriate findings, and (3) indicate that in the absence of legally sufficient and timely filed protests, or other legal impediments which would require consideration on a more fully developed record, a certificate, permit, or license will be issued to applicant upon compliance with applicable statutory and regulatory prescriptions. The order-notice would be, in effect, an initial decision which would become effective automatically in the absence of a valid protest.

Aside from the obvious savings of time and expense for applicants and their supporting witnesses, the Commission, upon implementation of this proposal, would experience a substantial and continuous reduction in the overall amount of time that must be spent on processing pending application proceedings, thereby freeing staff and decisionmaking bodies alike to concentrate efforts upon reducing the backlog of opposed application proceedings. Additionally, in those proceedings where opposition is encountered, the application would be in proper form for easier processing either at a hearing or under the modified procedure.

The proposed revisions would not increase the overall burden upon applicants and their supporting witnesses; they merely require that easily accessible information be submitted at an earlier stage in the proceeding. The proposal affects neither the substantive law nor the procedural integrity of the Commission's decisionmaking process; nor is it intended to straightjacket applicants and their supporting witnesses whose ability to develop information contained in the revised application forms will not be forfeited subsequently either under the modified procedure or at oral hearing should opposition surface.

Interested persons are invited to submit written comments concerning the proposed revisions. It is not anticipated, at this time, that oral hearings will be held. The Commission intends to issue a final decision in this regard within 60 days from the last day during which written comments may be filed.

DATES: Written comments should be filed with the Commission on or before October 3, 1977.

ADDRESSES: Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

Accordingly, the Commission proposes to revise application forms OP-OR-9, OP-OR-11, OP-WC-20, and OP-FF-10 for operating authority (1) by including in the instructions of each application form an unnumbered paragraph to read as follows:

In addition to the other information required in this form, applicant also is required to append to the form the following information:

(a) a current balance sheet and income statement;

(b) a list describing its equipment and its pertinent terminal locations;

(c) a brief statement concerning the feasibility of the proposed operation; and

(d) a certification of familiarity with applicable safety regulations; and (2) by inserting in the certification of support to each application form immediately preceding the words "The undersigned shipper supports the following applications for authority similar to that sought in this application. (If none, so state)", the following unnumbered paragraphs:

Described briefly the transportation services currently employed:

Indicate the extent to which applicant's proposed service, if authorized, would be utilized by you (i.e., volume to be tendered applicant). -----

This notice of proposed rulemaking is promulgated under the authority contained in 49 U.S.C. §§ 304, 904, and 1003; and 5 U.S.C. § 553, and was adopted formally at a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 16th day of August, 1977.

By the Commission (Commissioner Hardin not participating).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-25858 Filed 9-1-77; 8:4 5am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 26]

RUBY LAKE NATIONAL WILDLIFE REFUGE, NEVADA

Public Entry and Use; Proposed Special Regulations; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulations, correction.

SUMMARY: This document clarifies the proposed special regulations for Ruby Lake National Wildlife Refuge, Nev., published on August 25, 1977 (42 FR 42883).

Because of an inadvertent omission, the proposed regulations did not make it known that Ruby Lake National Wildlife Refuge is in the state of Nevada. This omission caused an error to appear in the table of contents for that day's issue of the FEDERAL REGISTER. The proposed regulations did not specifically state that the refuge is in Nevada, and the table of contents erroneously indicated that this refuge was in Oregon. This clarification is necessary to ensure that any interested parties are not confused.

DATES: Comments regarding the proposed special regulations must (still) be submitted by September 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Lawrence G. Kline, Division of National Wildlife Refuges, U.S. Fish and Wildlife Service, Washington, D.C. 20420; telephone 202-343-4305.

Dated: August 26, 1977.

HARVEY K. NELSON,
Director, U.S. Fish
and Wildlife Service.

[FR Doc.77-25711 Filed 9-1-77; 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

Food and Nutrition Service

FOOD STAMP PROGRAM

Public Hearings

Notice is hereby given of the intent of the Department of Agriculture to hold public hearings on the Food Stamp Program. The purpose of the hearings will be to consider public comments and concerns about the operations and procedures of the Food Stamp Program prior to the preparation of regulatory changes which will be necessitated by the proposed legislative reforms of the Food Stamp Act of 1977.

The authorizing legislation for the Food Stamp Program expires September 30, 1977. Extension and reform of the program is being considered as part of the Food and Agriculture Act of 1977.

The Food Stamp Program provides low-income households with an opportunity to obtain a nutritionally adequate diet by increasing their food purchasing power through the issuance of a food coupon allotment. The food coupon allotment differs by household size and represents the cash equivalent of what a family of that size needs to purchase the Department's "thrifty food plan." The household must pay cash for the allotment based on its income level, but in no event will the household have to pay more than 30 percent of its net income after certain expenses are deducted. The coupons are used by the household to purchase food at local authorized retail stores.

The Food Stamp Program is operative in all 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. Approximately 16 million persons participate in the program monthly. Over \$661 million in coupons are issued monthly of which \$399 million represent benefits to participating households in the form of bonus coupons (bonus coupons are the difference between the amount of the coupon allotment and what the household has to pay for the allotment and is 100 percent federally subsidized).

Among the major reforms in the proposed Food Stamp Act of 1977 are elimination of the purchase requirement so that eligible households receive only the bonus amount of coupons, a standard deduction in lieu of some itemized deductions, and other measures to simplify administration, make the program more accessible to eligible households, and reduce fraud and abuse.

The Department of Agriculture intends to hold a public hearing in each of the seven Regions of the Food and Nutrition Service, prior to the prepara-

tion of regulatory changes. All hearings will be held from 9 a.m. to 5 p.m. and from 7 p.m. to 9 pm on the dates listed below. The hearings may be continued on the following day if public demand warrants. The locations and dates for the hearings are:

OCTOBER 4—BOSTON, MASS.

Morse Auditorium, Museum of Science, Science Park

OCTOBER 11—LOS ANGELES, CALIF.

Music Room, The Biltmore Hotel, 515 South Olive Street

OCTOBER 11—ATLANTA, GA.

Georgia Ballroom, Sheraton-Atlanta Hotel, West Peachtree Street, near North Avenue.

OCTOBER 13—DENVER, COLO.

Room 269, 1823 Stout Street.

OCTOBER 13—CHICAGO, ILL.

Hearing Room No. 2, 17th Floor, Illinois Department of Registration and Education, 55 East Jackson Boulevard.

OCTOBER 18—DALLAS, TEX.

First Presbyterian Church, Harwood and Wood Streets.

OCTOBER 18—BALTIMORE, MD.

War Memorial Hall, Lexington and Gay Streets.

The FNS Regional Offices will also hold public hearings in selected rural locations during the month of October. For times, dates and locations, please contact the Regional Information Directors listed at the end of this Notice.

Persons interested in participating in the hearings should contact the Regional Information Director for Food and Nutrition Service listed at the end of this Notice. Toll-free or collect call telephone numbers are provided for the Regional Offices. Information on the legislative changes in the proposed Food Stamp Act of 1977, and a description of issues on which the Department is especially interested in comment at the hearings, will be available from the Regional Offices. Please indicate which hearing you will attend, who will be speaking on your behalf, and approximately how long your testimony will be. Written comments may be submitted before October 21 for those that wish to comment but are unable to attend one of the hearings in person.

The appropriate Regional Information Director and toll-free number to contact for your State are:

NEW ENGLAND REGIONAL OFFICE

Catherine Jensen, 34 Third Avenue, Burlington, Mass. 01803.

From Massachusetts, call toll-free: 1-800-842-1343.

From Connecticut, Maine, New Hampshire, Rhode Island, or Vermont, call toll-free: 1-800-225-1127.

MID-ATLANTIC REGIONAL OFFICE

Joseph H. Dunphy, 1 Vahlsing Center, Route 526, Robbinsville, N.J. 08691

From New Jersey, call toll-free: 1-800-792-8808.

From Delaware, District of Columbia, Maryland, New York, Pennsylvania, or West Virginia, call toll-free: 1-800-257-9111.

From Puerto Rico or the Virgin Islands, call collect: 809-753-4487.

SOUTHEAST REGIONAL OFFICE

Ted Hightower, 1100 Spring Street NW., Atlanta, Ga. 30309.

From Georgia, call toll-free: 1-800-282-0414.

From Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina, or Tennessee, call toll-free: 1-800-241-1755.

MIDWEST REGIONAL OFFICE

Russell T. Forte, 536 South Clark Street, Chicago, Ill. 60605.

From Illinois, call toll-free: 800-972-3188.

From Indiana, Michigan, Minnesota, Ohio, or Wisconsin, call toll-free: 800-621-3199.

SOUTHWEST REGIONAL OFFICE

Ronald J. Rhodes, 1100 Commerce Street, Dallas, Tex. 75242.

From Texas, call toll-free: 1-800-492-9720.

From Arkansas, Louisiana, New Mexico, or Oklahoma, call toll-free: 1-800-527-7233.

MOUNTAIN PLAINS REGIONAL OFFICE

Craig Foreman, 1823 Stout Street, Room 219, Denver, Colo. 80202.

From Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, or Wyoming, call toll-free: 1-800-525-8223.

WESTERN REGIONAL OFFICE

Benedicto Montoya, 550 Kearney Street, Room 400, San Francisco, Calif. 94108.

From California, call toll-free: 1-800-652-1675.

From Arizona, Idaho, Nevada, Oregon, or Washington, call toll-free: 1-800-227-4982.

From Alaska, call collect: 415-556-7391.

From Guam, call: 246-5333.

From Hawaii, call collect: 546-3144.

Dated: August 30, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77-25763 Filed 9-1-77;8:45 am]

Food Safety and Quality Service EXPERT PANEL ON NITRITES AND NITROSAMINES

Meeting and Agenda

Notice is hereby given of a meeting of the Expert Panel on Nitrites and Nitrosamines to be held in Room 1G042, For-

restal Building, 10th and Independence Avenue SW., Washington, D.C., September 19, 1977, at 9:30 a.m.

The agenda of the meeting will consist of: (1) Discussion of topics pertinent to decisions on nitrite use in meat and poultry, and (2) the adoption of recommendations to be present in the Panel's final report.

The meeting will be open to the public and under the direction of the Panel Chairperson or her designee. Written statements may be filed with the Panel before or after the meeting. Any member of the public who has further questions should contact the Issuance Coordination Staff, Technical Services, Food Safety and Quality Service, U.S. Department of Agriculture, Room 4905, South Agriculture Building, Washington, D.C. 20250, Area Code (202) 447-6189. Any person who wishes to file a statement may send such statement to the Issuance Coordination Staff at the above address.

Done at Washington, D.C., on August 31, 1977.

ROBERT ANGELOTTI,
Administrator,
Food Safety and Quality Service.

[FR Doc.77-25867 Filed 9-1-77;8:45 am]

Forest Service

CENTRAL NEVADA PLANNING UNIT

Availability of Amendment to 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 an amendment to the final environmental statement for the Central Nevada Planning Unit, Toiyabe National Forest, Nev. The Forest Service report number is USDA-FS-FES (Adm) R4-75-16.

As a result of a request for reconsideration of the decision to implement the land management plan, the Forest Supervisor agreed to reinventor and to reevaluate the wilderness characteristics of roadless areas. After completing the reinventor and reevaluation on the roadless area situation, two additional wilderness study areas, totaling 12,355 acres, were identified. They are adjacent to the Arc Dome and Arc Dome Extension wilderness study areas. Also, additional roadless study areas not identified in the previous study are evaluated in the amendment.

This amendment to the final environmental statement was transmitted to CEQ on August 26, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.

Regional Planning Office, USDA, Forest Service, Federal Building, Room 4120, 324-25th Street, Ogden, Utah 84401.

Forest Supervisor, Toiyabe National Forest, 111 North Virginia Street, Room 601, Reno, Nev. 89501.

District Forest Ranger, Austin Ranger District, Austin, Nev. 89310.

District Forest Ranger, Tonopah Ranger District, P.O. Box 939, Tonopah, Nev. 89049.

A limited number of single copies are available upon request to Forest Supervisor John J. Lavin, Toiyabe National Forest, 111 North Virginia Street, Room 601, Reno, Nev. 89501.

Copies of the amendment to the final environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: August 25, 1977.

EINAR L. ROGET,
Deputy Chief.

[FR Doc.77-25661 Filed 9-1-77;8:45 am]

Rural Electrification Administration

INDIANA STATEWIDE RURAL ELECTRIC COOPERATIVE, INC., HOOSIER ENERGY DIVISION

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a request for a loan guarantee commitment from the Rural Electrification Administration for Hoosier Energy Division, P.O. Box 908, Indiana Statewide R.E.C., Inc., of Bloomington, Ind. 47401. This loan guarantee commitment will assist in obtaining financing for the construction of two 490 MW coal-fired steam generating units near Merom, Ind., and associated transmission facilities.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4043 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after October 3, 1977, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 1st day of September 1977.

JOSEPH VELLONE,
Acting Administrator, Rural
Electrification Administration.

[FR Doc.77-25893 Filed 9-1-77;10:42 am]

CIVIL SERVICE COMMISSION

CIVIL SERVICE COMMISSION

Grant of Authority to Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Civil Service Commission to fill by noncareer executive assignment in the excepted service the position of Director, Congressional Relations, Office of the Chairman.

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

[FR Doc.77-25644 Filed 9-1-77;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Equal Employment Opportunity Commission to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Executive Assistant to the Chair (Compliance and Enforcement), Office of the Chair.

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

[FR Doc.77-25045 Filed 9-1-77;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Grant of Authority to Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Equal Employment Opportunity Commission to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Executive Assistant to the Chair (Legal) Office of the Chair.

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

[FR Doc.77-25646 Filed 9-1-77;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Grant of Authority to Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Equal Employment Opportunity Commission to fill by noncareer executive assignment in the excepted service on a temporary

basis the position of Executive Assistant to the Chair (Program and Policy), Office of the Chair.

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

[FR Doc.77-25647 Filed 9-1-77;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Revocation of Authority to Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Equal Employment Opportunity Commission 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.77-25648 Filed 9-1-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL CANCER INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00154. Applicant: National Cancer Institute, Building 10, Room 8B14, Bethesda, Md. 20014. Article: Electron Microscope, Model EM 400 HMG, Water chiller and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to examine human tissues, animal tissues, tissue culture cells, and molecules and replicas derived therefrom. Investigations will be conducted to compare malignant cells and their normal counterparts, in order to understand basic phenomena such as membrane structure and its relationship to known unique functional properties of various human tumors, such as antibody and lectin molecule binding. Further, the lineage, clinical evolution and molecular identity of related tumors, such as the lymphomas and childhood sarcomas may be determined by char-

acterizing and studying isolated membrane molecules by immunoelectron microscopy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (June 23, 1976).

Reasons: The description of the applicant's research and/or educational purposes establishes the fact that a conventional transmission electron microscope comparable to the foreign article is pertinent to the purposes for which the article is intended to be used. We are advised by the National Bureau of Standards (NBS) in its memorandum dated July 15, 1977, that it knows of no conventional transmission electron microscope which was being manufactured in the United States at the time the foreign article was ordered. ("Conventional transmission electron microscopes" are not to be confused with "scanning electron microscopes" which were manufactured domestically at the time the article was ordered and are still being manufactured in the United States.)

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-25638 Filed 9-1-77;8:45 am]

NATIONAL INSTITUTES OF HEALTH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00208. Applicant: National Institutes of Health, National Eye Institute, Bldg. 6, Rm. 213, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Ultratome IV Ultramicrotome, Model LKB 2128-010 and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of eye tissues of the human in both normal and pathological conditions. Experiments on

the visual system will include: (1) fine structural study of the photosensitive lamellar membranes of the photoreceptor cells following light exposure in various conditions; (2) phagocytic activity of the pigment epithelium of the retina; (3) fine structural study of the retina and cornea of vitamin A deficient animals; (4) cytologic study of the cataractous lenses; and (5) experimentally induced eye diseases in animals. Materials will be embedded in the epoxy resin appropriate for the material being studied before sectioning.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a cutting speed range of 0.1 to 50 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 29, 1977, that (1) cutting speeds in the excess of 4mm/sec are pertinent to the applicant's research studies and (2) the domestic instrument does not provide the pertinent feature. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-25639 Filed 9-1-77;8:45 am]

RUSH—PRESBYTERIAN—ST. LUKES MEDICAL CENTER, ET AL.

Application for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United

States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER. Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00282. Applicant: Rush-Presbyterian-St. Luke's Medical Center, Dept. of Pathology, 1753 West Congress Parkway, Chicago, Illinois 60612. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produktor AB, Sweden. Intended use of Article: The article will be used for thin sectioning of biological materials including animal and human specimens, which will be studied in several research projects using electron microscopy. The research projects will include ultrastructural changes in normal and pathological animal tissues and cells. Cytochemical studies on enzyme and subcellular organelle localization in cells will be done for morphometric studies of red blood cell membranes. In addition, the article will be used for instruction given in electron microscopy techniques and the ultrastructure of tissues which includes tissue processing, thin-sectioning on an ultramicrotome, and studying the ultrastructure with an electron microscope. Application received by Commissioner of Customs: July 22, 1977.

Docket Number: 77-00283. Applicant: New Jersey Medical School, Dept of Anatomy, College of Medicine & Dentistry of N.J., 100 Bergen Street, Newark, New Jersey 07103. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of Article: The article is intended to be used for the following research projects: (1) Studies of developmental aspects of ovarian follicles of the teleost *Oryzias latipes* by morphologic, histochemical and isotope autoradiographic techniques at the ultrastructural level.

(2) Studies of ionic, protein and bulk fluid transport across membranes of the isolated perfused lung. (3) Investigation of how hypoxia, imposed during the prenatal and neonatal periods, affects the development of the brain. (4) Localization of sites of pulmonary fat embolism and investigation to determine specifically the extent of lipoprotein lipase accumulation at the sites of injury as well as lipases in general. (5) Studies of nerve regeneration and relation of glia to neurons in *Fundulus majalis*. (6) Studies of the cellular movement and establishment of synaptic communication in the cerebellum of frog during metamorphosis, and (7) Studies of various organs and tissues of the grey lethal mouse and its phenotypically normal littermates.

In addition, the article will be used for educational purposes in the courses Electron Microscopy, Experimental Electron Microscopy and Ultrastructural Research. Application received by Commissioner of Customs: August 1, 1977.

Docket Number: 77-00310. Applicant: National Institute of Environmental Health Sciences, NIH, DHEW, Laboratory of Environmental Biophysics, NIEHS, P.O. Box 12233, Research Triangle Park, N.C. 27709. Article: Automatic Recording Spectropolarimeter, Model J-40A. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The article is intended to be used for the investigation of the circular dichroism spectra of proteins and nucleic acids and their complexes with noncovalently bound small molecules (drugs, xenobiotics, environmental agents, etc.). The objectives of the investigations are to relate the circular dichroism spectra to the arrangement of molecular groups in three-dimensional space. The three-dimensional arrangements of molecular groups will in turn be used to derive the basic molecular forces which stabilize the structure of proteins and nucleic acids and their complexes with small molecules. Application received by Commissioner of Customs: July 21, 1977.

Docket Number: 77-00311. Applicant: The University of Texas Health Science Center at Houston, Medical School, P.O. Box 20708, Houston, Texas 77025. Article: Isotope Ratio Mass Spectrometer, Model 802C and Accessories. Manufacturer: VG Micromass Ltd., United Kingdom. Intended use of article: The article is intended to be used in the following research areas: (1) Investigation of mechanisms of action of aldolases—to provide an understanding into the metabolism of living cells and the intricate mechanisms of their enzyme catalysts. (2) Studies of stable isotopes in metabolism in man. (3) Study of nutrition in man using ^{15}N —to provide a detailed insight into the various processes which govern the uptake and utilization of one of the major constituents of man's diet, protein.

In addition, the article will be used to teach the techniques of utilizing these tracers and will include extensive use by students not familiar with sophisticated instrumentation which will involve a special course, "Instrumental Methods in Medical Research." Application received by Commissioner of Customs: July 22, 1977.

Docket Number: 77-00312. Applicant: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, Massachusetts 02155. Article: Electron Microscope, Model JEM-100S, Haskris Water Recirculator and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of ultrastructure of biological materials and single brain neurons in experiments to be conducted involving characterization of brain cell development. The instrument will also be used for graduate instruction in ultra tech-

nique. Application received by Commissioner of Customs: July 22, 1977.

Docket Number: 77-00313. Applicant: University of Wisconsin, The McArdle Laboratory, Madison, Wis. 53706. Article: Electron Microscope, Model H-500-5 and Accessory. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used in experimental oncology (cancer research) in studies of biological ultrastructure. The principal projects in which the article will be used are:

(1) Ultrastructure and mapping of the genomes of oncogenic DNA viruses—studies involving a structural analysis and map location of SV40 virus-specific RNAs using the "R loop" method and that of chemically coupling ferritin to the ends of RNA molecules as well as direct visualization of RNA molecules with the extremely high resolution capable with this microscope;

(2) Mapping and regulation of transcription of bacterial virus genomes—molecular mapping of many deletions and other arrangements in the genome, using the heteroduplex mapping technique by electron microscopy;

(3) Ultrastructure of junctional complexes of primary cultures of hepatocytes—investigation of the ultrastructure of junctional complexes formed between two hepatocytes in cell culture, and

(4) Ultrastructure of ribosomal precursor RNA molecules—studies to visualize with the electron microscope the ribosomal precursor RNAs (45s, 41s 32s, etc.) taken from cells treated with base analogues including 5-azacytidine, 5-fluorouracil, 8-azaguanine, and 6-thioguanine.

Application received by Commissioner of Customs: July 22, 1977.

Docket Number: 77-00314. Applicant: The University of Michigan, 5419 Medical Science Bldg. I, Department of Biology Chemistry, Ann Arbor, Mich. 48109. Article: Spectropolarimeter, Model J-40C with Alternate Measurement Accessory. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The article is intended to be used for the investigation of circular dichroism and magnetic circular dichroism (MCD) spectra of the peptides, proteins and metalloproteins and their complexes with non-covalently bonded molecules. The objectives of the investigations are to relate the circular dichroism spectra to the arrangement of molecular groups in three-dimensional space. In turn, the three-dimensional arrangement of molecular groups will be used to derive the basic molecular forces which stabilize the arrangement and the relationships between molecular arrangement and effect of the molecules on biological systems. Application received by Commissioner of Customs: July 22, 1977.

Docket Number: 77-00315. Applicant: Rutgers, The State University Nuclear Physics Laboratory, Frelinghuysen Road, Piscataway, N.J. 08854. Article: Compressor Sextupole and Accessories. Manufacturer: ANAC Inc., New Zealand. Intended use of article: The article is in-

tended to be used to investigate spins, parities, energy levels, and energy-level gross structure in atomic nuclei being studied. Elastic and inelastic proton and deuteron scattering experiments will be carried out with angular distributions, angular correlations, and excitation functions being measured. The experiments will be conducted to study the spin-dependent effects of nuclear forces and those properties of nuclear states which require the use of atomic beams. The article will also be used in a research program by graduate students working for the Ph. D. degree and will be used to meet the dissertation requirement for that degree. Application received by Commissioner of Customs: July 26, 1977.

Docket Number: 77-00316. Applicant: Veterans Administration Hospital, 11201 Benton Street, Loma Linda, Calif. 92354. Article: Electron Microscope, Model EM 10A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for examination of tissue specimens including kidney biopsy, liver biopsy, and many muscle biopsy from VA patients as part of a routine anatomical pathology service. Specific application includes the study of red cell shape at the magnification of 30,000 times. The article will also be used for the training of pathology residents and postdoctoral fellows. Medical technician trainees, as well as a wide variety of students in order health related professions will have access to the article. Application received by Commissioner of Customs: July 26, 1977.

Docket Number: 77-00317. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, N. Mex. 87545. Article: (6) each; Kits, Preamplifier, CO₂ Laser, Consisting of Main Discharge Electrodes and Accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used to amplify the short-pulses produced in the oscillator-switch out section to an energy level capable of efficiently extracting the stored energy in the large power amplifier modules of the eight-beam system. This eight-beam system will play an important role in determining the feasibility of producing useful fusion energy from pulsed, high power CO₂ laser systems. Application received by Commissioner of Customs: July 26, 1977.

Docket Number: 77-00318. Applicant: Worcester Polytechnic Institute/Alden Research Laboratory, 30 Shrewsbury Street, Holden, Mass. 01520. Article: Miniature Propeller Flowmeter. Manufacturer: Delft Hydraulics Laboratory, Netherlands. Intended use of article: The article is intended to be used for measurement of current patterns specifically, investigations of spatial and temporal velocity variations of water flow having poor water quality. Typical experiments concern the influence of water currents on sediment transport, thermal plumes, fish behavior, coastal engineering and the design of various types of hydraulic structures. The article will be used by undergraduate students for special proj-

ects, thesis, and for research as part of graduates research assistantships. Application received by Commissioner of Customs: July 27, 1977.

Docket Number: 77-00319. Applicant: University of California School of Medicine, Dermatology Section (111G), 4150 Clement Street, San Francisco, Calif. 94121. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be in the study of the cell biology of skin, particularly of the epidermis. Investigations will be conducted with the following objectives:

(1) To define membrane and cellular structures of the epidermis which subserve the barrier function,

(2) To characterize and localize major depots of lipids, of presumed importance for barrier function, within the epidermis, and

(3) To elucidate major pathways of percutaneous absorption, i.e., to determine which classes of polar vs. non-polar substances utilize intercellular vs. transcellular routes.

Application received by Commissioner of Customs: August 1, 1977.

Docket Number: 77-00320. Applicant: University of Miami, Rosenstiel School of Marine and Atmospheric Science, 4600 Rickenbacker Causeway, Miami, Fla. 33149. Article: Thermometer and Accessories. Manufacturer: Watanabe Keiki Manufacturing Co., Japan. Intended use of article: The article is intended to be used for educational purposes in MSC-101, Survey of Oceanography, a course concerning introduction to oceanography, methods, and techniques. Application received by Commissioner of Customs: August 1, 1977.

Docket Number: 77-00321. Applicant: University of North Carolina, Wilmington, P.O. Box 3725, Azalea Station, Wilmington, N.C. 28401. Article: CD-4 Parkinson-Cowan Dry Gasometer and Accessories. Manufacturer: Barchard Engineering, Ltd., Canada. Intended use of article: The article is intended to be used in the course PED 316 Exercise Physiology which is concerned with human physiological response to exercise and training. The course objectives are to enable students to:

(1) Accurately describe the processes of exercise metabolism relative to a basic understanding of work physiology.

(2) Demonstrate a satisfactory level of knowledge concerning physiological adaptation to exercise and training specific to the circulatory and respiratory systems in both normal and abnormal environments,

(3) Demonstrate skill in techniques of determining cardiorespiratory fitness including the interpretation of results,

(4) Construct individual and/or group training regimens based on sound physiological training principles in terms of progressive increases in workload and desired outcome,

(5) Demonstrate knowledge of human thermal regulation as it relates to prevention of heat exhaustion and heat

stroke during adverse working conditions, and

(6) Identify several sources for keeping up-to-date through reading in reputable journals which report scientific research in exercise physiology.

Application received by Commissioner of Customs: August 1, 1977.

Docket Number: 77-00322. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: Microcalorimetry System, Model LKB 10700. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the investigation of the pre-polymerization phase of the gelation of Hemoglobin S which will help to understand the mechanism of the polymerization process. Application received by Commissioner of Customs: August 3, 1977.

Docket Number: 77-00324. Applicant: Purdue University, Purchasing Department, ADMS Building, West Lafayette, Ind. 47907. Article: DDV-11-C Rheovibron Dynamic Viscoelastometer, DDV-LFS Low Frequency Sweep System, and DDV-SF Set Grips for testing Shear Modulus. Manufacturer: Toyo Baldwin Co., Ltd., Japan. Intended use of article: The article will be used for studies of a range of glassy and crystalline materials, primarily inorganic in character, which are of interest in materials science. The experiment will consist of determinations of the temperatures at which small fibers of these glasses, or small crystals of B-alumina type materials, dissipate mechanical energy at fixed frequency of mechanical stressing, and of the frequency range over which mechanical energy is dissipated at fixed temperatures. The objectives of this experiment are (i) to characterize the shape of the mechanical loss spectrum to permit comparison with the shape of the electrical loss spectrum at the same temperature and pressure for superionic conducting crystalline materials with this object of understanding the material characteristics necessary to produce superionic conducting ability and (ii) to study the shape and temperature dependence of the mechanical loss spectrum in both primary and secondary relaxation regions in glassy materials to permit comparisons with electrical relaxation and magnetic relaxation characteristics. Application received by Commissioner of Customs: August 3, 1977.

Docket Number: 77-00325. Applicant: United States Energy Research and Development Administration, P.O. Box 550, Richland, Wash. 99325. Article: Camera, Image Converter Imacon Model 790/520 and accessories. Manufacturer: Hadland Photonics Ltd., United Kingdom. Intended use of article: The article is intended to be used for the investigation of recording photographic images of transient events in experiments to see if laser heated solenoid will provide energy. The article and accessories will be attached to the laser beam tube in such a way as to allow them to be used to photograph the events which occur during the experiments. Application received by Commissioner of Customs: August 3, 1977.

Docket number: 77-00326. Applicant: Sandia Laboratories, Kirtland AFB, East Albuquerque, N. Mex. 87115. Article: Transistorized Power Source—For Tungsten Inert Gas Welding. Manufacturer: The Welding Institute, United Kingdom. Intended use of article: The article is intended to be used in a wide range of applications including, but not limited to the following materials: (a) austenitic stainless steel; (b) Fe-Ni-Co alloys; (c) molybdenum and its alloys; (d) tungsten and its alloys; (e) high strength alloy steel; and (f) aluminum alloys. Experimentation will involve study of a wide range of pulse forms in order to manipulate weld pool solidification and dendritic spacing. In particular, the dependence of the fracture toughness of welds on the microstructures will be investigated. Also, the control of solidification to avoid hot cracking will be studied. Application received by Commissioner of Customs: August 3, 1977.

Docket number: 77-00327. Applicant: Duke University, Durham, N.C. 27710. Article: LKB 2127-001 and 2127-021 Tachophor complete with TachoFrac complete, with Power Supply Unit equipped with Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of spinal fluid samples from patients with neurological diseases, especially multiple sclerosis. Proposed studies will attempt to: (1) define further the specificity of the nucleotide-rich material (NRM); (2) determine whether the NRM contains DNA, RNA or nucleoprotein; (3) determine whether the NRM exists in the cerebrospinal fluid free or complexed to IgG; and (4) isolate the NRM from CSF or tissues. The major objective of the studies will be to determine whether the NRM is derived from host tissues or from foreign elements, such as a virus. Application received by Commissioner of Customs: August 3, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import
Programs Division.

[FR Doc. 77-25700 Filed 9-1-77; 8:45 am]

ST. FRANCIS HOSPITAL, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of

Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00187. Applicant: St. Francis Hospital, 929 North St. Francis, Wichita, Kans. 67214. Article: Ultramicrotome, Model LKB 2128-010 and accessories. Manufacturer: LKB-Produkter AB, Sweden. Intended use of article: The article will be used to section human kidney, liver and neoplasmas (tumors) which will vary in density and fragility. Investigations will include ultrastructural studies on normal and pathologic human tissue to establish the exact nature of the disease process in order that the right modality of treatment will be given to the patient. Identification of virus particles by electron microscopy is a part of clinical virus research which includes viral hepatitis and other virus-related diseases. The article will also be used for the training of pathology residents in pathologic anatomy which will involve a study of general principles on technique and the use of the electron microscope to study the fine structure of cells and various subcellular organelles in different disease processes. Application received by Commissioner of Customs: April 1, 1977. Advice submitted by the Department of Health, Education, and Welfare on: June 24, 1977.

Docket number: 77-00190. Applicant: US Army Environmental Hygiene Agency, Aberdeen Proving Ground, Md. 21010. Article: Ultramicrotome, Model LKB 8800A Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to study biological materials including animal, plant and particulate specimens. Materials will vary in density and fragility. Investigations will include ultrastructural studies on normal and pathologic animal and plant tissues, identification and counting of particulate specimens, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments. The objectives pursued in the course of these investigations are to understand early pathological alterations in tissues (as induced in animal models) and to correlate these changes with clinical alterations seen in human diseased tissues. By understanding early alterations, we may begin to formulate preventive treatments in human diseases. Application received by Commissioner of Customs: April 1, 1977. Advice submitted by the Department of Health, Education, and Welfare on: June 24, 1977.

Docket number: 77-00198. Applicant: Oklahoma Children's Memorial Hospital, 940 NE. 13th Street, Oklahoma City, Okla. 73126. Article: (Ultramicrotome) Ultratome, Model UM IV 2128-010 LKB and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the examination and investigation of biological materials related primarily to effects of disease or experimental conditions on living systems. Experiments to

be conducted will include: (i) Studies of viral infestations as possible etiological explanations for various diseases in children, (ii) Studies of role of platelets and plasma clotting proteins in the formation of clots both in vivo and in model systems, (iii) Studies of specific labeling of membrane constituents to map topography of membranes and changes which alter when parameters are altered. In addition, the article will be used for educational purposes in a course in electron microscopy to train people in fields other than morphological sciences how to use electron microscopy to acquire information about the molecular structure of their experimental systems to augment their own particular expertise. Application received by Commissioner of Customs: April 21, 1977. Advice submitted by the Department of Health, Education, and Welfare on: June 24, 1977.

Docket number: 77-00199. Applicant: Massachusetts General Hospital, Department of Pathology, Fruit Street, Boston, Mass. 02114. Article: LKB 8800A Ultratome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to study biological, mainly mammalian tissues, and culture systems derived from experimental animals and man, and exhibit both normal and pathologic structure. Properties of materials and phenomenon to be studied are those necessary for the understanding of cellular interactions in culture systems including tumor destruction, and those necessary for the understanding of vesicular transport of macromolecules into and out of individual cells under varying experimental conditions. The experiments to be conducted are designed to elucidate the function of basophils and mast cells in cell-mediated hypersensitivity reactions, particularly with regard to an understanding of the role of these cells in immunologic tumor rejection. The objectives to be pursued in the course of the investigation are to reveal at the ultrastructural level the structural basis and accurate quantitation of transport of macromolecules into and from cells under physiological and pathologic conditions. Application received by Commissioner of Customs: April 21, 1977. Advice submitted by the Department of Health, Education, and Welfare on: June 24, 1977.

Docket number: 77-00214. Applicant: Birth Defects Institute, Embryology Laboratory, Albany Medical Center Receiving Dock, 12 New Scotland Ave., Albany, N.Y. 12208. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section animal tissues that have been embedded in hardened epoxy resins. These specimens will be used for ultrastructural studies on tissues and cells, cyto and histochemical studies on enzyme and subcellular organelle localization in cells induced by changes in their biochemical and physical environments. Application received by Commissioner of cus-

toms: April 25, 1977. Advice submitted by the Department of Health, Education, and Welfare on: July 11, 1977.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds equal to or better than 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purpose as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import
Programs Division.

[FR Doc.77-25643 Filed 9-1-77;8:45 am]

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Telecommunications Equipment Technical Advisory Committee will be held on Tuesday, September 20, 1977, at 10:00 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Telecommunications Equipment Technical Advisory Committee was initially established on April 5, 1973. On March 12, 1975 and March 16, 1977, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, 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 telecommunications equipment, including technical data or other information related thereto, 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 Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Discussion on draft sections of Findings—Volume I of the annual report.
- (4) Review of export control regulations with a view towards their simplification and clarification.

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 April 22, 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.

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: A/C 202-377-4196.

The complete Notice of Determination to close a series of meetings or portions of meetings of the Telecommunications Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on May 25, 1977, (42 FR 26682).

Dated: August 29, 1977.

RAUER H. MEYER,
Director, Office of Export Administration,
Bureau of East-West Trade, U.S. Department
of Commerce.

[FR Doc.77-25660 Filed 9-1-77;8:45 am]

UNIVERSITY OF CALIFORNIA, SAN DIEGO, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11 (e).)

A copy of the record pertaining to each of the applications in this consoli-

dated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00180. Applicant: University of California, San Diego, Dept. of Neurosciences, School of Medicine, La Jolla, Calif. 92093. Article: JEOL JEM-100C-ASID-4D High Resolution Scanning Attachment. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory designed for use with the JEM-100C transmission electron microscope. Both will be used in a wide variety of research and teaching projects; in particular, the article will permit the transmission electron microscope to be used as an ultra high resolution scanning microscope for the study of the structure of biological cells and tissues. Induced among these will be nerve tissues and phenomena associated with neurological diseases; the supra-molecular structure of excitable membranes; and serial sections of subcellular regions of neurons, suitable for computer reconstruction. Experiments will be highly varied in nature but all will concentrate on studies of cell surface morphology. In addition, the article will be used primarily in a course: "Workshop in Electron Microscopy" which introduces studies to standard preparative techniques for both scanning and transmission electron microscopy. Application received by Commissioner of Customs: March 28, 1977. Advice submitted by the Department of Health, Education, and Welfare on: July 11, 1977.

Docket Number: 77-00189. Applicant: Washington University School of Medicine, 660 South Euclid, St. Louis, Mo. 63110. Article: ASID-4D Scanning System for JEM 100C Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory for an electron microscope which is intended to be used to study native and reconstituted lipoproteins, vascular tissues, endocrine tissues, cell membranes, etc. The ultrastructural as well as immunological and biological activity of native and synthetic lipoproteins will be characterized and compared in studies designed to elucidate the structure and function of apoproteins and lipid constituents of lipoproteins and their role in the pathogenesis of atherosclerotic vascular disease. The permeability of capillaries and venules of the heart to electron dense markers including ferritin and peroxidase type markers will be examined in a variety of pathophysiological conditions including diabetes mellitus and ischemic injury in studies designed to investigate the pathogenesis of diabetic microangiopathy and ischemic injury to vessels. Experiments will also be performed to demonstrate and characterize insulin receptor sites on fat cell membranes using ferritin labeled insulin conjugates. Application received by Commissioner of Customs: April 1, 1977. Advice submitted by the Department of Health, Education, and Welfare on: June 24, 1977.

Docket Number: 77-00192. Applicant: The Pennsylvania State University, University Park, Pa. 16802. Article: Goniometer stage assembly and scanning attachments for EM 300. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The articles are accessories to an existing electron microscope which allows the electron microscope to be used to analyze suitably prepared thin sections of biological samples for a large array of chemical elements. Some of the tissue and cells to be studied are bone (cells and matrix), avian oviduct mucosa, intestinal mucosa, and enamel organ. Experiments will be conducted to obtain an accurate description of the pathway of several physiologically important elements during their translocation across cells, to identify the cellular sites of localization of these elements and to ascertain quantitatively and qualitatively the changes in the subcellular distribution of their elements in certain pathological conditions. In addition, the article will be used for educational purposes in the courses: Biophysics 585—to develop an understanding of the structure and function of cells by observing them at the ultrastructural level and to learn how to prepare and interpret electron micrographs and Biophysics 600—in which students perform research for a graduate degree. Application received by Commissioner of Customs: April 4, 1977. Advice submitted by the Department of Health, Education, and Welfare on: June 24, 1977.

Docket Number: 77-00197. Applicant: William Paterson College, 300 Pompton Road, Wayne, N.J. 07470. Article: Cryokit for Cryo-ultramicrotomy, Model LKB 14800-1 and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to study the effects of cryo-protectants on animal tissues, e.g., heart, spleen, and liver tissues of rats. The experiments to be conducted include the use of cryo-protectants, such as fluorocarbon compounds, as a media for storing frozen tissues for extended periods of time. Enzyme activity levels will be measured and the tissue will be examined under the electron microscope for structural damage. The objectives pursued in the course of the investigations include the development of a suitable media for storing frozen organs so that when the tissue is thawed there is negligible damage to the structure and the biochemical activities of the organ. In addition, the article will be used in the courses: Electron Microscopy and Independent Study to prepare undergraduate students for jobs as electron microscopy technicians and graduate students for conducting research and for preparation for thesis work for their doctorate in other institutions. Application received by Commissioner of Customs: April 21, 1977. Advice submitted by the Department of Health, Education, and Welfare on: June 24, 1977.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare (HEW) in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import
Programs Division.

[FR Doc.77-25842 Filed 9-1-77; 8:45 am]

UNIVERSITY OF CHICAGO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00249. Applicant: University of Chicago, Operator of Argonne National Lab., 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Backward-wave millimeter microwave oscillator and accessories. Manufacturer: Thomson-CSF, France. Intended use of article: The article is intended to be used in proton polarized target (PPT) facilities which are used to conduct high energy physics (HEP) research on the scattering produced by high energy K's and π 's, etc., on a proton polarized target, i.e., material which has a large fraction of its protons pointing in the same direction. There are certain HEP experiments such as the measurement of A and R, the scattering amplitudes and phases of weak resonance which can only effectively be measured with PPT targets.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a 68.85 to 71.00 gigahertz frequency range. The National Bureau of Standards (NBS) advises in its memorandum dated July 14, 1977 that (1) the capability of the article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import
Programs Division.

[FR Doc.77-25640 Filed 9-1-77; 8:45 am]

UNIVERSITY OF FLORIDA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1968 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00222. Applicant: University of Florida, College of Engineering, Chemical Engineering, 227 CHE, Gainesville, Fla. 32611. Article: NMR Spectrometer, Model JNM-C-60-HL. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used by staff members and students for studies of biological materials such as lipids, proteins, hormones, vitamins, and membranes, as well as engineering materials such as asphalt, crude oils, surfactants, pigments, and various colloids by means of nuclear magnetic resonance spectroscopy. The following are the major projects which will be carried out with the article: (a) The structure of water in microemulsions. (b) The mechanisms of phase inversion of micro- and macro-emulsions. (c) Molecular motions in liquid-crystalline structures. (d) The equilibrium rate of exchange of molecules at the air-liquid interface. (e) Micelle formation and solubilization in surfactant solutions. (f) Molecular interactions in biological membranes. (g) The structure of adsorbed phases on solids. (h) The struc-

ture of fluid mixtures and electrolyte solutions. (i) NMR spectroscopy for fluorocarbon studies. (j) Applications of NMR spectroscopy in asphalt research. (k) Mechanisms, reactions, and activity of thiosulfonates and disulfides. (l) Synthesis of new polymers for use in extreme environments. (m) Donor-acceptor complexes of fluorine compounds. (n) Non-classical aromaticity in hydrogen-bonded systems. (o) The effect of metal ions of unsaturated hydrocarbons in relation to boundary lubrication. (p) Interaction of oxygen with fluorocarbons. (q) NMR spectroscopic studies of polymeric fluids. In addition, the article will be used for teaching purposes in chemical engineering courses.

Comments: Comments dated June 14, 1977 were received from Varian Associates (Varian). Varian alleged inter alia that its Model XL-100 Nuclear Magnetic Resonance (NMR) spectrometer is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used. Varian also alleged that, as early as September 1969, "ease of operation" was felt to be a key feature of the XL-100. Sole support for Varian's allegations was a copy of the introductory ad for the XL-100, which described this instrument as a "high resolution research system" and as "the easiest to use research NMR spectrometer on the market".

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 24, 1971).

Reasons: This application is a resubmission of Docket Numbers 72-00063-01-77030, 73-00262-01-77030, 76-00026-01-77030, and 77-00002 which were denied without prejudice to resubmission on August 30, 1972, April 3, 1975, July 9, 1976 and February 1, 1977, respectively for informational deficiencies. Although the foreign article can be equipped with a variety of accessories to increase its versatility as well as its complexity, the foreign article as ordered by the applicant is a relatively unsophisticated instrument which is amenable to use by large numbers of relatively inexperienced individuals with moderate supervision. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model XL-100 NMR spectrometer manufactured by Varian. Through the years the Model XL-100 has undergone steady improvement and now, due to added automation, is considered much simpler than the XL-100 initially produced. However, at the time of order the XL-100, which was designed to be a research instrument with a great deal of versatility (especially in the study of a number of nuclei and in the employment of various double resonance experiments), had (even without added accessories) the unavoidable complexity that usually accompanies such a degree of sophistication.

Although the XL-100 in existence at the time of order could probably be used for teaching under certain restrictive conditions, freedom of use by a large number of relative neophytes was not advisable. (In this connection, it is noted that Varian's introductory ad for the XL-100 did not indicate that this instrument was receptive for use in any kind of training program). The applicant provided evidence to show that inexperienced individuals including a very large number of undergraduate students will be using the foreign article in research and training. The National Bureau of Standards (NBS) and the Department of Health, Education, and Welfare (HEW) advised in their memoranda dated July 25, 1977 and July 5, 1977, respectively that the relatively lower degree of complexity of the foreign article compared to the XL-100 is pertinent to the purposes for which the foreign article is intended to be used. Both of these agencies also advise that the Model XL-100 NMR spectrometer was not of equivalent scientific value to the foreign article for such educational purposes as this article is intended to be used at the time the foreign article was ordered.

Thus, based on advice of NBS and HEW, our review of the application and factual information in our possession (specifications, textbooks, etc.), we find that the Model XL-100 NMR spectrometer was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import
Programs Division.

[FR Doc.77-25641 Filed 9-1-77; 8:45 am]

National Bureau of Standards CHARACTER SETS FOR OPTICAL CHARACTER RECOGNITION

Proposed Revision of Federal Information Processing Standard

Under the provisions of Public Law 89-306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal Automatic Data Processing (ADP) Standards. A revised standard for Character Sets for Optical Character Recognition is being recommended for use by Federal agencies in their Optical Character Recognition (OCR) data entry systems.

Prior to the submission of this proposed revision to the Secretary of Commerce for approval, it is essential to assure that proper consideration is given to the needs and views of manufacturers,

the public, and state and local governments. The purpose of this notice is to solicit such views.

This revised Federal Information Processing Standard contains two basic sections: (1) An announcement section which provides information concerning the applicability and implementation of the standard, and (2) a specification section which defines the technical parameters of the standard. Both sections are provided with this notice.

Interested parties may obtain copies of the referenced voluntary standards, ANSI X3.49-1975—Character Set for Optical Character Recognition (OCR-B), and X3.2-1976—Print Specifications for Magnetic Ink Character Recognition (MICR), from the American National Standards Institute, 1430 Broadway, New York, N.Y. 10018. Copies of X3.17-197X, Character Set and Print Quality for Optical Character Recognition (OCR-A), are available from the NBS Office of ADP Standards Management.

Comments should be submitted to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. Comments to be considered must be submitted within 90 days of the date of this notice.

Date: August 29, 1977.

ARTHUR O. MCCOUBREY,
Acting Director.

[FR Doc.77-25629 Filed 9-1-77; 8:45 am]

National Oceanic and Atmospheric
Administration
**WEATHER MODIFICATION ADVISORY
BOARD**
Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., App. 1 (Supp. V, 1975), notice is hereby given of the fourth meeting of the Weather Modification Advisory Board.

The Weather Modification Advisory Board will meet from 2 p.m. to 6:15 p.m. on September 23, 1977, and from 9 a.m. to 6:30 p.m. on September 24, 25 and 26, 1977, in Boulder, Colo., at locations indicated in the agenda. Evening sessions will be scheduled when necessary.

The Board was established in January 1977 (42 FR 4512, 1-25-77), to advise the Secretary of Commerce on matters of a national policy, a national research and development program, and other aspects of weather modification as outlined in the National Weather Modification Policy Act of 1976 (Pub. L. 94-490), enacted on October 13, 1976. The Board consists of 17 members, with a balanced representation selected from scientific, academic, commercial, consumer, legal, and environmental groups, who are appointed by the Secretary of Commerce.

The purpose of this meeting is to discuss reports of consultant working groups, consolidate various weather modification issues, assign study tasks, begin drafting parts of the Board's report and plan future meetings. The

Board will also hear from local and State officials concerned with the Colorado Weather Modification Program and from opponents of weather modification activity.

The agenda for the meeting is:

SEPTEMBER 23 (FRIDAY)

2-2:15 p.m.—Introductory remarks (Conference Room Fleischman Building, National Center for Atmospheric Research, Boulder, Colo.).

2:15-6:15 p.m.—Presentation and discussion of working group report, "The Case for Weather Modification: Science, Technology, Economic Benefits and Obstacles."

SEPTEMBER 24 (SATURDAY)

9 a.m.-12:30 p.m.—(Conference Room, Rodeway Inn, Boulder, Colo.). Discussion with Local and State Officials on Colorado's regulatory and operational programs. Opponents of weather modification activity will also present their views.

12:30-2 p.m.—Recess for lunch with speaker covering Utah's weather modification program.

2-6:30 p.m.—Presentation and discussion of working group report on international, institutional and legal aspects of weather modification.

SEPTEMBER 25 (SUNDAY)

9 a.m.-12:30 p.m.—(Rodeway Inn conference room). Presentation and discussion of working group report on weather modification research, operations, demonstration, and funding.

12:30-2 p.m.—Recess for lunch.

2-4 p.m.—Continuation of discussion.

4-6:30 p.m.—Presentation and discussion of working group report on possible weather modification techniques.

SEPTEMBER 26 (MONDAY)

9 a.m.-12:30 p.m.—(Fleischman Building, National Center for Atmospheric Research, Boulder, Colo.). Discussion and resolution of weather modification issues, assignment of study tasks and planning for future meetings.

12:30-1:30 p.m.—Recess for lunch.

1:30-6:30 p.m.—Writing session for initial drafts of sections of the Board's report.

6:30 p.m.—Adjournment.

The meeting will be open to the public and a period will be set aside at the discretion of the Chairman for oral comments or questions by the public which do not exceed 10 minutes each. More extensive questions or comments should be submitted in writing before September 20. Other public statements regarding Board affairs may be submitted at any time before or after the meeting. Seating will be available for the public on a first-come first-served basis at the Fleischman Building and the Rodeway Inn conference rooms.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to Dr. Ronald L. Lavoie, Director, Environmental Modification Office, National Oceanic and Atmospheric Administration, Rockville, Md. 20852, phone: 301-443-8721.

Dated: August 31, 1977.

T. P. GLEITER,
Assistant Administrator
for Administration.

[FR Doc.77-25870 Filed 9-1-77; 8:48 am]

Office of the Secretary
ADVISORY COMMITTEES

Termination

Notice is hereby given of the termination of five advisory committees as a result of the recent Annual Comprehensive Review of Advisory Committees.

The committees and their respective termination dates are as follows:

Census Advisory Committee on State and Local Area Statistics (June 30, 1977).
Commerce Technical Advisory Board's Panel on Energy Policy (March 2, 1977).
Federal Information Processing Standards Task Group 15 (May 31, 1977).
Industry Advisory Committee on Metal Scrap Problems (June 30, 1977).
Secretary's Advisory Council (March 25, 1977).

Dated: August 26, 1977.

ELSA A. PORTER,
Assistant Secretary for
Administration.

[FR Doc.77-25684 Filed 9-1-77; 8:45 am]

COMMITTEE FOR PURCHASE FROM THE
BLIND AND OTHER SEVERELY HANDI-
CAPPED

PROCUREMENT LIST 1977

Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List a commodity to be produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 6, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 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 addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

This notice supersedes the notice of proposed addition of this commodity which was published in the FEDERAL REGISTER on August 30, 1977 (42 FR 43659).

It is proposed to add the following commodity to Procurement List 1977, November 18, 1976 (41 F.R. 50975):

Class 6645

Clock, Wall, 6645-01-046-8849.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-25749 Filed 9-1-77; 8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SE- VERELY 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 workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 6, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 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 Federal Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 7330

Pad, Bakery 7330-00-379-4439. (The above for GSA Supply Distribution facilities in Regions 3 and 6 only.)

Class 8115

Box, Wood, 8115-00-935-6528.

Class 8465

Clipboard, Pilot's, 8465-01-012-9174.

C. W. FLETCHER,
Executive Director.

[FR Doc. 77-25707 Filed 9-1-77; 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 August 22 through August 26, 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 (October 17, 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

Klamath Basin Working Circle, Timber Plan, Lake and Klamath Counties, Oreg., August 26: Proposed is a revision of the 10-year Timber Resource Plan for the Klamath Basin Working Circle of the Fremont and Winema National Forests. The Working Circle is located in Lake and Klamath Counties, South Central Oregon. Five alternatives are presently under consideration. The preferred alternative proposes a potential yield of 234 MMBF/year. This is based on the sustained yield and even flow concept. Intensive timber management practices are proposed that will enable a greater harvest during the plan period. Roads will be constructed, skid trails opened up and a general disturbance of portions of the forest floor will occur. (ELR Order No. 71046.)

SOIL CONSERVATION SERVICE

Final

Furnace Brook Watershed, Warren County, N.J., August 23: The proposed channel improvement is a component of the Furnace Brook Watershed Project, which is designed to reduce floodwater damages in the village of Oxford, New Jersey. The planned work involves the enlargement and deepening of a 1530 foot reach of Furnace Brook. This work will complement the previously installed upstream floodwater retarding structure to provide a 100-year level of flood protection to the village. Short term biological impacts will result. Comments made by: USDA, DOD, HEW, DOI, EPA, AHP, State and local agencies. (ELR Order No. 71030.)

CANAL ZONE GOVERNMENT

Draft

White Amur Introduction, Canal Zone Waters, August 23: Proposed is the introduction of 250,000 white amur (*Ctenopharyngodon idella*) into Gatun Lake as a biological control for the submerged aquatic weed *Hydrilla verticillata*. Although present in the lake for at least fifty years, hydrilla has grown rapidly in recent years until an estimated 12 percent of the lake is densely infested. Current management techniques employing copper sulfate have not been successful in limiting the spread of this species of aquatic weed. The Panama Canal Company proposes to transport 125,000 fingerling white amur a year for two consecutive years and place them into two small lakes that are confluent with Gatun Lake. (ELR Order No. 71032.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWB-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C., 20314 (202-693-6795).

Final

Mississippi R. Flood Control, Prairie du Chien, Crawford County, Wis., August 23: The proposed action is a mixture of floodplain evacuation, flood proofing, and continued floodplain regulations within the 100-

year floodplain at Prairie du Chien, located on the Mississippi River. The plan recommends that Prairie du Chien designate a somewhat larger floodplain and that all residential homeowners with houses at ground elevations between 625 and 630.5 feet have the option of partially flood proofing their homes at project expense. (St. Paul District) Comments made by: EPA, AHP, USDA, DOC, DOI, DOT, State agencies. (ELR Order No. 71033.)

Supplement

Gulf ICW, Texas, Channel to Arkansas Pass (S-1), Texas, August 22: This statement supplements a final EIS filed with CEQ in May 1974 and relates to the Gulf Intracoastal Waterway, Texas, tributary channel to Arkansas Pass. The proposed action involves designation of a former residential area located within the city of Arkansas Pass for disposal of dredged material in connection with new work dredging and future maintenance of the project. This supplement addresses designating Disposal Area No. 7, a former residential area, to be used as a disposal site in association with new work, and maintenance dredging of the Tributary Channel to Arkansas Pass. (Galveston District.) (ELR Order No. 71021.)

DEPARTMENT OF DEFENSE

U.S. NAVY

Contact: Office of the Chief of Naval Operations, (OP-641D), Navy Department, Washington, D.C. 20350.

Supplement

Project Seafarer, Electric and Magnetic Fields (S-1), August 18: This statement supplements a draft EIS filed with CEQ and relates to the biologic effects of electric and magnetic fields associated with proposed Project Seafarer. This report has been prepared by the Committee on Biosphere Effects of Extremely-Low-Frequency Radiation in response to a request from the U.S. Navy for a study of the possibility that plants, people, and other animals would be harmed by the electric and magnetic fields associated with operation of the transmitter of the Seafarer communication system proposed by the Navy. (ELR Order No. 71051.)¹

ENVIRONMENTAL PROTECTION AGENCY

Contact: Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

Draft

Boulder Wastewater Treatment Facilities, Boulder County, Colo., August 23: Proposed are the design and construction of additional wastewater treatment facilities for the city of Boulder, Colorado. This statement identifies alternatives for providing Boulder with improved wastewater facilities to meet the needs of its residents. The projected service area contains approximately 140 square miles and is bounded by the foothills to the west, Davison Mesa to the south and Gunbarrel Hill to the north. The population of the planning area is projected to be 129,000. (Region VIII.) (ELR Order No. 71025.)

Final

N. Monterey County Facilities Plan, Monterey County, Calif., August 23: The pro-

¹ Due to administrative oversight, the notice of receipt of the supplemental EIS prepared by the Department of the Navy concerning Biologic Effects of Electric and Magnetic Fields Associated with Proposed Project Seafarer was omitted from the last CEQ FEDERAL REGISTER listing. The statement was received by the Council on August 18, 1977.

posed Facilities Plan is designed to improve water quality by improving wastewater treatment service to residents in the southern Monterey Bay-lower Salinas Valley region of Monterey County, Calif. The major objective of the project is to eliminate public health hazards and water quality problems being caused by existing wastewater discharges to Monterey Bay, the Salinas River, Tembladero Slough, and Elkhorn Slough. In addition, the plan seeks to supply the additional wastewater treatment capacity needed to accommodate anticipated growth in the area. (Region IX.) Comments made by: COE, USCG, DOI, USDA, EPA, HEW, DOT, FPC, AHP, State and local agencies, groups and individuals. (ELR Order No. 71034.)

Steamboat Springs, 201 Wastewater Facilities, Routt County, Colo., August 26: Proposed is the provision of federal matching funds for regional wastewater treatment in the Steamboat Springs region through the authority of the Water Pollution Control Act. The principal river drainage is the Yampa River which is in poor condition. This project is intended to consolidate the five existing point sources of sewage effluent into one plant designed to achieve stated water quality goals. Plant site options include use of the existing city lagoon site or a new location three miles west of the city lagoons. (Region VIII.) Comments made by: EPA, FEA, USDA, DOI, DOT, State and local agencies. (ELR Order No. 71050.)

Albuquerque Wastewater Treatment Facilities, New Mexico, August 25: Proposed is the construction of 105 miles of new interceptor and collector sewer lines for the City of Albuquerque. Also, relief interceptors will be constructed parallel to overloaded lines and lift and odor control stations will be upgraded. It is proposed that 1 mgd of effluent be sold to the Public Service Company of New Mexico for use as cooling water. All other effluent will be discharged to the Rio Grande as at present. Adverse impacts include consumption of energy, materials, chemicals and financial resources; generation of small amounts of non-recycled wastes; and continued discharge to the River. (Region VI) Comments made by: COE, DOT, AHP, USDA, State and local agencies. (ELR Order No. 71041.)

Supplement

W. Contra Costa Co. Wastewater Program (S-2), Contra Costa County, Calif., August 26: This statement supplements a final EIS filed with CEQ in January 1977, and relates to the West Contra Costa County Wastewater Management Program (Wet Weather Flow Treatment, Plant Rehabilitation and Regional Sludge Handling at the San Pablo Sanitary District). The project proposes to provide wastewater treatment for wet weather infiltration-inflow flows to the San Pablo Sanitary District (SPSD) treatment plant, rehabilitate or replace some treatment facilities at the SPSPD, and provide a sludge transport pipeline from the Richmond treatment plant to the SPSPD. (ELR Order No. 71048.)

FEDERAL ENERGY ADMINISTRATION

Contact: Mr. Robert Stern, Director, Office of Environmental Programs, Federal Energy Administration, New Post Office Building, Room 7119, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 (202-566-9780).

Draft

Crude Oil Price Incentive Rulemakings Effects, August 26: Proposed is the implementation of a new set of price regulations by the Federal Energy Administration. These regulations, pursuant to the Energy Policy and Conservation Act (EPCA) and the Energy Conservation and production Act

(EPCA), are intended to ameliorate the impact of inflation and provide additional price incentives for crude oil production. Execution of the EPCA is to be a 3-state process; this EIS analyzes the effect of State II of the crude oil price regulations. The proposed regulations provide for monthly upward adjustments of the composite price, beginning in March 1976, to take into account the effects of inflation and to provide additional production incentives. (ELR Order No. 71049.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director, Environmental Affairs Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405 (202-566-0405).

Final

Metallurgy Research Center, Salt Lake City, Salt Lake County, Utah, August 24: The proposed action is the construction of a new Metallurgy Research Center for the Bureau of Mines, Department of Interior. The Center will replace the current building in Salt Lake City and will house approximately 120 full- and 20 part-time employees. The project will require the commitment of 34 acres of land and will have an impact upon the cultural and historic resources of the area. Comments made by: AHP, COE, HEW, DOI, EPA, NRC, State and local agencies, interest groups. (ELR Order No. 71040.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Brown, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202-755-8308).

Draft

Taylor Ranch Community, Bernalillo County, N. Mex., August 23: Proposed is the acceptance of the Taylor Ranch Planned Community in Albuquerque, New Mexico for mortgage insurance purposes. The development of the 1093.6-acre area calls for single family homes, multi-family homes, apartments, schools, a civic center, shopping and commercial areas, and park and recreation facilities. Major adverse impacts of the proposed project would include removal of the archaeological resources of the site, and creation of significant traffic congestion and safety hazard on Coors Road unless transportation alternatives are implemented. (ELR Order No. 71028.)

Heritage Hills Subdivision, New Mexico, August 23: Proposed is the acceptance of the Heritage Hills Subdivision in Albuquerque, N. Mex. for mortgage insurance purposes. The 306-acre development will be composed of single family homes, a park, an elementary school site and an area reserved for future development. Adverse effects include short term crowding in existing middle and high school facilities and an associated impetus for construction of new facilities. (ELR Order No. 71029.)

Country Colony Subdivision, Montgomery County, Tex., August 23: Proposed is FHA approval for mortgage insurance for Superior Homes, Inc.'s 300.22 acre Country Colony Subdivision in southeastern Montgomery County, Texas. This request for mortgage insurance reflects the fact that the development will exceed the 500-lot threshold, thus requiring an EIS. Adverse effects of the development include increased air and noise pollution, and increased demand upon community services. (ELR Order No. 71023.)

Westpoint Development, Tarrant County, Tex., August 23: Proposed is the acceptance of the 1,311-acre Westpoint Development for

mortgage insurance purposes. The development, located on I-20 and West Loop 820 approximately 10 miles west of the Fort Worth Central Business District, is designed to accommodate a 1985 population of 13,300 persons with a housing supply of 4,600 units. Of these housing units, 3,650 are single-family homes and 950 units are apartments, cluster, condominiums, townhomes, duplexes and other multi-family units. The proposed development also provides for schools, parks, commercial and shopping centers and other community facilities. (ELR Order No. 71024.)

Camden Park Subdivision, Harris County, Tex., August 23: Proposed is the acceptance of the 316-acre Camden Park Subdivision for mortgage insurance purposes. Project plans call for the development of single-family homes, with some commercial reserves in Harris County, Texas. Adverse effects include the loss of agricultural land and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. (ELR Order No. 71031.)

North Spring Subdivision, Harris County, Tex., August 24: Proposed is the acceptance of North Spring Joint Venture's 1125-acre North Spring Subdivision in the northern part of Harris County, Texas for mortgage insurance purposes. The proposed development plan calls for the construction of approximately 3300 housing units with additional acreage reserved for commercial, open space and recreational use. Adverse effects include increased automobile traffic, vehicle emissions, and noise levels. (ELR Order No. 71036.)

Greensbrook and Lake Forest Subdivisions, Harris County, Tex., August 26: The proposed action is for the Department of HUD to accept for HUD-FHA mortgage insurance purposes the Greensbrook and Kings Lake Forest Subdivisions located in the northeast section of Harris County, Texas. When completed in approximately ten years, the subdivisions will contain approximately 2,628 single family homes plus recreational facilities to serve the subdivisions. Adverse effects include the removal of potential forestland and livestock grazing land from production. (ELR Order No. 71047.)

Final

Oak Tower, Oak Park, Cook County, Ill., August 24: Proposed is the provision of FHA mortgage insurance for 472 residential units in a structure with two nineteen-story towers located at Lake Street and Forest Avenue in Oak Park, Illinois. Adverse effects include construction related pollution, increased traffic, potential for alteration of the existing setting of an historically significant district, and potential to stimulate a trend of high intensity development which could overload some components of the physical infrastructure. Comments made by: EPA, FPC, DOI, DOT, State and local agencies, and concerned groups. (ELR Order No. 71037.)

Sangaree Planned Community, Berkeley County, S.C., August 26: Proposed is the development of the Sangaree Planned Community on a 1,200 acre tract in Berkeley County, South Carolina, 70% of which will be single family residential. Other long range land uses include multifamily, offices, light commercial, light industrial, and public and quasi-public buildings. Sangaree is proposed to be totally developed over a 6-15 year period. Adverse effects include the conversion of open and wooded land to urban use. Comments made by: EPA, COE, USAP, FPC, GSA, HEW, ERDA, DOI, USDA, State and local agencies, and interest groups. (ELR Order No. 71045.)

Section 104(h)

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).

Draft

Bullock Co., Ala.—Rural Water System Improvement, Bullock County, Ala., August 24: Proposed is the provision of a new rural water service to the Cornerstone, Thompson and Fitzpatrick communities in northwestern Bullock County, Alabama. Also, existing service in the Greenwood community will be upgraded and interconnected to the Union Springs water system and the South Bullock water system. The proposed improvements will service approximately 222 rural households. Adverse effects include short-term minor sedimentation of streams and an existing potential for limited erosion. (ELR Order No. 71035.)

Rock Hall, S.C.—Johnson Street Extension, York County, S.C., August 25: Proposed is the construction of the Johnson Street Extension, a one mile, five-lane road passing to the west of the downtown center of Rock Hall, South Carolina and connecting to a 1.3 mile, three-lane road which connects with S.C. 274 at the Village Plaza Shopping Center. The project would also involve the clearance of about 25 acres in census tract 5, near the City Post Office, which would be redeveloped for commercial, wholesale and light manufacturing uses. Adverse effects include short term relocation of displaced residents and increased levels of air and noise pollution. (ELR Order No. 71044.)

Final

Santa Rosa, S. Park Neighborhood Development, Sonoma County, Calif., August 23: This statement provides a comprehensive analysis of the environmental consequences of full implementation of the South Park Neighborhood Development Program in Santa Rosa, California. Redevelopment activities have been underway in the neighborhood for over three years and are anticipated to continue for another ten. Specific features of the plan are the rezoning of a seven-block area to be totally commercial, the expansion of a neighborhood park, and the construction of a new roadway completing a beltway around the neighborhood. Alternatives include cessation of redevelopment, and reduced funding. Comments made by: USDA, AHP, DOI, DOT, EPA, DOD, and State agencies. (ELR Order No. 71026.)

Norfolk, Va.—Downtown West Conservation Projects, August 22: Proposed is the revitalization of the Central Business District of Norfolk, Virginia through the Downtown-West Conservation Project. Three main types of action will take place in the 101-acre area: clearance of structures which are sources of blight for adjacent properties or which cannot be rehabilitated; reworking and upgrading of worn-out public improvements; and rehabilitation of all other properties to meet project standards. The project is expected to ameliorate adverse environmental conditions. Comments made by: EPA, USDA, DOT, DOI, COE, AHP, DOC, USN, and State and local agencies. (ELR Order No. 71001.)

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 OUTDOOR RECREATION**Final**

Proposed Oregon National Historic Trail, August 25: The statement concerns Federal

legislation that would designate the historic route of the Oregon Trail from Independence, Missouri to Oregon City, Oregon as a component of the National Trails System, within the new category of National Historic Trails and Travelways, and establish trail segments and a travelway for public use. Increased public use would result in increased damage to soils, vegetation, historic remnants, and artifacts. Acquisition along high-potential route segments will ultimately total approximately 4,000 acres. Comments made by: AHP, USDA, DOC, COE, DOT, FPC, EPA, HEW, HUD, DOI, State agencies, and private organizations. (ELR Order No. 71042.)

BUREAU OF RECLAMATION**Final**

Coronado Project, Maricopa County, Ariz., August 25: Proposed is a joint project, involving the Department of Interior and the Department of Agriculture, associated with the Salt River Project's proposed electrical generating plant at St. John's, Arizona. The facilities are intended to meet the future needs of Maricopa County and of the "Eastern Mining Area." The generating plant, wellfields, pipelines, limestone source, and railroad would occupy 3,516 acres of land and the transmission line would occupy 526 acres. Negative effects include the impact of access roads, tower sites and staging areas on soils, forage, vegetation, and archeological resources. Comments made by: DOI, USDA, HEW, FPC, DOT, ICC, State and local agencies, and groups and individuals. (ELR Order No. 71043.)

GEOLOGICAL SURVEY**Final**

Eagle Butte Mine, Amax Coal Co., Lease, Campbell County, Wyo., August 23: Proposed is approval of the surface mining and reclamation plan for Amax Coal Company's Eagle Butte mine in Campbell County, Wyoming. The project calls for mining of 566.2 million tons of coal over a 39-year period, at a rate of 16 million tons per year, on a total of 3,520 acres of Federal coal land and 640 acres of State coal land. The mining will result in the destruction of a total of 3,446 acres of land, degradation of water and open space quality, loss of wildlife habitat, and increased burden on social and economic institutions. Comments made by: HEW, EPA, ICC, DOI, State and local agencies, and concerned groups and individuals. (ELR Order No. 71027.)

DEPARTMENT OF STATE**BUREAU OF OCEANS AND INTERNATIONAL, ENVIRONMENTAL, AND SCIENTIFIC AFFAIRS**

Contact: Mr. William Mansfield, III, Office of Environmental Affairs, Department of State, Washington, D.C. 20520.

Draft

New Panama Canal Treaty, August 26: Proposed is the conclusion of a new Panama Canal Treaty with the Republic of Panama concerning the operation and defense of the Panama Canal. The statement examines the alternatives of taking no action on the proposed Treaty, postponing further action on the Treaty, implementing the Treaty's provisions, and the possibility of a new treaty with stronger environmental safeguards. Other elements discussed in the EIS are a proposed Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal and an AID loan for watershed management, which has been proposed in connection with the Canal Treaty. (ELR Order No. 71057.)²

²The period for comment on this draft has been reduced from the usual 45 days to 30 days.

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202-428-4357.

FEDERAL AVIATION ADMINISTRATION**Final**

William P. Hobby Airport, Houston, Tex., August 23: The statement refers to the construction of two runways parallel to two existing runways at the William P. Hobby Airport for use by light aircraft. The new runways will be marked and lighting will be installed. Associated taxiways, a new fire and rescue station, and extended drainage and sewer systems will also be installed. Adverse impacts include increased levels of air and noise pollution. Comments made by: EPA, DOI, HEW, HUD, COE, State and local agencies, and concerned interest groups. (ELR Order No. 71022.)

FEDERAL HIGHWAY ADMINISTRATION**Final**

Bailey Ave., Peter-Neatum Streets, Hinds County, Miss., August 24: The proposed construction project is located within the city limits of Jackson, Mississippi. The project is approximately 1,878 feet in length and extends in a northerly direction from Peter to Neatum Streets. Construction is to take place on existing right of way where feasible; however, approximately 2.2 acres of right-of-way will be required. The completed project will provide a basic four-lane facility meeting criteria for an arterial (Region 4). Comments made by: EPA, DOI, USDA, HUD, and State agencies. (ELR Order No. 71038.)

Forest Highway 13 (U.S. Rte. 2), Montana, August 24: The statement refers to the proposed construction of 3.6 miles of Forest Highway Rte. 13 (U.S. Rte. 2), from the Essex Bridge easterly to just east of the Burlington Northern R.R. underpass. Stream pollution will increase during construction. A 4(f) determination is necessary because the project is almost entirely within Glacier National Park. Comments made by: DOI, USDA, EPA, FPC, DOT, State agencies, and concerned groups and persons. (ELR Order No. 71039.)

NICHOLAS C. YOST,
Acting General Counsel.

[FR Doc. 77-25680 Filed 9-1-77; 8:45 am]

DEPARTMENT OF DEFENSE**Department of the Air Force****M-X BURIED TRENCH CONSTRUCTION AND TEST PROJECT****Public Hearing and Availability of Draft Environmental Impact Statement**

An informal public hearing will be held for the purpose of soliciting comments from the public on the Draft Environmental Impact Statement (EIS) on the M-X Buried Trench Construction and Test Project proposed in the San Cristobal Valley on the Luke Air Force Base Range in Yuma County, AZ. The hearing is scheduled to be conducted on September 19, 1977 at 7:30 pm at the Antelope Union High School, Box 26, Route 1, Wellton, AZ 85356. Any changes to this schedule will be publicized in the local news media.

The project includes the construction of two sections of underground tunnel totaling approximately 21,500 feet in length. The proposed construction project will provide essential cost and con-

struction data to analyze conceptual protective structures for the mobile, land-based Intercontinental Ballistic Missile (ICBM) System known as the MX. The construction will also serve as a test bed for mechanisms designed to punch through the tunnel roof and erect a dummy missile to simulate launch position. The Draft EIS on the proposed project was filed with the Council on Environmental Quality (CEQ) on August 5, 1977. Limited copies of the Draft EIS are available from:

Civil Engineering Division, SAMSO/MNND
Norton AFB, CA 92409.

In addition, copies of the Draft EIS have been placed in the following libraries for public reference:

Arizona Collection, University Library, Arizona State University, Tempe, AZ 85281.

University Library, Documents Section, University of Arizona, Tucson, AZ 85721.

Arizona Department of Library and Archives, 3rd Floor, State Capitol, Phoenix, AZ 85007.

Library Arizona Western College, Yuma, AZ 85364.

Library, Maricopa County, Community College District, P.O. Box 13349, Phoenix, AZ.

Library, Pima College, 2202 West Anklam Rd., Tucson, AZ 85709.

Miss Gertrude Thayer, Librarian, Maricopa County Free Library, Regional Headquarters, 125 West Washington, Phoenix, AZ 85003.

Mr. Clarence M. Dial, Librarian, Mesa Public Library, Maricopa County System, 59 East First St., Mesa, AZ 85203.

Phoenix Public Library, 12 East McDowell, Phoenix, AZ 85004.

Mrs. Frances E. Thomas, Librarian, Yuma City County Library, Regional Headquarters 350 South 3rd St., Yuma, AZ 85364.

Tempe Public Library, Maricopa County System, 3300 South Mill Ave., Tempe, AZ 85281.

Tucson Public Library, Regional Headquarters, 200 South 6th Ave., Tucson, AZ 85701.

The Presiding Officer at the Hearing will be Colonel Allan C. Smith, Chief Circuit Judge, 5th Judiciary Circuit, USAF Trial Judge, Travis Air Force Base, CA 94535.

The following procedures will be followed during the informal public hearing. Individual speakers will be limited to five minutes, with ten minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. Written statements, in addition to or in lieu of oral presentations will be accepted. The closing date for including written communications in the hearing record is five days after date of public hearing. Submit written communications to the presiding officer or as directed at the public hearing.

Other persons not able to participate in the public hearing have until September 26, 1977 to submit their written comments to the Deputy for Environment and Safety, Office of the Secretary of the Air Force (SAF/MIQ), Washington, D.C. 20330.

For further information, contact Mr. Wayne Hudson, Environmental Planning Division, Headquarters U.S. Air Force, 202-695-1422.

FRANKIE S. ESTEP,
Federal Register Liaison,
Directorate of Administration.

[FR Doc. 77-25871 Filed 9-1-77; 9:27 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON CRUISE MISSILES

Advisory Committee Meeting

The Defense Science Board Task Force on Cruise Missiles will meet in closed session on September 19 and 20, 1977, in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force will provide an analysis of the major issues concerning strategic cruise missile employment, theater cruise missile employment and potential defenses to the U.S. deployment of cruise missile systems.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,

Director, Correspondence and Directives, OASD (Controller).

AUGUST 30, 1977.

[FR Doc. 77-25864 Filed 9-1-77; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 786-1]

AMBIENT AIR MONITORING EQUIVALENT METHOD DESIGNATION

ASARCO Model 500 SO₂ Monitor

Notice is hereby given that the EPA, in accordance with 40 CFR Part 53 (40 FR 7044, February 18, 1975), has designated another equivalent method for the measurement of ambient concentrations of sulfur dioxide. The new equivalent method is an automated method (analyzer) which utilizes a measurement principle based on the increase in the electrolytic conductance of a chemical solution from absorption of sulfur dioxide. The method is: EQSA-0877-024, "ASARCO Model 500 Sulfur Dioxide Monitor," operated on a 0-0.5 ppm range.

The application for an equivalent method determination for this method was submitted by ASARCO Inc., 3422 South 700 West, Salt Lake City, Utah 84119. A notice of receipt of the application appeared in the FEDERAL REGISTER, Vol. 41, June 9, 1976, page 23225.

A test analyzer representative of this method has been tested by a representative of the applicant, in accordance with the test procedures specified in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53,

that this method should be designated as an equivalent method. The information submitted by the applicant will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As an equivalent method, this method is acceptable for use by States and other control agencies for purposes of § 51.17(a) of 40 CFR Part 51 ("Requirements for Preparation, Adoption, and Submittal of Implementation Plans") as amended on February 18, 1975 (40 FR 7042). For such use, the method must be used in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (e.g., operating range) specified in the applicable designation (see description of the method above). Vendor modifications of a designated method used for purposes of § 51.17(a) are permitted only with prior approval of EPA, as provided in Part 53. Provisions concerning modification of such methods by users were promulgated on March 17, 1976 (41 FR 11255).

In general, the designation applies to any analyzer which is identical to the analyzer described in the designation. In many cases, similar analyzers manufactured prior to the designation may be upgraded (e.g., by minor modification or by substitution of a new operation or instruction manual) so as to be identical to the designated method and thus achieve designated status at modest cost. The manufacturer should be consulted to determine the feasibility of such upgrading.

Part 53 requires that sellers of designated methods comply with certain conditions. These conditions are given in 40 CFR 53.9 and are summarized below:

(1) A copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser.

(2) The analyzer must not generate any unreasonable hazard to operators or to the environment.

(3) The analyzer must function within the limits of the performance specifications given in Table B-1 of Part 53 for at least 1 year after delivery when maintained and operated in accordance with the operation manual.

(4) Any analyzer offered for sale as a reference or equivalent method must bear a label or sticker indicating that it has been designated as a reference or equivalent method in accordance with Part 53.

(5) If such an analyzer has one or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been designated as reference or equivalent methods.

(6) An applicant who offers analyzers for sale as reference or equivalent methods is required to maintain a list of ultimate purchasers of such analyzers and to notify them within 30 days if a reference or equivalent method designation

applicable to the analyzer has been cancelled or if adjustment of the analyzers is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(7) An applicant who modifies an analyzer previously designated as a reference or equivalent method is not permitted to sell the analyzer (as modified) as a reference or equivalent method (although he may choose to sell it without such representations), nor to attach a label or sticker to the analyzer (as modified) under the provisions described above, until he has received notice under 40 CFR 53.14(c) that the original designation or a new designation applies to the method as modified or until he has applied for and received notice of a new reference or equivalent method determination for the analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated non-compliance with any of these conditions should be reported to: Director, Environmental Monitoring and Support Laboratory, Department E (MD-76), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711.

Designation of this equivalent method will provide assistance to the States in establishing and operating their air quality surveillance systems under 40 CFR 51.17(a). Additional information concerning this action may be obtained by writing to the address given above.

STEPHEN J. GAGE,
Assistant Administrator for
Research and Development.

AUGUST 26, 1977.

[FR Doc. 77-25743 Filed 9-1-77; 8:45 am]

[FRL 785-7; OPP-180140]

MARYLAND DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use Terramycin To Control Bacterial Spot on Peaches, Nectarines, and Plums

The Environmental Protection Agency (EPA) has granted a specific exemption to the Maryland Department of Agriculture (hereafter referred to as the "Applicant") to use no more than 17,830 pounds of Terramycin to control bacterial spot on peaches, nectarines, and plums involving approximately 900 acres in Maryland. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 168, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street S.W., Room E-315, Washington, D.C. 20460.

According to the Applicant, bacterial spot is caused by the bacterium *Xantho-*

monas pruni; bacterial spot affects leaves, fruit, and tender growing shoots. Growers consider bacterial spot a very destructive disease. If infection occurs early in the season, constant defoliation causes the trees to lose vigor and consequently, to evoke smaller total crop yield and smaller fruit. Infected fruit develop cracks and a mottled appearance; both of these render the fruit unmarketable. The Applicant stated that the future crop yields also tend to be smaller. Wet weather conditions favor development of the disease. The Applicant stated that bacterial spot symptoms usually appear early in June in Maryland.

According to the Applicant, registered pesticides have proven ineffective in the past to control bacterial spot in the State. Cyprex-captan mixes have been used but were not efficacious and copper hydroxide has demonstrated phytotoxicity.

The Applicant proposed to use the product Myco Shield Agricultural Terramycin, manufactured by Pfizer Chemical Division, at the rate of 45.32 ounces of Terramycin/acre (11.33 ounces of Terramycin/100 gallons of water) per application by ground spray. There will be a maximum of 7 applications. Application will be made by growers.

The Applicant stated that the annual peach, nectarine, and plum crop yield in Maryland is approximately 500,000 bushels valued at about \$3 million. One-fifth (1/5) of this crop is of the susceptible varieties. The Applicant estimated that damage to susceptible varieties by bacterial spot may be approximately 5%-25%, eliciting an economic loss of about \$30,000-\$150,000 annually.

EPA has determined that, under heavy inoculum pressure, Terramycin (the calcium complex of oxytetracycline) would be needed to prevent large scale losses of peaches, nectarines, and plums infected with bacterial spot. Tolerances for oxytetracycline hydrochloride were previously established at 0.35 ppm on pears; currently, a tolerance of 0.1 ppm in or on pears for the calcium complex of oxytetracycline has been proposed. Tolerances for peaches are pending. The use of this pesticide for this exemption is not expected to have any adverse effects to either man or the environment. Therefore, a residue level not exceeding 0.1 ppm has been determined by EPA to be adequate to protect the public health.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of bacterial spot on peaches, nectarines, and plums has or is about to occur; (b) there is no pesticide presently registered and available for use to control the bacterial spot in Maryland; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the bacterial spot is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific ex-

emption to use the pesticide noted above until August 15, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Myco Shield Agricultural Terramycin (containing the calcium complex of oxytetracycline), manufactured by Pfizer Chemical Division, is authorized;

2. Application rate shall be 45.32 ounces of Terramycin/acre (11.33 ounces of Terramycin/100 gallons of water) per application by ground spray;

3. A maximum of 7 applications of Terramycin may be made;

4. A maximum of 17,830 pounds of Terramycin may be applied;

5. The duration of the application period shall be from June 10, 1977, until August 15, 1977;

6. A maximum of 900 acres in Maryland may be treated;

7. Application of Terramycin shall be by growers;

8. Workers shall not enter orchards after Terramycin application until foliage is dry;

9. There shall be a 21-day preharvest interval;

10. The Applicant shall notify Niagara (a subsidiary of FMC), sole distributor of this material, that records of the sale of this material shall be kept and made available. These records shall include the name and address of the purchaser, and the quantity of material purchased;

11. An Extension Plant Pathologist at the University of Maryland shall coordinate the program; he shall make all initial recommendations of Terramycin application, based on observation of disease, past history of the disease, and local weather conditions. County agricultural agents will assist the Pathologist in monitoring the program. A newsletter or agricultural bulletin shall be promulgated informing growers about program criteria;

12. A residue level of oxytetracycline not exceeding 0.1 ppm has been deemed adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

13. All label precautions shall be followed;

14. A final report shall be submitted to EPA by the end of 1977, summarizing the results of this program; and

15. The Applicant shall inform EPA immediately of any adverse effects resulting from this program and shall be responsible for the performance of all provisions of this exemption.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: August 29, 1977.

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

[FR Doc. 77-25739 Filed 9-1-77; 8:45 am]

[FRL 786-4; OPP-50323]

PENNWALT CORP.**Issuance of Experimental Use Permits**

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 4581-EUP-24. Pennwalt Corporation, Tacoma, Washington 98401. This experimental use permit allows the use of 2,510 pounds of the insecticide methyl parathion on almonds, cabbage, conifers, cranberries, cucumbers, melons, peanuts, peppers, potatoes, squash, strawberries, sugar beets, turf, and turnips to evaluate control of various insects. A total of 2,884 acres is involved; the program is authorized only in the States of California, Maine, Michigan, Minnesota, Nebraska, New York, North Dakota, Oregon, Texas, Virginia, Washington, and Wisconsin. The experimental use permit is effective from July 15, 1977, to July 15, 1978. Permanent tolerances for residues of the active ingredient in or on almonds, cabbage, cranberries, cucumbers, melons, peanuts, peppers, potatoes, squash, strawberries, sugar beets, and turnips have been established (40 CFR 180.121).

No. 40285-EUP-1. Degesch America, Inc., Vienna, Virginia 22180. This experimental use permit allows the use of 235 pounds of the insecticide magnesium phosphide on cereal grains on board cargo ships to evaluate control of insects which infest cereal grains. A total of 1,440,000 bushels of cereal grain is involved; the program is authorized only in the States of Alabama, Louisiana, Mississippi, South Carolina, Texas, and Virginia. The experimental use permit is effective from July 20, 1977, to July 20, 1978. This permit is being issued under the condition that all treated grain will be exported.

No. 27586-EUP-19. U.S. Department of Agriculture, Washington, D.C. 20250. This experimental use permit allows the use of an insecticide which is a mixture of 575 pounds of technical malathion, and 1,700 pounds of methyl eugenol on undeveloped grassland, scrub, and areas where there is no permanent human habitation, and no bodies of water or permanent streams to attract and kill Oriental fruit fly males. A total of 9,600 acres is involved; the program is authorized only in the State of Hawaii. The experimental use permit is effective from July 13, 1977, to July 13, 1978.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86

Stat. 973; 89 Stat. 751; (7 U.S.C. 136(a) et seq.))

Dated: August 26, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-25746 Filed 9-1-77;8:45 am]

[FRL 786-2]

SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE, SUBCOMMITTEE ON SCIENTIFIC CRITERIA FOR ENVIRONMENTAL LEAD

Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Subcommittee on Scientific Criteria for Environmental Lead of the Science Advisory Board will be held at 9:00 a.m. on October 7, 1977 in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va.

The purpose of the meeting will be to provide advice and consultation on air quality criteria for atmospheric lead and, specifically, to review and comment on a draft document entitled, "Air Quality Criteria for Lead." External Review Draft No. 3, August 1977, prepared by the Agency's Office of Research and Development.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460, by c.o.b. September 30, 1977. Please ask for Ms. Barbara Robinson or Mrs. Ilene F. Stein. The telephone number is 703-557-7720.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

AUGUST 29, 1977.

[FR Doc.77-25744 Filed 9-1-77;8:45 am]

[FRL 786-3; OPP-50326]

STAUFFER CHEMICAL CO. AND CHEVRON CHEMICAL CO.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 476-EUP-85. Stauffer Chemical Co., Richmond, Calif. 94804. This experimental use permit allows the use of 280 pounds of the herbicide S-ethyl dipropylthiocarbamate and 40 pounds of the herbicide trifluralin on sugarbeets to evaluate control of pigweed, lambsquarters, nightshade, Russian thistle, barnyard grass, and a variety of

annual grasses, annual broadleaf and perennial weeds. A total of 120 acres is involved; the program is authorized in the State of Idaho and Washington. The experimental use permit is effective from November 11, 1977, to November 11, 1978. Permanent tolerances for residues of S-ethyl dipropylthiocarbamate and trifluralin in or on sugarbeets have been established (40 CFR 180.117 and 40 CFR 180.207).

No. 289-EUP-73. Chevron Chemical Co., Richmond, Calif. 94804. This experimental use permit allows the use of the remaining supply of approximately 1,000 pounds of the resin soaking-herbicide paraquat dichloride remaining from last year's experimental program on conifers. A total of approximately 3,000 acres is involved; the program is authorized only in the States of Alabama, Arkansas, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Washington. The experimental use permit is effective from July 20, 1977, to July 20, 1978.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751 (7 U.S.C. 136(a) et seq.))

Dated: August 30, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-25745 Filed 9-1-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION**FOURTH ANTHRACITE COAL CONFERENCE****Conference**

Notice is hereby given that the fourth Anthracite Coal Conference will be held on September 15, 1977, from 1 p.m. to 4 p.m. at the Gus Genetti Motor Lodge, Route 309, Hazelton, Pa. This meeting is a follow-up to the third Anthracite Coal Conference held on August 18, 1977, at the Reading Motor Inn in Wyomissing, Pa. Notice is also given that the five subgroups to the Conference, appointed at the first meeting on June 28, 1977, will hold meetings before the fourth conference.

The urgency of convening both the subgroup meetings and fourth conference results from FEA's responsibility to study ways of improving the production of anthracite coal. Analysis and recom-

mendations to this end must be completed by mid-October. It is therefore essential to call these meetings immediately, thereby reducing the customary advance period of notice normally given.

The schedule of subgroup meetings is as follows:

UTILIZATION SUBGROUP

September 9, 1977, 10 a.m. Pennsylvania Power and Light Co. Building Two, North Ninth St., Allentown, Pa.

Agenda: Preliminary conclusions and recommendations on progress for assistance/report.

ENVIRONMENTAL SUBGROUP

September 1, 1977, 10 a.m. Main Capital Building, Room 225, Harrisburg, Pa.

Agenda: Final report of study on environmental issues concerning land use conflicts, water quality, refuse disposal, restoration/rehabilitation.

MARKETING (TRANSPORTATION) SUBGROUP

September 7, 1977, 10 a.m. ConRail, 214 Six Penn Center Plaza, Philadelphia, Pa.

Agenda: Preliminary policy recommendations on the structure and economics of rail transportation in the anthracite region.

The agenda for the September 15 conference will be an assessment of the preliminary recommendations by the Task Force, in conjunction with presentations by individual members on major issues previously identified at the August 18 conference.

These meetings will be open to the public. The Chairman is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement will be permitted to do so, either before or after the meeting.

Further information concerning this meeting may be obtained from Stephen T. Minihan, Room 3503, FEA Headquarters, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 202-566-6230.

Transcripts of the conference will be available for public review and copying at the Freedom of Information Public Reading Room, Room 217, FEA Headquarters, 12th and Pennsylvania Avenue NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m. Monday through Friday except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on August 29, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-25625 Filed 9-1-77;8:45 am]

SOUTH DAKOTA ENERGY CONSERVATION PLAN

Negative Determination of Environmental Impact

Pursuant to 10 CFR 208.4, the Federal Energy Administration hereby gives notice

that it has performed an analysis and review of the environmental impacts associated with the provision of Federal financial assistance for the implementation, by the State of South Dakota, of its State Energy Conservation Plan. Federal funding is authorized by Part C of Title III of the Energy Policy and Conservation Act, 42 U.S.C. 6321, et seq.

Based upon assessment of environmental impacts that are expected to result from implementation of this plan, the FEA has determined that Federal financial assistance will not be a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). Therefore, pursuant to 10 CFR 208.4(c), the Federal Energy Administration has determined that an environmental impact statement is not required for this plan.

Single copies of the environmental assessment of the State Plan for South Dakota are available upon request from the FEA National Energy Information Center, Room 1406, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Copies of the environmental assessment will also be available for public review in the Federal Energy Administration Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

A copy of the State Plan is available for public review in the Office of State Energy Conservation Programs, Room 6437, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessments to Executive Communications, Box PB, Room 3317, Federal Energy Administration, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment—South Dakota Energy Conservation Plan." Fifteen copies should be submitted. All comments should be received by FEA by 4:30 p.m. e.d.s.t., September 9, 1977, in order to receive full consideration.

Any information or data considered by the person submitting it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., August 29, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-25626 Filed 9-1-77;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. AC-44]

TRI-COUNTY SAVINGS AND LOAN ASSOCIATION, CAMDEN, N.J.

Post Approval Amendment of Conversion Application (Final Action)

August 30, 1977.

Notice is hereby given that on August 18, 1977, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 77-513, approved the amendment to the application of Tri-County Savings and Loan Association, Camden, New Jersey, for permission to convert to the stock form of organization. The application to convert was approved on May 4, 1977, by Resolution No. 77-279. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of New York, One World Trade Center, Floor 103, New York, N.Y. 10048.

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77-25706 Filed 9-1-77;8:45 am]

FEDERAL RESERVE SYSTEM COMMUNITY BANKS OF FLORIDA, INC. Acquisition of Bank

Community Banks of Florida, Inc., Seminole, Fla., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 80 percent or more of the voting shares of The County Bank, Palmetto, Fla. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 26, 1977.

Board of Governors of the Federal Reserve System, August 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-25708 Filed 9-1-77;8:45 am]

NEW VIRGINIA BANCORPORATION Acquisition of Bank

New Virginia Bancorporation, Springfield, Va., has applied for the Board's ap-

proval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842 (a)(3)) to acquire 100 percent of the voting shares of the successor by merger to Bank of Warrenton, Warrenton, Va. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 23, 1977.

Board of Governors of the Federal Reserve System, August 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-25709 Filed 9-1-77; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health
Administration

ADVISORY COMMITTEES

Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of September 1977:

DRUG ABUSE TRAINING REVIEW COMMITTEE

Date and time: September 27-28, 8:30 a.m. to 5:00 p.m.

Place: 8th Floor Conference Room, One Central Plaza, 11300 Rockville Pike, Rockville, Maryland 20852.

Type of Meeting: Open—September 27, 8:30 a.m. to 9:30 a.m.

Closed—Otherwise.

Contact—Mr. James F. Callahan, Rockwall Building, Room 640, 11400 Rockville Pike, Rockville, Maryland 20852, 301-443-4922.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to Drug Abuse Training Activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda: From 8:30 a.m. to 9:30 a.m., September 27, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse and Mental Health Administration, pursuant to the provisions of Title 5, U.S. Code 552b(c)(6) and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

DRUG ABUSE PREVENTION REVIEW COMMITTEE

Date and time: September 30, 9 a.m.

Place: 8th Floor Conference Room, SW, One Central Plaza Building, 11300 Rockville Pike, Rockville, Maryland 20852.

Type of meeting: Open—September 30, 9 to 10 a.m.

Closed—Otherwise.

Contact: Mrs. Lura S. Jackson, Rockwall Building, Room 752, 11400 Rockville Pike, Rockville, Maryland 20852, 301-443-2450.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to prevention activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda: From 9 a.m. to 10 a.m., September 30, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact person listed above. The NIDA Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Mr. Ken Howard, Director, Office of Communications and Public Affairs, NIDA, Room 110, Rockwall Building, 11400 Rockville Pike, Rockville, Md. 20852, 301-443-6500.

Dated: August 26, 1977.

CAROLYN T. EVANS,
Committee Management Officer,
Alcohol, Drug Abuse, and
Mental Health Administration.

[FR Doc. 77-25279 Filed 9-1-77; 8:45 am]

ADVISORY COMMITTEES

Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of October 1977:

MENTAL HEALTH SERVICES RESEARCH REVIEW COMMITTEE

Date and time: October 5-7, 9 a.m.

Place: Gramercy Inn, Parkview Room, 1816 Rhode Island Avenue NW., Washington, D.C. 20036.

Type of Meeting: Open—October 5, 9 to 10 a.m.

Closed—Otherwise.

Contact: James T. Cumiskey, Parklawn Building, Room 11C-17, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3764.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health services research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 a.m. to 10 a.m., on October 5, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration,

pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

CRIME AND DELINQUENCY REVIEW COMMITTEE

Date and time: October 5-7, 9 a.m.

Place: Plaza Room, DuPont Plaza Hotel, 1500 New Hampshire Avenue NW., Washington, D.C. 20036.

Type of meeting: Open—October 5, 9 to 10:30 a.m.

Closed—Otherwise.

Contact: Carol Beall, Room 18C-04, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, 20857, 301-443-3728.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in crime and delinquency individual violent behavior, and related law and mental health interactions, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 a.m. to 10:30 a.m., October 5, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

METROPOLITAN MENTAL HEALTH PROBLEMS REVIEW COMMITTEE

Date and time: October 13-15, 9 a.m.

Place: Meeting Room B, Holiday Inn, 2505 Wisconsin Avenue NW., Washington, D.C.

Type of meeting: Open—October 13, 9 to 9:30 a.m.

Closed—Otherwise.

Contact: Mrs. Phyllis Pinzow, Parklawn Building, Room 15-99, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3373.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to metropolitan mental health problems and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 a.m. to 9:30 a.m., October 13, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

ALCOHOL TRAINING REVIEW COMMITTEE

Date and time: October 13-15, 9 a.m.

Place: Conference Room A, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Type of meeting: Open—October 13, 9 to 11 a.m.

Closed—Otherwise.

Contact: Dr. Nathan Rosenberg, Parklawn Building, Room 14C-17, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-1056.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, ADAMHA, relating to training activities and make recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism.

Agenda: From 9 a.m. to 11 a.m., October 13, the meeting will be open for reports and announcements of administrative and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse and Mental Health Administration, pursuant to the provisions of Section 552(c) (6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

INTERAGENCY COMMITTEE ON FEDERAL ACTIVITIES FOR ALCOHOL ABUSE AND ALCOHOLISM

Date and time: October 18; 9:30 a.m. to 4:30 p.m.

Place: Conference Rooms "G" and "H", Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Type of meeting: Open meeting.

Contact: James Vaughan, Parklawn Building, Room 16C-10, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3888.

Purpose: The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism (1) evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

Agenda: This meeting will feature a presentation by Dr. Thomas Bryant, Chairman of the President's Commission on Mental Health and a report on alcoholism programs in the Veterans Administration. In addition, a report will be given regarding current legislation and working group activities. This meeting will be open to the public.

PERSONALITY AND COGNITION RESEARCH REVIEW COMMITTEE

Date and time: October 16-18; 9 a.m.

Place: Executive Room, Dupont Plaza Hotel, Dupont Plaza, Washington, D.C. 20036.

Type of meeting: Open—October 16, 9 to 10 a.m.

Closed—Otherwise.

Contact: Shirley Maize, Parklawn Building, Room 10C-06, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3942.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 a.m. to 10 a.m., October 16, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)

(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

ALCOHOL RESEARCH REVIEW COMMITTEE

Date and Time: October 26-28; 9 a.m.

Place: Maryland Room, Holiday Inn, Bethesda, Maryland 20014.

Type of meeting: Open—October 26, 9 to 10 a.m.

Closed—Otherwise.

Contact: Dr. James C. Teegarden, Parklawn Building, Room 16C-26, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-4223.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism relating to research activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda: From 9 a.m. to 10 a.m., October 26, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c) (6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

BOARD OF SCIENTIFIC COUNSELORS, NIMH

Date and time: October 27-28; 9 a.m. (Oct. 27), 9:30 a.m. (Oct. 28).

Place: Building 36, Conference Room 1B-07, National Institutes of Health, Bethesda, Maryland 20014.

Type of meeting: Open—October 27, 9:30 to 10 a.m.

Closed—Otherwise.

Contact: Dr. John C. Eberhart, Building 36, Room 1A-05, National Institutes of Health, Bethesda, Maryland 20014, 301-496-3501.

Purpose: The Board of Scientific Counselors provides expert advice to the Director, NIMH, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

Agenda: The Board will meet in Building 36, Room 1B-07, Bethesda, Maryland, for approximately 30 minutes for a report by the Director and Deputy Director of Intramural Research, NIMH, on recent administrative developments. The remainder of the two-day session will be devoted to the review of intramural research projects from the Laboratory of Developmental Psychology, and the evaluation of individual scientific programs, and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

PRECLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

Date and time: October 27-28; 9 a.m.

Place: Sheraton-Park Hotel, Suite G-100 and G-101, 2600 Woodley Road, N.W., Washington, D.C.

Type of meeting: Open—October 27, 9 to 9:30 a.m.

Closed—Otherwise.

Contact: Nina Young, Parklawn Building, Room 9-97, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3454.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to preclinical psychopharmacology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 a.m. to 9:30 a.m., October 27, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c) (6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

CLINICAL PROJECTS RESEARCH REVIEW COMMITTEE

Date and Time: October 27-29; 9 a.m.

Place: Twin Bridges Marriott Hotel, 333 Jefferson Davis Highway, Arlington, Virginia 20001

Type of meeting: Open—October 27, 9 to 10 a.m.

Closed—Otherwise.

CONTACT: Harriet German, Parklawn Building, Room 10C-5, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3367.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 a.m. to 10 a.m., October 27, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c) (6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact person listed above. The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Public Information, NIMH, Room 15-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-36600. The NIAAA Information Officer who will furnish summaries of the meeting and rosters of the committee members is Mr. Harry Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 11A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-4493-3306.

Dated: August 26, 1977.

CAROLYN T. EVANS,
Committee Management Officer,
Alcohol, Drug Abuse, and
Mental Health Administration.

[FR Doc. 77-25403 Filed 9-1-77; 8:45 am]

Office of Education

FULBRIGHT-HAYS TRAINING GRANTS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 102 (b) (6) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b) (6)), applications are being accepted from eligible institutions for Fulbright-Hays training grants.

Eligible applicants for Fulbright-Hays training grants are as follows:

A. For the Faculty Research Abroad program, accredited institutions of higher education.

B. For the Doctoral Dissertation Research Abroad program, accredited institutions of higher education which offer doctoral programs in the fields of foreign languages and area studies.

C. For the Group Projects Abroad program, accredited institutions of higher education, State departments of education, private non-profit educational organizations, and consortiums of such entities.

D. For the Foreign Curriculum Consultants program, accredited institutions of higher education, State departments of education, local public school systems, private non-profit educational organizations, and consortiums of such entities.

Applications must be received by the U.S. Office of Education Application Control Center on or before November 4, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Washington, D.C. 20202, Attention: (as applicable): 13.438A Faculty Research Abroad; 13.439A Foreign Curriculum Consultants; 13.440A Group Projects Abroad; or 13.441A Doctoral Dissertation Research Abroad. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail no later than October 31, 1977 as evidenced, by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holi-

days. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the International Studies Branch, Division of International Education, Bureau of Higher and Continuing Education, Office of Education, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202.

D. *Estimated Distribution of Program Funds.* The amount of funds available for the Fulbright-Hays Training Programs for Fiscal Year 1978 will be approximately \$3,000,000 in addition to the equivalent of \$1,830,000 in special foreign currencies. The tentative number of awards for each program and their estimated average costs are as follows: Faculty Research Abroad—90 fellowships at an average cost of approximately \$10,400; Doctoral Dissertation Research Abroad—125 fellowships at an average cost of approximately \$9,300; Group Projects Abroad—45 grants at an average cost of approximately \$52,600; and Foreign Consultants—25 grants at an average cost of \$13,000.

The above statement with regard to the expected distribution of funds is an estimate and is for information purposes only; it does not bind the Office of Education except as may be required by applicable statute and regulation.

E. *Applicable regulations.* Awards made pursuant to this notice will be subject to the Office of Education General Provisions Regulations (45 CFR Part 100a) and the regulations for Modern Foreign Language Training and Area Studies (45 CFR Part 148).

(22 U.S.C. 2452(b) (6).)
(Catalog of Federal Domestic Assistance Programs: 13.438A Fulbright-Hays Training Grants—Faculty Research Abroad; 13.439A Fulbright-Hays Training Grants—Foreign Curriculum Consultants; 13.440A Fulbright-Hays Training Grants—Group Projects Abroad; 13.441A Fulbright-Hays Training Grants—Doctoral Dissertation Research Abroad.)

Dated: August 30, 1977.

JOHN ELLIS,
Acting U.S. Commissioner
of Education.

[FR Doc. 77-25672 Filed 9-1-77; 8:45 am]

GIFTED AND TALENTED MODEL PROJECTS

Closing Date for Receipt of Applications for Programs for Gifted and Talented Competitive Continuation Assistance Contracts

Notice is hereby given that pursuant to the authority contained in Section 404(g) of Pub. L. 93-380 (20 U.S.C. 1863(g)), applications are being accepted for continuation contracts of assistance from public and private agencies to continue and operate model projects. Applications for continuation awards are competitive with other applications for continuation awards in the same year (45 CFR 160b.4 (c) (2)). Funds are available for contracts to continue the operation of model projects presently in operation pursuant

to an approved project period in excess of one year. Continuation applications must be received by the U.S. Office of Education Application Control Center on or before November 21, 1977.

A. *Application sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Washington, D.C. 20202, Attention: 13.562C. Applications sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than November 16, 1977 as evidenced by the U.S. Postal Service Postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* The amount of funds which is expected to be available in Fiscal Year 1978 for the continuation of Gifted and Talented programs is \$1,328,360, out of which \$210,000 is projected for Model Projects. The anticipated number of continuation assistance contracts for Gifted and Talented Model Projects is five. The funding level of multi-year Model Projects has been in the approximate range of \$40,000 in the past operational year. It is projected that many of these continuation projects may be funded at the same level this Fiscal Year.

This statement on the availability of funds is only an estimate and does not bind the Office of Education to any pattern of distribution, except as required by the applicable provisions of the Gifted and Talented regulations, and appropriation acts.

Further information and application forms may be obtained from the Office of Gifted and Talented, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

D. *Applicable regulations.* Assistance contract awards made pursuant to this notice are subject to the Regulations published in the FEDERAL REGISTER on May 6, 1976 (41 FR 18660, 45 CFR Part 160b, Subpart F) and the Office of Education General Provisions Regulations (45 CFR Part 100a).

(20 U.S.C. 1863(g))
(Catalog of Federal Domestic Assistance
Number 13.562, Gifted and Talented.)

Dated: August 29, 1977.

JOHN ELLIS,
Acting U.S.
Commissioner of Education.

[FR Doc.77-25671 Filed 9-1-77; 8:45 am]

HANDICAPPED CHILDREN'S EARLY EDUCATION PROGRAM

Closing Date for Receipt of Initial Applications

Notice is hereby given that pursuant to the authority contained in sections 623 and 624 of the Education of the Handicapped Act (20 U.S.C. 1423, 1424), the U.S. Commissioner of Education has established a final closing date of November 9, 1977 for receipt of applications. Applications for New Model Demonstration Projects (13.444A) must be received on or before the above date. The notice of closing for non-competing continuations will be published separately.

The funding level of the Handicapped Children's Early Education Program in Fiscal Year 1978 is expected to be \$22,000,000. These funds will be made available for new and non-competing continuation demonstration projects, technical assistance support activities, and outreach projects. The approximate number of new demonstration awards is 70. During previous years of the program, funding for new demonstration projects has averaged between \$60,000 and \$70,000.

Projects approved for funding under this program will be for a three-year period with annual review of progress. The funding level and distribution of project funds are predicated upon the allotment of funds and may vary according to the final appropriation made available during a specific fiscal year.

Applications must be received by the U.S. Office of Education Application Control Center on or before

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Washington, D.C. 20202, Attention: 13.444A. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail no later than November 4, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An ap-

plication to be hand delivered must be delivered to the U.S. Office of Education, Application Control Center, Room 5673 Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications for new awards will not be accepted by the Application Control Center after 4:00 p.m., Washington, D.C. time, on the closing date.

C. *Program information and forms.* Information and applications may be obtained from the Division of Innovation and Development, Bureau of Education for the Handicapped, U.S. Office of Education, Rm. 3100 Donohue Building, 400 Maryland Avenue SW., Washington, D.C. 20202. Applications will be available on or about September 12, 1977.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) and the applicable program regulations (45 CFR Parts 121, 121d).

(20 U.S.C. 1423, 1424.)

(Catalog of Federal Domestic Assistance No. 13.444A, Handicapped Children's Early Education Program.)

Dated: August 29, 1977.

JOHN ELLIS,
Acting U.S.
Commissioner of Education.

[FR Doc.77-25669 Filed 9-1-77; 8:45 am]

HANDICAPPED RESEARCH AND DEMONSTRATION

Closing Date for Receipt of Applications

Notice is hereby given that, pursuant to the authority contained in sections 641 and 642 of Part E of the Education of the Handicapped Act (20 U.S.C. 1441, 1442), applications are being accepted for support for research and related purposes related to education of the handicapped. This announcement covers applications for new awards only for the Field Initiated Studies program. Under this program, the Office of Education is interested in a broad range of research-related projects focusing on the education of handicapped children.

Applications must be received by the U.S. Office of Education Application Control Center on or before December 7, 1977.

A. *Availability of funds and estimated number and amount of awards.* The estimated total amount of funds available for support of new Field Initiated Studies projects is \$3,000,000. Based on a mean grant amount in recent years of approximately \$90,000, we anticipate that about 33 new grants will be awarded. The range of funding for 1977 projects was from \$8,496 to \$286,231 per year. However, the large majority of awards have been for under \$100,000 per year.

B. *Multiple year awards.* While there is no legal limit on the duration of projects, the vast majority of Field Initiated projects are for one to three years. In the event that assistance is provided for multiple year projects, grant awards will be made for a budget period of a single year's duration with continuation awards made on a non-competitive basis subject to satisfactory performance as determined pursuant to 45 CFR 121h.4 (b) and the availability of funds in future fiscal years.

C. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Washington, D.C. 20202, Attention: 13.44C. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail no later than December 2, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date of such mailrooms or other documentary evidence or receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

D. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m., Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted by the Application Control Center after 4:00 p.m., Washington, D.C. time, on the closing date.

E. *Program information and forms.* Further information and application forms may be obtained from the Research Projects Branch, Bureau of Education for the Handicapped, Office of Education, 400 Maryland Avenue SW., (Donohue, 3165), Washington, D.C. 20202.

F. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) and the applicable program regulations. (45 CFR Parts 121 and 121h).

(20 U.S.C. 1441, 1442.)

Dated: August 29, 1977.

(Catalog of Federal Domestic Assistance, No. 13.443, Handicapped Research and Demonstration)

JOHN ELLIS,
Acting U.S.
Commissioner of Education.

[FR Doc.77-25670 Filed 9-1-77; 8:45 am]

HANDICAPPED RESEARCH AND DEMONSTRATION

Closing Date for Receipt of Applications; Correction

In the notice of closing date for receipt of applications under Part E of the Education of the Handicapped Act, published at 42 FR 39479 (August 4, 1977), the following corrections are made.

Paragraph 3: Applications must be received by the U.S. Office of Education Application Control Center on or before the following dates: First Cycle, November 8, 1977; and for the Second Cycle, March 17, 1978.

Paragraph C(1): (1) The application was sent by registered or certified mail not later than November 3, 1977 for First Cycle, and March 13, 1978 for Second Cycle, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service, or

Paragraph E:

E. Program information and forms. Further information and application forms may be obtained from the Research Projects Branch, Bureau of Education for the Handicapped, Office of Education, 400 Maryland Avenue SW., (Donohoe, 3165), Washington, D.C. 20202. Complete application material will be available on or about September 9, 1977.

(20 U.S.C. 1441, 1442.)

Dated: August 25, 1977.

(Catalog of Federal Domestic Assistance, No. 13.443 Handicapped Research and Demonstration.)

ERNEST L. BOYER,

U.S. Commissioner of Education.

[FR Doc.77-25668 Filed 9-1-77;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Amendment to Notice of Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Amendment to the FEDERAL REGISTER Notice, Wednesday, August 17, 1977, page 41479.

DATES: Full Council Meeting: September 17, 1977, from 9:00 a.m. to 10:30 a.m., closed.

ADDRESS: Hotel Adolphus, 1321 Commerce Street, Dallas, Tex. The meeting on September 17, 1977, from 9:00 a.m. to 10:30 a.m. will be closed to the public. During that time the Council will discuss its annual evaluation of personnel performance on an individual basis. This discussion will include consideration of the qualifications and fitness of individual staff members, and will touch upon many matters which would constitute a serious invasion of privacy if conducted in an open session. Such matters are protected under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and under the ex-

emptions contained in the Government in the Sunshine Act, Section 552b(c) (2) and (6) of Title 5 U.S.C., (Pub. L. 94-409), 45 CFR § 5.71 (a) and (c).

Signed at Washington, D.C. on August 17, 1977.

STUART A. TONEMAH,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.77-25300 Filed 9-1-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS Meeting

AGENCY: Office of Education National Advisory Council on Women's Educational Programs.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Women's Educational Programs and its Executive, Federal Policy and Practices, Legislation, Program and Public Information Committees. It also describes the functions of the Council. Notice of the meeting is required pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). This document is intended to notify the general public of their opportunity to attend.

DATE: September 18, 2:30 to 5:30 p.m.; September 19, 8:30 a.m. to 5:00 p.m.; September 20, 1977 from 8:30 a.m. to 4:30 p.m.

ADDRESS: 1832 M Street, NW., No. 821, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Kathleen Maurer, National Advisory Council on Women's Educational Programs, 1832 M St. NW., No. 821, Washington, DC. 20036 (202-653-5848).

The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380, Section 408 (f) (1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Pub. L. 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; (d) make such reports to the President and the Congress on the activities of the Council as it determines appropriate; (e) develop criteria for the establishment of program priorities; and (f) disseminate information concerning its activities under Section 408 of Pub. L. 93-380.

The meeting of the Executive Committee will take place on September 18 from 2:30 p.m. to 5:30 p.m. The agenda will include preparation for the Council meeting. The meetings of the Federal Policies and Practices Committee, the Legislation Committee and the Program Committee will take place on September 19 from 8:30 a.m. to 4:00 p.m. The agenda for the Federal Policy and Practices Committee will include discussion of FY 78 plans for Committee investigation of how Federal policies and programs affect women. The agenda for the Legislation Committee will include discussion of Title IX and pending legislation and regulations as they affect women. The agenda for the Program Committee will include discussion of monitoring and evaluation efforts directed toward the WEEA Program. The meeting of the Public Information Committee will take place from 12:00 p.m. to 2:00 p.m. on September 19. The agenda for that Committee will include discussion of FY 78 criteria for Committee operation, dissemination of Council reports and Council participation in the November National Women's Conference.

The Meeting of the National Advisory Council on Women's Educational Programs will take place from 4:00 to 5:00 p.m. on September 19 and from 8:30 a.m. to 4:30 p.m. on September 20. The agenda will include (1) report of the Executive Director; (2) report of the Women's Program Staff; (3) discussion of the FY 78 budget proposal; (4) personnel procedures; (5) action on committee reports; (6) discussion of athletics for women; and (7) plans for future activities.

All of the Council and committee and Council meetings will be open to the public. Records will be kept of all Council proceedings and will be available for public inspection at the Council offices at Suite 821, 1832 M Street NW., Washington, D.C.

Signed at Washington, DC on August 29, 1977.

JOY R. SIMONSON,
Executive Director.

[FR Doc.77-25683 Filed 9-1-77;8:45 am]

TITLE I AUDIT APPEAL

Acceptance of Application for Appeal

Notice is hereby given that, pursuant to the notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972), an application for an appeal before the Board has been received from the State of North Carolina and it has met the jurisdictional requirements of section 5 of the notice establishing the Board. The appeal involves the allowability of specified expenditures of funds under Title I of the ESEA during the period of July 1, 1967, through June 30, 1971. The amount sought for recovery from the State is \$25,516, of which \$19,339 deals with State-wide eligibility questions, \$5,656 with allegedly improper use of audio-visual equipment, and \$521

with salaries at the Pitt County local education agency. The Audit Control Number is ACN: 20159-04.

The Prehearing Conference will be held at 10:30 a.m. on October 20, 1977, in Room 4173, 400 Maryland Avenue SW., Washington, D.C.

Section 7(c) of the Notice setting up the Board provides:

(c) *Intervention by third parties.* (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervener has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before October 6, 1977.

(20 U.S.C. 241a, 1232c)

Dated: August 29, 1977.

JOHN ELLIS,
Acting United States
Commissioner of Education.

(Catalog of Federal Domestic Assistance Number 13.428, Educationally Deprived Children—Local Educational Agencies)

[FR Doc. 77-25667 Filed 9-1-77; 8:45 am]

[Docket No. 76N-0402; DESI 7937]

CERTAIN ANTIHISTAMINIC DRUGS USED IN ALLERGY

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces the conditions for marketing certain antihistamine drugs for the indications 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.

DATES: Hearing requests due on or before October 3, 1977.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 7937, 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-08, 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 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:

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

SUPPLEMENTARY INFORMATION: In a notice (DESI 7937) published in the FEDERAL REGISTER of June 6, 1972 (37 FR 11277), the Food and Drug Administration classified the antihistaminic drug products described below as less than effective for their labeled indications (possibly effective and lacking substantial evidence of effectiveness). A subsequent notice was published in the FEDERAL REGISTER of February 6, 1974 (39 FR 4679) (Docket No. FDC-D-683 (now Docket No. 764N-0402)), and corrected by a notice published on March 27, 1974 (39 FR 11323), reclassifying the products to effective for the treatment of seasonal and perennial allergic rhinitis, and vasomotor rhinitis. Other indications related to the relief of symptoms of cough, cold, or allergy remained as possibly effective. The notice classified all other indications as lacking substantial evidence of effectiveness. The notice stated that the labeling of these particular products could continue to include the possibly effective indications related to the relief of symptoms of cough, cold, or allergy as provided for in a notice published in the FEDERAL REGISTER of December 14, 1973 (38 FR 34481), which granted a temporary exemption from the time limits established for completing certain phases of the drug efficacy study (DESI) program, for certain oral prescription drugs offered for relief of cough, cold, allergy, and related symptoms. That exemption included antihistamines and, therefore, covered the drugs that are the subject of this notice. The exemption was granted because of the close relationship between, and the similarities in, drugs sold over-the-counter (OTC) and thus subject to review in the ongoing OTC study (21 CFR Part 330), and prescription drugs offered for relief of cough, cold, allergies, and related symptoms, and the active ingredients common to both. Post-

ponement of final evaluations on the DESI prescription products enabled the agency to consider the recommendations of the OTC review panel in addition to any evidence submitted by NDA holders in response to various DESI notices covering antihistamine-containing products. Those recommendations and a proposed monograph for over-the-counter cold, cough, allergy, bronchodilator, and antiasthmatic (CCABA) drugs were published in the FEDERAL REGISTER on September 9, 1976 (41 FR 38312). No person has submitted additional data in response to the DESI notice of February 6, 1974. Therefore, the Director of the Bureau of Drugs has reclassified the drug products described below as lacking substantial evidence of effectiveness for the indications previously classified as possibly effective. He concludes that these evaluations are not inconsistent with the recommendations of the OTC review panel. This notice offers an opportunity for hearing concerning the possibly effective indications, which are now reclassified to lacking substantial evidence of effectiveness, and states the conditions for marketing the drugs for the indications for which they continue to be regarded as effective. Persons who wish to request a hearing may do so on or before October 3, 1977.

The notice that follows does not pertain to the indications classified in the February 6, 1974, notice as lacking 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 8-305; Pyronil Tablets containing pyrrobutamine phosphate; Eli Lilly & Co., Box 618, Indianapolis, Ind. 46206.

2. NDA 10-897; Theruhistin Tablets containing isothipendyl hydrochloride; Ayerst Laboratories, Division of American Home Products Corp., 685 Third Ave., New York, N.Y. 10017.

3. NDA 11-078; Theruhistin Syrup containing isothipendyl hydrochloride; Ayerst Laboratories.

4. NDA 7-937; Neohetramine Hydrochloride Tablets containing thonzylamine hydrochloride; Warner-Chilcott Laboratories, Division Warner-Lambert Co., 201 Tabor Rd., Morris Plains, N.J. 07950.

(NDA 10-395, which was included in the June 6, 1972 and February 6, 1974 notices will be the subject of a future FEDERAL REGISTER notice.)

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The Director recognizes that thonzylamine hydrochloride at specific dosage levels is included in the proposed monograph published on September 9, 1976, for CCABA drugs that are generally recognized as safe and effective for OTC use (Category I). The proposed monograph would permit the OTC marketing of this product at dosage levels previously limited to prescription dispensing and reviewed as prescription drugs in the drug efficacy study (DESI). The Food and Drug Administration's position with respect to the marketing

of such drug products is set forth in 21 CFR 330.13. That regulation states that certain Category I drugs may be marketed over-the-counter after the date of publication of a proposed monograph and prior to the effective date of a final monograph, subject to the risk that the Commissioner of Food and Drugs may not accept the panel's recommendation and may instead adopt a different position that may require re-labeling, recall, or other regulatory action. A tentative decision not to accept a panel's recommendation may be published in the Federal Register at any time. Thus, although, thonzylamine hydrochloride which is covered by this DESI notice may now be marketed OTC, since there has been no final decision on this matter, this notice sets forth the conditions for approval and marketing this drug as a prescription drug. Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for the above drugs except in the case of thonzylamine hydrochloride when marketed OTC in conformance with the proposed monograph for CCABA drugs. An approved new drug application is a requirement for marketing such drug products, except for thonzylamine hydrochloride when marketed in conformance with the proposed monograph for OTC CCABA drugs.

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 drugs are effective for the indications listed in the labeling conditions below. The drugs now lack substantial evidence of effectiveness for the indications evaluated as possibly effective in the February 6, 1974, 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. If any drug product in this notice is included in the final order that establishes a monograph for OTC cold, cough, allergy, bronchodilator and antiasthmatic products, the marketing of such drug product will thereafter comply with the conditions of the final order establishing the monograph. In the

interim period the drug product must comply with the following conditions for approval and marketing unless the manufacturer or distributor markets the drug in compliance with the proposed monograph and the drug has not been designated by the Commissioner as one for which he has made a tentative decision not to accept the panel's recommendation.

1. *Form of drug.* The drugs are in tablet form suitable for oral administration. Isothipendyl hydrochloride may also be in syrup dosage form.

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 indications are as follows:

For treatment of seasonal and perennial allergic rhinitis, and vasomotor rhinitis.

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 November 1, 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 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-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. 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 sub-

stantial 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 October 3, 1977, a written notice of appearance and request for hearing, and (2) on or before November 1, 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 con-

stitutes 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. 333(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).

Dated: July 20, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 77-25650 Filed 9-1-77; 8:45 am]

[Docket No. 77N-0089; DESI 6290]

CERTAIN ANTIHISTAMINIC PREPARATIONS FOR ORAL OR RECTAL ADMINISTRATION

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces the conditions for marketing certain antihistamine drugs for the indications 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.

DATE: Hearing requests due on or before October 3, 1977.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 6290, 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-08, 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 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:

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

SUPPLEMENTARY INFORMATION:

In a notice (DESI 6290; Docket No. FDC-D-324 (now Docket No. 77N-0089)) published in the FEDERAL REGISTER of June 18, 1971 (36 FR 11758), the Food and Drug Administration classified the antihistaminic drug products described below as effective for certain indications and less than effective for other labeled indications (probably effective, possibly effective and lacking substantial evidence of effectiveness). The notice provided an opportunity for a hearing on the indications concluded at that time to lack substantial evidence of effectiveness. The notice also provided opportunity for manufacturers of such products to present evidence in support of the probably effective and possibly effective indications.

Subsequently, a notice published in the FEDERAL REGISTER on December 14, 1973 (38 FR 34481) granted a temporary exemption from the time limit established for completing certain phases of the drug efficacy study (DESI) program, for certain oral prescription drugs offered for relief of cough, cold, allergy, and related symptoms. That exemption included antihistamines and, therefore, covered the drugs that are the subject of this notice. The exemption was granted because of the close relationship between, and the similarities in, drugs sold over-the-counter (OTC) and thus subject to

review in the ongoing OTC study (21 CFR Part 330), and prescription drugs offered for relief of cough, cold, allergies, and related symptoms, and the active ingredients common to both. Postponement of final evaluations on the DESI prescription products enabled the agency to consider the recommendations of the OTC review panel in addition to any evidence submitted by NDA holders in response to various DESI notices covering antihistamine-containing products. Those recommendations and a proposed monograph for over-the-counter cold, cough, allergy, bronchodilator, and anti-asthmatic (CCABA) drugs were published in the FEDERAL REGISTER on September 9, 1976 (41 FR 38312). Since no person has submitted additional data in response to the DESI notice of June 18, 1971 for the drug products described below, the Director of the Bureau of Drugs has reclassified them as lacking substantial evidence of effectiveness for the indications previously classified as probably effective or possibly effective. He concludes that these evaluations are not inconsistent with the recommendations of the OTC review panel.

The temporary exemption granted by the December 14, 1973 notice, as it pertains to these drugs, is revoked in a separate notice appearing elsewhere in this issue of the FEDERAL REGISTER. The notice herein offers an opportunity for hearing concerning the indications now reclassified to lacking substantial evidence of effectiveness, and states the conditions for marketing the drugs for the indications for which they continue to be regarded as effective. Persons who wish to request a hearing may do so on or before October 3, 1977.

The notice that follows does not pertain to the indications stated in the June 18, 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. Preparations containing bromodiphenhydramine hydrochloride:

- Ambodyl Kapsels (NDA 7-984);
- Ambodyl Elixir (NDA 8-476); and
- Ambodyl Syrup (NDA 8-745); Parke, Davis & Co., Joseph Campau at the River, Detroit, MI 48232.

2. Preparation containing chlorpheniramine maleate: Chlor-Trimeton Tablets and Syrup (NDA 6-021); Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033.

3. Preparation containing diphenylpyralline hydrochloride: Difen Tablets (NDA 9-970); Riker Laboratories, Inc., Subsidiary of 3M Co., 19901 Nordhoff St., Northridge, CA 91324.

4. Preparations containing promethazine hydrochloride:

- Phenergan Tablets (NDA 7-935);
- Phenergan Syrup (NDA 8-381); and
- Phenergan Rectal Suppositories (NDA 10-926 and NDA 11-689); Wyeth Laboratories, Division, American Home Products Corp., P.O. Box 8289, Philadelphia, PA 19101.

5. Preparation containing pheniramine maleate: Trimeton Tablets (NDA 6-461); Schering Corp.

6. Preparation containing pyrillamine maleate: Diaminide Maleate Tablets (NDA 7-

119); Merck Sharp & Dohme, Division Merck & Co., Inc., West Point, PA 19486. (Although the initial notice listed Neo-Antergen Maleate as the name of the product marketed under NDA 7-119, the correct name is Diamide Maleate.)

7. Preparations containing tripeleminamine hydrochloride or tripeleminamine citrate:

- a. Pyribenzamine Tablets (NDA 5-914);
- b. Pyribenzamine Elixir (NDA 5-914); Ciba Pharmaceuticals Co., Division of Ciba-Geigy Corp., 556 Morris Ave., Summit, NJ 07901.

The following drug product was neither submitted for review by the National Academy of Sciences-National Research Council nor included in the June 18, 1971 notice, but the conclusions described in this notice apply to it:

Pyraline Hydrochloride Tablets (NDA 9-132); containing diphenylpyraline hydrochloride, Nopco Chemical Co., Division Diamond Shamrock Chemical Co., 350 Mt. Kemble Ave., Morristown, NJ 07960.

NDA's 5-845, 7-638, 10-533, 12-649, and 13-220, which were included in the June 18, 1971 notice, will be the subjects of future FEDERAL REGISTER notices. NDA 6-290, which was also included in the June 18, 1971 notice, was deferred to the OTC review in a notice published in the FEDERAL REGISTER of May 23, 1972 (37 FR 10457).

In a notice published in the FEDERAL REGISTER of February 8, 1972 (37 FR 2851), the approval of NDA 7-119 was withdrawn on the ground of failure to submit required reports under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)). At the time that notice was published, no final conclusions concerning the less-than-effective indications (probably effective and possibly effective) had been reached. Those conclusions have now been reached and the purpose of including NDA 7-119 in this notice is to inform all interested persons of the conclusions and offer them the opportunity to request a hearing concerning all issues relating to its legal status.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The Director recognizes that chlorpheniramine maleate, pheniramine maleate, and pyrilamine maleate, at specific dosage levels, are included in the proposed monograph published on September 9, 1976, for CCABA drugs that are generally recognized as safe and effective for OTC use (Category I). The proposed monograph would permit the OTC marketing of those products at dosage levels previously limited to prescription dispensing and reviewed as prescription drugs in the drug efficacy study (DESI). The Food and Drug Administration's position with respect to the marketing of such drug products is set forth in 21 CFR 330.13. That regulation states that certain Category I drugs may be marketed over-the-counter after the date of publication of a proposed monograph and prior to the effective date of a final monograph, subject to the risk that the Commissioner of Food and Drugs may not accept the panel's recommendation and may instead adopt a different position that may require relabeling, re-

call, or other regulatory action. A tentative decision not to accept a panel's recommendation may be published in the FEDERAL REGISTER at any time. Thus, although some products covered by this DESI notice may now be marketed OTC, since there has been no final decision on this matter, this notice sets forth the conditions for approval and marketing of those drugs as prescription drugs. Supplemental new drug applications are required to revise the labeling in and to update approved applications providing for such drugs except in the case of those drug products mentioned above now marketed OTC in conformance with the proposed monograph for CCABA drugs. An approved new drug application is a requirement for marketing such drug products, except those marketed in conformance with the proposed monograph for OTC CCABA drugs. Although promethazine hydrochloride also was included in the proposed OTC monograph, the Commissioner has tentatively decided not to accept that panel recommendation, as stated in the preamble to the proposed monograph (41 CFR 38312). An approved new drug application is required for all dosage levels of this drug.

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 any request an opinion of the applicability of this notice to a specific drug 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 drugs are effective for the indications listed in the labeling conditions below. The drugs now lack substantial evidence of effectiveness for the other indications evaluated as probably or possibly effective in the June 18, 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. If any drug product in this notice is included in the final order that establishes a monograph for OTC cold, cough, allergy, bronchodilator and antiasthmatic products, the marketing of such drug product will thereafter comply with the conditions of the final order establishing the monograph. In the interim period the drug product must comply with the following conditions for approval and marketing unless the

manufacturer or distributor markets the drug in compliance with the proposed monograph and the drug has not been designated by the Commissioner as one for which he has made a tentative decision not to accept the panel's recommendation.

1. *Form of drug.* a. The drugs are in a conventional dosage form suitable for oral administration.

b. Promethazine hydrochloride may also be in a suppository form suitable for rectal 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 Indications are as follows:

BROMODIPHENHYDRAMINE HYDROCHLORIDE

Perennial and seasonal allergic rhinitis.

Vasomotor rhinitis.

Allergic conjunctivitis due to inhalant allergens and foods.

Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.

Amelioration of allergic reactions to blood or plasma.

Dermographism.

As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.

CHLORPHENIRAMINE MALEATE

Perennial and seasonal allergic rhinitis.

Vasomotor rhinitis.

Allergic conjunctivitis due to inhalant allergens and foods.

Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.

Amelioration of allergic reactions to blood or plasma.

Dermographism.

As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.

DIPHENYLPYRALINE HYDROCHLORIDE

Perennial and seasonal allergic rhinitis.

Vasomotor rhinitis.

Allergic conjunctivitis due to inhalant allergens and foods.

Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.

Amelioration of allergic reactions to blood or plasma.

Dermographism.

As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.

PROMETHAZINE HYDROCHLORIDE

Perennial and seasonal allergic rhinitis.

Vasomotor rhinitis.

Allergic conjunctivitis due to inhalant allergens and foods.

Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.

Amelioration of allergic reactions to blood or plasma.

Dermographism.

As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.

Preoperative, postoperative, or obstetric sedation.

Prevention and control of nausea and vomiting associated with certain types of anesthesia and surgery.

Therapy adjunctive to meperidine or other analgesics for control of postoperative pain.

Sedation in both children and adults as well as relief of apprehension and production of light sleep from which the patient can be easily aroused.

Active and prophylactic treatment of motion sickness.

Antiemetic effect in postoperative patients.

PHENIRAMINE MALEATE

Perennial and seasonal allergic rhinitis.

Vasomotor rhinitis.

Allergic conjunctivitis due to inhalant allergens and foods.

Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.

Amelioration of allergic reactions to blood or plasma.

Dermographism.

As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.

PYRILAMINE MALEATE

Perennial and seasonal allergic rhinitis.

Vasomotor rhinitis.

Allergic conjunctivitis due to inhalant allergens and foods.

Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.

Amelioration of allergic reactions to blood or plasma.

Dermographism.

As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.

TRIPLENNAMINE HYDROCHLORIDE AND CITRATE

Perennial and seasonal allergic rhinitis.

Vasomotor rhinitis.

Allergic conjunctivitis due to inhalant allergens and foods.

Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.

Amelioration of allergic reactions to blood or plasma.

Dermographism.

As therapy for anaphylactic reactions adjunctive to epinephrine and other standard measures after the acute manifestations have been controlled.

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 November 1, 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-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (ANDA) (21 CFR 314.1(f)) must be obtained prior to marketing such product. 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 project 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 October 3, 1977, a written notice of appearance and request for hearing, and (2) on or before November 1, 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 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).

Dated: July 20, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 77-25653 Filed 9-1-77; 8:45 am]

Food and Drug Administration

[Docket No. 76N-0353; DESI 9760 and 12180]

CERTAIN ANTILIPEMIC DRUGS

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 the drug products described below for the indication for which they continue to be regarded as effective and offers an opportunity for a hearing concerning the indications reclassified as lacking substantial evidence of effectiveness. The drugs are antilipemic agents.

DATES: Hearing requests due on or before October 3, 1977. Supplements to approved NDA's due on or before November 1, 1977.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 9760 and 12180, 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 Metabolic and Endocrine Drug Products (HFD-130), Rm. 14B-03, 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. 4-55.

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 notices (DESI 9760) published in the FEDERAL REGISTER of April 15, 1972 (37 FR 7535) as amended on March 19, 1973 (38 FR 7270); and (DESI 12180) published in the FEDERAL REGISTER of August 12, 1972 (37 FR 16421), the Food and Drug Administration announced its conclusions that the drugs described below are (1) effective as adjunctive therapy in addition to diet and other measures in the treatment of hypercholesterolemia and hyperbetalipoproteinemia; and possibly effective for all their other labeled indications. The manufacturers have deleted the possibly effective indications from the labeling of the drugs. No person has submitted any data in support of the possibly effective indications, and those indications are now reclassified as lacking substantial evidence of effectiveness.

In order to clarify when these drugs are to be used FDA has reworded the effective indication to read as follows: as adjunctive therapy in the treatment of patients with hypercholesterolemia and hyperbetalipoproteinemia who do not respond adequately to diet and other measures.

1. NDA 12-180: Nicalex Tablets containing 825 mg aluminum nicotinate; Merrell-National Laboratories, Division Richardson-Merrell Inc., P.O. Box 15260, Cincinnati, OH 45215.

2. NDA 11-313; Nicotinic Acid Tablets containing 500 mg niacin; formerly marketed by Merrell-National Laboratories.

3. NDA 11-578; Efacin Tablets containing 500 mg niacin; Person & Covey Inc., 616 Allen Ave., Glendale, CA 91201.

4. NDA 9-760; Cytellin Suspension containing 3 grams sitosterols per 15 cubic centimeters; Eli Lilly & Co., P.O. Box 618, Indianapolis, IN 46206.

The following drug not included in the above notices, but dealt with as a reformulated product in a notice of September 25, 1973 (38 FR 26752), is being included in this notice.

NDA 11-073; Wampocap Capsules containing 500 mg niacin; Wampole Laboratories, Division Carter-Wallace, Inc. Half Acre Rd., Cranbury, NJ 08512.

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 ap-

plicability 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 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 drugs are effective for the indication in the labeling conditions below. The drugs now lack substantial evidence of effectiveness for the indications evaluated as possibly effective in the April 15, 1972 and August 12, 1972 notices.

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.** Aluminum nicotinate and niacin are in tablet or capsule form and sitosterols are in suspension form, suitable for oral administration.

2. **Labeling conditions.** a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs 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 aluminum nicotinate, sitosterols, and niacin (given at a dosage rate of 1 to 2 grams a day):

As adjunctive therapy in the treatment of patients with hypercholesterolemia and hyperbetalipoproteinemia who do not respond adequately to diet and other measures.

c. The following statement is to follow the "Indications" section either enclosed in a block or in italics:

Notice: It has not been established whether the drug-induced lowering of serum cholesterol or triglyceride levels has a beneficial effect, no effect, or a detrimental effect on the morbidity or mortality due to atherosclerosis including coronary heart disease. Investigations now in progress may yield an answer to this question.

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 (insert date 60 days after date of publication in the FEDERAL REGISTER), the holder of the application submits, if he has not previously done so, (1) 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 (2) 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 ex-

tent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. 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 October 3, 1977, a written notice of appearance and request for hearing, and (2) on or before November 1, 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 is 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 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).

Dated: August 23, 1977.

RICHARD A. TERSELIC,
Acting Director, Bureau of Drugs.

[FR Doc. 77-25409 Filed 9-1-77; 8:45 am]

[Docket No. 77N-0244; DESI 12101]

COMBINATION DRUG CONTAINING SYROSINGOPINE AND HYDROCHLORO- THIAZIDE

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Appli- cation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice reclassifies the combination drug syrosingopine and hydrochlorothiazide to lacking substantial evidence of effectiveness, proposes withdrawal of approval of the new drug application, and offers an opportunity for a hearing on the proposal.

DATES: Hearing requests due on or before October 3, 1977.

ADDRESSES: Communications forward in response to this notice should be identified with the reference number DESI 12101 and the docket number appearing in the heading of this notice, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Request for Hearing: Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65. Request for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration.

FOR FURTHER INFORMATION CON- TACT:

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 12101) published in the FEDERAL REGISTER of February 12, 1973 (38 FR 4281), the Food and Drug Administration (FDA) announced its conclusion that the combination drug product described below is less than effective (possibly effective) for its labeled indications. The drug has been used as an antihypertensive agent.

NDA 12-101; Singoserp-Esidrix Tablets (2 strengths) containing syrosingopine and hydrochlorothiazide; Ciba Pharmaceutical Co., Division of Ciba-Geigy Corp., 556 Morris Ave., Summit, NJ 07901.

Pursuant to the notice of February 12, 1973, Ciba submitted data from six clinical studies of similar design to support its claims for effectiveness of the

Singoserp-Esdriz combination. The studies were conducted under double-blind conditions. Following a 6-week placebo lead-in period, patients were randomly assigned to one of four treatment groups and were given one tablet three times a day for 8 weeks of either placebo, hydrochlorothiazide 25 milligrams, syrosingopine 1 milligram, or the combination syrosingopine-hydrochlorothiazide. Patients were seen at 2-week intervals and effectiveness was measured by comparing systolic and diastolic blood pressures in the sitting, standing, and lying positions (a total of 6 blood pressure comparisons) during the treatment period with the baseline blood pressures for each position. The baseline was the average of the pressures at the last two visits of the placebo lead-in period. The changes in blood pressure were then compared for the various treatments. Ciba also defined a "satisfactory response". This was considered to be a decrease in blood pressure by more than 20 percent of the control or a reduction of diastolic pressure to 90 millimeters of mercury or below.

In this review of the submitted data, only the comparison between the Esdriz and the Esdriz-Singoserp treatment groups need be considered, as the contribution of Singoserp to the combination, not the effectiveness of Esdriz, is in question.

The individual studies were conducted by Drs. Adams, Atkins, Cristofori, Hollander, Nolan, and Willson. The Hollander study was not subjected to separate statistical analysis because too few patients were involved. In the Willson study, which included only 10 patients, the comparisons between the two treatments revealed only slight differences (favoring the combination), that were not considered significant. The Atkins study, which involved 48 patients, slightly favored Esdriz for all six blood pressure comparisons (systolic and diastolic in each of the three positions), although not at statistically significant levels. Only the Nolan study showed a substantial advantage for the combination over Esdriz, with differences of from 6 to 9 millimeters of mercury in the sitting, standing, and lying diastolic pressure. These differences were statistically significant. The Adams study, which was of comparable size to the Nolan study, produced results that favored the single ingredient Esdriz over the combination Esdriz-Singoserp, and for several blood pressure comparisons at a statistically significant level. The Cristofori study tended to favor the combination, although only for certain blood pressure comparisons. Perhaps more important, however, the largest average difference Cristofori found between any blood pressure measurement during combination treatment and the same measurement on Esdriz was 2.3 millimeters of mercury.

The results of the individual studies comparing Esdriz to Esdriz-Singoserp can therefore be summarized as follows: (1) Two studies (Nolan, Cristofori) favored the combination over the single

drug; however, only one of these (Nolan) showed a clinically meaningful difference between the two groups; (2) one study (Adams) favored the single drug over the combination; and (3) two studies (Atkins, Willson) did not show significant differences between the two treatments; one of these favored the single drug, while the other favored the combination. Although these results could suggest that Singoserp contributes somewhat to the effect of the Singoserp-Esdriz combination, the data are inconsistent and none of the studies demonstrated a satisfactory response as defined by Ciba.

In addition to its analysis of the individual studies, Ciba submitted an analysis of the results of pooling the data from all six studies. It was reasonable for Ciba to have combined these results because in all six studies patient populations were essentially similar and the protocol used was identical. In combining these data, however, Ciba excluded the largest group of patients, those studied by Dr. Atkins. Ciba excluded Dr. Atkins' data because some of his results differed significantly from the results of the other five studies. Specifically, the placebo in Atkins study showed a fall in sitting blood pressure during the 8-week treatment period, even though these patients already had been on a placebo for the 6 weeks prior to treatment. This unexpected fall in blood pressure was not seen in patients receiving placebos in the other five studies. The credibility of any study from which data have been excluded in this way, however, must be considered in doubt, particularly when the exclusion improves the apparent performance of the drug.

The pooled data for all 6 studies (including Atkins) reveals there was no significant difference between the combination and Esdriz in lying or sitting diastolic blood pressure. There was a significant difference in supine diastolic pressure, but the mean difference was only 2 millimeters of mercury. The systolic blood pressures in all three positions were significantly lower with the combination than with Esdriz alone. In each case, however, the difference was only 2 to 3 millimeters of mercury. The lack of effect on diastolic pressure is more apparent when the Atkins study is included—an important observation, as it is the change in diastolic pressure that most physicians rely upon in following antihypertensive therapy. It should be noted that despite the unusual response of the placebo group in the Atkins study, the blood pressure response of patients on active drugs was similar to that seen in the other studies. These responses favored the single ingredient Esdriz group, although not at a statistically significant level.

The analysis of the pooled data excluding the Atkins study is still unimpressive. The mean difference in diastolic blood pressure ranges from 1.11 millimeters of mercury in the supine position to 3.59 millimeters of mercury in the standing position. Only in the stand-

ing position is the difference statistically significant. The changes in systolic pressure range from 3.95 to 5 millimeters of mercury.

The submitted data thus fail to demonstrate a consistent difference among treatments favoring the combination drug in these blood pressure comparisons. The results of the six individual studies are inconsistent in that some favor the combination Singoserp-Esdriz while others favor the single drug Esdriz. In only one case is the difference favoring the combination more than a few millimeters of mercury. The pooled analysis, including the Atkins study (which should be included as no satisfactory reason has been given to exclude it), shows even smaller differences. In this analysis the largest difference in diastolic pressures seen is just 2 millimeters of mercury. The largest difference in systolic pressures seen is somewhat over 2.5 millimeters of mercury. Although these data provide a suggestion that Singoserp contributes minimally to the effect of an Esdriz-Singoserp combination, the data fall far short of the requirements of substantial evidence.

A notice published in the FEDERAL REGISTER of July 12, 1977 (42 FR 35897) withdrew approval of NDA 11-565 for Singoserp Tablets containing syrosingopine, one of the components of Singoserp-Esdriz. The withdrawal was based on a lack of substantial evidence of effectiveness for its use as an antihypertensive agent.

On the basis of all of 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) and 21 CFR 300.50, demonstrating the effectiveness of the drug.

Therefore, 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) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto 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 the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for

hearing applies to all persons who manufacture or distribute a drug product which 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 of opportunity for hearing 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 Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (address given above).

In addition to the ground(s) 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 subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) 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 of all identical, related, or similar drug products.

If an applicant or any other 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 October 3, 1977, a written notice of appearance and request for hearing, and (2) on or before November 1, 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 notice. 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 consti-

tutes 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 any such drug product. Any such drug product 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 DNA 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 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 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 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 (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: August 25, 1977.

RICHARD A. TERSELIC,
Acting Director,
Bureau of Drugs.

[FR Doc.77-25408 Filed 9-1-77; 8:45 am]

[Docket No. 76N-0402]

DRUGS FOR HUMAN USE

**Drug Efficacy Study Implementation;
Revocation of Exemption**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The temporary exemption for certain antihistamine drug products, which permitted them to remain on the market beyond the time limit scheduled for implementation of the drug efficiency study, is revoked.

EFFECTIVE DATE: September 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Wilson, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Educa-

tion, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-43-3650).

SUPPLEMENTARY INFORMATION:

In a notice appearing elsewhere in this issue of the FEDERAL REGISTER, the Food and Drug Administration is reclassifying the possibly effective indications for the antihistamine drugs described below (DESI 7937); the drugs are now deemed as lacking substantial evidence of effectiveness. These products have been allowed to remain on the market labeled for their possibly effective indications because of their close relationship to drugs sold over-the-counter (OTC) and thus subject to review in the ongoing OTC study (21 CFR Part 330). The temporary exemption was announced in notices published in the FEDERAL REGISTER of December 14, 1973 (38 FR 34481) and February 6, 1974 (39 FR 4679) (corrected by a notice published in the FEDERAL REGISTER of March 27, 1974 (39 FR 11323)). A proposed monograph for OTC cold, cough, allergy, bronchodilator, and antiasthmatic drugs was published in the FEDERAL REGISTER of September 9, 1976 (41 FR 38312). Because the recommendations of the proposed monograph are not inconsistent with the evaluations of the drugs described below, which were announced in the February 6, 1974, notice, and as no person has submitted additional data, or expressed an intent to perform additional studies for the exempted possibly effective indications of that notice, the temporary exemption granted by the December 14, 1973, and February 6, 1974, notices, as it pertains to these drugs, is hereby revoked. These drugs include the following:

1. NDA 8-305; Pyronil Tablets, containing pyrobutamine phosphate; Eli Lilly & Co., Box 618, Indianapolis, Ind. 46206.
2. NDA 10-897; Theruhistin Tablets, containing isothipendyl hydrochloride; Ayerst Laboratories, Division of American Home Products Corp., 685 Third Ave., New York, N.Y. 10017.
3. NDA 11-078; Theruhistin Syrup, containing isothipendyl hydrochloride; Ayerst Laboratories.
4. NDA 7-937; Neohetramine Hydrochloride Tablets, containing thonzylamine hydrochloride; Warner-Chilcott Laboratories, Division Warner-Lambert Co., 201 Tabor Rd., Morris Plains, N.J. 07950.

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 authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

Dated: August 26, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.77-25649 Filed 9-1-77; 8:45 am]

[Docket No. 77N-0080]

DRUGS FOR HUMAN USE

**Drug Efficacy Study Implementation;
Revocation of Exemption**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The temporary exemption for certain antihistamine drug products, which permitted them to remain on the market beyond the time limit scheduled for implementation of the drug efficacy study, is revoked.

EFFECTIVE DATE: September 2, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

In a notice appearing elsewhere in this issue of the FEDERAL REGISTER, the Food and Drug Administration is reclassifying the probably and possibly effective indications for the antihistamine drugs described below (DESI 6290); the drugs are now deemed as lacking substantial evidence of effectiveness. A temporary exemption, in a notice published in the FEDERAL REGISTER of December 14, 1973 (38 FR 33481), we granted for these drug products, allowing them to remain on the market as labeled for their probably and possibly effective indications because of their close relationship to drugs sold over-the-counter (OTC) and thus subject to review in the ongoing OTC study (OTC procedures are described in 21 CFR Part 330). A proposed monograph for OTC cold, cough, allergy bronchodilator, and antiasthmatic drugs was published in the FEDERAL REGISTER of September 9, 1976 (41 FR 38312). Because the recommendations of the proposed monograph are not inconsistent with the evaluations of the drugs described below, which were announced in a notice published in the FEDERAL REGISTER of June 18, 1971 (36 FR 11758), and as no person has submitted additional data, or expressed an intent to perform additional studies for the exempted probably and possibly effective indications of that notice, the temporary exemption granted by the December 14, 1973, notice, as it pertains to these drugs, is hereby revoked. These drugs include the following:

- (1) Preparations containing bromodiphenhydramine hydrochloride:
 - (a) Ambodryl Kapsels (NDA 7-984);
 - (b) Ambodryl Elixir (NDA 8-476); and
 - (c) Ambodryl Syrup (NDA 8-745); Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232.
- (2) Preparations containing chlorpheniramine maleate: Chlor-Trimeton Tablets and Syrup (NDA 8-921); Schering Corp., Gallop Hill Rd., Kenilworth, N.J. 07033.
- (3) Preparation containing diphenylpyrrolone hydrochloride: Difen Tablets (NDA 9-970); Riker Laboratories, Inc., Subsidiary of 3M Co., 19901 Nordhoff St., Northridge, Calif. 91324.
- (4) Preparations containing promethazine hydrochloride:
 - (a) Phenergan Tablets (NDA 7-935);
 - (b) Phenergan Syrup (NDA 8-381); and
 - (c) Phenergan Rectal Suppositories (NDA 10-926 and NDA 11-689); Wyeth Laboratories, Division, American Home Products Corp., P.O. Box 8299, Philadelphia, Pa. 19101.

(5) Preparation containing pheniramine maleate: Trimeton Tablets (NDA 6-461); Schering Corp.

(6) Preparation containing pyrrolamine maleate: Diaminide Maleate Tablets (NDA 7-119); Merck Sharp & Dohme, Division Merck & Co., Inc., West Point, Pa. 19486. (Although the June 18, 1971 notice listed Neo-Antergan Maleate as the name of the product marketed under NDA 7-119, the correct name is Diaminide Maleate.)

(7) Preparations containing tripeleminamine hydrochloride or tripeleminamine citrate:

- (a) Pyribenzamine Tablets (NDA 5-914); and
- (b) Pyribenzamine Elixir (NDA 5-914); Ciba Pharmaceutical Co., Division of Ciba-Geigy Corp., 556 Morris Ave., Summit, N.J. 07901.

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 authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

Dated: August 26, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 77-25651 Filed 9-1-77; 8:45 am]

[Docket No. 76G-0348]

DYNAMIT NOBEL-KAY FRIES CHEMICALS, INC.**Withdrawal of Petition for Affirmation of GRAS Status**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the withdrawal without prejudice of the petition (GRASP) 5G0057) proposing affirmation that a triglyceride mixture of caprylic and capric acids for use as a surface finishing agent, formulation aid, release agent and in dietary foods is generally recognized as safe (GRAS).

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: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* of the procedural food additive regulations (21 CFR 171.7), Dynamit Nobel-Kay Fries Chemical Inc., 105 Stonehurst Ct., Northvale, N.J. 07647, has withdrawn its petition (GRASP 5G0057), notice of which was published in the FEDERAL REGISTER of October 4, 1976 (41 FR 43754), proposing that a triglyceride mixture of caprylic and capric acids be affirmed as GRAS for use as a surface finishing agent, formulation aid, release agent and

in dietary foods is generally recognized as safe (GRAS).

Dated: August 24, 1977.

DONALD W. RIESTER,
Acting Director, Bureau of Foods.

[FR Doc. 77-25652 Filed 9-1-77; 8:45 am]

[Docket No. 76N-0305]

GRAS SAFETY REVIEW OF BUTYLATED HYDROXYANISOLE**Public Hearing**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is announcing that a public hearing will be held for butylated hydroxyanisole so that data, information, and views can be presented orally to determine if that category of food ingredients is generally recognized as safe (GRAS) or subject to a prior sanction.

DATES: Hearing, September 26, 1977.

ADDRESS: The hearing will be held in the Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD 20014.

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). George W. Irving, Jr., Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014, (301-530-7033).

SUPPLEMENTARY INFORMATION:

In the FEDERAL REGISTER of June 7, 1977 (42 FR 29105), the Commissioner of Food and Drugs issued a notice advising the public that an opportunity would be provided for the oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), concerning the safety of the following four categories of food ingredients—butylated hydroxyanisole, hypophosphites, rennet, and vegetable oils—and the Select Committee's tentative determination of whether or not they are GRAS or subject to a prior sanction. No requests were received for a hearing on hypophosphites, rennet, or vegetable oils. Accordingly, no hearing will be held on these food ingredients.

The Select Committee received requests from the Food Research Institute, University of Wisconsin, Madison, Wis. 53706, and Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, asking for an opportunity to appear at a public hearing on butylated hydroxyanisole to make an oral presentation.

The request for a hearing on butylated hydroxyanisole from Northwest Food Processors Association, Cascade Plaza, Portland, OR 97223, was later withdrawn. No other requests for a hearing on butylated hydroxyanisole were received.

In accordance with the procedures set forth in the June 7, 1977, FEDERAL REGISTER notice, announcement is hereby made that a hearing on butylated hydroxyanisole will be held 2 p.m., September 26, 1977, in the Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD 20014. Those who have requested an opportunity to make oral presentations will be expected to complete their presentations within the periods indicated and in accordance with the following schedule: September 26, 1977, 2 p.m. to 3:45 p.m. J. R. Allen, et al., Food Research Institute, University of Wisconsin—20 minutes; B. D. Astill, Eastman Kodak Company, Kingsport, TN—45 minutes.

Dated: August 25, 1977.

WILLIAM F. RANDOLPH,
Acting Associate
Commissioner for Compliance.

[FR Doc. 77-25406 Filed 9-1-77; 8:45 am]

[Docket No. 77N-0196]

**REVIEW PANEL ON NEW DRUG
REGULATION FINAL REPORT
Hearing**

[Docket No. 77N-01961]

AGENCY: Food and Drug Administration.

ACTION: Notice of public hearing.

SUMMARY: The Commissioner of Food and Drugs announces that a public hearing will be held on September 29, 1977, to receive information and views from interested persons on recommendations contained in the Final Report of the Review Panel on New Drug Regulation.

DATES: Public hearing on September 29, 1977, at 9 a.m.; written notice of participation must be filed by September 16, 1977.

ADDRESSES: Written notice of participation to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Copies of the Final Report and copies of the Interim Reports of the Panel referred to in the Final Report may be obtained by writing to the Public Health Service Forms and Publications Distribution Center, 12100 Parklawn Drive, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Bruce Brown, Office of the Executive Secretariat (HF-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-3380).

SUPPLEMENTARY INFORMATION: In 1975 the Secretary of Health, Education, and Welfare appointed a Review Panel on New Drug Regulation to re-

view current policies and procedures of the Food and Drug Administration (FDA) relating to the approval and disapproval of drugs for marketing in the United States; to evaluate the implementation of these policies and procedures by FDA; to ascertain the nature, extent, and adequacy of public, industry, and professional participation in this review process; and, insofar as the Panel identified any deficiencies, to recommend improvements in the policies and procedures, including changes that might be effectuated through administrative action and those that might require additional legislative authority.

Between November 1976 and May 1977, the Panel submitted to the Secretary 17 interim reports and staff papers on particular aspects of FDA regulation. On May 31, 1977, the Panel submitted its Final Report summarizing the findings and recommendations of its 27-month inquiry. The Panel's principal conclusions were:

1. The system of new drug regulation that requires governmental premarket clearance of prescription drugs, based on evidence of safety and effectiveness, is fundamentally sound.

2. FDA is neither pro- nor anti-industry in its review and approval of new drugs.

3. Implementation of the system of new drug regulation by FDA needs substantial improvement. The Panel proposed a wide range of legislative, administrative, and procedural reforms to achieve this objective.

Copies of the Final Report, together with the interim and staff reports, are on display in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Additional copies of these reports have been printed and may be obtained from the Public Health Service Forms and Publications Distribution Center, 12100 Parklawn Drive, Rockville, Md. 20857.

On June 2, 1977, the Secretary asked the Commissioner of Food and Drugs to undertake a thorough and careful review of all recommendations offered by the Panel and to identify the actions that the Commissioner will take to implement those recommendations of the Panel with which he agrees. The Secretary further directed that this "review of the Panel's report and recommendations should be informed by full consultation with public interest groups, consumer organizations, the affected industries and other interested persons." As one aspect of this consultation, the Commissioner published a notice in the FEDERAL REGISTER of June 14, 1977 (42 FR 30432) inviting interested persons to submit comments on the Panel's report and specific recommendations, for use by the Commissioner in reaching final decisions on these matters. Comments were requested to be filed on or before August 15, 1977, and may be seen in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between 9 a.m. and 4 p.m., Monday through Friday.

In light of the comments received and because of the public interest in and importance of the Panel's proposals, the

Commissioner believes that further opportunity should be provided for interested persons to present information and views on the Panel's report and recommendations, as well as on the comments submitted to FDA regarding them. Accordingly, a public hearing will be held on September 29, 1977, pursuant to 21 CFR Part 15, to receive further comments. The purpose of the hearing is to provide an open forum for the presentation of views concerning the validity and/or merit of specific findings and recommendations and their applicability or practicability, as well as to foster greater consideration of the Panel's proposals among the regulated industry and the general public. Although the hearing will encompass all aspects of the Panel's report, there are several specific areas of consideration on which the Commissioner particularly seeks advice. These are:

1. Relations and communications with regulated industries.
2. Trade secrets and freedom of information policies.
3. Improvement in new drug review procedures.
4. Expansion of postmarketing authorities.
5. Prescribing for unapproved use of drugs.

The hearing will take place at 9 a.m.

The hearing will take place at 9 a.m., in Conference Rm. E, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857. The presiding officer will be Dr. Donald Kennedy, Commissioner of Food and Drugs.

A written notice of participation must be filed pursuant to 21 CFR 12.45 with the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857 not later than September 16, 1977. The envelope containing the notice of participation should be prominently marked "Review Panel Hearing." The notice of participation itself must contain the Hearing Clerk Docket No. 77N-0196, the name, address, and telephone number of the person desiring to make a statement along with any business affiliation, a summary of the scope of the presentation, and the approximate amount of time being requested for the presentation. A schedule for the hearing will be mailed to each person who files a notice of participation; the schedule will also be available from the FDA Hearing Clerk. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations.

In the event that the responses to this notice of hearing are so numerous that insufficient time is available to accommodate the full amount of time requested in the notices of participation received, FDA will allocate the available time among persons making the oral presentations to be used as they wish. Formal written statements (preferably in quadruplicate) may be presented to the presiding officer on September 29, 1977, for inclusion in the administrative record.

The hearing will be open to the public. Any interested person who files a written

notice of participation may be heard with respect to matters relevant to the issues under consideration.

Dated: August 27, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc. 77-25682 Filed 9-1-77; 8:45 am]

[Docket No. 77N-0221]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces an opportunity for public hearing on the safety of certain acrylates, citrates and citric acid, corn silk, and sodium oleate and sodium palmitate to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction. This action accords with procedures of a comprehensive safety review that the agency is conducting. Interested persons are given an opportunity to give their views on the safety of these substances.

DATES: Requests to make oral presentations at the public hearing must be postmarked on or before October 3, 1977.

ADDRESSES: Written requests to the Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014, and to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 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 Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of July 26, 1973 (38 FR 20053), a notice advising the public that an opportunity would be provided for oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereafter, the Select Committee), about the safety of ingredients used in food to determine if they are GRAS or subject to a prior sanction.

The Commissioner now gives notice that the Select Committee is prepared to conduct a public hearing on the following categories of food ingredients:

Acrylates used in paper and paperboard food-packaging materials (monomeric ethyl acrylate, monomeric methyl acrylate, polymeric ethyl acrylate, polymeric methyl acrylate); citrates and citric acid (citric acid, sodium citrate, potassium citrate, calcium citrate, isopropyl citrate, stearyl citrate, triethyl citrate); corn silk; and sodium oleate and sodium palmitate used in paper and paperboard hearing will provide an opportunity before the Select Committee reaches its final conclusions, for any interested person(s) to present scientific data, information, and views on the safety of these substances, in addition to those previously submitted in writing pursuant to notices published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20051, 20053) and April 17, 1974 (39 FR 13798).

The Select Committee has reviewed all the available data and information on the categories of food ingredients listed above and has reached one of the five following tentative conclusions on the status of each:

1. There is no evidence in the available information 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.

2. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard. (This finding does not apply to the substances covered by this notice.)

3. Although no evidence in the available information demonstrates a hazard to the public when it is used at levels that are now current and in the manner now practiced, uncertainties exist requiring that additional studies be conducted. (This finding does not apply to the substances covered by this notice.)

4. The evidence is insufficient to determine that the adverse effects reported are not deleterious to the public health when it is used at levels that are now current and in the manner now practiced. (This finding does not apply to the substances covered by this notice.)

5. The information available is not sufficient to make a tentative conclusion.

The following table lists each ingredient, the Select Committee's tentative conclusion (keyed to the five types of conclusions listed above), and the available information on which the Select Committee reached its conclusions:

Substance	Select committee tentative conclusion	Scientific literature review Order number	Animal study report Order number	Other information
Monomeric and polymeric ethyl acrylate and methyl acrylate used in paper and paperboard food packaging:		PB-224-897/AS		a. Letter dated Dec. 17, 1976, from G. A. Richter, Rohm and Haas Co., Philadelphia, Pa.
Monomeric ethyl acrylate.	1			b. Letter dated Mar. 8, 1977, and attachments from Linda Taylor, FDA.
Monomeric methyl acrylate.	1			
Polymeric ethyl acrylate.	1			c. Report dated Mar. 5, 1950, by Munch Research Labs., Inc., Upper Darby, Pa.
Polymeric methyl acrylate.	1			d. Letter dated July 31, 1953, from LaWall and Harrison, Philadelphia, Pa.
Citrate and citric acid:		PB-223-850/AS PB-241-967/AS	Teratologic evaluation of citric acid (71-54) by Food and Drug Research Labs. Inc., under FDA contract (PB-223-814/AS).	a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-621 through 221-949.
Citric acid.....	1			b. Investigation of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo; citric acid. Submitted by Mississippi State University.
Sodium citrate..	1			
Potassium citrate.	1			
Calcium citrate.	1			
Isopropyl citrate.	1			
Stearyl citrate..	1			
Triethyl citrate.	1		Mutagenic evaluation (host-mediated assay, cytogenetics, dominant lethal assay) of citric acid (71-54) by Litton Bionetics, Inc., under FDA contract (PB-245-463/AS).	

Substance	Select committee tentative conclusion	Scientific literature review Order number	Animal study report Order number	Other information
			Mutagenic evaluation (tier 1) of potassium citrate (75-4) by Litton Bionetics, Inc., under FDA contract (PB-245-518/AS). Mutagenic evaluation (tier 1) of triethyl citrate (75-10) by Litton Bionetics, Inc., under FDA contract (PB-257-866/AS). Mutagenic evaluation (tier 1) of sodium citrate (75-12) by Litton Bionetics, Inc., under FDA contract (PB-254-510/AS).	c. Investigations of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo; potassium citrate. FDA in-house report. d. Investigations of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo; sodium citrate. FDA in-house report. e. Investigation of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo; triethyl citrate. FDA in-house report.
Corn silk.....	5	PB-204-900/AS		1. Chronic oral toxicity studies of triethyl citrate in dogs. Submitted by Fleischmann Laboratories. 2. Triethyl citrate lifetime study on rats. Submitted by Fleischmann Laboratories. a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949. b. Evaluation of the health aspects of aluminum compounds as food ingredients (SCOGS-43), submitted by FASEB. c. Evaluation of the health aspects of hydrogenated fish oil as a food ingredient (SCOGS-66), submitted by FASEB. d. Evaluation of the health aspects of tall oil as it may migrate to foods from packaging materials (SCOGS-68), submitted by FASEB. e. Evaluation of the health aspects of tallow, hydrogenated tallow, stearic acid and calcium stearate as food ingredients (SCOGS-54), submitted by FASEB.
Sodium oleate and sodium palmitate used in paper and paperboard food packaging: Sodium oleate.. Sodium palmitate.	1 1	PB-241-968/AS		a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949. b. Evaluation of the health aspects of aluminum compounds as food ingredients (SCOGS-43), submitted by FASEB. c. Evaluation of the health aspects of hydrogenated fish oil as a food ingredient (SCOGS-66), submitted by FASEB. d. Evaluation of the health aspects of tall oil as it may migrate to foods from packaging materials (SCOGS-68), submitted by FASEB. e. Evaluation of the health aspects of tallow, hydrogenated tallow, stearic acid and calcium stearate as food ingredients (SCOGS-54), submitted by FASEB.

Reports in the table with "PB" prefixes may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22151.

In addition to the information contained in the documents listed in the table above, the Select Committee supplemented, where appropriate, their reviews with specific information from specialized sources as announced in a previous hearing opportunity notice published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34218).

The Select Committee's tentative reports on (1) acrylates used in paper and paperboard food-packaging materials (monomeric ethyl acrylate, monomeric methyl acrylate, polymeric ethyl acrylate, polymeric methyl acrylate), (2) citrates and citric acid (citric acid, sodium citrate, potassium citrate, calcium citrate, isopropyl citrate, stearyl citrate, triethyl citrate), (3) corn silk, and (4) sodium oleate and sodium palmitate used in paper and paperboard food-packaging materials are available for review in the

office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, and also at the Public Information Office, Food and Drug Administration, Rm. 3807, 200 C St. SW., Washington, D.C. 20204. In addition, all reports and documents used by the Select Committee to review the ingredients are available for review in the office of the Hearing Clerk.

To schedule the public hearing, the Select Committee must be informed of the number of persons who wish to attend and the amount of time requested to give their views. Accordingly, any interested person who wishes to appear at the public hearing to make an oral presentation shall so inform the Select Committee in writing, addressed to: The Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014. A copy of each such request shall be sent to the Hearing Clerk, address noted above, and all requests shall be placed on public display in that office.

Any such request must be postmarked on or before October 3, 1977, shall state the substance(s) on which an opportunity to present oral views is requested, and shall state how much time is requested for the presentation. As soon as possible thereafter, a notice announcing the date, time, place, and scheduled presentations for any public hearing that may be requested will be published in the FEDERAL REGISTER.

The purpose of the public hearing is to receive data, information, and views not previously available to the Select Committee about the substances listed above. Information already contained in the scientific literature reviews and in the tentative Select Committee report shall not be duplicated, although views on the interpretation of this material may be presented.

Depending on the number of requests for opportunity to make oral presentations, the Select Committee may reduce the time requested for any presentation. Owing to time limitations, individuals and organizations with common interests are urged to consolidate their presentations. Any interested person may, in lieu of an oral presentation, submit written views, which shall be considered by the Select Committee. Three copies of such written views shall be addressed to the Select Committee at the address noted above, and must be postmarked not later than 10 days before the scheduled date of the hearing. A copy of any written views shall be sent to the Hearing Clerk, Food and Drug Administration, and shall be placed on public display in that office.

A public hearing will be presided over by a member of the Select Committee. Hearings will be transcribed by a reporting service, and a transcript of each hearing may be purchased directly from the reporting service and will also be placed on public display in the office of the Hearing Clerk, Food and Drug Administration.

Dated: August 25, 1977.

WILLIAM F. RANDOLPH,
Acting Associate
Commissioner for Compliance.

[FR Doc.77-25405 Filed 9-1-77; 8:45 am]

[Docket No. 77N-0025]

SPECIFICATION, MANUFACTURING, AND USE INFORMATION ON CERTAIN GRAS OR PRIOR-SANCTIONED HUMAN FOOD INGREDIENTS

Amended Request for Data and Information

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice amends the request for submittal of data and information on (1) food-grade specifications, (2) manufacturing practices, and (3) extent of food use of certain generally recognized as safe (GRAS) or prior-sanctioned

tioned human food ingredients, which appeared as a notice in the FEDERAL REGISTER of May 31, 1977 (42 FR 27676).

DATE: Available data and information may be submitted until October 1, 1977.

ADDRESS: Written submissions to the Food and Nutrition Board, GRAS/Food Additives Survey Office (JH 224), National Academy of Sciences, 2101 Constitution Ave. NW., Washington, D.C. 20418.

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: In the FEDERAL REGISTER of May 31, 1977 (42 FR 27676), the Food and Drug Administration (FDA) requested submission of data and information on (1) food-grade specifications, (2) manufacturing procedures, and (3) use data for certain generally recognized as safe (GRAS) and prior-sanctioned food ingredients. The information was requested to provide sufficient data to complete FDA reviews of the affirmed GRAS status of these ingredients. The Commissioner had previously determined that without such data it may not be possible to affirm a substance as GRAS or to specify the conditions under which it may be safely used in food. The notice requested submission of data and information by August 1, 1977.

While recognizing FDA's need for this data and information, the National Academy of Sciences—National Research Council's (NAS/NRC) Committee on GRAS/Food Additive Surveys informed FDA in a letter, dated July 7, 1977, of its concern over a potential problem that may arise as part of this request. Because some of the substances included in the above-described notice are also included in the NAS current survey of industry food additives, colors, and certain flavors and GRAS ingredients (as announced in the FEDERAL REGISTER of June 17, 1977 (42 FR 30894)), the Committee expressed concern that the industry may be confused over two such requests for similar information on these ingredients. The Committee also suggested that it is unnecessary to request the food industry to submit this data and information to both NAS and FDA, and it said that inadequate data may be submitted because of the dual request. The Committee therefore suggested that the information requested in the FDA notice of May 31, 1977 be sent to the Food and Nutrition Board (address below) and that the deadline for submission of such data be extended to October 1, 1977 to coincide with completion of the current NAS survey.

The Commissioner has carefully considered the NAS request and agrees with it. Therefore, to minimize any potential for confusion and to facilitate com-

plete and timely responses to both the FDA request of May 31, 1977 and the NAS survey, the Commissioner makes the following amendments to the May 31 notice:

1. Offerors of all data and information in response to the May 31 notice are requested to submit such data and information to the Food and Nutrition Board, GRAS/Food Additive Survey Office (JH 224), National Academy of Sciences, 2101 Constitution Ave. NW., Washington, D.C. 20418, attention Mr. Durward F. Dodgen 202-389-6537 or Kenneth R. Fulton 202-389-6330.

2. The deadline for submittal of data and information in response to the May 31 notice is extended to October 1, 1977, to coincide with the deadline date of the current NAS survey.

3. Data and information submitted in response to the May 31 notice should be submitted within the format requirements of the current NAS survey questionnaire. Questionnaires should be requested from the above-designated NAS-GRAS/Food Additive Survey Office personnel, as indicated in the FEDERAL REGISTER notice of June 17, 1977 (42 FR 30894).

The NAS Committee will receive and process responses to the FDA request and provide specification, manufacturing, and composites of use information to FDA. Individual responses on food use of the ingredients will be retained by NAS and will not be supplied to FDA.

Dated: August 26, 1977.

WILLIAM F. RANDOLPH,
Acting Associate
Commissioner for Compliance.

[FR Doc. 77-25407 Filed 9-1-77; 8:45 am]

[Docket No. 77N-0203; DESI 12342]

TRANLYCYPROMINE SULFATE

Drugs for Human Use; Drug Efficacy Study Implementation; Permission for Drug to Remain on the Market

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice specifies the conditions under which tranlycypromine sulfate tablets may remain on the market pending completion and review of planned clinical studies to determine its effectiveness in treating certain types of depression.

DATES: Protocols due on or before October 3, 1977.

Studies must be in progress within 60 days after receipt of Bureau of Drugs approval or comments on protocols.

Studies must be completed within 1 year after starting.

ADDRESSES: All submissions pursuant to this notice should be identified with the words "Paragraph XIV Drugs—Category XX—Tranlycypromine Sulfate" placed in a box in the upper portion of the cover letter, and should be directed

to the Division of Neuropharmacological Drug Products, Psychopharmacology Unit (HFD-120), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Ronald Kartzinel, Bureau of Drugs (HFD-120), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-4020).

SUPPLEMENTARY INFORMATION: In a notice published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623), the Commissioner of Food and Drugs informed manufacturers of prescription drugs for human use of the future schedule for implementation of the Drug Efficacy Study. That notice listed certain drugs, together with the justification for their medical need, which may remain on the market pending completion of scientific studies to determine effectiveness, and provided for future additions to, or deletions from, that list. Tranlycypromine sulfate tablets is now being added to that list, as discussed below.

In a notice (DESI 12342) published in the FEDERAL REGISTER of September 1, 1970 (35 FR 13855), the Food and Drug Administration announced its conclusion that the drug product described below is less than effective (probably effective) for symptomatic relief in patients who have severe depression, are not candidates for electroconvulsive therapy, have failed to respond satisfactorily to other antidepressant therapy, and are hospitalized or under similar close supervision. Additional data were submitted by the manufacturer, but they were determined not to provide substantial evidence of effectiveness.

NDA 12-342; Parnate Tablets containing tranlycypromine sulfate; Smith Kline & French Laboratories, Division of SmithKline Corp., 1500 Spring Garden St., Philadelphia, Pa. 19101.

The position of FDA that Parnate is probably effective was identical with the conclusion of the Panel on Psychiatric Drugs of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group. Although the Panel had commented that solid proof of efficacy is far from evident, in its General Comments, the Panel had stated as follows:

Despite the side effects of this group of drugs, the Panel feels that monoamine oxidase inhibitors should be available to the practitioner to provide a greater range of treatment for selected depressed populations. Clinical experience suggests that monoamine oxidase inhibitors may be effective in a small and as yet poorly delineated group of depressed patients.

In 1971 it was the consensus of members of the FDA Neuropharmacology Advisory Committee that there are instances in which Parnate treatment results in a remission of a depressive ill-

ness which has failed to respond to other measures. It was the opinion of those consulted that Parnate should be available with restricted labeling.

In July 1973, Smith Kline & French submitted a supplemental application providing for revised labeling and requested a waiver of the requirement of clinical trials to prove effectiveness, on the basis of ethical considerations involved in such trials. The Food and Drug Administration granted the waiver, and on September 5, 1973, the supplemental application was approved. The indication approved was "Parnate is indicated for symptomatic relief of severe reactive or endogenous depression in hospitalized or closely supervised patients who have not responded to other antidepressant therapy."

Since the approval of September 5, 1973, the information available concerning Parnate and other monoamine oxidase inhibitors has been thoroughly reviewed by FDA with the assistance of the Psychopharmacological Agents Advisory Committee and its Subcommittee on Monoamine Oxidase Inhibitors. The purpose of this exhaustive review was to determine whether the data available provide substantial evidence of effectiveness. On April 21, 1975, Smith Kline & French submitted material concerning the safety and effectiveness of Parnate in treating depressed patients for consideration by the Subcommittee on Monoamine Oxidase Inhibitors. The data were thoroughly reviewed by a member of the Subcommittee and a member of the Bureau of Drugs Division of Neuropharmacological Drug Products. Their report was presented to the Subcommittee on May 15, 1975, and to the full Committee on June 26-27, 1975.

The Director of the Bureau of Drugs considered the findings of the Committee and concluded that, while there is some suggestive evidence of efficacy, the studies available did not meet the statutory criteria for substantial evidence of effectiveness.

The conclusions of the review were communicated to Smith Kline & French by letter of August 25, 1975. The letter pointed out that, in accordance with Paragraph XIV of the order entered on October 11, 1972, by Judge William B. Bryant of the U.S. District Court for the District of Columbia, and published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623), a limited number of drugs may remain on the market pending completion of scientific studies to determine effectiveness when there is compelling justification of the medical need for the drug. The letter invited Smith Kline & French to submit information to justify such a medical need, along with a commitment to carry out the necessary efficacy studies. The firm subsequently submitted satisfactory documentation of the medical need, but, in a meeting on December 10, 1975, with members of the Bureau of Drugs, expressed reluctance, because of ethical considerations, to conduct additional

clinical studies, and urged that the requirement for additional studies be waived.

Since FDA granted the waiver of clinical studies and approved the supplemental application on September 5, 1973, as discussed above, it was demonstrated that adequate and well-controlled studies can be successfully conducted with a monoamine oxidase inhibitor without violating ethical precepts or patients' rights. Under the circumstances of a lack of substantial evidence of effectiveness and evidence that well-controlled studies could be conducted, the Director of the Bureau of Drugs concluded that approval of the new drug application for Parnate should be withdrawn. Accordingly, a notice of opportunity for hearing on a proposal to withdraw approval of the new drug application was published in the FEDERAL REGISTER of October 5, 1976 (41 FR 43942).

On November 2, 1976, the firm requested a hearing, and on November 16, 1976, cited material previously submitted to the Bureau of Drugs, that indicated that the firm was making arrangements for the necessary clinical studies.

The Commissioner of Food and Drugs now concludes that, in view of sufficient justification of the medical need for the drug and assurance that the necessary clinical studies will be undertaken, the probably effective classification of tranlycypromine sulfate tablets should be reinstated and the drug should be permitted to remain on the market pending completion and review of such studies. A notice appearing elsewhere in this issue of the FEDERAL REGISTER rescinds the October 5, 1976, notice.

Accordingly, a new section is hereby added to the list of drugs which may remain on the market (paragraph 3 of the notice of December 14, 1972, as amended), to read as follows:

XX. TRANLYCYPROMINE SULFATE

In a notice published in the FEDERAL REGISTER of September 1, 1970 (35 FR 13855), the Food and Drug Administration announced its conclusion that Parnate Tablets (tranlycypromine sulfate) (DNA 12-342) is less than effective (probably effective) for symptomatic relief in patients who have severe depression, are not candidates for electroconvulsive therapy, have failed to respond satisfactorily to other antidepressant therapy, and are hospitalized or under similar close supervision. Information subsequently submitted by Smith Kline & French Laboratories, holder of the NDA, provided suggestive evidence of efficacy, but did not meet the statutory criteria for substantial evidence of effectiveness. It has been determined that adequate and well-controlled clinical studies can be successfully conducted with such drugs without violating ethical precepts or patients' rights. There is adequate justification of the medical need for tranlycypromine sulfate in patients who have not responded to other antidepressant therapy. Tranlycypromine is one of a small

number of drugs which reputedly exert antidepressant action through inhibition of the enzyme monoamine oxidase. Whereas the majority of patients respond to the administration of tricyclic antidepressants which offer a greater ease of clinical administration and do not require the drug and dietary restrictions necessary to the safe use of monoamine oxidase inhibitors, some patients do not respond to tricyclic drugs and require a trial with other available drug classes or modalities of antidepressant therapy. Smith Kline & French has assured the agency that it intends to conduct the necessary studies. The Commissioner of Food and Drugs concludes, therefore that tranlycypromine sulfate tablets may remain on the market pending completion and review of studies to determine effectiveness. The specific conditions under which tranlycypromine sulfate tablets may remain on the market are as follows:

1. **Labeling.** The drug shall be labeled as probably effective for symptomatic relief of severe reactive or endogenous depression in hospitalized or closely supervised patients who have not responded to other antidepressant therapy.

2. **Studies.** On or before October 3, 1977, the manufacturer or distributor of any such product, if he has not already done so, shall submit protocols to the Division of Neuropharmacological Drug Products, Psychopharmacology Unit (HPD-120), Bureau of Drugs, for at least two adequate and well-controlled studies by independent investigators or for a multi-clinic study in which the data of at least three investigators can be evaluated independently, to determine whether or not the product is effective for the indication.

The Bureau of Drugs will review submitted protocols within a 30-day period and will provide to the manufacturer or distributor notice of approval or comments.

(b) Within 60 days after receipt of the Bureau's approval or comments on the protocol, studies shall be in progress and the manufacturer or distributor shall so notify the Division of Neuropharmacological Drug Products in writing.

(c) At 6-month intervals after studies have begun, the manufacturer or distributor shall submit a progress report stating the number of patients and investigators in the studies, the number of studies completed, and the number continuing.

(d) Within 12 months after starting the studies, the manufacturer or distributor shall submit data on the completed study to the Division of Neuropharmacological Drug Products.

3. It will be acceptable to the Food and Drug Administration for manufacturers of tranlycypromine sulfate tablets to conduct studies in cooperation with one another and to submit a joint protocol.

Failure of any manufacturer or distributor of tranlycypromine sulfate tablets, whether or not his drug is the sub-

ject of a new drug application, to comply with the requirements of this notice, or to show adequate progress, will result in regulatory action to remove the drug product from the market.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052-1053, as amended, 1055-1056, as amended (21 U.S.C. 355, 371)), the Administrative Procedure Act (5 U.S.C. 553, 554), and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: August 24, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 77-25278 Filed 9-1-77; 8:45 am]

[Docket No. 76N-0156; DESI 12342]

TRANLYCYPROMINE SULFATE

Rescission of Opportunity for Hearing

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice rescinds a notice of opportunity for hearing published October 5, 1976, that proposed to withdraw approval of the new drug application (NDA 12-342) for Parnate (tranlycypromine sulfate) Tablets, a drug used in the treatment of certain types of depression. The drug's classification is reinstated as probably effective and, in a notice appearing elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs announces the conditions under which tranlycypromine sulfate tablets may remain on the market pending completion and review of additional clinical studies concerning its effectiveness.

DATE: Effective September 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert H. Hahn, 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 October 5, 1976 (41 FR 43942) the Director of the Bureau of Drugs offered an opportunity for hearing on his proposal to issue an order withdrawing approval of the following new drug application:

NDA 12-342; Parnate Tablets containing tranlycypromine sulfate; Smith Kline & French Laboratories, Division of SmithKline Corp., 1500 Spring Garden St., Philadelphia, Pa. 19101.

The basis of the proposed action was that there is lack of substantial evidence that the drug is effective for its claimed indications. In response to the notice, the firm cited submissions previously made to the Bureau of Drugs that indicated

that it was making arrangements to conduct the necessary adequate and well-controlled clinical studies to determine the effectiveness of the drug. Having been assured that such studies are to be conducted, the Commissioner of Food and Drugs has concluded that Parnate should be added to the list of drugs temporarily exempt from further implementation of the Drug Efficacy Study pending completion and review of the required studies. A notice announcing that conclusion appears elsewhere in this issue of the FEDERAL REGISTER. The notice of opportunity for hearing of October 5, 1976, is hereby rescinded.

This notice is issued 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 the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: July 27, 1977.

J. RICHARD CROUT,
Director Bureau of Drugs.

[FR Doc. 77-25277 Filed 9-1-77; 8:45 am]

Health Resources Administration

DETERMINATION OF POPULATION OF HEALTH SERVICE AREAS

Section 1516 of the Public Health Service Act, as added by the National Health Planning and Resources Development Act of 1974 (Pub. L. 93-461), authorizes the Secretary of Health, Education, and Welfare to make grants (hereinafter referred to as "planning grants") to health systems agencies to assist them in meeting their costs. The amount of the planning grant to each health systems agency, as provided in the regulations governing this program (42 CFR Part 122, Subpart C), is determined in accordance with a formula set forth in the regulations, and is based in part upon a determination by the Secretary of the population of the health service area to be served by each agency. Section 122.205 of the governing regulations provides that the Secretary will determine the population of such areas based upon the latest available estimate from the Department of Commerce, and will publish annually in the FEDERAL REGISTER a list of all health service areas and their populations as so determined. The purpose of this Notice is to set forth the populations of the health service areas designated. In the future, the populations of the health service areas will be published prior to the final allocation of funds in each fiscal year. Pursuant to section 1536 of the Act, certain States (District of Columbia, Rhode Island and Hawaii) as well as the Virgin Islands, Guam, the Trust Territories of the Pacific Islands, and American Samoa do not have health service areas established within them or health systems agencies designated for them but are nonetheless eligible to receive planning grants, based in part upon their population. This Notice also sets forth the population of such areas.

The latest available Department of Commerce comparable estimates of the populations of the health service areas are the July 1, 1975, estimates which appear in the current Population Reports, series P-26. The issues from series P-26 publish the population of States by counties and by equivalent major incorporated jurisdictions, and were used to determine the population of the areas within all States except those listed below. The Department of Treasury, Office of Revenue Sharing, "Tribe List and Extract" was used to clarify the populations of health service areas in Arizona and the health service area that includes portions of Arizona, New Mexico, and Utah.

Series P-25 Population Reports lists the population of States and Territories by counties, incorporated places, and selected minor jurisdictions. Issues from this series were used to determine, by aggregation of data for local jurisdictions, the populations of Alaska, Connecticut, Illinois, and Massachusetts, as well as the population of the District of Columbia.

Estimates of July 1, 1973, Population Reports, series P-25 indicate the population of Puerto Rico, American Samoa, Guam, Virgin Islands, and the Trust Territories of the Pacific Islands. These are the latest available estimates from the Department of Commerce for the outlying territories.

Accordingly, the Secretary has made the following determination of populations of the health service and other areas as described above.

Dated August 24, 1977.

HAROLD MARGULIES,
Deputy Administrator,
Health Resources Administration.

Health service area population, 1975
Department of Commerce estimate

	Health service area	Population
Alabama.....	1	697,700
	2	217,500
	3	852,500
	4	461,000
	5	676,800
	6	661,900
See Georgia No. 5.....	(7)	
Alaska.....	1	49,800
	2	229,000
	3	72,900
American Samoa.....	1, 536	28,300
Arizona.....	1	1,337,156
	2	564,103
	3	145,450
Includes Utah No. 2-6,620, and New Mexico No. 2-47,260.....	4	127,670
	5	107,700
Arkansas.....	1	640,200
	2	550,700
	3	461,700
	4	454,200
California.....	1	561,500
	2	1,067,000
	3	623,300
	4	1,455,900
	5	1,073,900
	6	609,500
	7	1,175,400
	8	567,600
	9	1,120,200
	10	717,700
	11	6,944,900
	12	1,248,000
	13	1,710,200
	14	1,671,600

	Health service area	Population
Colorado	1	1,720,200
	2	583,900
	3	230,000
Connecticut	1	634,455
	2	592,173
	3	498,964
	4	904,607
	5	466,671
Delaware	1	579,200
District of Columbia	1,536	712,000
Florida	1	784,700
	2	557,200
	3	337,100
	4	1,488,200
	5	1,027,600
	6	788,000
	7	635,500
	8	862,500
	9	1,490,000
Georgia; See Tennessee No. 3	(1)	1,488,200
	2	514,466
	3	2,053,200
Includes South Carolina No. 5-94,600	4	583,700
Includes Alabama No. 7-46,000	5	761,900
	6	524,100
	7	590,500
Guam	1,536	100,000
Hawaii	1,536	804,900
Idaho	1	820,800
Illinois	1	572,400
	2	663,900
	3	562,400
	4	775,700
	5	592,600
	6	3,099,391
	7	2,812,437
	8	787,900
	9	440,800
	10	425,900
Includes Iowa No. 3-188,700	(11)	1,923,700
See Missouri No. 3	2	2,127,900
Indiana	3	1,259,900
Iowa	1	2,523,100
Includes Nebraska No. 4-14,700	(2)	411,900
See Nebraska No. 3	(3)	1,910,700
See Illinois No. 10	(4)	522,000
Kansas	1	418,922
	2	391,100
	3	787,400
See Missouri No. 1	(4)	1,730,200
Kentucky	1	1,730,200
	2	1,404,700
See Ohio No. 1	(3)	1,371,900
Louisiana	1	1,371,900
	2	1,335,800
	3	1,082,800
Maine	1	1,039,500
Maryland	1	300,700
	2	564,000
	3	813,600
	4	2,137,000
	5	274,100
Massachusetts	1	820,594
	2	676,766
	3	480,558
	4	2,225,718
	5	964,953
	6	647,597
Michigan	1	4,705,700
	2	674,300
	3	753,100
	4	1,022,900
	5	382,100
	6	741,500
	7	291,800
	8	325,000
Minnesota	(1)	2,523,100
See North Dakota No. 2	(2)	459,200
Including Wisconsin No. 7-130,200	(3)	411,900
See North Dakota No. 3	(4)	1,910,700
	5	522,000
	6	385,600
Mississippi	1	2,345,600
Missouri; Including Kansas No. 4-466,000	1	1,542,100
	2	1,053,500
Including Illinois No. 11-575,000	3	2,329,500
	4	522,000
	5	476,900
Montana	1	747,900
Nebraska	1	615,200
	2	274,000
Including Iowa No. 2-172,700	3	709,800
See Iowa No. 1	(4)	

	Health service area	Population
Nevada	1	269,500
	2	332,500
New Hampshire	1	817,900
New Jersey	1	1,324,600
	2	1,974,900
	3	582,800
	4	1,970,900
	5	1,463,200
	1	1,102,730
New Mexico	(2)	1,745,400
See Arizona No. 4	1	2,206,000
New York	1	1,424,600
	2	415,400
	3	1,354,600
	4	1,888,100
	5	7,567,900
	6	2,622,000
	7	934,922
North Carolina	1	1,937,900
	2	927,700
	3	741,100
	4	830,900
	5	974,200
	6	284,700
North Dakota	1	284,700
Includes Minnesota No. 1-152,000	2	307,300
Includes Minnesota No. 2-191,800	3	393,300
Ohio; Includes Kentucky No. 2-252,600	1	1,713,900
	2	1,119,300
	3	461,100
	4	1,007,300
	5	1,598,400
	6	700,400
	7	828,900
	8	668,200
	9	2,244,100
	10	762,200
Oklahoma	1	2,711,800
Oregon	1	1,007,300
	2	981,400
	3	299,600
Pennsylvania	1	2,791,400
	2	901,400
	3	800,800
	4	1,341,200
	5	724,300
	6	2,913,200
	7	751,400
See New York No. 4	(8)	468,800
	9	2,951,000
Puerto Rico	1	926,800
Rhode Island	1,536	756,000
South Carolina	1	789,200
	2	561,500
	3	617,000
See Georgia No. 4	(5)	683,000
South Dakota	1	468,100
Tennessee; Includes Virginia No. 6-84,600	1	758,900
	2	520,500
Includes Georgia No. 1-98,400	3	1,330,900
	4	421,800
	5	820,500
	6	343,100
	7	455,200
	8	620,800
	9	2,804,000
	10	1,283,000
	11	684,300
	12	1,022,800
	13	1,212,000
	14	587,900
	15	2,626,500
	16	312,500
Trust Territory	1,536	107,500
Utah	1	1,200,520
See Arizona No. 4	(2)	471,000
Vermont	1	624,700
Virginia	1	968,500
	2	1,076,400
	3	960,400
	4	1,281,500
See Tennessee No. 1	(6)	82,600
Virgin Islands	1,536	2,174,800
Washington	1	489,900
	2	413,700
	3	468,700

	Health service area	Population
West Virginia	1	1,802,800
Wisconsin	1	795,700
	2	1,791,300
	3	458,200
	4	498,500
	5	558,500
	6	373,600
See Minnesota No. 2	(7)	
Wyoming	1	374,000
Total		212 210,324,947

[PR Doc.77-25343 Filed 9-1-77;8:45 am]

HEALTH PROFESSIONS AND NURSING STUDENT LOANS

"Low-income Levels" for Loan Repayment

Under sections 741(l) and 836(f) of the Public Health Service Act, and the applicable program regulations, the Secretary of Health, Education, and Welfare may repay, upon application by an individual, all or part of the individual's educational loans made after November 17, 1971, for meeting the costs of training at a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or nursing if the Secretary determines that the individual:

- (1) Failed after November 17, 1971, to complete the health professions studies leading to the individual's first professional degree or to complete the specified nursing studies for which the loan(s) was made;
- (2) Is in exceptionally needy circumstances;
- (3) Is from a low-income or disadvantaged family; and
- (4) Has not resumed or cannot reasonably be expected to resume the course of study within two years following the date on which the individual ended his studies.

Sections 57.217(c) and 57.317(c) of the applicable program regulations (42 CFR Part 57, Subparts C and D) require the Secretary to publish annually in the FEDERAL REGISTER the low-income levels which will be used in determining an applicant's eligibility for this repayment program.

This Notice updates the income levels that are used in determining what is a "low-income family" for purposes of repayment of educational loans by the Secretary under sections 741(l) and 836(j) of the Public Health Service Act. These income levels, together with other relevant factors such as value of assets, unusual expenses, income available to the individual, etc., are also considered in determining whether an applicant is "in exceptionally needy circumstances" or is from a "disadvantaged family."

The income figures below were taken from low-income levels, published by the U.S. Bureau of the Census, using an index adopted by a Federal Interagency

Committee for use in a variety of Federal Programs, then multiplied by a factor of 1.3 for adaptation to the Health Professions and Nursing Student Loan Programs, and have been updated to reflect increases in the Consumer Price Index through December 31, 1976.

Size of parents' family (includes only dependents listed on Federal income tax form):	Income level ¹
1	\$3,800
2	5,000
3	5,900
4	7,000
5	8,900
6 or more	10,000

¹ Rounded to \$100—adjusted gross income for calendar year 1976.

Dated: August 19, 1977.

HAROLD MARGULIES,
Deputy Administrator,
Health Resources Administration.

[FR Doc.77-25308 Filed 9-1-77;8:45 am]

**National Institutes of Health
DIVISION OF RESEARCH GRANTS
Workshop**

Notice is hereby given of a Workshop on Mechanism of Localized Bone Resorption to be held by the Oral Biology and Medicine Study Section and the General Medicine B Study Section at the Shoreham Americana Hotel, Washington, D.C., November 14, 1977, from 8:00 a.m. to adjournment and November 15, 1977, from 8:30 a.m. to adjournment.

Further information may be obtained from Dr. Thomas M. Tarpley, Jr., Executive Secretary, Oral Biology and Medicine Study Section, Westwood Building, Room 325, telephone 301/496-7818, and Dr. William F. Davis, Jr., Executive Secretary, General Medicine B Study Section, Westwood Building, Room 322, Telephone 301/496-7730.

This workshop will be open to the public. Attendance by the public will be limited to space available.

Dated: August 25, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.77-25296 Filed 9-1-77;8:45 am]

**NATIONAL DIABETES ADVISORY BOARD
Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Diabetes Advisory Board on October 19, 1977, 8:30 a.m. to 5:00 p.m., in Room 529A, South Portal Building of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C.

In addition, the Executive Committee of the Board will have a meeting on October 18, 1977, 8:30 a.m. to 5:00 p.m. at the same location. The meetings, which will be open to the public both days from 8:30 a.m. to 5:00 p.m., are being held to continue review of the

status and implementation of the long-range plan to combat diabetes formulated by the National Commission on Diabetes. Attendance by the public will be limited to space available.

Messrs. James N. Fordham or Leo E. Tracy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Md. 20014 (301-496-3583), will provide summaries of the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health)

SUZANNE FREMEAU,
Committee Management
Officer, NIH.

[FR Doc.77-25295 Filed 9-1-77;8:45 am]

**OFFICE OF MANAGEMENT ANALYSIS AND
SYSTEMS**

**Statement of Organization, Functions and
Delegations of Authority**

Correction

In FR Doc. 77-20084 appearing in the issue of Thursday, July 14, 1977, at page 36312, paragraph "B" should read as follows:

B. The Office of Management Analysis and Systems: (1) Recommends management policies; (2) implements approved policies and assesses their effectiveness; (3) establishes management control mechanisms and administers the management-by-objectives process; (4) analyzes organizational structures and management procedures and recommends improvements; (5) applies management science and systems analysis techniques and, (6) controls the development of information systems and implements the Department's policies on the collection, storage, and dissemination of information.

**SAFETY AND OCCUPATIONAL HEALTH
STUDY SECTION**

Notice of Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Center for Disease Control announces the following National Institute for Occupational Safety and Health Committee meeting:

Name: Safety and Occupational Health Study Section.

Date: October 20-21, 1977.

Place: Quality Inn, 2775 Van Ness Avenue, San Francisco, Calif.

Time: 9 a.m.

Type of Meeting: Open: 9 a.m. to 10:30 a.m. on October 20, 1977. Closed: Remainder of meeting.

Contact Person: C. Ilana Howarth, Acting Executive Secretary, 5600 Fishers Lane, Parklawn Bldg., Room 6-63, Rockville, Md. 20857, phone 301-443-4493.

Purpose: The Committee is charged with the initial review of research, training, demonstration, and fellowship grant applications for Federal assistance in program areas administered by the National Institute for Occupational Safety and Health, and with advising the Institute staff on training and research needs.

Agenda: Agenda items for the open portion of the meeting will include reading of minutes of previous meeting, and administrative and staff reports. Beginning at 10:30 a.m., October 20, 1977, through adjournment on October 21, 1977, the Study Section will be performing the initial review of research grant and training grant applications for Federal Assistance, and will not be open to the public, in accordance with the provisions set forth in Section 552b(c) (6), Title 5 U.S. Code, and the Determination of the Director, Center for Disease Control, pursuant to Public Law 92-463. Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: August 25, 1977.

WILLIAM C. WATSON, Jr.,
Director, Center
for Disease Control.

[FR Doc. 77-25702 Filed 9-1-77; 8:45 am]

Office of the Secretary
**SUPPLEMENTARY MEDICAL INSURANCE
FOR THE AGED AND DISABLED**

**Economic Index for Period July 1977
through June 1978**

Notice is hereby given that the economic index applicable to prevailing charges for physicians' services under the program of Supplementary Medical Insurance for the Aged and Disabled (Part B of Title XVIII of the Social Security Act, commonly known as "Medicare Part B") is 1.357 for the period July 1, 1977 through June 30, 1978. This represents an increase of 6.35 percent over the index of 1.276 applicable for the prior 12 months, computed pursuant to section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)), as amended by section 224(a) of Pub. L. 92-603 (42 U.S.C. 1395u), sections 2 and 3 of Pub. L. 94-368 (42 U.S.C. 1395u), and as implemented by 20 CFR 405.504(a)(3).

The increase in the economic index over the base value of 1.000 is the maximum allowable increase in any prevailing charge for physicians' services in the period July 1977 through June 1978 over the corresponding prevailing charge for the same service in the same geographic area in fiscal year 1973. It is calculated by increasing the economic index for the period July 1976 through June 1977 (as adjusted for certain revisions in the Bureau of Labor Statistics indexes) by the weighted average of the increases in calendar year 1976 over calendar year 1975 in several indexes published by the Bureau of Labor Statistics, and by an index of the increase in physicians' malpractice insurance premiums based on a survey of the premiums charged in 47 States and in the District of Columbia by several major insurers. However, pur-

suant to sections 2 and 3 of Pub. L. 94-368, as implemented by regulations published in the FEDERAL REGISTER (42 FR 18274) on April 6, 1977, the application of the economic index may not result in a lowering of the allowable prevailing charges for physicians' services below the levels that were in effect for the fiscal year ending June 30, 1975.

A separate component to reflect the effect of malpractice insurance premium increases on physician practice expenses was previously included for the first time in the economic index calculated for the 12-month period beginning in July 1976. To accommodate the lack of prior (separate) data on malpractice insurance costs, the other components of the index have again been computed on an annual basis to reflect the changes in these components in 1976 over 1975 and in 1975 over 1974. The calendar year 1974 data used for these components in the calculation of the economic index, in turn, reflect the cumulative increases since calendar year 1971. Therefore (with appropriate adjustments for the malpractice insurance data) the economic index (1.357) for the 12-month period beginning in July 1977 reflects the cumulative change in the components of the index since calendar year 1971, as is intended by section 1842(b)(3) of the Social Security Act as amended by Pub. L. 94-368, and by § 405.504(a)(3)(i) of Regulations No. 5.

The calculation reflects information that became available from the Bureau of Labor Statistics after the economic index for the period July 1976 through June 1977 was announced in the FEDERAL REGISTER on September 8, 1976, and put into effect. The economic index for a particular period must necessarily be calculated on the basis of the best information that is available at the time the calculation is made and put into effect. Therefore, the new data have been used to calculate the economic index for the period July 1977 through June 1978 in order to provide the most accurate calculation that is possible at this time of the changes that have taken place in the components of the index since the base year (calendar year 1971).

Calendar year 1976 charge data will be used to determine reasonable charges for the period July 1, 1977 through June 30, 1978. The table below shows the derivation of the economic index.

FOR FURTHER INFORMATION CONTACT:

Paul Riesel, Bureau of Health Insurance, 301-594-9595, or David R. McKusick, Office of the Actuary, 301-594-2864, 6401 Security Boulevard, Baltimore, Md. 21235.

Derivation of the Economic Index for the Period July 1977 Through June 1978

	Ratio of 1974 Values to 1971 Values		Ratio of 1975 Values to 1974 Values		Ratio of 1976 Values to 1975 Values		Ratio of 1977 Values to 1976 Values		
	1974 Value	1971 Value	1975 Value	1974 Value	1976 Value	1975 Value	1977 Value	1976 Value	
1. Hourly earnings of nonsupervisory workers in finance, insurance and real estate-----	3.82	4.13	4.36	1.1682	0.37x40	1.0812	0.37x40	1.0557	0.43x40
2. Housing component of the consumer price index-----	150.6	166.8	177.2	1.2116	0.14x40	1.1076	0.15x40	1.0624	0.10x40
3. Private transportation component of the consumer price index-----	136.6	149.8	164.6	1.1715	0.06x40	1.0966	0.07x40	1.0988	0.05x40
4. Drugs and pharmaceutical component of the wholesale price index-----	112.7	126.6	134.0	1.1006	0.09x40	1.1233	0.09x40	1.0585	0.08x40
5. All other, miscellaneous expenses (tied to the entire consumer price index)-----	147.7	161.2	170.5	1.2176	0.34x40	1.0914	0.28x40	1.0577	0.27x40
6. Premiums for malpractice insurance-----	---	---	---	---	---	1.84002/	0.04x40	1.41702/	0.07x40

	1971 Base Value	1974 Value	1975 Value	1976 Value	Ratio of 1974 Values to 1971 Values	Weights (Percent)	Ratio of 1975 Values to 1974 Values	Weights (Percent)	Ratio of 1976 Values to 1975 Values	Weights (Percent)
7. Average weekly earnings of production and nonsupervisory workers	127.28	154.45	163.89	176.29	1.2135	--	1.0611	--	1.0757	--
8. Index of output per man-hour of employed nonfarm workers	106.33	107.53	109.23	113.33	1.0113	--	1.0158	--	1.0375	--
9. Change in average weekly earnings net of change in output per man-hour	--	--	--	--	1.1999	60	1.0446	60	1.0368	60
Economic index for fiscal year 1976 adjusted for revisions in BLS statistics since the announcement	----- 1.1940 -----									

	1971 Base Value	1974 Value	1975 Value	1976 Value	Ratio of 1974 Values to 1971 Values (Percent)	Ratio of 1975 Values to 1974 Values (Percent)	Ratio of 1976 Values to Weights ^{5/} Values to Weights ^{6/} Values (Percent)
Increase factor of the economic index over fiscal year 1976 value					1.0761		
Economic index for the period July 1976-June 1977 adjusted for revisions in BLS statis- tics since the announcement ^{7/}					1.2849		
Increase factor of the economic index over the period July 1976-June 1977 value						1.0559	
Economic index for the period July 1977-June 1978							1.3567

^{1/} All component values of the economic index except line 6 are from The Monthly Labor Review published by the U.S. Department of Labor.

^{2/} Derived from a survey of several major insurance companies.

^{3/} BLS revised the values of line 8 for all years since the time of the previous announcements of the economic index.

^{4/} The weights, excluding the malpractice component, were derived from Medical Economics (November 20, 1972) and Profile of Medical Practice (1974 edition).

^{5/} The weights, including the malpractice component, for 1975, were derived from Medical Economics (December 8, 1975) and Profile of Medical Practice (1974 edition).

^{6/} The weights, including the malpractice component, for 1976, were derived from a special study.

^{7/} See text for explanation.

(Secs. 1102, 1832, 1833, 1842(b) (3), and 1871 of the Social Security Act; 49 Stat. 647, as amended, 79 Stat. 302, 79 Stat. 310, 79 Stat. 331; 42 U.S.C. 1302; 1395k, 1395l, 1395u, and 1395hh; sec. 224(a) of Pub. L. 92-603, 86 Stat. 1395; 42 U.S.C. 1395u; secs. 2 and 3, Pub. L. 94-368, 99 Stat. 997, 42 U.S.C. 1395u.)

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged and Disabled—Supplementary Medical Insurance.)

Date: August 27, 1977.

HALE CHAMPION,
Acting Secretary.

[FR Doc. 77-25596 Filed 9-1-77; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 8/26/77 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Reporting Chemical Substances for Inventory, section 8 (a) and (b) Toxic Substance Control Act, single time, chemical manufacturers, processors and importers, Ellett, C. A., 395-5867.

DEPARTMENT OF COMMERCE

Bureau of Census: Survey of Federal General Revenue Sharing and Antirecession Fiscal Assistance Expenditures, RS-900 and 901, single time, local government officials, Ellett, C. A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration: Patterns of Utilization of Contraceptive Services for Teenagers, single time, teenage title X clinic users and dropouts, Richard Eisinger, 395-6140.

Office of Education:

Financial Status and Performance Reports for Domestic Mining and Mineral Fuel Conservation Fellowships Program, OE-405-1, 405-2, annually, institutions of higher education, Lowry, R. L., 395-3772.

Endorsement of Defaulted Notes (National Direct Student Loan Program), OE 553, on occasion, institutions of postsecondary education, Kathy Wallman, 395-6140.

REVISIONS

VETERANS ADMINISTRATION

Application for Headstone or Marker, 40-1330, on occasion, relatives of deceased veterans, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Economic Research Service: Survey of Hired Farmworkers—December 1976 CPS, CPS-1, single time, 53,000 households in Dec. CPS National Sample, Strasser, A., 395-5867.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

CSC Audit Function Questionnaire, PPW-1, annually, firms engaged in manufacturing wholesale trade and trans, Warren Topellius, 395-5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Certificate of Project Costs Capitalized, Interest, Higher Education Facilities Act, OE 1144, OE 1143, on occasion, institutions of higher education, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc. 77-25761 Filed 9-1-77; 8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 08/29/77 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Farmers Home Administration: Community Facilities Survey, single time, FMHA county supervisors and facility administrators, Natural Resources Division, 395-6827.

REVISIONS

VETERANS ADMINISTRATION

Notice of Change in Student Status—Institutional Course Only, 22-1999B, on occasion, certifying officials of schools, Warren Topellius, 395-5872.

DEPARTMENT OF COMMERCE

Bureau of Census: Atomic Energy Products and Services, MA-38Q, annually, manufacturers of atomic energy products, C. Louis Kincannon, 395-3211.

Selected Industrial Air Pollution Control Equipment, MA-35J, annually, manufacturing establishments, C. Louis Kincannon, 395-3211.

Footwear Production, M31A, monthly, footwear manufacturers, C. Louis Kincannon, 395-3211.

Footwear Production and Shipments, MA-31A, annually, footwear manufacturers, C. Louis Kincannon, 395-3211.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management: Communication Site Request, 2860-1, on occasion, commercial firms; State highway commissions, Warren Topellius, 395-5872.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service:

Destination Data for Delivery of Donated Foods, FNS-7, on occasion, State distributing agencies, human resources division, Warren Topellius, 395-3532.

Food Preference Report, FNS-35, annually, State distributing agencies and school districts, human resources division, Warren Topellius, 395-3532.

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc. 77-25762 Filed 9-1-77; 8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration
**EMPLOYMENT TRANSFER AND BUSINESS
 COMPETITION DETERMINATIONS UN-
 DER THE RURAL DEVELOPMENT ACT**

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 29th day of August, 1977.

ERNEST G. GREEN,
 Assistant Secretary
 for Employment and Training.

Applications Received During the Week Ending Aug. 26, 1977

Name of applicant	Location of enterprise	Principal product or activity
Lewisburg Chiropractic Clinic	Lewisburg, W. Va.	Chiropractic, professional service.
Lynn Oil Co.	Millwood, W. Va.	Petroleum storage and refining facility.
Oleka Enterprises, Inc.	Morgantown, W. Va.	Rental of real estate, fuel distributorship, and trucking operation.
Davis Casket Co., Inc.	Americus, Ga.	Manufacture and marketing steel caskets.
Isomedix, Inc.	Spartanburg, S.C.	Medical supply sterilization center.
John Lee McMillan	Water Valley, Miss.	Retail building materials.
Sharrock Elevator, Inc.	Edison, Ohio	Manufacture of feed and fertilizer.
Town Hall Estates	Clayton, N. Mex.	Nursing care.

[FR Doc.77-25710 Filed 9-1-77;8:45 am]

VERMONT

**Ending of Extended Benefit Period and
 Federal Supplemental Benefit Period**

This notice announces the ending of the Extended Benefit Period and the Federal Supplemental Benefit Period in the State of Vermont, effective on September 3, 1977.

BACKGROUND

The Federal-State Extended Unemployment Compensation Act of 1970 (title II of Pub. L. 91-373; 84 Stat. 695, 708) created a program of extended unemployment benefits (referred to as Extended Benefits) as a permanent part of the Federal-State Unemployment Compensation Program, for unemployed individuals who have exhausted their rights to regular unemployment benefits under State and Federal unemployment compensation laws. Extended Benefits are payable during an Extended Benefit Period, which is triggered on in a State when unemployment in the State or in all States collectively reaches the high levels set in the Act. During an Extended Benefit Period the maximum amount of Extended Benefits which is payable to eligible individuals is up to 13 weeks. An Extended Benefit Period commenced in the State of Vermont on April 7, 1974.

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572), enacted December 31, 1974) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular benefits 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 is payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Vermont on January 5, 1975.

The statutes also provide that benefit periods in a State will trigger off when unemployment in the State is no longer at the high levels set in the Acts. A benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator. In Vermont both the Extended Benefit Period and the Federal Supplemental Benefit Period have triggered off.

DETERMINATION OF "OFF" INDICATORS

The employment security agency of the State of Vermont has determined in accordance with the applicable statutes and regulations that the average rate of insured unemployment in the State for the period consisting of the week ending on August 13, 1977, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the applicable statutes and regulations, 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 an Extended Benefit "off" indicator and a Federal Supplemental Benefit "off" indicator in the State of Vermont for the week ending on August 13, 1977, and that both the Extended Benefit Period and the Federal Supplemental Benefit Period in that State terminates on September 3, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Extended Benefits or Federal Supplemental 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. There will not be an additional eligibility period for Extended Benefits.

Individuals currently filing claims for Extended Benefits or Federal Supplemental Benefits will receive written notices from the Vermont Department of Employment Security of the end of the Extended Benefit Period and the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Extended Benefits and 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 Extended Benefits and Federal Supplemental Benefits in the State of Vermont should contact the nearest office of the Vermont Department of Employment Security in their locality.

Signed at Washington, D.C., on August 29, 1977.

ERNEST G. GREEN,
Assistant Secretary for
Employment and Training.

[FR Doc. 77-25735 Filed 9-1-77; 8:45 am]

**Occupational Safety and Health
Administration**

[V-77-11]

DAYCO CORP.

Variance and Interim Order

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

ACTIONS: (1) Notice of application for variance and interim order; (2) Grant of interim order.

SUMMARY: This notice announces the application of the Dayco Corp. Springfield Plant for a variance and interim order pending a decision on the application for a variance from the standard prescribed in 29 CFR 1910.107(c)(6) concerning spray finishing using flammable and combustible materials. It also announces the granting of an interim order until a decision is rendered on the application for variance.

DATES: The effective date of the interim order is September 2, 1977. The last date for interested persons to submit comments is October 3, 1977. The last date for affected employers and employees to request a hearing on the application is October 3, 1977.

ADDRESSES: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution

Avenue NW., Room N-3668, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, at the above address, telephone: 202-523-7121.

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 911 Walnut Street—Room 3000, Kansas City, Mo. 64106.

U.S. Department of Labor, Occupational Safety and Health Administration, 1627 Main Street—Room 1100, Kansas City, Mo. 64108.

SUPPLEMENTARY INFORMATION:

NOTICE OF APPLICATION

Notice is hereby given that the Dayco Corp., Springfield Plant, Battlefield Road and Scenic Drive, Springfield, Mo. 65804 has made application pursuant to section 8(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.107(c)(6) spray finishing using flammable and combustible material.

The address of the place of employment that will be affected by the application is as follows:

Dayco Corporation, Springfield Plant, Battlefield Road and Scenic Drive, Springfield, Mo. 65804.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by § 1910.107(c)(6) which requires, in part, that electrical wiring, motors and other equipment outside of but within 20 feet of any spraying area, and not separated therefrom by partitions shall not produce sparks under normal conditions and shall otherwise conform to the provisions of Subpart S for Class 1, Division II Hazardous Locations.

The applicant asserts that cylindrical drums used to manufacture power transmission belts are sprayed on the surface with a material containing flammable and combustible material in their spray booth. The spray booth has a powered exhaust maintaining 150 feet per minute air velocity on the face of the spray booth. The applicant contends that it has the necessary equipment installed to: (1) insure that the required air velocity is maintained, (2) sprinkle the space within

the spray booth on the downstream and upstream sides of the filters; (3) interlock the spraying pump to the ventilation blower, and (4) have the electrical wiring and electrical equipment outside of the spraying area conform to the National Electrical Code NFPA 70-1975.

GRANT OF INTERIM ORDER

It appears from the application for a variance and interim order and from the application that as required by section 6(d) of the Act, the operation of the spray booth in the manner prescribed will provide to the affected employees a place of employment as safe as that which would be provided if the applicant complied with 29 CFR 1910.107(c)(6). It further appears that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the variance. Therefore it is ordered, pursuant to the authority in section 6(d) of the Occupational Safety and Health Act of 1970, in 29 CFR 1905.11(c) and in Secretary of Labor's Order No. 8-76 (41 FR 25059), that Dayco Corp. be, and it is hereby, authorized to operate their spray booths in the manner described within the application provided that the follow provisions are met:

(1) The ventilation shall be such so that the concentration of solvent vapors or dust from spraying may not exceed five (5) percent of the Lower Flammable Limit (LFL), five feet from the face and any opening in the booth, and in any low lying places between five feet and 20 feet from the face and any openings in the booth.

(2) The spraying equipment shall be interlocked with the ventilation system so that the spraying equipment cannot be operated unless the ventilation is in operation.

(3) Monitoring shall be conducted by a competent person with a combustible gas meter for the solvent vapors or an air sampling device for the dust for an initial period of at least three months. Monitoring must be done during peak spraying and immediately after spraying once a week for the first month and thereafter once a month for the last two months.

(4) Procedures shall be written, using the spraying experience gained during the monitoring period, listing the conditions for spraying, such as amounts of minimum ventilation (natural or mechanical or both), maximum volume and type of spraying material applied per hour, and the number and type of spray apparatus. A summary of the monitoring results and spraying procedures shall be available for inspection. The procedures shall become part of the training for all employees that perform spraying in the spray booth.

(5) If concentrations exceed five percent of the LFL at five feet from the face or any openings in the spray booth, or in any low lying places between five feet and 20 feet from the face or any openings in the booth, all spraying shall cease immediately with the ventilation system remaining in operation at least until the concentration is down to five percent of

the LFL at five feet from the face or any openings in the booth or any low lying places between five feet and 20 feet from the faces or any openings in the booth. Spraying may not proceed until controls have been implemented to maintain the levels at five percent or less of the LFL at five feet from the face and any openings in the spray booth or in any low lying places between five feet and 20 feet from the face or any openings in the booth.

(6) When increased volume or new equipment is used that may require increased ventilation to maintain five percent of the LFL, monitoring shall be repeated and the procedures adjusted if necessary to include any changes.

Dayco Corp. shall give notice of this interim order to employees affected thereby by the same means required to be used to inform them of the application for a variance.

This interim order shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 26th day of August 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 77-25727 Filed 9-1-77; 8:45 am]

**Occupational Safety and Health
Administration**

MINNESOTA STATE STANDARDS

**Approval
Correction**

In FR Doc. 77-22926, appearing on page 40276 in the issue of Tuesday, August 9, 1977, the second through fifth full paragraphs in the third column of the page should be inserted between the second and third full paragraphs of the document as published.

**Pension and Welfare Benefit Programs
ADVISORY COUNCIL ON EMPLOYEE
WELFARE AND PENSION BENEFIT PLANS
Meeting**

Pursuant to Section 512 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1142) a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 9:30 a.m. on Tuesday, September 20, 1977, in the Federal Ballroom North, Quality Inn—Capitol Hill, 415 New Jersey Avenue NW., Washington, D.C.

The meeting will be open to the public. The purpose of the meeting is to discuss the items listed in the following agenda:

1. Swearing-in of Jozetta H. Srb.
2. Status report of Advisory Council recommendations.
3. Department of Labor progress report since last Advisory Council meeting.
4. Impact of ERISA fiduciary standards on investment of pension assets.
5. Investment Work Group report.
6. Small Plans Impact Work Group report.
7. Establishment of Work Group on Communication of Benefit Information to Participants and Beneficiaries of Employee Benefit Plans.

Participants and Beneficiaries of Employee Benefit Plans.

8. Council suggestions for new study projects for work groups.

Any member of the public may file a written statement concerning the topics under this agenda by submitting 30 copies on or before the close of business Monday, September 19, 1977, to the Administrator of Pension and Welfare Benefit Programs, New Department of Labor Building, 200 Constitution Avenue NW., Room N4629, Washington, D.C. 20216.

Persons desiring to attend should notify Mr. Edward F. Lysczek, Executive Secretary of the Advisory Council, New Department of Labor Building, 200 Constitution Avenue NW., Room N4629, Washington, D.C. 20216, or may call Area Code 202-523-8753.

Signed at Washington, D.C. this 29th day of August 1977.

IAN D. LANOFF,
Administrator of Pension
and Welfare Benefit Programs.

[FR Doc. 77-25757 Filed 9-1-77; 8:45 am]

[TA-W-1648]

**ANNA-RUBINA, INC., PORT ISABEL, TEX.
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-1648: 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 by the workers on behalf of workers engaged in shrimp fishing for Anna-Rubina, Inc., Port Isabel, Texas.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977, (42 FR 13082). No public hearing was requested and none was held.

The information upon which the determination was made principally from officials of Anna-Rubina, 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, criterion (4) has not been met.

The Department's investigation has revealed that the decline in the quantity of shrimp caught by Anna-Rubina 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 because the 200 mile fishing restriction imposed by the Mexican government prevented domestic shrimpers from fishing off the Mexican coastal waters.

Ann-Rubina's only customer buys all the shrimp that Anna-Rubina, Inc. is able to supply. This customer purchases imported shrimp when Rubina and other domestic suppliers are unable to meet the customer's requirements.

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 Anna-Rubina, Inc., Port Isabel, Texas have not contributed importantly to the total or partial separation 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 August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 77-25354 Filed 9-1-77; 8:45 am]

Office of the Secretary

ANWELT CORP. ET. AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial sep-

ation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address

shown below, not later than September 12, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 12, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of August 1977.

HAROLD A. BRATT,
Acting Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Anwell Corp. (workers)	Pitchburg, Mass.	Aug. 15, 1977	Aug. 11, 1977	TA-W-2,252	Men's and women's work shoes and boots.
Command Print Works, Inc. (workers)	Farmingdale, N.Y.	June 9, 1977	June 4, 1977	TA-W-2,253	Textile printed fabrics.
Crown Pants Co. (ACTWU)	Hammonton, N.J.	Aug. 15, 1977	Aug. 10, 1977	TA-W-2,254	Men's pants.
Hart, Schaffner & Marks, (Menzies Division) (ACTWU)	Chisholm, Minn.	do	Aug. 8, 1977	TA-W-2,255	Men's jackets.
Johnson Farmer Chain Co. (workers)	Lebanon, Pa.	do	Aug. 10, 1977	TA-W-2,256	Buoy mooring chain and bridles.
Kaiser Steel Corp. (United Steelworkers of America)	Fontana, Calif.	do	July 15, 1977	TA-W-2,257	Bars, rods, hot rolled sheet and tin mill products.
Riverside Sportswear, Inc. (workers)	Elinwood Park, N.J.	Aug. 10, 1977	Aug. 1, 1977	TA-W-2,258	Women's apparel.
Harry Schneider Co. (ILGWU)	Los Angeles, Calif.	Aug. 4, 1977	do	TA-W-2,259	The selling of ladies' coats.

[FR Doc.77-25352 Filed 9-1-77;8:45 am]

[TA-W-2137]

ARKAY PANTS CO., FALL RIVER, MASSACHUSETTS

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2137: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 13, 1977 in response to a worker petition received on June 10, 1977 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's and boys' outerwear at the Fall River, Massachusetts plant of the Arkay Pants Company.

The notice of investigation was published in the FEDERAL REGISTER on June 24, 1977 (42 FR 32328). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Arkay Pants Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 223 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 criterion (2) has not been met.

The Arkay Pants Company, a manufacturer, consists of one plant in Fall River, Massachusetts engaged in the production of boys' winter coats.

Since Arkay produces only on order, production and sales are the same. Com-

pany production in terms of quantity increased 15.4 percent in 1975 compared to 1974 and increased 16.9 percent in 1976 compared to 1975. Company production increased 27.2 percent in the first six months of 1977 compared to the first six months of 1976. Production increased in each of the last three quarters of 1976 and the first two quarters of 1977 when compared to the like quarters of the preceding year.

As a result of Arkay's recent history of increased sales, the plant has had periods of full production, forcing Arkay to use outside contractors to fulfill increasing customer requirements of merchandise. There is no indication that current workers are threatened with any involuntary separations from employment at the Fall River, Massachusetts plant of the Arkay Pants Company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production of boys' coats at the Fall River, Massachusetts plant of the Arkay Pants Company have not declined absolutely as required for certification, under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc.77-25355 Filed 9-1-77;8:45 am]

AVALON DYEING FINISHING CO. ET. AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 12, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment As-

sistance, at the address shown below, not later than September 12, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 18th day of August 1977.

HAROLD A. BRATT,
Acting Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of--	Location	Date received	Date of petition	Petition No.	Articles produced
Avalon Dyeing Finishing Co., Inc. (workers).	Haledon, N.J....	Aug. 15, 1977	Aug. 2, 1977	TA-W-2,275	Dyeing and finishing of cloth.
Mutual Manufacturing Co. (workers).	Lawrence, Mass.	Aug. 17, 1977	Aug. 15, 1977	TA-W-2,276	Men's coats.
Quality Sportswear (workers).	Haledon, N.J....	Aug. 16, 1977	Aug. 5, 1977	TA-W-2,277	Coats.
Shutzer Manufacturing Co. (workers).	Lawrence, Mass.	Aug. 17, 1977	Aug. 15, 1977	TA-W-2,278	Men's and some ladies' jackets.

[FR Doc. 77-25353 Filed 9-1-77; 8:45 am]

[TA-W-1497]

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-1497: 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 producing reinforcing bars and welded pipe at the Steelton, Pa., plant of Bethlehem Steel Corp.

The Notice of Investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3366). 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 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.

Without regard to whether any other criteria have been met, the investigation has revealed that criterion (4) has not been met.

A. WELDED PIPE

Customers of the Steelton plant that were surveyed by the Department have not switched purchases of welded pipe from the Steelton plant to foreign sources. Customers of the Steelton plant who decreased purchases of welded pipe from that plant in 1976 indicated that their decreases were attributable to a decline in construction of gas transmission lines. One customer attributed his decline to a switch to other domestic sources, coupled with a general decline in sales.

B. REINFORCING BARS

Customers of the Steelton plant that were surveyed by the Department have not switched purchases of reinforcing bars from the Steelton plant to foreign sources. Customers who decreased purchases from the Steelton plant attributed their decreases to a decline in construction projects.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with welded pipe and reinforcing bars produced at the Steelton plant have not contributed importantly to the total of partial separa-

tion of workers at that plant as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-25729 Filed 9-1-77; 8:45 am]

[TA-W-1498]

BETHLEHEM 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-1498: 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 producing industrial fasteners, wire, and reinforcing bars at the Vernon, Calif. plant of the Bethlehem Steel Corp.

The Notice of Investigation was published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2370). 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 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 all four of the above criteria have been met for workers producing either industrial fasteners or carbon steel wire. The investigation also revealed that without regard to whether any of the other criteria have been met, criterion (4) has not

been met for workers producing reinforcing bars.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

Workers at the Vernon plant are separately identifiable by product line.

A. INDUSTRIAL FASTENERS

Employment of workers engaged in employment related to the production of industrial fasteners declined 26 percent in 1976 compared to 1975.

B. WIRE

Employment of workers engaged in employment related to the production of wire declined 22 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

A. INDUSTRIAL FASTENERS

Sales decreased in quantity 16 percent in 1976 compared to 1975. Production in quantity decreased 43 percent in 1976 compared to 1975.

B. WIRE

Sales decreased in quantity 5 percent in 1976 compared to 1975. Production decreased in quantity 2 percent in 1976 compared to 1975.

INCREASED IMPORTS

A. INDUSTRIAL FASTENERS

Imports of nuts, bolts, and large screws of iron and steel increased in 1973 to 544.5 million pounds from 474.2 million pounds in 1972, increased further to 776.4 million pounds in 1974, decreased in 1975 to 534.7 million pounds, then increased again in 1976 to 704.5 million pounds. The ratio of imports of nuts, bolts, and large screws of iron and steel to domestic producer's shipments was 33.5 percent in 1972, and increased every year thereafter through 1976 when it was 97.7 percent.

Imports of small screws of iron or steel was 97,097,000 pounds in 1972, increased to 121,790,000 pounds in 1973, increased further in 1974 to 134,459,000 pounds, decreased in 1975 to 61,489,000 pounds, then increased in 1976 to 108,250,000 pounds. The ratio of imports of small screws of iron or steel to domestic production was 23.7 percent in 1972, increased to 25.7 percent in 1973, increased further in 1974 to 28.6 percent, decreased in 1975 to 17.9 percent, then increased again in 1976 to 25.7 percent.

B. WIRE

Imports of carbon steel wire decreased from 515.3 thousand tons in 1972 to 433.2 thousand tons in 1973. In 1974, imports increased to 553.8 thousand tons, then declined to 349.6 thousand tons in 1975. In 1976, imports increased 6.3 percent to 371.8 thousand tons. The ratio of imports to domestic shipments of carbon steel wire decreased from 23.3 percent in 1972 to 17.5 percent in 1973. In 1974, the ratio increased to 22.6 percent, then decreased to 22.0 percent in 1975. In 1976, the ratio decreased to 19.9 percent.

CONTRIBUTED IMPORTANTLY

A. INDUSTRIAL FASTENERS

The Department contacted some customers of the Vernon plant that bought industrial fasteners. Many of these customers contacted indicated that they purchased imports. Some customers had decreased purchases from the Vernon plant and increased purchases of imports. These firms stated that the cheaper price of the imports was the major reason for their switch.

B. WIRE

The Department contacted some customers of the Vernon plant that bought carbon steel wire products. Some of the customers contacted indicated that they purchased imports. Some of these customers decreased purchases from the Vernon plant and increased purchases of imported wire.

C. REINFORCING BARS

The Department contacted some customers of the Vernon plant that bought reinforcing bar. None of these increased purchases of imports in 1976 while decreasing purchases from the Vernon plant. Firms who decreased purchases from the Vernon plant most frequently cited a lack of business, particularly a decline in construction, as the reason for their decrease in purchases from the Vernon plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with industrial fasteners and carbon steel wire products produced at the Vernon, Calif., plant of Bethlehem Steel Corp. contributed importantly to the total or partial separations of workers engaged in the production of such products at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Vernon, Calif., plant of the Bethlehem Steel Corp., engaged in employment related to the production of either industrial fasteners or carbon steel wire and wire products 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.

It is further concluded that increases of imports of articles like or directly competitive with reinforcing bars produced at the Vernon, Calif., plant of the Bethlehem Steel Corp. did not contribute importantly to the total or partial separations of workers engaged in the production of such products as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-25730 Filed 9-1-77; 8:45 am]

[TA-W-1957]

BOULET SPORTSWEAR, LTD., NEW YORK, NEW YORK

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1597; 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 on behalf of workers and former workers producing men's sportswear and underwear at Boulet Sportswear, Ltd., New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 9939). No public hearing was requested, and none was held.

The information upon which the determination was made was obtained principally from officials of Boulet Sportswear, Ltd., its customers, the National Cotton Council, 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 at Boulet Sportswear (all salaried workers) increased 121 percent in 1975 compared to 1974, decreased 6 percent in 1976 compared to 1975, then decreased 18 percent to the first quarter of 1977 compared to the first quarter of 1976.

Boulet Sportswear did not reduce weekly hours of employment of its (salaried) workers.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total company sales (men's pants, underwear, sweaters and shirts) increased

30 percent in value (adjusted for price changes) in the second quarter of 1976 compared to the second quarter of 1975, then decreased in value 10, 45, and 59 percent, respectively, in the third and fourth quarters of 1976 and the first quarter of 1977 compared to each like quarter in the previous year.

Sales of men's pants in value (adjusted for price changes) were unchanged in the second quarter of 1976 compared to the second quarter of 1975, then decreased 41, 72, and 81 percent, respectively, in the third and fourth quarters of 1976 and in the first quarter of 1977 compared to each like quarter in the previous year. Men's pants represented 40 percent of total company sales in 1976.

Sales of men's underwear (including briefs and robes) increased 87 percent in value (adjusted for price changes) in the second quarter of 1976 compared to the second quarter of 1975, then decreased 13, 11, and 17 percent, respectively, in the third and fourth quarters of 1976 and the first quarter of 1977 compared to each like quarter in the previous year. Underwear represented 40 percent of total company sales in 1976.

Sales of men's sweaters increased in value (adjusted for price changes) 744 and 86 percent, respectively, in the third and fourth quarters of 1976 compared to each like quarter in 1975, then decreased 28 percent in the first quarter of 1977 compared to the first quarter in 1976. Men's sweaters represented 11 percent of total company sales in 1976.

Sales of men's shirts decreased in value (adjusted for price changes) 40, 6, 61, and 94 percent, respectively, in the last three quarters of 1976 and the first quarter of 1977 compared to each like quarter in the previous year. Men's shirts accounted for 9 percent of total company sales in 1976.

Sales are primarily to customer order. Neither production nor finished goods inventory data are maintained by the company.

INCREASED IMPORTS

Imports of men's and boys' dress and sport trousers and shorts decreased in quantity both absolutely and relative to domestic production in 1973 and 1974 compared to the previous year, then increased both absolutely and relatively in 1975 and 1976 compared to the previous year. These imports increased from 55,508 thousand units in 1975 to 73,209 thousand units in 1976, then increased from 14,623 thousand units in the first quarter of 1976 to 17,152 thousand units in the first quarter of 1977. The ratio of imports to domestic production increased from 34.1 percent in 1975 to 41.9 percent in 1976.

Imports of men's and boys' underwear, knit and not knit, decreased in quantity both absolutely and relative to domestic production in 1973 and 1974 compared to the previous year, then increased both absolutely and relatively in 1975, and increased absolutely in 1976 compared to the previous year. These imports increased from 1,443 thousand dozen in 1975 to 1,507 thousand dozen in

1976, then decreased from 421 thousand dozen in the first quarter of 1976 to 399 thousand dozen in the first quarter of 1977. The ratio of imports to domestic production decreased from 2.2 percent in 1975 to 2.1 percent in 1976.

Imports of men's and boys' sweaters, knit cardigans, and pullovers increased in quantity both absolutely and relative to domestic production in 1973 compared to 1972, then decreased both absolutely and relatively in 1974 compared to 1973. These imports decreased absolutely, but increased relative to domestic production in 1975 compared to 1974, then increased both absolutely and relatively in 1976 compared to 1975. These imports increased from 20.4 million units in 1975 to 26.5 million units in 1976, then increased from 2.7 million units in the first quarter of 1976 to 2.8 million units in the first quarter of 1977. The ratio of imports to domestic production increased from 36.6 percent in 1975 to 67.8 percent in 1976.

Imports of men's and boys' woven sport shirts decreased in quantity both absolutely and relative to domestic production in 1973 compared to 1972, then increased both absolutely and relatively each year thereafter through 1976 compared to the previous year. These imports increased from 61,008 thousand units in 1975 to 79,820 thousand units in 1976, then decreased from 15,701 thousand units in the first quarter of 1976 to 14,852 thousand units in the first quarter of 1977. The ratio of imports to domestic production increased from 38.7 percent in 1975 to 48.6 percent in 1976.

Imports of men's and boys' knit sport and dress shirts, excluding T-shirts increased in quantity absolutely and relative to domestic production in 1973 compared to 1972, decreased absolutely and relatively in 1974 compared to 1973, and increased absolutely and relatively in 1975 compared to 1974. These imports increased 12 percent absolutely in 1976 compared to 1975, then decreased 1 percent in the first quarter of 1977 compared to the first quarter in 1976. The ratio of imports to domestic production decreased from 22.9 percent in 1975 to 22.6 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers who were surveyed stated that they had switched purchases of sportswear primarily pants, sweaters and shirts from Boulet Sportswear to imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's sportswear produced by Boulet Sportswear, Ltd., 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 certification:

All workers engaged in employment related to the production of sportswear at Boulet Sportswear, Ltd., New York, New York, who became totally or partially separated from employment on or after July 1, 1976 are eli-

gible 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 August 1977.

BRIAN TURNER,
Executive Assistant to the Deputy
Under Secretary for International
Affairs.

[FR Doc. 77-25356 Filed 9-1-77; 8:45 am]

[TA-W-1710]

CAPITOL GARTER CO., 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-1710; 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 25, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing girdles, brassieres, pants liners, panty briefs, and garter belts at the New York, New York plant of the Capitol Garter Company, Incorporated.

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 the Capitol Garter Company, 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.

Without regard as to whether any of the other criteria have been met, criterion (4) has not been met.

The Department's investigation has revealed that the overriding factor in

the decline in sales and eventual closing of the Capitol Garter Company, Incorporated was the bankruptcy and withdrawal from the retail trade of Capitol Garter's largest customer in late 1975. This customer's purchases had accounted for approximately sixty percent of Capitol Garter's total sales in 1974 and 1975. Unable to replace this lost business, Capitol Garter's sales declined 58.3 percent in 1976 compared to 1975 and the company ceased all operations in December 1976.

Other customers of Capitol Garter indicated that they were not purchasing imported girdles. These customers indicated that they had held purchases from Capitol Garter at relatively constant levels in 1976 compared to 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with girdles, brasieres, panty briefs, pants liners, and garter belts produced at the Capitol Garter Company, Incorporated, New York, New York have not contributed importantly to the total or partial separations of workers at that firm as required for certification under Title II, Chapter 2 of the Trade Act of 1974.

Signed in Washington, D.C., this 23rd day of August 1977.

HARRY GRUBERT,
Director, Office of Foreign
Economic Research.

[FR Doc. 77-25731 Filed 9-1-77; 8:45 am]

[TA-W-1711]

CAPRI COATS, PANORAMA CITY, CALIF. 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-1711: 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 March 1, 1977, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's and misses' coats at Capri Coats, Panorama City, 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 Capri Coats, David L. Maffel 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 re-

quirements 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 for Capri Coats.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Production of Capri Coats began in October 1975. Employment of production workers at Capri Coats increased in the second, third, and fourth quarters of 1976 compared to the previous quarter, 8 percent, 81 percent, and 4 percent, respectively. Employment of production workers declined 2 percent for the period November through December 1976 compared to the same period in 1975. All production workers were terminated on December 17, 1976.

In 1976 the plant was closed due to lack of work for one week in January and one week in February and for the months of March and April.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Capri Coats produced coats on a contract basis, therefore production is equivalent to sales.

Sales and production in quantity (units) of women's and misses' coats increased in the second, third, and fourth quarters of 1976 compared to the previous quarter, 17 percent, 49 percent, and 42 percent, respectively. Sales and production decreased 16 percent for the November through December 1976 period as compared to the same period in 1975. Production ceased on December 17, 1976.

Total sales and production of women's and misses' coats for all five plants of the David L. Maffel Co. (parent company of Capri Coats) declined 5 percent in quantity from 1975 to 1976 and declined 35 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

Imports of women's and misses' coats increased in absolute terms, from 1972 to 1973, decreased from 1973 to 1974, and increased from 1974 to 1975. Imports increased absolutely 48 percent from 1975 to 1976 and increased absolutely 17 percent in the first quarter of 1977 compared to the first quarter of 1976. The

ratio of imports to domestic production and consumption increased from 35.4 percent and 26.1 percent, respectively, in 1975 to 52.2 percent and 34.3 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

Capri Coats produced exclusively for one manufacturer. The manufacturer reduced purchases from Capri Coats from 1975 to 1976 because his sales had declined. Customers of this manufacturer, who were surveyed reduced purchases from the manufacturer and increased purchases of imported women's and misses' coats in 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 women's and misses' coats produced by Capri Coats 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 of Capri Coats, Panorama City, Calif., who became totally or partially separated from employment on or after February 14, 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 workers who became totally or partially separated on or after April 1, 1977, are denied certification.

Signed in Washington, D.C., this 19th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-25357 Filed 9-1-77; 8:45 am]

[TA-W-1548]

CURLEE CLOTHING CO., INC., MAYFIELD, KY.

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-1548: 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 4, 1977, in response to a worker petition received on that date which was filed on behalf of workers and former workers engaged in employment related to the production of men's suits, vests, sportcoats, and slacks, at the Mayfield, Ky., plant of the Curlee Clothing Co., Inc.

The notice of investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5499). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Curlee Clothing Co., Inc., its customers, the U.S. Department of Commerce, the U.S. In-

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 at both plants of the Curlee Clothing Co. (Mayfield, Ky. and Winchester, Ky.) decreased 25 percent from 1974 to 1975, and 3 percent from 1975 to 1976.

Average employment of production workers at the Mayfield, Ky., plant of the Curlee Clothing Co., decreased 24 percent from 1974 to 1975, and 16 percent from 1975 to 1976.

Average employment of production workers at the Winchester, Ky., plant of the Curlee Clothing Co., decreased 27 percent from 1974 to 1975, and increased 21 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at the Curlee Clothing Co., Inc., including both the Mayfield, Ky., and Winchester, Ky. plants, decreased in quantity and value 27 percent and 25 percent, respectively, from 1974 to 1975, and 10 percent and 5 percent, respectively, from 1975 to 1976.

Production of men's sportcoats at the Mayfield, Ky., plant of Curlee decreased in quantity 42 percent from 1974 to 1975, and 21 percent from 1975 to 1976.

Production of men's slacks at the Mayfield, Ky., plant of Curlee decreased in quantity 26 percent from 1974 to 1975, then increased 9 percent from 1975 to 1976.

Production of men's sportcoats at the Winchester, Ky., plant of Curlee decreased in quantity 43 percent from 1974 to 1975, then increased 56 percent from 1975 to 1976.

Production of men's vests at the Mayfield, Ky., and Winchester, Ky., plants of Curlee was begun in 1976.

INCREASED IMPORTS

Imports of men's and boys' tailored dress coats and sportcoats increased absolutely from 1972 to 1973, decreased from 1973 to 1974, then increased from 1974 to 1975. Imports increased 27 percent absolutely from 1975 to 1976 and the ratio of imports to domestic production increased from 28.2 percent in 1975 to 32.4 percent in 1976.

Imports of men's and boys' tailored suits increased absolutely in every year compared to the previous year from 1973 through 1976. Imports increased 15 percent absolutely from 1975 to 1976 and the ratio of imports to domestic production increased from 18.3 percent in 1975 to 20.0 percent in 1976.

Imports of men's and boys' dress and sport trousers and shorts decreased absolutely in 1973 and 1974 compared to the previous years, then increased in 1975 compared to 1974. Imports increased absolutely 32 percent from 1975 to 1976 and the ratio of imports to domestic production increased from 34.1 percent in 1975, to 41.9 percent in 1976.

Imports of men's and boys' tailored suit vests increased absolutely in every year compared to the previous year from 1973 through 1976. Imports increased 129 percent absolutely from 1975 to 1976, and the ratio of imports to domestic production decreased from 16.0 percent in 1975 to 12.9 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers of Curlee Clothing Co. were surveyed regarding their purchases of men's suits, vests, sportcoats, and slacks. Many of the customers surveyed decreased their purchases from Curlee from 1975 to 1976, and increased their purchases from other domestic sources who manufacture offshore.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits, vests, sportcoats, and slacks, produced at the Mayfield, Ky., plant of the Curlee Clothing Co., 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 Mayfield, Ky., plant of the Curlee Clothing Co., Inc., who became totally or partially separated from employment on or after December 14, 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 18th day of August 1977.

HARRY GRUBERT,
Director, Office of Foreign
Economic Research.

[PR Doc.77-25358 Filed 9-1-77;8:45 am]

DELL KNITWEAR INC., BRONX, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2125: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 7, 1977 in response to a worker petition received on June 7, 1977 which was filed on behalf of workers and former workers producing children's sweaters at the Bronx, New York plant of Dell Knitwear, Inc.

The notice of investigation was published in the FEDERAL REGISTER on June 16, 1977 (42 FR 30936). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dell Knitwear, 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 without regard to whether the other criteria have been met, the fourth criterion has not been met.

Average employment of production workers at the Bronx, N.Y. plant of Dell Knitwear increased 25.5 percent in 1976 compared to 1975, increasing in each quarter of 1976 compared to the same quarters in 1975; employment further increased 25.6 percent in the first quarter of 1977 compared to the same quarter in 1976.

Employment at Dell Knitwear follows a definite seasonal pattern. In 1976, as in the previous year, employment increased gradually from March to November. In December 1976 and January 1977, employment declined sharply, following the pattern of a year earlier. Employment again began to increase during February

and March 1977. The trade adjustment assistance program was not intended to cover total or partial separations that would have occurred regardless of the level of imports, e.g., those resulting from seasonal factors.

There is no indication that current workers are threatened with any involuntary separations from employment at the Bronx, N.Y. plant.

As stated in the petition, the workers at Dell Knitwear, Inc. are seeking adjustment assistance benefits for unemployment experienced during 1975. Section 223(b)(1) of the Trade Act of 1974 states that a certification shall not apply to workers separated more than one year before the date of the petition. The petition was dated June 1, 1977.

A survey representative of Dell Knitwear's customers indicated that none had decreased purchases from Dell Knitwear in 1976 compared to 1975 while increasing purchases of imported children's sweaters.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that imports like or directly competitive with children's sweaters produced at the Bronx, N.Y. plant of Dell Knitwear, Inc. did not contribute importantly to the separations of workers at that plant.

Signed at Washington, D.C., this 19th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc.77-25359 Filed 9-1-77;8:45 am]

[TA-W-2064]

KIDDY KRAFT MANUFACTURING, PHILADELPHIA, PA.

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-2064: 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 11, 1977 in response to a worker petition received on May 6, 1977 which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing juniors' coats at Kiddy Kraft Manufacturing, Philadelphia, Pa.

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 Kiddy Kraft Manufacturing, 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 worker's 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 reveals that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The plant was closed in the first quarter of 1976 since Kiddy Kraft received no orders, and was closed during one week in March and three weeks in April 1977 because of a decrease in orders. Employment steadily decreased from the third quarter of 1976 through the first quarter of 1977.

Employment declined 1.6 percent in the third quarter of 1976 compared to the third quarter of 1975 and declined 14.1 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975. Employment then declined 87.5 percent and 32.9 percent in April and May, respectively, in 1977 compared to April and May in 1976.

The average number of weekly hours worked by production employees declined 2.6 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Kiddy Kraft was closed in the first quarter of 1976. Sales and production declined 9.5 percent in the third quarter of 1976 compared to the second, declined 8.9 percent in the fourth quarter of 1976 compared to the third, and declined 66.7 percent in the first quarter of 1977 compared to the fourth quarter of 1976. Production declined 78.2 percent and 23.0 percent in April and May, respectively of 1977 compared to April and May 1976.

INCREASED IMPORTS

Imports of women's, misses and children's coats and jackets increased from 1972 to 1973, decreased from 1973 to 1974 and increased from 1974 to 1975. Imports increased 48.5 percent from 1,517,000 dozen in 1975 to 2,252,000 dozen in 1976. The ratio of imports to domestic production and consumption decreased from 1972 to 1974 and increased from 30.9 percent and 23.6 percent, respectively, in 1974 to 52.2 percent and 34.3 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

A customer who represented over 50 percent of orders received by Kiddy Kraft in 1976 decreased orders to Kiddy Kraft in 1976 and began placing orders with foreign contractors.

As a result of a decrease in the number of coats ordered, employment declines were experienced at Kiddy Kraft in the third and fourth quarters of 1976 and the first quarter of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with juniors' coats produced by Kiddy Kraft Manufacturing, Philadelphia, Pa., contributed importantly to the total or partial separation of workers of that plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at Kiddy Kraft Manufacturing, Philadelphia, Pa., who became totally or partially separated from employment on or after May 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 August 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc.77-25360 Filed 9-1-77;8:45 am]

[TA-W-1754]

L. K. SHAPIRO ASSOCIATES, INC., AND MARDOR OF CALIFORNIA, 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-1754: 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 March 1, 1977 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's coats at L. K. Shapiro Associates, Inc., Los Angeles, California. The investigation was expanded to include Panorama Garment Corporation, Van Nuys, California, and Mardor of California, Incorporated, Los Angeles, California, both wholly-owned subsidiaries of L. K. Shapiro Associates, Incorporated.

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 L. K. Shapiro Associates, Inc., its customers, the U.S. Department of Commerce, the U.S. In-

[TA-W-2045]

ternational 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.

(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 (4) has not been met.

L. K. Shapiro Associates, Inc., designs, sells and provides the administration for the manufacture of women's coats. The actual production, cutting, sewing, and trimming of the coats is done for L. K. Shapiro by contractors.

Panorama Garment Corporation and Mardor of California were both wholly-owned subsidiaries of L. K. Shapiro. Panorama and Mardor were commissioned contractors, producing women's coats exclusively for L. K. Shapiro. All production and employment at Panorama Garment Corporation ceased in March 1975, prior to February 14, 1976, the earliest possible impact date for this case.

Sales of women's coats by L. K. Shapiro increased both in quantity and value from 1975 to 1976. Customers surveyed indicated that they did not reduce their purchases of women's coats from L. K. Shapiro in favor of imported coats.

In December 1976 officials of L. K. Shapiro decided to close Mardor of California and to contract all coat production to outside domestic contractors. This was done in order to minimize the overhead expenses needed to operate Mardor during seasonal periods of low demand.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's coats produced by L. K. Shapiro Associates, Incorporated and by Mardor of California, Incorporated, Los Angeles, California did not contribute importantly to the total or partial separations of the workers of these firms.

Signed at Washington, D.C., this 23rd day of August 1977.

HARRY GRUBERT,
Director, Office of Foreign
Economic Research.

[FR Doc.77-25732 Filed 9-1-77; 8:45 am]

LILYETTE BRASSIERE CO., INC., NEW YORK, N.Y. AND HATO REY, 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-2045: 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 3, 1977 in response to a worker petition received on May 2, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers engaged in work related to the production of brassieres at the New York, N.Y. warehouse of Lilyette Brassiere Co., Inc. The investigation was subsequently expanded to include workers producing brassieres at the firm's Hato Rey, Puerto Rico plant.

The notice of investigation was published in the FEDERAL REGISTER on May 20, 1977, (42 FR 25941). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lilyette Brassiere 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 SEPARATIONS

Average employment of production workers declined 4.4 percent in 1976 compared to 1975 and 33.5 percent in the first quarter of 1977 compared to the same quarter in 1976.

The New York warehousing facilities were shut down on February 28, 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of brassieres declined 16.3 percent in 1976 compared to 1975 and 51.6 percent in the first quarter of 1977 compared to the same quarter in 1976.

Lilyette's production takes place at a company owned plant in Hato Rey, Puerto Rico which operates under the name Lily of Puerto Rico, Inc.

INCREASED IMPORTS

Imports of brassieres, bra-lettes and bandeaux increased each year, from 5.967 million dozens in 1972 to 8.751 million dozens in 1976, and increased from 1.831 million dozens in the first quarter of 1976 to 2.235 million dozens in the same quarter in 1977.

CONTRIBUTED IMPORTANTLY

A survey representative of Lilyette's customers indicated that several customers decreased their purchases from Lilyette in 1976 compared to 1975 and in the first quarter of 1977 compared to the same quarter in 1976, while increasing their purchases of imported brassieres.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with brassieres produced at the Hato Rey, Puerto Rico plant of Lilyette Brassiere Co., Inc. and shipped from New York, New York warehouse of Lilyette Brassiere Co., Inc. contributed importantly to the total or partial separations of the workers at those plants. In accordance with the provisions of the Act, I make the following certification:

"All workers engaged in employment related to the production, storage, and shipping of brassieres at the Hato Rey, Puerto Rico plant (Lily of Puerto Rico, Inc.) and the New York, N.Y. warehouse of Lilyette Brassiere Co., Inc., who became totally or partially separated from employment on or after April 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 19th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration & Planning.

[FR Doc.77-25361 Filed 9-1-77; 8:45 am]

LOW-CARBON FERROCHROMIUM

On July 11, 1977, the International Trade Commission determined that increased imports of low-carbon ferrochromium are not a substantial cause of serious injury to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (42 FR 36896).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are

likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on low-carbon ferrochromium. The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the Department of Labor has received three petitions for certification of eligibility for adjustment assistance from workers engaged in the production of low-carbon ferrochromium. To date, the Department has certified two of these petitions, and an investigation is in process in the remaining case. As of April 30, 1977, an estimated 290 workers had been certified for adjustment assistance and \$611,181 had been paid out to 258 of them in the form of trade readjustment allowances supplemental to any unemployment insurance that a worker may also have received.

2. Over the first half of 1977, overall employment in the low-carbon ferrochromium industry has not changed much from the depressed level reached in late 1976. In view of recent improvements in the stainless steel industry, which is the primary user of low-carbon ferrochromium, the Department of Labor does not expect further layoffs in the industry over the balance of the year.

3. The three domestic plants which produce low-carbon ferrochromium have all laid off substantial numbers of workers since early 1976. Approximately 225 of these workers have still not been rehired by their former employers. Unemployment rates in all of the affected local areas, which are all located in eastern Ohio, are either close to or somewhat below the national average. Consequently the reemployment prospects of most of the laid-off workers are fair.

4. The Comprehensive Employment and Training Act (CETA) programs appear to be capable of meeting the program claims of most of the displaced workers. Although actual levels of enrollment are somewhat higher than expected levels in the available programs, funding appears to be more than adequate to sustain them. The Employment and Training Administration through the State Employment Service has the authority to produce additional training when CETA funds are not available.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210 (phone 202-523-7665).

Signed at Washington, D.C. this 23rd day of August 1977.

HOWARD D. SAMUEL,
Deputy Under Secretary,
International Affairs.

[FR Doc. 77-25362 Filed 9-1-77; 8:45 am]

[TA-W-2026]

PICATO, MANCHESTER, CONN.

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-2026: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 223 of the Act.

The investigation was initiated on April 25, 1977 in response to a worker petition received on April 22, 1977 which was filed on behalf of workers and former workers producing women's coordinated sportswear at the Manchester, Conn. plant of Picato, a wholly owned subsidiary of the General Mills Corp.

The notice of investigation was published in the FEDERAL REGISTER on May 13, 1977 (42 FR 23656). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Picato, 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 223 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 at the Manchester, Connecticut plant of Picato increased 19.4 percent in 1976 compared to 1975 and then decreased 11.1 percent in the January-April period of 1977 compared to the January-April period of 1976. Average weekly hours worked decreased 11.9 percent in the January-April period of 1977 compared to the January-April period of 1976.

Picato ceased all operations on June 15, 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales in quantity decreased 13.0 percent in 1976 compared to 1975 and then increased 39.1 percent in the first quarter of 1977 compared to the first quarter of 1976. Sales ceased in the second quarter of 1977 when the company closed.

INCREASED IMPORTS

Imports of women's, misses', and children's coats and jackets were recorded

at 1,769,000 dozen in 1972; 1,807,000 dozen in 1973; 1,478,000 dozen in 1974; and 1,517,000 dozen in 1975. In 1976 imports rose to 2,252,000 dozen, an increase of 48.5 percent from 1975. For the first quarter of 1977, imports increased to 590,000 dozen, representing an increase of 16.6 percent compared to 506,000 dozen in the first quarter of 1976. The ratio of imports to domestic production increased from 30.9 percent in 1974 to 35.4 percent in 1975 and to 52.2 percent in 1976.

Imports of women's, misses', and children's slacks and shorts decreased from 12,094,000 dozen in 1972 to 8,923,000 dozen in 1974 and then increased to 10,067,000 dozen in 1975. In 1976 imports rose to 11,040,000 dozen, an increase of 9.7 percent from 1975. For the first quarter of 1977, imports decreased to 3,373,900 dozen, representing a decline of 4.5 percent compared to 3,531,000 dozen in the first quarter of 1976. The ratio of imports to domestic production increased from 30.3 percent in 1974 to 33.0 percent in 1975 and to 39.0 percent in 1976.

Imports of women's, misses', and children's blouses and shirts increased in each year from 17,265,000 dozen in 1972 to 26,113,000 dozen in 1975. In 1976 imports rose to 30,273,000 dozen, an increase of 15.9 percent from 1975. For the first quarter of 1977, imports decreased to 8,280,000 dozen, representing a decline of 14.3 percent compared to 9,657,000 dozen in the first quarter of 1976. The ratio of imports to domestic production increased from 50.2 percent in 1973 to 70.4 percent in 1975 and to 76.0 percent in 1976.

Imports of women's, misses', and children's skirts decreased from 593,000 dozen in 1972 to 254,000 dozen in 1974 and then increased to 508,000 dozen in 1975. In 1976 imports rose to 780,000 dozen, an increase of 53.5 percent from 1975. For the first quarter of 1977, imports were recorded at 103,000 dozen, representing a decline of 61.3 percent compared to 266,000 dozen in the first quarter of 1976. The ratio of imports to domestic production increased from 4.9 percent in 1974 to 10.6 percent in 1975 and to 12.2 percent in 1976.

Imports of women's, misses', and children's dresses decreased from 2,242,000 dozen in 1972 to 1,578,000 dozen in 1974 and then increased to 1,655,000 dozen in 1975. In 1976 imports declined to 1,614,000 dozen, a decrease of 2.5 percent from 1975. For the first quarter of 1977, imports were recorded at 371,000 dozen, representing an increase of 1.1 percent compared to 367,000 dozen in the first quarter of 1976. The ratio of imports to domestic production increased from 6.3 percent in 1973 to 8.0 percent in 1975 before declining to 7.9 percent in 1976.

Imports of women's, misses', and children's sweaters decreased from 8,087,000 dozen in 1972 to 7,990,000 dozen in 1973 and then increased to 8,965,000 dozen in 1975. In 1976 imports rose to 9,613,000 dozen, an increase of 7.2 percent from 1975. For the first quarter of 1977, imports were recorded at 816,000 dozen, representing a decline of 33.4 percent compared to 1,225,000 dozen in the first quarter of 1976. The ratio of imports to

domestic production increased from 94.2 percent in 1973 to 115.1 percent in 1975 and to 122.3 percent in 1976.

CONTRIBUTED IMPORTANTLY

A survey of customers of Picato indicated that some of these customers switched their purchases of women's sportswear from Picato to imported items. Style, quality, and price influenced these customers to buy imported women's sportswear.

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 jackets, slacks, shorts, blouses, shirts, skirts, dresses, and sweaters produced at the Manchester, Connecticut plant of Picato contributed importantly to the separations of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers at the Manchester, Connecticut plant of Picato who became totally or partially separated from employment on or after October 11, 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 August 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 77-25363 Filed 9-1-77; 8:45 am]

[TA-W-556]

McLOUTH STEEL CO., TRENTON, MICH.

Revised Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor issued a Notice of Determination on March 31, 1976, and published in the FEDERAL REGISTER on April 9, 1976 (41 FR 15082) certifying workers engaged in employment related to the production of stainless steel cold rolled sheet and strip at the Detroit, Mich., plant of McLouth Steel Co. and denying workers engaged in the production of carbon steel sheet, strip, slabs, pig iron, and stainless steel hot rolled strip at the Trenton, Mich., plant and workers engaged in the production of carbon steel cold rolled sheet and strip at the Gibraltar, Mich., plant of McLouth Steel Co.

At the request of the United Steelworkers of America, a review investigation was instituted. The review investigation reexamined the case history and additional information submitted by the petitioners and officials of McLouth Steel Co. concerning the Trenton, Mich., plant.

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 above criteria have been met with respect to workers producing stainless steel hot rolled strip at the Trenton, Mich., plant of McLouth Steel Co.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Four major units of the Trenton plant are primarily involved in the production of stainless steel hot rolled strip: melt shop furnace No. 7, mold preparation, stainless slab conditioning, and the slab reheat furnace.

Total hours worked on the production of stainless steel hot rolled strip in those units declined 74.4 percent from 1974 to 1975 and then increased 102.9 percent from 1975 to 1976. Total hours worked decreased in each quarter of 1975 when compared to the same quarter in 1974.

Layoffs attributable to declines in stainless steel production are not separately identifiable in the labor turnover data for the Trenton plant. However, the average number of people on layoff status increased 2,215 percent from 1974 to 1975 and then declined 88 percent from 1975 to 1976. Layoffs in 1975 equaled 59 percent of average annual employment.

SALES AND/OR PRODUCTION HAVE DECLINED ABSOLUTELY

Production of stainless steel hot rolled strip at the Trenton, Mich., plant of McLouth Steel declined 76.8 percent from 1974 to 1975 and then increased 147.2 percent from 1975 to 1976.

All of the stainless steel hot rolled strip produced at Trenton is shipped to the Detroit plant for cold rolling. Sales of stainless steel cold rolled sheet and strip at the Detroit plant of McLouth declined 74 percent from 1974 to 1975.

INCREASED IMPORTS

Imports of stainless steel hot and cold rolled sheet and strip decreased absolutely and relatively from 1972 to 1973 and then increased absolutely and relatively from 1973 to 1974 and from 1974 to 1975. From 1975 to 1976, imports increased by 18 percent from 86.0 thousand tons to 78.2 thousand tons. The ratio of imports to domestic shipments increased from 7.5 percent in 1974 to 15.1 percent in 1975 and then decreased to 11.1 percent in 1976.

CONTRIBUTED IMPORTANTLY

The Department's determination in TA-W-556 denied workers producing stainless steel hot rolled strip at the Trenton plant because stainless steel constituted less than 5 percent of Trenton's production and because employees work interchangeably on all products.

The evidence developed during the Department's reinvestigation indicates that although production of stainless steel hot rolled strip is a small percentage of total production at the Trenton, Mich., plant, a separate group of the most senior employees in the plant are engaged in stainless steel production in the melt shop furnace No. 7, mold preparation, stainless slab conditioning, and slab reheat furnace units. The stainless steel operation is staffed by a seniority system in which employees exercise preferences for jobs according to their length of service. Positions in stainless steel production are generally filled by the most senior employees in the plant. When stainless steel production declines and jobs in the stainless operation terminate, stainless steel employees can bump into jobs in carbon steel production, according to their seniority.

The Department's first investigation revealed that McLouth Steel operates an integrated production process between its Trenton, Mich. plant and its Detroit, Mich., plant in the manufacture of stainless steel cold rolled sheet and strip. All of the stainless steel hot rolled strip produced at the Trenton plant is sent to Detroit for cold rolling. Customers of the Detroit plant indicated that they had decreased their purchases of stainless steel sheet and strip from the subject firm and had increased purchases of imports.

CONCLUSION

After careful review of the facts obtained in the reinvestigation of TA-W-556, McLouth Steel Co., Trenton, Mich., I concluded that increases in imports of stainless steel hot and cold rolled sheet and strip like or directly competitive with the stainless steel hot and cold rolled sheet and strip produced at McLouth Steel Co. contributed importantly to the total or partial separations of workers in the Trenton, Mich., plant of that firm. In accordance with the provisions of the Act, I hereby issue the following revised determination:

All workers who became totally or partially separated from employment related to the production of stainless steel hot rolled strip on or after December 29, 1974, in the melt shop furnace No. 7, mold preparation, stainless slab conditioning, and slab reheat furnace units of the Trenton, Mich., plant of McLouth Co. are eligible to apply for adjustment assistance benefits under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-25364 Filed 9-1-77; 8:45 am]

[TA-W-2069]

QUAKER TROUSER 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-2069: investigation regarding eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 12, 1977 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing men's dress pants at the Quaker Trouser Company, Philadelphia, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on May 24, 1977 (42 FR 26482). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information provided by officials of Quaker Trouser 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 Department's investigation revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at Quaker Trouser Company decreased 14 percent in 1976 compared to 1975 and decreased 33 percent in the first quarter of 1977 compared to the same quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales by the Quaker Trouser Company decreased 14 percent in 1975 compared to 1974, decreased 8 percent in 1976 compared to 1975 and decreased 40 percent in the first five months of 1977 compared to the same period of 1976.

INCREASED IMPORTS

Imports of men's and boy's dress and sport trousers and shorts increased from 39.8 million units in 1974 to 50.5 million units in 1975, and increased to 73.2 million units in 1976. Imports increased from 14.6 million units in the first quarter of 1976 to 17.1 million units in the same period of 1977. The ratio of imports to domestic production increased from 18.2 in 1974 to 34.1 in 1975 and increased to 41.9 in 1976.

CONTRIBUTED IMPORTANTLY

Customers of Quaker Trouser Company who were surveyed have decreased purchases from Quaker Trouser and stated that they purchase imported men's pants.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's pants produced by Quaker Trouser Company contributed importantly to the separations of workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of Quaker Trouser Company, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after May 9, 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 23rd day of August 1977.

HARRY GRUBERT,
Director, Office of Foreign
Economic Research.

[FR Doc. 77-25733 Filed 9-1-77; 8:45 am]

[TA-W-2179]

ROCKWELL INTERNATIONAL, DRAPER DIVISION, HOPEDALE, MASSACHUSETTS**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-2179: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 27, 1977 in response to a worker petition received on June 24, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing weaving looms at the Hopedale, Massachusetts plant of Rockwell International.

The notice of investigation was published in the FEDERAL REGISTER on July 12, 1977, (42 FR 35904). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rockwell International, 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

Average employment of production workers decreased 17.7 percent in the first 5 months of 1977 compared to the same period of 1976.

Average employment of salaried workers decreased 5.2 percent in the first 5 months of 1977 compared to the same period of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of weaving looms decreased 39.8 percent in the first 5 months of 1977 compared to the same period of 1976.

Production of weaving looms decreased 38.0 percent in the first 5 months of 1977 compared to the same period of 1976.

INCREASED IMPORTS

Imports of shuttle broadloom weaving machines increased from 211 units in the first 4 months of 1976 to 365 units in the same period of 1977.

Imports of shuttleless broadloom weaving machines decreased from 1,534 units in the first 4 months of 1976 to 802 units in the same period of 1977.

CONTRIBUTED IMPORTANTLY

Some of the customers surveyed by the Office of Trade Adjustment Assistance indicated that they have increased purchases of imported weaving looms while decreasing purchases of domestically produced weaving looms.

A certification of eligibility to apply for adjustment assistance, issued under provisions of the Trade Act of 1974, expires on August 12, 1977—two years from its date of issuance.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with weaving looms produced at Hopedale plant of Rockwell International, Draper Division 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 Hopedale plant of Rockwell International, Draper Division who became totally or partially separated from employment on or after August 13, 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 19th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-25365 Filed 9-1-77; 8:45 am]

[TA-W-1759]

TRUE FORM FOUNDATIONS, DARBY, PENNSYLVANIA

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-1759: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 223 of the Act.

The investigation was initiated on March 3, 1977 in response to a worker petition received on March 1, 1977 which was filed by the Philadelphia Dress Joint Board of the International Ladies Garment Workers Union on behalf of workers and former workers producing women's underwear at the Darby plant of True Form Foundations.

The Notice of Investigation was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15472). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of True Form Foundations, 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 the without regard to any of the other criteria, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

Average employment of production workers increased 1 percent in 1975 compared to 1974, declined 2 percent in 1976 compared to 1975, and declined 9 percent in the first quarter of 1977 compared to the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total company sales in quantity increased 28 percent in the third quarter of 1976 compared to the third quarter of 1975, increased 14 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975 and increased 13 percent in the first quarter of 1977 compared to the first quarter of 1976.

Sales in value, increased 29 percent in 1976 compared to 1975.

Cutting production at Darby, in quantity, increased 12 percent in the third quarter of 1976 compared to the third quarter of 1975, declined 6 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975, and increased 5 percent in the first quarter of 1977 compared to the first quarter of 1976.

Sewing production at Darby, in quantity, increased 15 percent in 1976 compared to 1975 and declined 7 percent in the first quarter of 1977 compared to the first quarter of 1976.

Packing production at Darby, in quantity, declined 16 percent in the third quarter of 1976 compared to the third quarter of 1975, increased 16 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975, and declined 13 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

Imports of brassieres, bra-lettes, and bandeaux increased absolutely in 1973 and 1974 when compared to the previous year, increased in 1975 compared to 1974, increased 26 percent in 1976 compared to 1975, and increased 22 percent in the first quarter of 1977 compared to the first quarter of 1976. The ratio of imports to domestic production increased from 42.3 percent in 1975 to 50.3 percent in 1976.

Imports of corsets and girdles declined absolutely in 1973 and increased in 1974 when compared to the previous year, increased in 1975 compared to 1974, increased 69 percent in 1976 compared to 1975, and increased 13 percent in the first quarter of 1977 compared to the first quarter of 1976. The ratio of imports to domestic production increased from 3.1 percent in 1975 to 5.3 percent in 1976.

Imports of women's, misses', and juniors' underwear, which includes briefs and pant liners, declined absolutely in 1973 and 1974 when compared to the previous year, increased in 1975 compared to

1974, increased 28 percent in 1976 compared to 1975, and increased 61 percent in the first quarter of 1977 compared to the first quarter of 1976. The ratio of imports to domestic production increased from 2.3 percent in 1975 to 2.6 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers responding to an OTAA survey represented over 33 percent of company sales. None of these customers decreased purchases from True Form and increased purchases of imports. Total company sales at True Form increased from 1975 to 1976.

True Form began importing brassieres in 1973. Company imports represent less than 2 percent of total sales. The imported brassieres are offered as periodic low cost sale items.

Company wide sales which includes sewing production from the Darby plant, two other domestic company owned plants and from two domestic contractors increased from 1975 to 1976 and in the first quarter of 1977 compared to the first quarter of 1976. Therefore any decrease in production at the Darby plant was offset by an internal switch in production to other company owned domestic plants.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increase of imports like or directly competitive with brassieres, girdles, all-in-ones, pant liners, and briefs produced at the Darby, Pennsylvania plant of True Form Foundations did not contribute importantly to the total or partial separation of the workers at that plant.

Signed at Washington, D.C. this 19th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-25366 Filed 9-1-77; 8:45 am]

[TA-W-1563]

U.S. STEEL CORP. CENTRAL FURNACES

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-1563: 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 10, 1977 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 pig iron at the Lorain, Ohio plant of U.S. Steel Corp.

The notice of investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5456). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials 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.

Without regard to whether the other criteria have been met, criterion three (3) has not been met.

Evidence developed in the Department's investigation revealed that imports of pig iron decreased from 427,000 tons in 1975 to 370,000 tons in 1976. Imports decreased from 102,000 tons in the first quarter of 1976 to 39,000 tons in the first quarter of 1977.

There are no imports of hot metal.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with pig iron and hot metal produced at the Central Furnaces of U.S. Steel Corp., Lorain, Ohio have not contributed importantly to the decline in sales or production of the plant or to the total or partial separations of workers of that plant as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc.77-25734 Filed 9-1-77; 8:45 am]

[TA-W-1436]

U.S. STEEL CORP., DUQUESNE, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1436: 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 November 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon and alloy hot rolled bar-size light shapes at the Duquesne Work of the U.S. Steel Corp. Pittsburgh, Pa.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 901). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of U.S. 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 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 has 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.

Without regard to whether the other criteria have been met, the investigation has revealed that criterion four (4) has not been met.

Evidence developed in the Department's investigation revealed that the Duquesne Works of the U.S. Steel Corp. produced carbon and alloy hot rolled bar-size light shapes. Imports or carbon steel bar-size light shapes have declined steadily each year from 1974 through 1976. The imports to shipments ratio declined each year from 53.1 percent in 1974 to 19.5 percent in 1976. The survey conducted by the Office of Trade Adjustment Assistance reflects the decline in import purchases by end users. Customers responding stated that either they did not purchase imported steel bars or that they have decreased purchases of imported steel bars in 1976 compared to 1975. Some customers reported increased purchases of domestically produced steel bar-size light shapes.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly

competitive with carbon and alloy hot rolled bar-size light shapes produced at the Duquesne Works of the U.S. Steel Corporation 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 August, 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc.77-25368 Filed 9-1-77; 8:45 am]

[TA-W-1449]

UNITED STATES STEEL CORP., TORRANCE, CALIFORNIA

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-1449: 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 Steelworkers of America on behalf of workers and former workers producing carbon steel structural shapes and steel bars at the Torrance, Calif. plant of U.S. Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1542). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information and publications provided by the officials of U.S. Steel Corp., its customers, the U.S. International Trade Commission, U.S. Department of Commerce, American Iron and Steel Institute, 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 Department's investigation has revealed that with respect to carbon steel structural shapes production, all of the above criteria have been met. With respect to bar production, without regard to whether the other criteria have been met, criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of workers producing structural shapes at the Torrance plant declined 39.2 percent in the first eleven months of 1976 compared to the same period in 1975. Average weekly hours worked declined 13.3 percent in the first eleven months of 1976 compared to the like period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of structural shapes at the Torrance plant declined 49.0 percent in volume in the first eleven months of 1976 compared to the first eleven months of 1975.

INCREASED IMPORTS

Imports of carbon steel structural shapes declined annually from 1,614.0 thousand short tons in 1972 to 804.9 thousand short tons in 1975 and increased in 1976 to 1,351.4 thousand short tons. The ratio of imports to domestic shipments increased from 19.5 percent in 1975 to 40.0 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers of structural shapes who were surveyed indicated that they reduced purchases from the Torrance plant of U.S. Steel while increasing purchases of imported structural shapes.

Customers of steel bars who were surveyed indicated either that they did not purchase any imported steel bars or that they did not shift their purchases of steel bars made at the Torrance plant to imported steel bars. Furthermore, employment of workers producing steel bars at the Torrance plant increased 32.2 percent in the first eleven months of 1976 compared to the same period in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the carbon steel structural shapes produced at the Torrance, Calif. plant of U.S. Steel Corporation contributed importantly to the total or partial separations of the workers producing carbon steel structural shapes 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 carbon steel structural shapes at the Torrance, Calif. plant of U.S. Steel Corp. 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.

I further conclude that imports of steel bars did not contribute importantly to total or partial separations of workers producing steel bars at the Torrance

plant as required for certification under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-26367 Filed 9-1-77; 8:45 am]

[TA-W-1840]

WHITINSVILLE SPINNING RING 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-1840: 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 February 23, 1977 which was filed by three former employees on behalf of workers and former workers producing steel twister rings and steel spinning rings at the Whitinsville, Mass. plant of Whitinsville Spinning Ring Co.

The Notice of Investigation was published in the FEDERAL REGISTER on March 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 Whitinsville Spinning Ring 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.

The investigation has revealed that all four of the criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 10 percent in 1976 compared to 1975 and declined 10 percent in the first quarter of 1977 compared to the

first quarter of 1976. The company began laying off production employees in February 1977 in anticipation of closing the plant. Most production employees were laid off by April 8, 1977. Some workers remained for close-out operations and they are expected to be laid off soon.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of rings manufactured at the Whitinsville plant increased nine percent in value in 1976 compared to 1975. In the first quarter of 1977, sales increased compared to the first quarter of 1976 as all remaining raw materials were used up. In April 1977, all production ceased.

The company has no plans to resume production at the Whitinsville, Mass. plant. Sales values were adjusted for inflation using the Wholesale Price Index commodity for spinning rings and twister rings as published by the Bureau of Labor Statistics.

INCREASED IMPORTS

U.S. Imports of spinning rings and twister rings increased from 16.6 thousand units in 1972 to 39.0 thousand units in 1973 and 41.0 thousand units in 1974 before declining to 21.5 thousand units in 1975 and 20.1 thousand units in 1976. Imports increased from 5.0 thousand units in the first three months of 1976 to 6.6 thousand units in the first three months of 1977.

The ratio of imports to domestic production increased from 2.7 percent in 1972 to 6.0 percent in 1973, 8.6 percent in 1974 and 10.0 percent in 1975 before declining to 8.5 percent in 1976. The ratio of imports to domestic production increased from 8.8 percent in the first three months of 1976 to 10.1 percent in the first three months of 1977.

CONTRIBUTED IMPORTANTLY

Whitinsville Spinning Ring Co. reported to the Department that in recent years some of their customers had shifted purchases from its domestic steel twister rings to its imported psm rings. (Twister rings and psm rings are substitutable items.) Customers confirmed this. In addition, some customers reported that they reduced purchases of steel spinning rings from Whitinsville because they switched to imported steel spinning rings.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with spinning rings and twister rings produced at the Whitinsville, Mass. plant of Whitinsville Spinning Ring Co. 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 Whitinsville, Massachusetts plant of Whitinsville Spinning Ring Co. who became totally or partially separated from employment on or after February 21, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of August 1977.

HARRY GRUBERT,
Director, Office of Foreign
Economic Research.

[FR Doc. 77-25735 Filed 9-1-77; 8:45 am]

[TA-W-1654]

WONDERING BOY

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-1654: 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 Wondering Boy in Port Isabel, Tex.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13095). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wondering Boy, 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 the other criteria have been met, criterion (4) has not been met.

CONTRIBUTED IMPORTANTLY

The Department's investigation has revealed that Wondering Boy's only customer buys all the shrimp that Wondering Boy is able to supply. This customer only purchases imported shrimp when Wondering Boy and other

domestic suppliers are unable to meet the customer's requirements.

The decline in the quantity of shrimp caught by the trawler 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 trawler 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 without permits 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 the Wondering Boy, 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 23rd day of August 1977.

HARRY GRUBERT,
Director, Office of Foreign
Economic Research.

[FR Doc. 77-25736 Filed 9-1-77; 8:45 am]

[TA-W-1909]

WOODBURY MANUFACTURING CO., WILKES BARRE, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1909; 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 24, 1977 in response to a worker petition received on March 24, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing sportswear at the Wilkes Barre, Pa. plant of Woodbury Manufacturing Co.

The Notice of Investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19175). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Woodbury Manufacturing Co.

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 worker's 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.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

The Woodbury Manufacturing Co. produces men's and women's jackets and blazers. The manufacturing is done on a contract basis with an apparel manufacturer.

Evidence developed in the Department's investigation revealed that production in terms of quantity of men's and women's jackets and blazers at the Woodbury Manufacturing Co. increased 69.6 percent in 1976 compared to 1975. Production increased 20.0 percent in the first quarter of 1977 compared to the first quarter of 1976.

Production and sales data at the Woodbury Manufacturing Co. are equivalent.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that neither sales nor production at the Wilkes-Barre, Pa. plant of the Woodbury Manufacturing Co. have decreased as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of August 1977.

JAMES F. TAYLOR,
Director, Office and Management,
Administration and Planning.

[FR Doc. 77-25369 Filed 9-1-77; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-77-795]

ADVISORY COMMITTEE

First Meeting

AGENCY: Department of Housing and Urban Development.

ACTION: Notice is given of the initial meeting of the Task Force on Housing Costs, whose functions were published at 42 FR 27679. Notice is given also of the initial meeting of any committee formally established by the Task Force.

SUMMARY: *Task Force and Committee Meetings:* The initial meeting of the full Task Force will be held on October 5 and 6, 1977. The full Task Force will convene each day at 9:30 am in the Departmental

Conference Room, Tenth Floor (Room 10233), Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Any committee of the Task Force which is then established may convene also during this period. Information about the time and place of any such committee meeting will be available to the public during this period in Room 7110, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410 Telephone: 202-755-6076.

SUPPLEMENTARY INFORMATION: The purpose of and agendas for these initial meetings may include, but are not limited to, the following:

1. Certification and qualification of Task Force members;
2. Review and comment on written materials provided by HUD staff concerning factors that affect the cost of housing and concerning actions that might reduce such costs;
3. Consideration of other issues and ideas not raised in these materials;
4. Testimony from members of the general public;
5. Discussion of the merits of all suggested actions;
6. Discussion of recommendations to the Secretary of HUD concerning actions the Federal Government, particularly HUD, might take to reduce the cost of new housing to the consumer;
7. Establishment of Task Force organization, and appointment of officers and committees;
8. Scheduling of additional Task Force meetings and any committee meetings; and
9. Consideration of other Task Force business.

ADDRESS: Committee Management Officer Douglas C. Brooks, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Douglas C. Brooks 202-755-9086, or Donald K. McLain 202-755-5333.

Task Force and committee meetings will be open to the public.

Issued at Washington, D.C., August 26, 1977.

PATRICIA ROBERTS HARRIS,

Secretary, Department of Housing and Urban Development.

[FR Doc.77-25898 Filed 9-1-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 31470]

NEW MEXICO

Application

AUGUST 26, 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), Natural Gas Pipeline Company of America has applied for one 4-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 26 E.,
Sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 25 S., R. 26 E.,
Sec. 3, lot 1.

This pipeline will convey natural gas across 0.440 miles of public lands in Eddy County, New Mexico.

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 promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
*Chief, Branch of Lands
and Minerals Operations.*

[FR Doc.77-25703 Filed 9-1-77;8:45 am]

[NM 31473]

NEW MEXICO

Application

AUGUST 26, 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), Gulf Oil Corporation has applied for one 3-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 31 E.,
Sec. 19, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 20, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 29, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

This pipeline will convey natural gas across 1.911 miles of public land in Eddy County, New Mexico.

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 promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
*Chief, Branch of Lands
and Minerals Operations.*

[FR Doc.77-25704 Filed 9-1-77;8:45 am]

Bureau of Land Management

[OR 338]

OREGON

Order Providing for the Opening of Public Land

Correction

In FR Doc. 20953 appearing on page 37447 in the issue for Thursday, July 21, 1977, the following correction should be made.

In the first column on page 37447, the second line under the heading, "WIL-LAMETTE MERIDIAN", now reading, "Sec. 20 S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ", should read, "Sec. 20 S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ".

Fish and Wildlife Service

ISSUANCE OF PERMIT FOR MARINE MAMMAL

On September 8, 1976, a notice was published in the FEDERAL REGISTER (Vol. 41, No. 175) that an application had been filed with the Fish and Wildlife Service by California Department of Fish and Game, Sacramento, Calif., for a permit to conduct scientific research on sea otters.

Notice is hereby given that on August 26, 1977, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit to California Department of Fish and Game, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours (7:45 a.m.-4:15 p.m.) at the Fish and Wildlife Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Dated: August 29, 1977.

DONALD G. DONAHOO,
*Chief, Permit Branch,
Federal Wildlife Permit Office.*

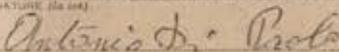
[FR Doc.77-25631 Filed 9-1-77;8:45 am]

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under Section 4(d), 16 USC 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Antonio Di Paolo, 3 Bradford Road, Beverly, Mass. 01915.

 DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		<small>OMB NO. 42-11617</small> 1. APPLICATION FOR <small>Use only one</small> <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
2. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Captive self Sustaining Pap. Kinds Buy, sell, transport in interstate commerce.	
Antonio Di Paolo 3 Bradford Road Beverly, Mass. 01915 (617) 922-5241		3. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS. HIGHT 5-6 WEIGHT 170 DATE OF BIRTH 12-14-34 HAIR Auburn COLORED Brown PHONE NUMBER 85 2808 ARE EMPLOYED SOCIAL SECURITY NUMBER 016-30-1861 OCCUPATION ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT	
4. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED as above		3. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED	
5. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <small>(If yes, list license or permit number)</small> Waterfowl Sale and Disposal PRT 2-172 B O 8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <small>(If yes, list jurisdiction and type of document)</small>	
10. DESIRED EFFECTIVE DATE A.S.A.P.		11. DURATION NEEDED -2 years	
12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (SEE 36 CFR 22.1230) MUST BE ATTACHED; IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 36 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. Title 5017.33			
CERTIFICATION			
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 22, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE, PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (In ink) 		DATE 6/10/77	

"Studbook" as directed by the U.S. Fish and Wildlife Service.

5. All birds shipped will be in unused wire bound wooden crates, padded to prevent scalping or injury. Food and water containers will be secured in the crates. There will be enough room and size for the bird to stand and move around. The crates will be marked with "Live Birds—Please Rush" on four sides of the crates.

6. So far I have been fortunate not to have any of these birds die. All my pens are protected by 4 ft. chain link fence. The 4 ft. fence circles the area where the birds are kept. At the top of the fence is electric wire for added protection.

7. So far I have been successful with my birds and as a result I have surplus of the young and also I am interested in getting new birds for the blood line. This permit will enable me to buy and sell from ones that have this license to keep these birds from becoming extinct.

7a I hope never to have to give up raising birds for my hobby. I also hope my son would carry on. If it happens that I cannot continue or my son I will dispose of the birds to only qualified breeders that have this permit or as directed by the regulations of the U.S. Fish and Wildlife Service.

c I understand that the above permit will enable me to transact only to those holding the permit. I should also state that at any time my birds can be seen.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1175-25; please refer to this number when submitting comments. All relevant comments received on or before October 3, 1977, will be considered.

Dated: August 30, 1977.

DONALD G. DONAHOO,
 Chief, Permit Branch, Federal
 Wildlife Permit Office, U.S.
 Fish and Wildlife Service.

[FR Doc.77-25832 Filed 9-1-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Elmer A. Heft, 398 Lake St., Green Lake, Wis. 54941.

1. Pheasant species to be covered by this permit application is: Brown-eared Manchurian (*Crossoptilon manchuricum*), White-eared Manchurian (*Crossoptilon crossoptilon*), Elliot's (*Symaticus ellioti*), Mikado (*Symaticus mikado*), Edward's (*Lophura edwardi*), Swinhoe's (*Lophura swinhoei*), Black-throated bobwhite or Black masked (*Colinus nigrogularis*). When I receive the requested permit it will enable me to sell legally the surplus stock from my existing breeders as listed above.

2. The pens are 5 x 21 and 6 feet high; 6 x 21 and 8 x 21 and 6 feet high. The water containers are made of galvanized steel; 4 x 4 x 10; the food containers are 8 x 6 x 10

covered for weather protection. Each pen has evergreen trees and grass covered with wire so the birds can eat the grass and not kill the roots. For weather protection the back of the pens are covered with wood and shingles 6 feet high.

3. I have been raising birds for about 10 years. I took a poultry course at the Essex Agricultural School in Danvers, Mass. Last year I was Vice-President of the Northeastern Avicultural Society. This year I am President of the club. I also belong to the American Waterfowl Society and to the Gazette.

4. I will participate in any breeding program and maintain or contribute data to a

OVD NO. 42-8153

 <p>DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE</p> <p>FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION</p>		<p>1. APPLICATION FC (State only use)</p> <p><input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT</p>																															
<p>3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)</p> <p>Elmer A. Heft 398 Lake St. Green Lake, Wis.</p>		<p>2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH APPLICATED LICENSE OR PERMIT IS NEEDED.</p> <p>Authorization to ship 1 pair of White Eared Pheasants for Breeding from New York to Wisconsin</p>																															
<p>4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING</p> <table border="1"> <tr> <td><input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td></td> <td>58 9"</td> <td>145</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>Apr. 8, 1899</td> <td>Brown</td> <td>Brown</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td></td> <td colspan="2">392-20-1342</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> <tr> <td colspan="3">Retire from Abstract Business</td> </tr> <tr> <td colspan="3">ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT</td> </tr> <tr> <td colspan="3">None</td> </tr> </table>		<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT		58 9"	145	DATE OF BIRTH	COLOR HAIR	COLOR EYES	Apr. 8, 1899	Brown	Brown	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER			392-20-1342		OCCUPATION			Retire from Abstract Business			ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT			None			<p>5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING</p> <p>NAME, TITLE, AND PHONE NUMBER OF PRESENT, PRINCIPAL OFFICER, FOR "OR, ETC.</p> <p>N.A.</p> <p>IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED</p> <p>N.A.</p>	
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Retire from Abstract Business																																	
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT																																	
None																																	
<p>6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED</p> <p>398 Lake St. Green Lake, Wis.</p>		<p>7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list license or permit number)</p> <p>PRT 2 434 TW PRT 2 750 TW</p> <p>8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list jurisdiction and type of document)</p>																															
<p>9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF</p> <p>\$ None</p>		<p>10. LICENSE EFFECTIVE DATE OF ISSUE</p> <p>2 Years</p>																															
<p>12. ATTACHMENTS, THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See CFR 22.2240) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION, LIST SECTIONS OF 30 CFR WHICH REQUIRE ATTACHMENTS AND PROVIDE:</p> <p>17.33</p>																																	
<p>CERTIFICATION</p>																																	
<p>I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS OF SUBCHAPTER B OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED BY THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p>																																	
SIGNATURE (In ink)		DATE																															
Elmer A. Heft		July 14, 1977																															

Most of these pens have Japanese Yews planted in them. All aviaries are predator proof, having a shed in the rear. These aviaries are located on three acres of land.

(3) I have raised pheasants for the past thirty eight years, and have had the pheasants listed above during most of this time. In 1974 I received the Grand Master Breeder Award given by the American Game Bird Breeder's Cooperative Federation being the second one to receive this award. I have also received many other breeding awards.

(4) I am willing to participate in a cooperative breeding program. I have raised a large number during the years of the pheasants listed above.

(5) I have shipped hundreds of pheasants and know what size of containers or coops to ship them in without harming the birds as different pheasants need different kinds of crates.

(6) During the years that I have had the pheasants listed above you will lose some to old age and other causes, but have had no serious illness.

(7) I have been raising the pheasants listed above so that the future generations will have these birds. I have had hundreds of people come to see these birds which they cannot see in their native habitat. I have had hundreds of school children come to see my birds.

(8) When I retire I hope that the pheasants that I have will go to other breeders to propagate them for future generations.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1181-07; please refer to this number when submitting comments. All relevant comments received on or before October 3, 1977, will be considered.

Dated: August 30, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office, U.S.
Fish and Wildlife Service.

[FR Doc.77-25633 Filed 9-1-77; 8:45 am]

THREATENED SPECIES PERMIT Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under Section 4(d), 16 USC 1533(d), of the Endangered Species Act of 1973 (Public Law 93-205).

Applicant: Harold H. Polk, 2953 Fairchild, Wayzata, Minn. 55301.

ATTACHMENTS 17.33 TO PERMIT REQUEST
(1) "Captive Self-Sustaining Population" permit is requested for the following species of pheasants:

- (1) Brown-eared pheasant (*Crossoptilon mantchuricum*).
- (2) White-eared pheasant (*Crossoptilon drouyni*).
- (3) Bar-tailed pheasant (*Syrnaticus humiae*).
- (4) Mikado pheasant (*Syrnaticus mikado*).

(5) Palawan peacock pheasant (*Polypectron emphanum*).

(6) Elliotts pheasant (*Syrnaticus ellioti*).

(7) Edwards pheasant (*Lophura edwardsi*).

I seek a permit to authorize an unlimited number of transactions through interstate commerce over a two year period of time for the 7 species of pheasants listed above in this paragraph, with the permit being subject to renewal according to section 13.24.

(2) I have 100 aviaries varying in size from 12 by 18 feet to ones that are 12 by 50 feet.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE		1. APPLICATION FOR LICENSE ONLY PERMITS																			
 <p>FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION</p>		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT																			
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Authorization to engage in interstate commerce with six of the threatened species of pheasants which have been determined to exist in "Captive Self-Sustaining Populations" within the United States for a period of 2 years.																			
3. APPLICANT'S NAME, complete address and phone number of individual, business, agency, or institution for which permit is requested. Harold H. Polk 2953 Fairchild Wayzata, Minnesota 55391 612-473-6026		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: "EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION" Not Applicable																			
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td>SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> MS <input type="checkbox"/> WS</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td></td> <td>5'-11"</td> <td>200 lbs.</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>Oct. 18, 1908</td> <td>Brown</td> <td>Blue</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td>612-473-6026</td> <td colspan="2">557 10 0231</td> </tr> </table> OCCUPATION Aviculturist & Corp. Pub. Accountant ANY BUSINESS, AGENCY, OR INSTITUTION AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT None		SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> MS <input type="checkbox"/> WS	HEIGHT	WEIGHT		5'-11"	200 lbs.	DATE OF BIRTH	COLOR HAIR	COLOR EYES	Oct. 18, 1908	Brown	Blue	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		612-473-6026	557 10 0231		6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED 2953 Fairchild Wayzata, Minnesota 55391 and R.F.D. #1 Clearwater, Minn. 55320	
SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> MS <input type="checkbox"/> WS	HEIGHT	WEIGHT																			
	5'-11"	200 lbs.																			
DATE OF BIRTH	COLOR HAIR	COLOR EYES																			
Oct. 18, 1908	Brown	Blue																			
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER																				
612-473-6026	557 10 0231																				
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <i>If yes, list license or permit number</i> 3PR 2263		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <i>If yes, list jurisdiction and type of document</i> Not required.																			
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF Not Applicable		10. DESIRED EFFECTIVE DATE Date of Issuance 2 years																			
12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 141.236) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 17.33																					
CERTIFICATION																					
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 14, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER 6 OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE, PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT PERJURE MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.																					
SIGNATURE OF APPLICANT 		DATE 9-18-77																			

accredited Pullorum-Typhoid tester for the State of Minnesota Livestock Sanitary Board.

(4) The applicant is ready and willing to participate in a cooperative breeding program and to contribute data for a stud book.

(5) The applicant will continue to use shipping crates of a crush proof nature provided with food and water in each use of public transportation. To date no losses have been experienced in transportation.

(6) Pheasant losses have been a minimal fraction of one per cent. Such as did occur, were primarily due to predators such as the horned owl and raccoons. This has been cleared by double overhead netting with a space of two feet between so that the owl's strike force is dissipated before reaching the second netting.

(7) (1) The applicant is making this application to purchase, sell or trade in interstate commerce the six pheasants listed in item (1) of this attachment. The permit, if granted, will enable the applicant to improve the bloodline strength of the offspring from the pheasants he now possesses and to dispose of the progeny he raises each year to qualified breeders in other States. Sales will assist in partially defraying the costs of propagation of the identified species. Granting the permit will also serve to increase the virility and strength of the species and thus enhance the survival of the "captive Self-Sustaining Population" in the United States. The applicant does not breed pheasants for economic purposes, rather, it is the enjoyment and pleasure of serving to preserve these beautiful birds for the future to enjoy and possibly in a small way contributing to the reintroduction of them into their natural home and habitat when political situations will allow.

(7) (2) Upon termination of the applicant's breeding activity for any reason not presently apparent, the pheasants covered in this application as well as any others, then in the applicant's possession, will be gifted to qualified breeders who share the same standards and enjoyment.

Sincerely,

HAROLD H. POLK.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1197-25; please refer to this number when submitting comments. All relevant comments received on or before October 3, 1977, will be considered.

Dated: August 30, 1977.

DONALD G. DONAHOO,
 Chief, Permit Branch, Federal
 Wildlife Permit Office, U.S.
 Fish and Wildlife Service.

[FR Doc. 77-25634 Filed 9-1-77; 8:45 am]

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under Section 4(d), 16 USC 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Henry Doorly Zoo, Riverview Park, Omaha, Nebr. 68107.

ATTACHMENT 17.33 TO PERMIT REQUEST

(1) A "Captive Self-Sustaining Population" permit is requested for the following species of pheasants:

(1) Brown Eared pheasants (*Crossoptilon mantchuricum*).

(2) Humes Bartailed pheasant (*Syrnaticus humiae*).

(3) Mikado pheasant (*Syrnaticus mikado*).

(4) Palawan pheasant (*Polyplectron emphanum*).

(5) Edwards pheasant (*Lophura edwardsi*).

(6) Swinhoe's pheasant (*Lophura swinhoei*).

The applicant seeks a permit to authorize an unlimited number of transactions by interstate commerce over a two year period of time for the six species of pheasants identified above, with the permit subject to renewal in accordance with section 13.24.

(2) The applicant possesses numerous pheasant aviaries of varying sizes. The largest of which is 25' by 125' by 6' and the smallest is 10' by 10' by 6' for breeding pairs. The greatest number are 16' by 16' by 6'. Each pen is constructed of one inch wire

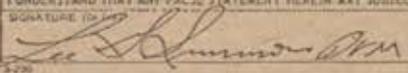
netting on the sides. The same one inch netting is on the tops in either wire or nylon. Fourteen of the aviaries have individual housing not less in size than 8' by 8' by 5' for protection from the elements. The balance of the aviaries share three communal buildings, appropriately sectioned to relate to the outside enclosures. A photograph shows the representative pens and is attached as Attachment A.

Nineteen of the aviaries are located on a two acre lot, immediately adjacent to the applicant's residence, the others are on a ten acre area adjacent to applicant's caretaker's residence. At least a hundred additional acres are available.

(3) Applicant has been propagating pheasants for ten or more years. He already has five of the species referred to in this permit application, in his aviaries and consequently is experienced in breeding and raising them.

The applicant is a member of the following wildlife organizations:

The Wildfowl Trust (England), American Pheasant and Waterfowl Society, Minnesota Pheasant and Waterfowl Society, Oregon Pheasant Breeders. He is presently serving as the Secretary-Treasurer of the Minnesota Pheasant and Waterfowl Society. He is an

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		OMB NO. 43-1029													
		1. APPLICATION FOR: <i>See only one!</i>													
		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT													
3. APPLICANT: (If firm, complete address and phone number of individual, business, agency, or institution for which permit is requested)		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.													
Henry Doorly Zoo Riverview Park Omaha, NE 68107		captive self-sustaining population permit for Jaguar (<i>Panthera onca</i>), Leopard (<i>Panthera pardus</i>), and Tiger (<i>Panthera tigris</i>)													
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:													
<table border="1"> <tr> <td><input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.</td> <td>HEIGHT</td> <td>HEIGHT</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> </table>		<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	HEIGHT	DATE OF BIRTH	COLOR HAIR	COLOR EYES	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		OCCUPATION			EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION	
<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	HEIGHT													
DATE OF BIRTH	COLOR HAIR	COLOR EYES													
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER														
OCCUPATION															
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT		NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.													
		Dr. Lee G. Simons													
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list license or permit numbers)													
Henry Doorly Zoo Riverview Park Omaha, NE 68107		PHT-549 PHT-7-205-S-2													
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list jurisdiction and type of approval)													
		10. DESIRED EFFECTIVE DATE													
		8-1-77													
		11. DURATION NEEDED													
		Two years													
12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 22.1273) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.															
CERTIFICATION															
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17 OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS OF SUBCHAPTER B OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.															
SIGNATURE (In ink)		DATE													
		7/20/77													

HENRY DOORLY ZOO,
OMAHA ZOOLOGICAL SOCIETY,
Omaha, Neb., July 19, 1977.

DIRECTOR (FWS/LE),
U.S. Fish & Wildlife Service, U.S. Department
of the Interior, Washington, D.C.

DEAR SIR: The Henry Doorly Zoo is applying for a captive, self-sustaining population permit for transactions involving jaguars, leopards, and tiger. Detailed application requirement descriptions follow:

Application requirements (section 17.33):

1. The common and scientific names of the species sought to be covered by the permit, the activity sought to be authorized.

Species applied for: Jaguar, *Panthera onca*, Leopard, *Panthera pardus*, and Tiger, *Panthera tigris*. The activity sought to be authorized is the selling and receiving in interstate commerce the above listed species. We request the permit for maximum duration period of two years.

2. A complete description, including photographs or diagrams of the area, and facilities where such wildlife will be housed and cared for.

All animals listed in this application will be housed in a new cat complex. The \$2.5 million building consists of a total of twenty-one inside and outside public displays and forty-eight behind-the-scenes cat holding areas and dens. Artificial rockwork, trees, waterfalls, or ponds are provided in most of the public displays. A floor plan and a paper describing the building in considerable more detail are attached.

3. A brief resume of the technical expertise of the persons who will care for such wildlife.

Resumes of the Henry Doorly Zoo staff and of the cat area supervisor are attached. All these personnel have had experience in managing and propagating felines.

4. A statement of the applicant's willingness to participate in a cooperative breeding program and to maintain or contribute data on a studbook.

We are willing to participate in a cooperative breeding program and to contribute data to a studbook.

5. A detailed description of the type, size, and construction of all containers into which such wildlife will be placed during transportation.

The shipping crates will exceed minimum standards required by the International Air Transport Association (IATA). Feeding and water facilities are built into the crates.

6. For the 5 years preceding the date of the application provide a detailed description of all mortalities involving the species covered in the application.

During the past five years, there have been eleven mortalities involving species covered in this application:

Species	ID No.	Date of death	Cause of death
Jaguar	131	Apr. 7, 1974	Injuries from fight with mate.
Do	1988	June 15, 1974	Unknown—died day of birth.
Do	1989	July 14, 1976	Euthanized because of injuries inflicted by adjoining jaguar.
Leopard	2744	June 3, 1977	Urinary infection (1 week old) at time of death.
Do	2743	June 14, 1977	Urinary infection and G.I. (1 month old) at time of death.
Sumatran Tiger	2048	July 21, 1974	Injuries by mother.
Do	3	June 19, 1978	See attached autopsy report.
Do	321	do	Do.
Do	1122	do	Do.
Do	1616	do	Do.
Do	1617	do	Do.

The Henry Doorly Zoo has two full-time veterinarians on its staff. An active program of preventive medicine is maintained. A nursery/hospital building is located on the zoo grounds. The zoo receives excellent cooperation from local hospitals and universities. The replacement of the old cat quarters with the new cat complex building will greatly increase our ability to manage these species. Injuries from adjoining animals should be minimized since solid walls, not bars, now divide adjoining enclosures. The building's many behind-the-scenes dens and the capability for closed circuit television monitoring should reduce mother inflicted injuries. The knowledge gained from the Sumatran tiger deaths should prevent another occurrence. All pesticide application at the zoo is now performed only by the staff veterinarian.

7. A full statement of the reasons why the applicant is justified in obtaining the permit including (i) the details of the activities sought to be authorized by the permit.

(i) The applicant requests authorization to be permitted to buy, sell, or trade the captive self-sustaining species listed in the application. These activities would facilitate gene-pool management, propagation, and exhibition of these species. The Henry Doorly Zoo has had excellent success in breeding felines. The addition of the new cat complex allows us to house additional animals. We intend to reproduce these additional captive self-sustaining species with the best interests of gene-pool management in mind. To accomplish this, we will need the ability to acquire and sell or trade these animals.

(ii) The planned disposition of such wildlife upon termination of the activities sought to be authorized.

The University of Nebraska at Lincoln Museum of Natural History or the University of Omaha's Biology Department receives suitable carcasses after thorough post mortem examination. Carcasses or "part thereof" are also utilized by the zoo's docents as part of their educational program for the Henry Doorly Zoo.

"I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal

Regulations and the other applicable parts in Subchapter B of Chapter I, Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001."

Sincerely,

LEE G. SIMMONS,
Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1215-25; please refer to this number when submitting comments. All relevant comments received on or before October 3, 1977, will be considered.

Dated: August 30, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office, U.S.
Fish and Wildlife Service.

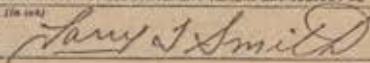
[FR Doc. 77-25632 Filed 9-1-77; 8:45 am]

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under Section 4(d), 16 USC 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Larry T. Smith, Box 27, Berlin, Ga. 31722.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		OMB NO. 42-11677													
		1. APPLICATION FOR (Check <i>only one</i>) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT													
3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) LARRY F SMITH BOX ONE 27, BERLIN, GA. 31722 912-324-2432		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Activities Unlimited XXXXXXX for propagation and Interstate Sale of Endangered and Threatened Species now classified as having Captive Self-sustaining Populations. (CSSP)													
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td><input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.</td> <td>HEIGHT 5'9"</td> <td>WEIGHT 175</td> </tr> <tr> <td>DATE OF BIRTH 29 Jul 35</td> <td>COLOR HAIR Brn</td> <td>COLOR EYES Brn</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED 912-333-1111 Ext 3217</td> <td colspan="2">SOCIAL SECURITY NUMBER 253-52-2047</td> </tr> <tr> <td colspan="3">OCCUPATION U S Air Force</td> </tr> </table> ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT		<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT 5'9"	WEIGHT 175	DATE OF BIRTH 29 Jul 35	COLOR HAIR Brn	COLOR EYES Brn	PHONE NUMBER WHERE EMPLOYED 912-333-1111 Ext 3217	SOCIAL SECURITY NUMBER 253-52-2047		OCCUPATION U S Air Force			5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED	
<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT 5'9"	WEIGHT 175													
DATE OF BIRTH 29 Jul 35	COLOR HAIR Brn	COLOR EYES Brn													
PHONE NUMBER WHERE EMPLOYED 912-333-1111 Ext 3217	SOCIAL SECURITY NUMBER 253-52-2047														
OCCUPATION U S Air Force															
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Route 4, Box 539B, Mallahawee, FL 32301 Leon County		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list license or permit number) Migratory Waterfowl Permit# 9-TR-1189													
8. CERTIFIED CHECK OR MONEY ORDER (if available) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		10. DESIRED EFFECTIVE DATE 15 Sep 77													
12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 36 CFR 17.33) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 36 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 17.33 (a) (1) thru (7)		11. DURATION NEEDED 2 Yrs (Renewable)													
CERTIFICATION															
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER I OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1061.															
SIGNATURE (In ink)		DATE													
		29 Jul 77													

3-200
(8/74)

GPO 895-242

5010-108-01

Attachments 17.33

1. The following Species are sought to be covered by this Permit.

- Pheasant, Brown Eared (*Crossoptilon Manchuricum*).
- Pheasant, Edwards (*Lophura Edwardst*).
- Pheasant, Bartall (*Syrmaeticus Humice*).
- Pheasant, Mikado (*Syrmaeticus Mikado*).
- Pheasant, Palawan Peacock (*Polyplectron emphanum*).

f. Pheasant, Swinhoes (*Lophura Swinhoff*).
 This Permit is sought for unlimited activities in buying and selling Interstate Endangered Species not classified CSSP.

2. See Atch page 2 and 3.

3. I have approx 22 years experience raising and propagating these and similar Wildlife. I have, during this time successfully propagated all breeds of Pheasants now listed in 17.7 as CSSP. My helper has 6 years experience caring for these and similar wildlife and has assisted in propagating all breeds of pheasants now listed as CSSP.

4. I would be most happy to participate in a cooperative breeding program and maintain or contribute data on a studbook.

5. All containers for shipping are constructed of wood and fiber board with suffi-

cient vents to insure a supply of air. Food and water containers are provided with holes to facilitate replenishing should it become necessary. The size of shipping containers are determined by the breed of pheasant but will in all cases allow three inches of head clearance when standing erect. Length will be twice the length of the bird and min eighteen inches wide. The top of containers have sponge inside to insure top of birds head is not injured. Instructions and extra feed are atch to containers for shipping agents if additional feed and water is necessary. I have never lost or injured a bird when shipping.

6. During the past 5 years, to the best of my knowledge and records, the following pheasants have been lost to disease and/or accidents. 1972 None. 1973 (2) Swinhoes destroyed due to slipped tendons in legs. 1974 (1) Grey Peacock killed by falling tree during storm. Tree has since been removed. 1975 (3) Elliots, (2) Mikados, (2) Brown Eared, (1) Palawan. The Autopsy revealed Botulism caused death. Feed analysis proved positive and feed company paid off portion of cost of birds. This feed had been manufactured only 6 days. 1976 (1) Grey peacock cock bird killed by hen. Boards with 4" legs were put in pens

for pheasants to get under and not depend on foliage alone for protection. (1) Mikado Respiratory Infection. No flock medication was recommended by Vet. 1977 (1) Elliott Brooder accident. Removed all loose objects from around top of brooder. (1) Elliott Aspergillus. Removed birds from pen until all leaves and grass were removed.

This list is mostly from memory of the first three years since my records are no longer available. The shed I kept my egg and breeding records caught fire and burned.

7. I feel I am justified in obtaining this permit since I process all the CSSP Pheasants and have successfully propagated them. I need the permit to be able to sell Interstate the offspring of these birds. I also must have new blood shipped in to keep my stock strong. These Pheasants will be sold to other breeders processing a CSSP Permit.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1248-25; please refer to this number when submitting comments. All relevant comments received on or before October 3, 1977, will be considered.

Dated: August 30, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office, Fish
and Wildlife Service.

[FR Doc. 77-25636 Filed 9-1-77; 8:45 am]

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under Section 4(d), 16 USC 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Thomas J. Sims, 3169 McCorkendale Road, Caledonia, N.Y. 14423.

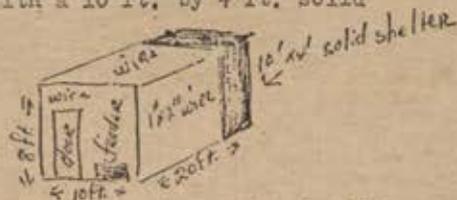
DEPARTMENT OF INTERIOR U.S. FISH AND WILDLIFE SERVICE		1. APPLICATION FOR LICENSE OR PERMIT																						
		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT																						
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. <i>I have raised ornamental pheasants for 7 years. I have collected, sometimes and hunted among others, 10 new and endangered species which I am now raising young of these birds. Now I would like to start raising and selling young of these birds to help pay my feed bill. I do this for a hobby and if I cannot sell my young to help pay my feed bill, I cannot afford to keep the birds.</i>																						
3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) <i>Thomas J. Sims 3169 McCorkendale Rd. Caledonia, New York 14423 76-538-4455</i>		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION																						
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td><input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td></td> <td><i>5'7"</i></td> <td><i>150</i></td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td><i>3-17-37</i></td> <td><i>Brown</i></td> <td><i>Brown</i></td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td></td> <td colspan="2"><i>132-28-9802</i></td> </tr> <tr> <td colspan="3">OCCUPATION <i>Reception Telephone Corp Installer-Repairman</i></td> </tr> </table>		<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT		<i>5'7"</i>	<i>150</i>	DATE OF BIRTH	COLOR HAIR	COLOR EYES	<i>3-17-37</i>	<i>Brown</i>	<i>Brown</i>	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER			<i>132-28-9802</i>		OCCUPATION <i>Reception Telephone Corp Installer-Repairman</i>			NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.	
<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT																						
	<i>5'7"</i>	<i>150</i>																						
DATE OF BIRTH	COLOR HAIR	COLOR EYES																						
<i>3-17-37</i>	<i>Brown</i>	<i>Brown</i>																						
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER																							
	<i>132-28-9802</i>																							
OCCUPATION <i>Reception Telephone Corp Installer-Repairman</i>																								
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED <i>3169 McCorkendale Rd. Caledonia, N.Y. 14423</i>		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <i>(If yes, list license or permit numbers)</i>																						
8. CERTIFIED CHECK OR MONEY ORDER (If available) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF		9. LICENSE EFFECTIVE DATE <i>Sept. 1, 1977</i>																						
10. DURATION NEEDED <i>2 years</i>		11. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED																						
12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (24 CFR 22.22(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 20 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. <i>17.33 1, 2, 3, 4, 5, 6, 7</i>																								
CERTIFICATION																								
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 15, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.																								
SIGNATURE (If "I")		DATE																						
<i>Thomas J. Sims</i>		<i>7/25/77</i>																						

17133

- | | | | |
|-----|----------|------------|---------------------------|
| (1) | Pheasant | Bar-tailed | <i>Syrnaticus humiae</i> |
| | " | Swinhoe | <i>Lophura swinhoii</i> |
| | " | Elliot | <i>Syrnaticus ellioti</i> |

- (2) Pens are 10 ft. x 20 ft. With a 10 ft. by 4 ft. solid shelter on west end.

also equiped with
automatic waterers



- (3) I have been raising Swinhoe and Elliot Pheasants for 17 years; Bar-tailed about 10 years.

Until the endangered species act went into effect I raised about 125 young each year of these breeds. I stopped raising young at that time as due to the restrictions I could not sell my young and I could not afford to feed that many birds and I would have run out of pen space. Now with the CSSP I will be able to sell the young to help toward the feed bill so I have once again started hatching young. Though I have been raising ornamental pheasants for 17 years; my wife has over 30 years experience as her father has raised these birds for at least that long, and it has become a combined family hobby.

- (4) I am willing to cooperate in any way possible to insure the survival of endangered or threatened Species.
- (5) I use wire bound wooden crates with padded tops for transportation. They are equipped with containers for feed and water. I have always used these for shipping and have never had any trouble.
- (6) The first year the endangered species act went into effect I lost my young due to crowded conditions and fighting. This happened because I did not feel I should sell the young without permits which at that time were impossible to get. Other than that I've only lost birds due to old age.
- (7) It is my opinion the only way any species of ornamental pheasants will survive is through captive propagation. There are many people like myself who do this as a hobby, but we must be able to sell our young to help pay feed bills and pay for pen repairs; also to obtain new blood lines if something should happen to one of our breeding pairs.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1247-25; please refer to this number when submitting comments. All relevant comments received on or before October 3, 1977, will be considered.

Dated: August 30, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office, Fish
and Wildlife Service.

[FR Doc.77-25635 Filed 9-1-77;8:45 am]

National Park Service
GOLDEN GATE NATIONAL RECREATION
AREA ADVISORY COMMISSION
Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 9:30 a.m. (PDT) on Saturday morning, September 24, 1977 at the Fort Mason Visitor Center, Golden Gate National Recreation Area Headquarters, San Francisco, California.

The Advisory Commission was established by Public Law 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Advisory Commission are as follows:

Mr. Frank Boerger, Chairman
 Ms. Amy Meyer, Secretary
 Mr. Ernest Ayala
 Mr. Richard Bartke
 Mr. Fred Blumberg
 Ms. Daphne Greene
 Mr. Peter Haas, Sr.
 Mr. John Jacobs
 Ms. Gimmy Park Li
 Mr. Joseph Mendoza
 Mr. John Mitchell
 Mr. Merritt Robinson
 Mr. Jack Spring
 Dr. Edgar Wayburn
 Mr. Joseph Williams

The major item on the agenda will be briefings by National Park Service staff to update the Advisory Commission on the current status of the Golden Gate National Recreation Area.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Jerry L. Schober, Acting General Manager, Bay Area National Parks, Fort Mason, San Francisco, Calif. 94123, telephone 415-556-2920.

Minutes of the meeting will be available for public inspection by October 28, 1977 in the Office of the General Manager, Bay Area National Parks, Fort Mason, San Francisco, Calif.

Dated: August 25, 1977.

BRUCE M. KILGORE,
 Acting Regional Director,
 Western Region.

[FR Doc.77-25077 Filed 9-1-77 8:46am]

Office of the Secretary

[INT FES 77-36]

PROPOSED ALUNITE PROJECT IN BEAVER COUNTY, UTAH

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement for a proposed Alunite mining and processing plant in Beaver County, Utah. The environmental impact statement considers the possible effects the proposed construction and operation of an Alunite processing plant, open-pit mine, water system, transportation system, and employment of approximately 1,000 people would have on the environment.

The final environmental impact statement has been submitted to the Council on Environmental Quality and made available to government agencies and the public.

Copies of the final statement are available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets NW., Washington, D.C. 20240.

Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.
 Cedar City District Office, 1579 North Main St., Cedar City, Utah 84720.
 Cedar City Public Library, 136 West Center St., Cedar City, Utah 84720.
 Milford City Office, 55 West 400 South, Milford, Utah 84751.
 County Recorder's Office, Beaver County Courthouse, Beaver, Utah 84713.

A limited number of single copies of the final statement are available upon request to the District Manager, Cedar City District, Bureau of Land Management, P.O. Box 729, 1579 North Main St., Cedar City, Utah 84720.

GEORGE L. TURCOTT,
 Associate Director,
 Bureau of Land Management.

Approved: June 20, 1977.

LARRY E. MEIEROTTO,
 Deputy Assistant Secretary
 of the Interior.

AUGUST 31, 1977.

[FR Doc.77-25764 Filed 9-1-77; 8:45 am]

INTERNATIONAL TRADE COMMISSION

TELEVISION RECEIVERS FROM JAPAN Termination of Preliminary Investigation

Notice is hereby given that—(1) The United States International Trade Commission instituted this preliminary investigation on March 26, 1976, pursuant to section 803 of the Trade Act of 1974 (19 U.S.C. 2482) to determine whether to institute an investigation under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337). A Notice of Preliminary Investigation was published in the FEDERAL REGISTER on April 8, 1976 (41 FR 14949), and on December 20, 1976, the preliminary investigation was suspended pending further notice of the Commission (41 FR 55949, December 23, 1976). This Commission has given careful consideration to this preliminary investigation on the basis of the most efficient allocation of Commission resources, the public interest, and recent developments with respect to the importation of these articles. As a result of such consideration, the Commission hereby terminates this preliminary investigation.

(2) The Commission hereby quashes the subpoenas of September 10, 1976, issued under the authority of this preliminary investigation. Further, all motions pending before the Commission in this preliminary investigation are hereby denied as moot. The Commission makes no determination at this time as to whether to institute an investigation under section 337.

By order of the Commission.

Issued: August 29, 1977.

KENNETH R. MASON,
 Secretary.

[FR Doc.77-25630 Filed 9-1-77; 8:45 am]

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS; COMMITTEE ON REGULATIONS

Meeting

The next meeting of the Committee on Regulations of the Legal Services Corporation Board of Directors will be held on Wednesday, September 14, 1977, at the O'Hare Hilton, Chicago, Ill.

The meeting will begin at 9:30 a.m. and will be for the purpose of considering proposed regulations implementing the Government in the Sunshine Act, amendments to the ByLaws of the Legal Services Corporation, and such other business as may arise.

The meeting is open to the public.

THOMAS EHRLICH,
 President.

[FR Doc.77-25869 Filed 9-1-77; 8:46 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1358] OREGON

Declaration of Disaster Loan Area

All counties in the State of Oregon constitute a disaster area as a result of drought caused by severe crop losses during the 1976 crop year and continuing into the 1977 crop year, and dry wells.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 14, 1977, and for economic injury until the close of business on May 12, 1978, at:

Small Business Administration, District Office, Federal Building—Room 676, 1220 SW. Third Avenue, Portland, Oreg. 97204.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: August 12, 1977.

A. VERNON WEAVER,
 Administrator.

[FR Doc.77-25681 Filed 9-1-77; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[No. 470]

ASSIGNMENT OF HEARINGS

AUGUST 30, 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.

MC 140845 (Sub-No. 4), Hoke Bus Lines, Inc., now assigned October 17, 1977, at Lima, Ohio, will be held in Court Room 3, 4th Floor, U.S. Courthouse, Corner of North & Main Street, No. 36647, McComas Truck Lines, Inc. and Metal Spand, Inc.—Investigation of Practices now being assigned November 29, 1977 (2 days), at Dallas, Tex., in a hearing room to be later designated.

MC 124947 (Sub-No. 55), Machinery Transport, Inc., now being assigned December 1, 1977 (2 days), at Dallas, Tex. in a hearing room to be later designated.

AB 12 (Sub-No. 20), Southern Pacific Transportation Co.—Abandonment of Its Line of Railroad—In Victoria, Goliad, Bee, San Patricio, Jim Wells, Brooks, and Hidalgo Counties, Tex., FD 28078 Southern Pacific Transportation Co.—Construction and Operation Between Lines of Missouri Pacific Railroad Co. and the Texas Mexican Railway Co. at Robstown, Nueces County, Tex., and FD 28024, Southern Pacific Transportation Co.—Trackage Rights—Over Missouri Pacific Railroad Company Between Harlingen and Placedo, in Cameron and Victoria Counties, Tex., now being assigned December 5, 1977 (1 week), at Goliad, Tex., in a hearing room to be later designated.

MC 132789, Wetco, Inc., d.b.a. Key Limousine, now assigned October 3, 1977, at Salt Lake City, Utah, is postponed indefinitely.

MC 2890 (Sub-No. 51), American Bus Lines, Inc., now assigned September 13, 1977, at Chicago, Ill. is cancelled and application dismissed.

MC 109780 (Sub-No. 72), Continental Trailways, Inc., now assigned September 13, 1977, at Chicago, Ill., is cancelled and application dismissed.

AB 43 (Sub-No. 27), Illinois Central Gulf Railroad Co., Abandonment Between Seely and Mande in Williamson County, Ill., and FD 28360, American Rail Heritage, Ltd.—Acquisition and Operation—Over The Illinois Central Gulf Railroad Co., Located in Williamson County, Ill., now being assigned November 7, 1977 (1 week), at Marion, Ill., in a hearing room to be later designated.

MC 119792 (Sub-No. 61), Chicago Southern Transportation Co., now being assigned November 3, 1977 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 140612 (Sub-No. 19), Robert F. Kazimour, now being assigned November 2, 1977 (1 day), at St. Louis, Mo., in a hearing room to be later designated.

MC 134477 (Sub-No. 169), Schanno Transportation, Inc., now being assigned December 7, 1977, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 138308 (Sub-No. 22), KLM, Inc., now being assigned December 1, 1977, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 1838 (Sub-No. 11), S & K Trans, Inc., now being assigned November 8, 1977, for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 27817 (Sub-No. 129), H. C. Gabler, Inc., now being assigned November 17, 1977, at the Offices of the Interstate Commerce Commission in Washington, D.C.

No. 36580, Oilfield Pipe or Tubing, Colorado to Points in the Southwest, now assigned September 7, 1977, at Dallas, Tex., is postponed indefinitely.

No. 36615, Burlington Northern, Inc., Chicago, Rock Island & Pacific Railroad Co., & Union Pacific Railroad Co.—Investigation of Freight Service Colorado Points, now assigned September 8, 1977, at Washington, D.C., is postponed indefinitely.

MC 8984 (Sub-No. 32), Witte Transportation Co., now assigned November 1, 1977, at St. Paul, Minn., is postponed indefinitely.

MC 138635 (Sub-No. 32), Carolina Western Express, Inc., now assigned October 17, 1977, at San Francisco, Calif., will be held in Room 510, 211 Main Street.

AB 12 (Sub-No. 45), Southern Pacific Transportation Co., Abandonment between Biola Junction & Biola, in Fresno County, Calif., now assigned October 12, 1977, at Fresno, Calif., will be held in Fresno Chamber of Commerce, 2331 Fresno Street.

MC 2900 (Sub-No. 298), Ryder Truck Lines, Inc., now assigned October 12, 1977, at Atlanta, Ga., is canceled and application dismissed.

MC 112304 (Sub-No. 118), Ace Doran Hauling & Rigging Co., now being assigned November 15, 1977, for hearing at Interstate Commerce Commission in Washington, D.C.

MC 125018 (Sub-No. 4), Tennessee Truck Lines, Inc., now being assigned November 15, 1977, for hearing at Interstate Commerce Commission in Washington, D.C.

MC 136786 (Sub-No. 113), Robco Transportation, Inc., now being assigned November 29, 1977, for prehearing conference at Interstate Commerce Commission in Washington, D.C.

MC 117119 (Sub-No. 626), Willis Show Frozen Express, Inc., now being assigned November 30, 1977, for hearing at Interstate Commerce Commission in Washington, D.C.

MC 113678 (Sub-No. 649), Curtis, Inc., now being assigned December 6, 1977, for hearing at Interstate Commerce Commission in Washington, D.C.

No. 36500, Burt M. Gifford, Et. al. v. Ringsby Truck Lines, Inc., and No. 36613, Bob E. Courtney, Et. al. v. Ringsby Truck Lines, Inc., now being assigned November 2, 1977 (3 days), at Boise, Idaho, in a hearing room to be later designated.

MC 139495 (Sub-No. 200), National Carriers, Inc., now being assigned November 7, 1977 (1 day), at Denver, Colo., in a hearing room to be later designated.

MC 85465 (Sub-No. 61), West Nebraska Express, Inc., now being assigned November 8, 1977 (1 day), at Denver, Colo., in a hearing room to be later designated.

MC 83835 (Sub-No. 143), Wales Transportation, Inc., now being assigned November 9, 1977 (1 day), at Denver, Colo., in a hearing room to be later designated.

MC 113678 (Sub-No. 669), Curtis, Inc., now being assigned November 14, 1977 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 113678 (Sub-No. 654), Curtis, Inc., now being assigned November 10, 1977 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 129387 (Sub-No. 31), Payne Transportation, Inc., now being assigned November 15, 1977 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC 125519 (Sub-No. 4), Ralph Moyle, Inc., now being assigned November 15, 1977 (1 day), at Chicago, Ill., in a hearing room to be later designated.

H. G. HOMME, Jr.,
Acting Secretary,

[FR Doc.77-25722 Filed 9-1-77;8:45 am]

[Exemption No. 122; Amdt. 7]

**BALTIMORE AND OHIO RAILROAD CO.
ET AL.**

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To: The Baltimore and Ohio Railroad Co.
The Chesapeake and Ohio Railway Co.
Consolidated Rail Corp.
Western Maryland Railway Co.

Upon further consideration of Exemption No. 122 issued April 2, 1976.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 122 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire November 30, 1977.

This amendment shall become effective August 31, 1977.

Issued at Washington, D.C., August 23, 1977.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-25716 Filed 9-1-77;8:45 am]

[EXEMPTION NO. 134; Amdt. 1]

**CONSOLIDATED RAIL CORP. AND
MISSOURI-KANSAS-TEXAS RAILROAD
CO.**

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To: Consolidated Rail Corp.
Missouri-Kansas-Texas Railroad Co.

Upon further consideration of Exemption No. 134 issued March 14, 1977.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 134 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire February 28, 1978.

This amendment shall become effective August 31, 1977.

Issued at Washington, D.C., August 23, 1977.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-25720 Filed 9-1-77;8:45 am]

DETROIT, TOLEDO, AND IRONTON RAILROAD CO. AND NORFLOK AND WESTERN RAILWAY CO.

[Revised Exemption No. 111; Amdt. 2]

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To: The Detroit, Toledo and Ironton Railroad Co. Norfolk and Western Railway Co.

Upon further consideration of Revised Exemption No. 111 issued December 9, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Revised Exemption No. 111 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire November 30, 1977.

This amendment shall become effective August 31, 1977.

Issued at Washington, D.C., August 23, 1977.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-25721 Filed 9-1-77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 30, 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 within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43419—*Pipeline Rates—Petroleum Products from the Southwest*. Filed by Williams Pipe Line Company, (No. 9), for interested carriers. Rates on petroleum products, as described in the application; from specified points in Kansas and Oklahoma, to specified points in Missouri, Iowa, and Illinois.

Grounds for relief—Market and carrier competition.

Tariffs—Williams Pipe Line Company tariffs Nos. 4, 6, and 3-B, I.C.C. Nos. 5, 8, and 10, respectively. Rates are published to become effective on September 25, 1977.

FSA No. 43420—*Pipeline Rates—Liquid Fertilizers from the Southwest*. Filed by Williams Pipe Line Company, (No. 10). Rates on liquid fertilizers, as described in the application, from Verdigris (Tulsa), Oklahoma, to Jordan and Greenwood, Indiana, the intermediate points; Dublin, Indiana, the end destination.

Grounds for relief—Motor-water competition.

Tariff—Williams Pipe Line Company tariff No. 7, I.C.C. No. 9. Rates are published to become effective on September 23, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-25723 Filed 9-1-77;8:45 am]

[Exemption No. 116; Amdt. 7]

GRAND TRUNK WESTERN RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To: Grand Trunk Western Railroad Co. Norfolk and Western Railway Co.

Upon further consideration of Exemption No. 116 issued March 6, 1976.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 116 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire November 30, 1977.

This amendment shall become effective August 31, 1977.

Issued at Washington, D.C., August 23, 1977.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-25719 Filed 9-1-77;8:45 am]

[No. 36629]

LOUISIANA INTRASTATE TRAFFIC Demurrage and Storage Charges

In the matter of petition for investigation of demurrage and storage rates and charges within the State of Louisiana.

Petitioners, 15 class I common carriers by railroad¹ subject to Part I of the Interstate Commerce Act and also operating in intrastate commerce in the state of Louisiana, filed a joint petition under section 13(3) of the Interstate Commerce Act on July 11, 1977, requesting that this Commission institute an investigation of Louisiana intrastate demurrage and storage rules, classifications, regulations and practices affecting demurrage and storage rates and charges, under sections 1(6), 13 and 15a of the Interstate Commerce Act, in which petitioners will seek to increase the demurrage and storage rates and charges on Louisiana intrastate freight traffic to those now in effect on interstate freight traffic by changing intrastate storage rules and free time for loading. The proposed results would conform to J. F. Doyle Freight Tariff 4-J.

¹ The Alabama Great Southern Railroad Company, The Arkansas & Louisiana Missouri Railway Company, Chicago Rock Island and Pacific Railroad Company, The Atchison, Topeka and Santa Fe Railway Company, Illinois Central Gulf Railroad Company, The Kansas City Southern Railway Company, Louisiana & Arkansas Railway Company, Louisiana Southern Railway Company, Louisville and Nashville Railroad Company, Missouri Pacific Railroad Company, New Orleans & Lower Coast Railroad Company, New Orleans Terminal Company, St. Louis Southwestern Railway Company, Southern Pacific Transportation Company, and Tremont & Gulf Railway Company.

Petitioners sought the changes in intrastate storage rates in an application filed October 5, 1976, with the Louisiana Public Service Commission. A hearing was held on February 15, 1977, and the application denied on April 27, 1977. Petitioners also sought the changes in demurrage rules for free time by application filed August 27, 1976, with the Louisiana Public Service Commission. A hearing was held on January 20, 1977, and the application denied March 25, 1977. A request for rehearing was denied April 27, 1977. No final action was taken by the State commission within 120 days of the filing of either application.

Petitioners contend that present interstate rail demurrage and storage rates and charges from, to, and within Louisiana are just and reasonable and that the proposed intrastate rates and charges will not exceed a just and reasonable level; that transportation conditions for intrastate traffic in Louisiana are not more favorable than for interstate traffic; that traffic moving subject to present Louisiana intrastate rail demurrage and storage rates and charges fails to provide its fair share of earnings; and that the present Louisiana intrastate rail demurrage and storage charges create undue and unreasonable advantage, preference, and prejudice between persons and localities in intrastate commerce within Louisiana and interstate and foreign commerce, and result in undue, unreasonable, and unjust discrimination against and an undue burden on interstate commerce in violation of sections 13 and 15a of the Interstate Commerce Act, among others, to the extent that they do not conform to those applicable to interstate commerce, as published in J. F. Doyle Freight Tariff 4-J.

Under sections 13(4) and 13(5) of the Interstate Commerce Act, this Commission is directed to institute an investigation into the lawfulness of intrastate rail freight rates and charges, upon filing of a petition by the railroads pursuant to section 13(3) of the Act, after the appropriate State agency has failed to take final action within 120 days after a carrier by railroad has filed with such appropriate State body a change in an intrastate rate, fare, or charge, or a change in a classification, regulation, or practice that has the effect of changing such a rate, fare or charge, for the purpose of adjusting such rate, fare or charge to the rate charged on similar traffic in interstate or foreign commerce. This Commission may act notwithstanding the laws or constitution of any State, or the pendency of any proceeding before any State court or other State authority. The failure of the Public Service Commission of the State of Louisiana to act finally within 120 days of the filing by petitioners of their applications vested exclusive authority in this Commission.

Wherefore, and good cause appearing therefor:

It is ordered. That the petition be, and it is, hereby granted; and that an investigation, under sections 13 and 15a of the Interstate Commerce Act, be, and it is, hereby instituted to determine whether the Louisiana intrastate rail demurrage and storage rates and charges in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to conform to those applicable to interstate commerce, as published in J. F. Doyle Freight Tariff 4-J; and to determine if any rates, charges, classifications, regulations or practices shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

It is further ordered. That all common carriers by railroad operating in the State of Louisiana subject to the jurisdiction of this Commission, be, and they are, hereby made respondents in this proceeding.

It is further ordered. That all persons who wish to participate actively in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before September 19, 1977. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation of only those who intend to take an active part in the proceeding.

It is further ordered. That as soon as practicable after the date of indicating a desire to participate in the proceeding has passed, the Commission will serve a list of names and addresses of all persons upon whom service of all pleadings must be made and that thereafter this proceeding will be assigned for oral hearing or handling under modified procedure.

And it is further ordered. That a copy of this order be served upon each of the petitioners and respondents herein; that the State of Louisiana be notified of the proceeding by sending copies of this order and of the instant petition by certified mail to the Governor of the State of Louisiana and the Louisiana Public Service Commission; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing a copy with the Director, Office of the FEDERAL REGISTER, for publication in the FEDERAL REGISTER.

This is not a major Federal Action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 23rd day of August 1977.

By the Commission, Commissioner
Murphy.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 77-25717 Filed 9-1-77; 8:45 am]

[No. 36636]

OREGON INTRASTATE FREIGHT RATES AND CHARGES—1977

Petition for Investigation

By the joint petition authorized under section 13(3) of the Interstate Commerce Act, filed July 22, 1977, petitioners, three common carriers by railroad¹ subject to Part I of the Interstate Commerce Act, and also operating in intrastate commerce in the State of Oregon, request that this Commission institute an investigation of their Oregon intrastate freight rates and charges, under sections 13 and 15(a) of the Interstate Commerce Act, wherein they will seek an order authorizing them to increase such rates and charges in the same amounts authorized for interstate application by this Commission in Ex Parte No. 330, Increased Freight Rates—West and Interterritorial 1976, and Ex Parte No. 336, Increased Freight Rates and Charges—1977.

By tariff filed on December 8, 1976, with the Public Utility Commissioner of Oregon, petitioners sought to make the increase granted in Ex Parte No. 330, supra, applicable on Oregon intrastate traffic, effective on January 13, 1977. On January 12, 1977, said Commissioner denied the increase to petitioners. The tariff was suspended until May 12, 1977, and its suspension was renewed until November 12, 1977.

By tariff filed on January 31, 1977, with said Commissioner, petitioners sought to make the increase granted in Ex Parte No. 336, supra, applicable on Oregon intrastate traffic, effective on March 8, 1977. On February 18, 1977, said Commissioner denied the increase to petitioners. The tariff was suspended until July 6, 1977, and its suspension renewed until January 6, 1978.

Petitioners contend that present interstate freight rates from, to, and within Oregon are just and reasonable and that the proposed intrastate rates will not exceed a just and reasonable level; that transportation conditions for intrastate traffic in Oregon are not more favorable than for interstate traffic; that traffic moving under present Oregon intrastate rail freight rates and charges fails to provide its fair share of earnings; and, that the present Oregon intrastate rail freight rates and charges create undue and unreasonable advantage, preference, and prejudice between persons and localities in intrastate commerce within Oregon and interstate and foreign commerce, and result in undue, unreasonable, and unjust discrimination against and an undue burden on interstate com-

merce in violation of sections 13 and 15 (a) of the Interstate Commerce Act, among others, to the extent that they do not include the increases authorized in Ex Parte No. 330, supra, and Ex Parte No. 336, supra.

Under sections 13(4) and 13(5) of the Interstate Commerce Act, this Commission is directed to institute an investigation into the lawfulness of intrastate rail freight rates and charges, upon filing of a petition by a carrier by railroad pursuant to section 13(3) of the act, after the appropriate State agency has reached a final decision or has failed to act within 120 days after a carrier by railroad has filed with such appropriate State body, a change in an intrastate rate, fare, or charge for the purpose of adjusting such rate, fare, or charge to the rate charged on similar traffic moving in interstate or foreign commerce. This Commission may act notwithstanding the laws or constitution of any State, or the pendency of any proceeding before any State court or other State authority.

Wherefore, and good cause appearing therefor:

It is ordered. That the petition be, and it is, hereby granted; and that an investigation under sections 13 and 15(a) of the Interstate Commerce Act be, and it is, hereby instituted to determine whether the Oregon intrastate rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by this Commission in Ex Parte No. 330, supra, and Ex Parte No. 336, supra; and to determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

It is further ordered. That all common carriers by railroad operating in the State of Oregon subject to the jurisdiction of this Commission, be, and they are, hereby made respondents in this proceeding.

It is further ordered. That all persons who wish to actively participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before September 19, 1977. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation of only those who intend to take an active part in the proceeding.

It is further ordered. That as soon as practicable after the date of indicating a desire to participate in the proceeding

¹ Burlington Northern, Inc., Oregon Electric Railway Company, and Oregon Trunk Railway Company.

has passed, the Commission will serve a list of names and addresses of all persons upon whom service of all pleadings must be made and that thereafter this proceeding will be assigned for oral hearing or handling under modified procedure.

And it is further ordered, That a copy of this order be served upon each of the petitioners and respondents herein; that the State of Oregon be notified of the proceeding by sending copies of this order of the instant petition by certified mail to the Governor of the State of Oregon and the Public Utility Commissioner of Oregon; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing a copy with the Director, Office of the FEDERAL REGISTER, for publication in the FEDERAL REGISTER.

NOTE.—This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 24th day of August 1977.

By the Commission, Commissioner Murphy.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-25724 Filed 9-11-77;8:45 am]

[Section 5a Appl. No. 46 (Amdt. 12); and Appl. 49]

SOUTHERN MOTOR CARRIERS RATE CONFERENCE, INC. AND CENTRAL AND SOUTHERN MOTOR FREIGHT TARIFF ASSOCIATION, INC.

Agreement and Notice

AUGUST 25, 1977.

The Commission is in receipt of a joint application for and on behalf of the motor carriers party to the above-entitled agreements for approval of a revised agreement.

Filed August 15, 1977 by:

M. M. Gordon, President, Central and Southern Motor Freight Tariff Assn. Inc., 2722 Crittenden Drive, Louisville, Ky. 40209.
Forrest M. Durrett, President, Southern Motor Carriers Rate Conference, Inc., 1307 Peachtree St., N.E., Atlanta, Ga. 30309.

Of Counsel:

Sol I. Golden, Arnall, Golden and Gregory, Tenth Floor Sutton Federal Bldg., Atlanta, Ga. 30303.

Homer S. Carpenter, Rice, Carpenter and Carraway, 1600 Wilson Blvd., Arlington, Va. 22209.

John Womack, Central and Southern Motor Freight Tariff Association, Inc., P.O. Box 21339, Louisville, Ky. 40209.

The application involves: Proposed merger of the Central and Southern Motor Freight Tariff Association, Inc. into the Southern Motor Carriers Rate

Conference, Inc., under revised organization and procedures and broadened territorial scope to encompass rates between southern and central territories; changes to comply with the standards promulgated in Ex Parte No. 297, 349 I.C.C. 811 and 351 I.C.C. 437; and petition for termination of approval in Section 5a Application No. 49, Central and Southern Motor Freight Tariff Association, Inc.—Agreement, upon approval of the revised agreement.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before October 3, 1977. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-25716 Filed 9-1-77;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

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, September 6, 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: Open to the public.

MATTER TO BE CONSIDERED:

A proposed time-phased plan for implementation of new compliance and litigation procedures in all EEOC field offices.

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 August 30, 1977.

[S-1217-77; Filed 8-30-77; 3:08 pm]

2

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 166, Friday, August 26, 1977, page 43175.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Wednesday, August 31, 1977, at the conclusion of the open meeting to be held at 9:00 a.m.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall (202-376-3012).

CHANGE IN THE MEETING: The following item has been withdrawn from the agenda for the closed meeting:

Application for Permission to Organize a Federal Association.
No. 65, August 31, 1977.

[S-1226-77; Filed 8-31-77; 11:22 am]

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., September 6, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall (202-376-3012).

MATTERS TO BE CONSIDERED:

EFTS-RSU Application—First Federal Savings and Loan Association of Madison, Madison, Wis.

RSU Application—"YES" Systems, First National Bank of Chicago, Chicago, Ill.

Branch Office Application and Redesignation of Existing Home Office as a Branch Office—Guaranty Federal Savings and Loan Association of Wyandotte, Wyandotte, Mich.

Consideration of Amendments relating to Loans in Excess of 80% of Value; Deletion of References to Charter E. and Charter K.

Application for Modifications of Conditions Approving Membership and Insurance for First Southern Savings and Loan Association, Nashville, Tenn.

Service Corporation Activity Application—HONOFED Corporation, Honolulu, Hawaii, a wholly-owned Service Corporation of Honolulu Federal Savings and Loan Association, Honolulu, Hawaii.

Limited Facility Application—Franklin Society Federal Savings and Loan Association, New York, N.Y.

Service Corporation Activity—Washington Federal Savings and Loan Association of Miami Beach, Miami Beach, Fla.

RSU Applications—Cleveland Federal Savings and Loan Association of Cuyahoga County, Cleveland, Ohio and Cardinal Federal Savings and Loan Association, Cleveland, Ohio.

Application for Permission to Organize a Federal Savings and Loan Association—Jackie O. Isom, et al., Hamilton, Ala. No. 66, August 31, 1977.

[S-1227-77; Filed 8-31-77; 11:22 am]

FEDERAL POWER COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: pub. 8/29/77 42 FR 43473.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., August 31, 1977.

CHANGE IN THE MEETING: The following items have been added:

Item No., and Docket No., and Company

P-8.—ER77-530, Ohio Edison Company.

P-9.—Project No. 2130—California, Pacific Gas and Electric Company.

P-10.—Project No. 2105—California, Pacific Gas and Electric Company.

P-11.—Project No. 2107—California, Pacific Gas and Electric Company.

P-12.—Project No. 2079—California, Placer County Water Agency.

P-13.—Applications for Modification of Streamflow and Reservoir Regulation at Licensed Hydroelectric Projects.

G-10.—CP77-399, Mid Louisiana Gas Company, CP77-430, Texas Eastern Transmission Corporation, CP77-469, Transcontinental Gas Pipe Line Corporation.

KENNETH F. PLUMB,
Secretary.

[S-1212-77; Filed 8-30-77; 3:46 pm]

5

FEDERAL POWER COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: pub. 8/29/77 42 FR 43473.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., August 31, 1977.

CHANGE IN THE MEETING: The following item has been added:

Item No., and Docket No. and Company

G-12.—CP77-547, Transcontinental Gas Pipe Line Corporation.

KENNETH F. PLUMB,
Secretary.

[S-1222-77; Filed 8-31-77; 3:55 am]

6

FEDERAL RESERVE SYSTEM.

Correction

In FR Doc. 77-1175 appearing on page 43176 in the issue of Friday, August 26, 1977, the following changes should be made in the middle column of this page:

1. In the first line, "of Regulation 2" should read "of Regulation Z".

2. In the first and second lines of paragraph 3., "Regulation R" should read "Regulation H", and in the sixth line of this same paragraph 3., "file" should read "file".

7

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., September 8, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

PORTION OF THE MEETING OPEN TO THE PUBLIC:

Docket 182, *Fort Sill Apache*.
Docket 229, *Navajo*.

FY 1979 Budget Submission to OMB (reflecting termination of Commission on September 30, 1978).

PORTION OF THE MEETING CLOSED TO THE PUBLIC: Personnel.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006. Tel. (202-653-6174).

[S-1215-77; Filed 8-30-77; 2:46 pm]

8

INTER-AMERICAN FOUNDATION.

TIME AND DATE: 6:30 p.m.-10 p.m., September 15, 1977.

PLACE: Board Room, Inter-American Foundation, 1515 Wilson Blvd., Rosslyn, Va. 22209.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of May 5, 1977 Board of Directors meeting.
2. Consideration of financial report.
3. Project funding portfolio review.
4. Consideration of project proposals.

CONTACT PERSON FOR MORE INFORMATION:

Hugh B. Key (841-3812).

[S-1216-77; Filed 8-30-77; 2:46 pm]

9

INTERSTATE COMMERCE COMMISSION.

AUGUST 30, 1977.

TIME AND DATE: 9:30 a.m., Tuesday, September 6, 1977.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Open regular conference.

MATTERS TO BE CONSIDERED:

1. *Motor Carrier Task Force Recommendation 22*: Standards for determining appeals. (General discussion. A final vote is not contemplated).

2. *Motor Carrier Task Force Recommendation 28*: Name changes of carriers and shippers. (A more detailed staff proposal will be circulated prior to the conference. A final vote may be taken).

3. *Motor Carrier Task Force Recommendation 31*: Time limits in rulemaking proceedings. (General discussion. A final vote is not contemplated).

CONTACT PERSON FOR MORE INFORMATION:

Office of Information and Consumer Affairs, Douglas Baldwin, Director, Telephone: (202-275-7252).

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-1223-77; Filed 8-31-77; 8:55 am]

10

INTERSTATE COMMERCE COMMISSION.

AUGUST 30, 1977.

TIME AND DATE: 2:30 p.m., Tuesday, September 6, 1977.

PLACE: Room 5124, Interstate Commerce Commission Building, 12th Street 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-1224-77; Filed 8-31-77; 8:55 am]

11

THE RENEGOTIATION BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 41213, August 15, 1977.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Wednesday, September 7, 1977, 10 a.m.

CHANGES IN MEETING: Item 8 is added to the previously announced agenda.

MATTER TO BE CONSIDERED:

Board Meeting Concerning: AMF Incorporated (Formerly American Machine & Foundry Company). Consolidated with: AMF Beard, Inc., W. J. Voit Rubber Corporation, The Cuno Engineering Corporation, Fiscal Year Ended December 31, 1968.

STATUS: Open to the public.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., (202-254-8277).

Dated: August 30, 1977.

GOODWIN CHASE,
Chairman.

[S-1213-77; Filed 8-30-77; 2:46 pm]

12

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 September 5, 1977, Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Wednesday, September 7, 1977, at 10 a.m. An open meeting will be held on Thursday, September 8, 1977, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. 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 meeting 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) (8) (9) (i) and (10).

Chairman Williams, Commissioners Loomis, Evans, and Pollack determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Wednesday, September 7, 1977, at 10 a.m. will be:

Formal orders of investigation.
Referral of investigative files to Federal, State or Self Regulatory authorities.

Institution of administrative proceedings.

Institution of injunctive actions.

Matters relating to issuer registration statements.

Regulatory matters arising from or bearing enforcement implications.

Other litigation matters.

The subject matter of the open meeting scheduled for Thursday, September 8, 1977, at 10 a.m. will be:

1. The transmittal to Congress of a legislative proposal to implement the Commission's recommendations in its Final Report on Bank Securities Activities.

2. Request for hearing received on the application of The Vanguard Group, Inc. and the Vanguard Funds for an order which would permit the investment companies to assume the responsibility for and the expenses of the distribution of their shares.

3. Proposal by the Municipal Securities Rulemaking Board (MSRB) to adopt MSRB Rule G-12, which is intended to codify uniform industry practices for the

SUNSHINE ACT MEETINGS

processing, clearance, and settlement of transactions in municipal securities.

4. Proposal by the Municipal Securities Rulemaking Board (MSRB) to adopt MSRB Rule G-15, which would establish confirmation delivery and disclosure requirements for transactions in municipal securities.

5. Proposed adoption of Form SECO-4-77, which amends the annual assessment schedule for nonmember ("SECO") broker-dealers for fiscal year 1977.

6. Petition for Commission Review filed by The Valley Fair Corporation concerning the denial of the company's request for an extension of time to file an annual report for the fiscal year ended April 24, 1977.

7. Proposed adoption of amendments of Rules 5-02, 5-04, and 12-02 of Regulation S-X, which require more detailed disclosures by commercial and industrial companies of investments in marketable securities and other security investments.

8. Application filed by The Columbia Gas System, Inc. for an order to issue and sell short-term notes and commercial paper and request for hearing by the State of Ohio regarding this application.

9. Freedom of Information Act Appeal of Jack H. Taylor, Jr., concerning material excised from certain investigative opening and closing reports.

10. Proposed report to Senator Abourezk, responding to the questionnaire of the Senate Subcommittee on Administrative Practice and Procedure concerning the Commission's procedures for the waiver of fees under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT:

Lawrence A. Horn at (202-376-8065).

August 30, 1977.

[S-1225-77; Filed 8-31-77; 9:44 am]

13

UNITED STATES INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 43474 8/29/77.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., September 6, 1977.

CHANGES IN THE MEETING: Item on the agenda expanded as follows: 6. Investigations AA1921-167 and -168 (Pressure-Sensitive Plastic Tape from Italy and West Germany)—approval of the report (if necessary).

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, (202-523-0161).

[S-1219-77; Filed 8-30-77; 3:30 pm]

14

UNITED STATES INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., September 13, 1977.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.

3. Ratifications.

4. Petitions and complaints (if necessary).

5. Malleable cast-iron pipe and tube fittings (Inv. TA-201-25)—briefing by the staff.

6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary (202-523-0161).

[S-1218-77; Filed 8-30-77; 3:30 pm]

15

CIVIL SERVICE COMMISSION.

TIME AND DATE OF MEETING: 9 a.m., September 6, 1977.

PLACE: Commissioners' Meeting Room, Room 5H09 (fifth floor), 1900 E Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. Approval of proposed budget for fiscal year 1979.

CONTACT PERSON FOR MORE INFORMATION:

Georgia Metropulos, Office of the Executive Assistant to the Commissioners, 202-632-5556.

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

[S-1234-77; Filed 9-1-77; 11:23 am]

Federal Register

FRIDAY, SEPTEMBER 2, 1977

PART II



DEPARTMENT OF
HOUSING AND
URBAN
DEVELOPMENT

Federal Insurance
Administration



NATIONAL FLOOD
INSURANCE PROGRAM

Title 24—Housing and Urban
Development

CHAPTER X—FEDERAL INSURANCE
ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD
INSURANCE PROGRAM

[Docket No. FI-196]

PART 1920—PROCEDURE FOR MAP
CORRECTION

Letter of Map Amendment for the Village
of Ridgewood, N.J.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: On August 24, 1973, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Village of Ridgewood, N.J. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the Village of Ridgewood, N.J., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: September 2, 1977.

FOR FURTHER INFORMATION CON-
TACT:

Mr. Richard Krimm, Assistant Admin-
istrator, 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: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amend-
ment.

Map No. H 340067 Panel 03, published on August 24, 1973 in 38 FR 22776, indicates that Lot 11, Block 4015, at 223 Brookside Avenue, Ridgewood, N.J., as recorded in Book 6021, Page 476, in the office of the Clerk of Bergen County,

N.J., is within the Special Flood Hazard Area. Map No. H 340067 Panel 03 is hereby corrected to reflect the above property is not within the Special Flood Hazard Area identified on August 31, 1973.

(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 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24732 Filed 9-1-77; 8:45 am]

PART 1920—PROCEDURE FOR MAP
CORRECTION

[Docket No. FI-196]

Letter of Map Amendment for the Village
of Ridgewood, N.J.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: On August 24, 1973, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Village of Ridgewood, N.J. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the Village of Ridgewood, N.J., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: September 2, 1977.

FOR FURTHER INFORMATION CON-
TACT:

Mr. Richard Krimm, Assistant Admin-
istrator, 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: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the

National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amend-
ment.

Map No. H 340067 Panel 01, published on August 24, 1973 in 38 FR 22776, indicates that Lot 14, Block 4605, at 552 Stevens Avenue, Ridgewood, N.J., as recorded in Book 5027, Page 363 through 366, in the office of the Clerk of Bergen County, N.J., is within the Special Flood Hazard Area. Map No. H 340067 Panel 01 is hereby corrected to reflect the above property is not within the Special Flood Hazard Area identified on August 31, 1973.

(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 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24733 Filed 9-1-77; 8:45 am]

[Docket No. FI-277]

PART 1920—PROCEDURE FOR MAP
CORRECTION

Letter of Map Amendment for the Borough
of Waldwick, N.J.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: On January 9, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Borough of Waldwick, N.J. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the Borough of Waldwick, New Jersey, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: September 2, 1977.

FOR FURTHER INFORMATION CON-
TACT:

Mr. Richard Krimm, Assistant Admin-
istrator, 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: If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H 340078A Panel 02, published on January 9, 1974 in 39 FR 1433, indicates that Lot 19, Block 73G, located at 25 Malcolm Street, Waldwick, N.J., as recorded in Book 6165, Page 359, in the office of the Clerk of Bergen County, N.J., is within the Special Flood Hazard Area. Map No. H 340078A Panel 02 is hereby corrected to reflect the existing structure on the above property is not within the Special Flood Hazard Area identified on January 9, 1974.

(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 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-24734 Filed 9-1-77; 8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI-297]

Letter of Map Amendment for the City of Mountain View, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On June 27, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the City of Mountain View, Calif. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the City of Mountain View, Calif., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insur-

ance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: September 2, 1977.

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: If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H 060347A Panel 05, published on June 27, 1974, in 39 FR 23263, indicates that Lot 33, Montibello Acres, Mountain View, Calif., as recorded in Volume X of Maps, Pages 1 through 3, in the office of the Recorder of Santa Clara County, Calif., is within the Special Flood Hazard Area. Map No. H 060347A Panel 05 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on June 14, 1974.

(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 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-24725 Filed 9-1-77; 8:45 am]

[Docket No. FI-454]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Sacramento County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On January 28, 1975, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration

(FIA) published maps identifying Special Flood Hazard Areas. This list includes Sacramento County, Calif. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for Sacramento County, Calif., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: September 2, 1977.

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: If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H 060262 Panel 10, published on January 28, 1975, in 40 FR 4126, indicates that Parcel No. 1, Parcel No. 2 and Parcel No. 3, at 2545 Fulton Avenue, Sacramento County, Calif., as recorded in Book 69-10-01, Pages 280 through 282, in the office of the Recorder of Sacramento County, Calif., is within the Special Flood Hazard Area. Map No. H 060262 Panel 10 is hereby corrected to reflect that existing building Nos. 1 through 7 on the above property are not within the Special Flood Hazard Area identified on January 10, 1975.

(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 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 77-24726 Filed 9-1-77; 8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI-695]

Letter of Map Amendment for the City of Camarillo, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On September 8, 1975, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the City of Camarillo, Calif. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the City of Camarillo, Calif., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: September 2, 1977.

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: If a property owner was required to purchase flood insurance as a condition of Federal or Federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H 065020A Panel 07, published on September 8, 1975 in 40 FR 41511, indicates that Lots 52 through 61, Tract 2417, Camarillo, Calif., as recorded in Book 68 of Miscellaneous Records (Maps), Pages 40 through 43, in the office of the Recorder of Ventura County, Calif., are within the Special Flood Hazard Area. Map No. H 065020A Panel 07 is hereby corrected to reflect the above property is not within the special Flood Hazard Area identified on July 19, 1974.

(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 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24723 Filed 9-1-77;8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI-755]

Letter of Map Amendment for the City of Oak Grove, Missouri

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On May 13, 1975, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the City of Oak Grove, Mo. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the City of Oak Grove, Mo., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: September 2, 1977.

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:

If a property owner was required to purchase flood insurance as a condition of Federal or Federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

§ 1920.7 Notice of letter of map amendment.

Map No. H 290694 Panel 02, published on May 13, 1975 in 40 FR 20811, indicates that Lots 1 through 26, Royal Oak West, Oak Grove, Mo., as recorded in Book 35, Page 7, in the office of the Clerk and Recorder of Jackson County, Mo., are within the Special Flood Hazard Area. Map No. H 290694 Panel 02 is hereby corrected to reflect the above property is not within the special Flood Hazard Area identified on July 11, 1975.

(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 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24731 Filed 9-1-77;8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI-2252]

Letter of Map Amendment for the City of Huntington Beach, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On August 24, 1976, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the City of Huntington Beach, Calif. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the City of Huntington Beach, Calif., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: September 2, 1977.

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:

If a property owner was required to purchase flood insurance as a condition of Federal or Federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the

basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. N. 065034A Panel 12, published on August 24, 1976 in 41 FR 35709, indicates that Lots 1, 23, 24 and 27 through 33, Tract No. 8961 and Lots 7 through 10 and 20, Tract No. 8332, Huntington Beach, Calif., as recorded in Plat Book No. 388, Pages 11 through 13 and Plat Book No. 367, Pages 36 and 37, respectively, in the office of the Recorder of Orange County, Calif., are within the Special Flood Hazard Area, Map No. H 065034A Panel 12 is hereby corrected to reflect the existing structures on the above property are not within the Special Flood Hazard Area identified on August 9, 1974 and August 27, 1976.

(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 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24724 Filed 9-1-77;8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI-2291]

Letter of Map Amendment for the Town of Grove, Okla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On September 10, 1976, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Town of Grove, Okla. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the Town of Grove, Okla., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally related financial

assistance for construction or acquisition purposes.

EFFECTIVE DATE: September 2, 1977.

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: If a property owner was required to purchase flood insurance as a condition of Federal or Federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H 400385 Panels 03 and 05, published on September 10, 1976 in 41 FR 38501, indicate that Lots 1 through 10, Block 1; Lots 11 through 17, Block 2; Lots 1 through 11, Block 5; and Lots 2 through 10, and 13, Block 4, John Cox 1st Addition, Grove, Okla., as recorded in Book 263B, Pages 450 through 452, in the office of the Clerk of Delaware County, Okla., is within the Special Flood Hazard Area. Map No. H 400385 Panels 03 and 05 are hereby corrected to reflect the above property is not within the Special Flood Hazard Area identified on October 29, 1976.

(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 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24735 Filed 9-1-77;8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI-2600]

Letter of Map Amendment for the City of Arvada, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 14, 1977, the Federal Insurance Administrator published a list of communities for which the

Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Arvada, Colo. It has been determined by FIA, after further technical review of the Flood Insurance Rate Map for the city of Arvada, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: September 2, 1977.

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: If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H&I 085072A Panel 08, published on February 14, 1977 in 42 FR 9110, indicates that Lot 16, Block 1, Park View Subdivision, Arvada, Colo., as recorded in Book 22, Page 3, in the office of the Clerk and Recorder of Jefferson County, Colo., is within the Special Flood Hazard Area. Map No. H&I 085072A Panel 08 is hereby corrected to reflect that the existing structure on the above property is within Zone B and is not within the Special Flood Hazard Area identified on July 13, 1972.

(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 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24727 Filed 9-1-77;8:45 am]

[Docket No. FI-2600]

PART 1920—PROCEDURE FOR MAP CORRECTION**Letter of Map Amendment for the Town of Bedford, Mass.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 14, 1977, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the town of Bedford, Mass. It has been determined by FIA, after further technical review of the Flood Insurance Rate Map for the Town of Bedford, Mass., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: September 2, 1977.

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: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H&I 255209A Panel 04, published on February 14, 1977 in 42 FR 9112, indicates that Lot 39, Woodmoor Acres, section III, located at 1 Winchester Drive, Bedford, Mass., as recorded in Book 10566, Page 250, in the Registry of Deeds, Southern District, of Middlesex County, Mass., is within the Special Flood Hazard Area. Map No. H&I 255209A Panel 04 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood

Hazard Area identified on September 7, 1973.

(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 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24728 Filed 9-1-77; 8:45 am]

PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI-2600]

Letter of Map Amendment for the Town of Bedford, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 14, 1977, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Town of Bedford, Mass. It has been determined by FIA, after further technical review of the Flood Insurance Rate Map for the town of Bedford, Mass., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: September 2, 1977.

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: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H&I 255209A Panel \$4, published on February 14, 1977 in 42 FR 9112, indicates that Lot 21, Woodmoor Acres, section II, located at 1 Woodmoor Drive, Bedford, Mass., as recorded in Book 10187, Page 46, in the Registry of Deeds, Southern District, of Middlesex County, Mass., is within the Special Flood Hazard Area. Map No. H&I 255209A Panel 04 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on September 7, 1973.

(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 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24729 Filed 9-1-77; 8:45 am]

[Docket No. FI-2600]

PART 1920—PROCEDURE FOR MAP CORRECTION**Letter of Map Amendment for the Town of Bedford, Mass.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 14, 1977, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Town of Bedford, Mass. It has been determined by FIA, after further technical review of the Flood Insurance Rate Map for the Town of Bedford, Mass., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: September 2, 1977.

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: If a property owner was required to purchase flood insurance as a condition of

Federal or Federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of letter of map amendment.

Map No. H&I 255209A Panel 04, published on February 14, 1977 in 42 FR 9112, indicates that Lot 35, Woodmoor Acres, Section III, located at 10 Fern Way, Bedford, Mass., as recorded in Book 10566, Page 250, in the Registry of Deeds, Southern District, of Middlesex County, Mass., is within the Special Flood Hazard Area. Map No. H&I 255209A Panel 04 is hereby corrected to reflect that the existing structure on the above property is not within the Special

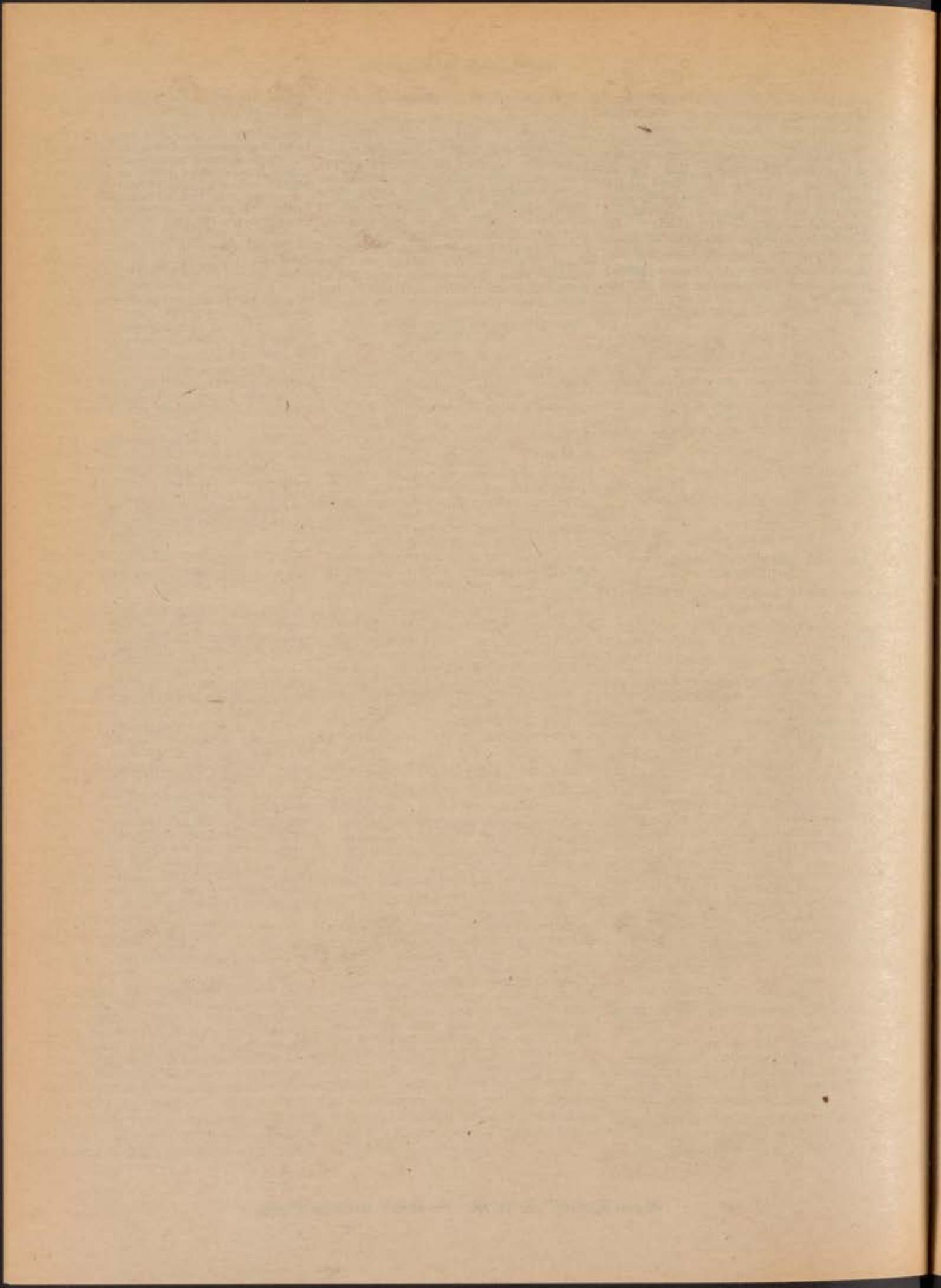
Flood Hazard Area identified on September 7, 1973.

(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 24, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-24730 Filed 9-1-77; 8:45 am]



FRIDAY, SEPTEMBER 2, 1977

PART III



**DEPARTMENT OF
HEALTH,
EDUCATION,
AND WELFARE**

Food and Drug Administration



**NITRATES AND NITRITES
IN POULTRY PRODUCTS**

Statement of Policy; Request for Data

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Food and Drug Administration

[Docket No. 77N-0222]

**NITRATES AND NITRITES IN POULTRY
PRODUCTS**

Statement of Policy; Request for Data

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs determines that nitrates and nitrites as currently used in manufacturing poultry products are food additives, and he establishes a program for obtaining information required to resolve definitively questions about their safe use. The agency will entertain requests for the issuance of interim food additive regulations authorizing the continued use of nitrates and nitrites in poultry products, if the requests are accompanied by a commitment to conduct testing to demonstrate (1) that the requested uses do not result in the formation of cancer-causing nitrosamines before the food is ingested; (2) that the requested levels of nitrates or nitrites are otherwise safe for human consumption; and (3) that use as a preservative is necessary to prevent the growth of *Clostridium botulinum* and the resulting production of botulin toxin in the food.

DATE: Written requests for issuance of interim food additive regulations and comments from interested persons must be submitted on or before November 1, 1977.

ADDRESS: Written requests, supporting data and information, and other comments should be submitted (in quadruplicate) to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204 (202-472-5690).

SUPPLEMENTARY INFORMATION: This document sets forth and explains the conclusion of the Commissioner of Food and Drugs that nitrates (sodium nitrate (NaNO₃), also known as soda niter, nitrate of soda and chile saltpeter; and potassium nitrate (KNO₃), also known as saltpeter and nitrate of potash) and nitrites (sodium nitrite (NaNO₂); potassium nitrite (KNO₂)), if used as preservatives or characterizing ingredients in the manufacture of poultry products, such as smoked poultry, chicken hot dogs, and turkey hams, are considered food additives under section 201(s) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(s)). The same substances may be color additives

under section 201(t) of the act (21 U.S.C. 321(t)), if used essentially for the purpose of affecting color. This notice outlines the conditions under which such substances may continue to be used in poultry products, and establishes a schedule for resolving persistent issues concerning the safety of these substances.

Pursuant to § 180.1 (21 CFR 180.1), the Commissioner will entertain requests for the issuance of interim food additive regulations authorizing the use of nitrates and nitrites in poultry products, pending the conduct of prescribed safety tests. Further, the Commissioner will, in response to proper request, consider the inclusion of nitrates and nitrites on the list of provisionally approved color additives, subject to the conditions specified below. Such requests must be submitted to the Food and Drug Administration (FDA) within 60 days, accompanied by specified information and by commitments to undertake, and report to the agency the results of, three types of safety-related tests. Food or color additive petitions in the format set forth in § 71.1 or § 171.1 (21 CFR 71.1 or 171.1) will also be necessary if these substances are to be considered for long-term approval as food or color additives.

The Commissioner also invites the submission of data and views from any interested person respecting the use of nitrates and nitrites in poultry products, including (1) the need for, and appropriateness of, continued use of nitrates and nitrites in specific types of poultry products, (2) the safety of nitrates and nitrites, and (3) the potential for nitrates or nitrites to form nitrosamines in poultry products prior to their ingestion by humans. The Commissioner is particularly interested in receiving views bearing on the nature of any further long-term testing necessary to resolve conclusively issues about the safety of nitrates and nitrites as curing agents in poultry products.

Comments on this notice, and any pertinent information, should be submitted to the Hearing Clerk at the above address by November 1, 1977, to permit evaluation at the same time that the agency is considering any requests for interim food additive status or provisional color listing.

If the Commissioner receives requests for interim food additive status or provisional color listing supported by reasonable grounds, he will issue proposals to that effect in the FEDERAL REGISTER and invite submission of further comments before taking final action on the requests. Should the Commissioner determine that any requested use of nitrates or nitrites in poultry fails to provide reasonable grounds to support issuance of a proposal, he will deny the request and determine that the use is unlawful. The Commissioner will not permit the use of nitrites in any poultry product in which nitrosamines are found prior to ingestion by humans. However, pending submission of requests for interim food additive status and final action by FDA, current uses of nitrates and

nitrites in poultry products will not be regarded by FDA as causing the products to be adulterated under the act.

BACKGROUND

Nitrates and nitrites have long been used in the curing of several types of poultry products, in some instances for at least 30 years. Previously, FDA has considered such uses to be covered by "prior sanctions" issued before September 6, 1958, by the U.S. Department of Agriculture (USDA) under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.). Those uses were thus not subject to the food additive provisions of sections 201(s) and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(s) and 348). On April 22, 1977, and on July 15, 1977, however, the Commissioner received letters from the Assistant Secretary of Agriculture for Food and Consumer Services, Ms. Carol Tucker Foreman, which conclude, based on available information, that USDA had not officially approved the use of nitrates and nitrites in poultry products under the Poultry Products Inspection Act before passage of the Food Additives Amendment of 1958 and that, therefore, such uses are not covered by valid prior sanctions. Assistant Secretary Foreman asked the Commissioner to determine whether use of nitrates and nitrites in poultry products is considered a food additive or color additive use and whether those uses are safe.

The clarification by USDA of its position on the prior sanction status of nitrates and nitrites in poultry products has prompted a reexamination of FDA's own understanding of the status of these compounds, resulting in the issuance of this notice. The Food and Drug Administration has no basis for independently questioning Ms. Foreman's conclusion, and further, the Commissioner believes that the conclusion of USDA about whether it had issued, for these uses, prior sanctions that satisfy the terms of section 201(s) of the act is dispositive.

Furthermore, as a matter of policy the Commissioner has for some time maintained that the category of prior-sanctioned substances used in food represents an anomaly in the law. This anomaly justifies a narrow construction of those provisions that shelter compounds used as food additives from the basic requirements of the Food Additives Amendment of 1958. Debate over the prior-sanctioned status of nitrates and nitrites has for too long deflected attention from the central issues on the use of these substances. These issues include (1) whether nitrates or nitrites are useful in reducing the risk of botulism that could result from the ingestion of contaminated poultry products, (2) whether nitrates or nitrites form cancer-causing nitrosamines in poultry products prior to ingestion, and (3) whether nitrates or nitrites are otherwise safe for human consumption. The Commissioner concludes, with Assistant Secretary Foreman, that the time has come to assemble the data required to resolve these questions.

HISTORY OF THE USE OF NITRATES AND NITRITES IN POULTRY PRODUCTS

Nitrates and nitrites have been used for centuries, directly or indirectly, in the curing of meat and poultry. The unique organoleptic qualities of cured meats and some poultry products are often the result of the use of nitrates and nitrites. At the present time nitrates and nitrites are used in the production of such foods to preserve them and to impart the taste, texture, and color that consumers, through long exposure, have come to associate with such foods.

Nitrates (sodium nitrate (NaNO_3) and potassium nitrate (KNO_3)) and nitrites (sodium nitrite (NaNO_2) and potassium nitrite (KNO_2)) are water soluble inorganic salts. Nitrates are transformed to nitrites in food and in the gastrointestinal tract through bacterial and enzymatic action. It is possible, but as yet not well documented, that nitrates may also be transformed to nitrites in meat by strictly chemical reactions.

Appreciation of the role of nitrates and nitrites in retarding growth of and toxin development by *Clostridium botulinum* has increased over the last 40 years. *C. botulinum* is a microorganism that is ordinarily quite harmless when naturally present in the soil or in the sea. *C. botulinum* becomes a source of concern only when it grows in food; it then produces a toxin which, if ingested, causes botulism, an acute food poisoning marked by a high mortality rate. Nitrates and nitrites have been shown to be effective in inhibiting the growth of *C. botulinum* in chopped ham (Christiansen, L. N., et al., "Effect of Nitrite and Nitrate on Toxin Production by *Clostridium botulinum* and on Nitrosamine Formation in Perishable Canned Comminuted Cured Meat," *Applied Microbiology*, 25:357 (1973)); in bacon (Christiansen, L. N., et al., "Effect of Sodium Nitrite on Toxin Production by *Clostridium botulinum* in Bacon," *Applied Microbiology*, 27:733 (1974)); in wieners (Hustad, G. O., et al., "Effect of Sodium Nitrite and Sodium Nitrate on Botulinum Toxin Production and Nitrosamine Formation in Wieners," *Applied Microbiology*, 26:22 (1973)); in summer style sausage (Christiansen, L. N., et al., "Effect of Sodium Nitrite and Nitrate on *Clostridium botulinum* Growth and Toxin Production in a Summer Style Sausage," *Journal of Food Science*, 40:488 (1975)); and in some smoked fish (unpublished data).

Several literature references document the long use of nitrates and nitrites in the curing of poultry products, and reflect the growth of commercial use of these substances. For example, in October 1938, A. K. Besley and S. J. Marsden of the USDA Bureau of Animal Industry, issued (A&D No. 23) "Suggestions for Curing and Smoking Turkeys," and stated: "A suitable curing mixture consists of 6 pounds of salt, 3 pounds of sugar and 2 ounces of saltpeter (potassium nitrate) dissolved in 4½ gallons of water. This pickle contains approximately 13 percent of salt and has a salinometer reading of about 70° at a temperature of 38° F. Experience has

shown that about four times this indicated quantity of pickle is required to cover 100 pounds of moderately large, drawn turkeys when packed carefully in a 50-gallon barrel."

In 1941, P. J. Schaible and J. A. Davidson of the Chemistry and Poultry Sections, Michigan Agricultural Station, wrote in "Boning, Curing, and Smoking Poultry Meat," *The U.S. Egg and Poultry Magazine*, pp. 228-230, and 255-256: "In small numbers, poultry has been cured and smoked for many years on farms. Although the product has not been uniform in appearance or taste and has been high priced, customers have shown sufficient interest to encourage a few firms specializing in unusual meat delicacies to enter the field. Goose breasts and legs have been cured and smoked for some time, but of recent years attention has been directed to turkey." Saltpeter (potassium nitrate) is included in the curing formulations given. In 1941, Besley and Marsden of USDA, in "A Study of Turkey Curing and Smoking," *Poultry Science*, pp. 496-506, presented some of the experimental evidence obtained in studying the curing and smoking of turkeys. The authors stated: "The presence of saltpeter in the cure resulted in a pink cast to the white meat and a rich, red-colored dark meat, typical of cured lean pork."

In the past few years, many new food products have been developed using poultry in lieu of red meat. Sodium nitrite is used in many of these products, which have the same basic characteristics as red meat items and are known by such names as "Chicken Hot Dogs," "Chicken Franks," and "Turkey Ham." The use of chicken in hot dogs was sanctioned by USDA on October 3, 1969.

It is the responsibility of FDA to evaluate the safety of all additives to foods, including meat, poultry, and egg products, and to publish regulations prescribing safe conditions of use. However, USDA has responsibility for enforcing quantitative restrictions and assuring proper use of additives in meat, poultry, and egg products. Furthermore, USDA has independent authority to prohibit use of food additives in meat and poultry, even though their use may have been approved by FDA.

SAFETY OF NITRATES AND NITRITES IN POULTRY PRODUCTS

Current USDA requirements specify that the use of nitrates, nitrites, or any combination of these, shall not result in more than 200 parts per million (ppm) nitrite, calculated as sodium nitrite, in the finished product (9 CFR 381.147(f)(3)). This apparently was the amount considered necessary to accomplish the desired characterizing and preservative effects.

Nitrates occur in practically all parts of the environment but primarily in water and vegetables. It has been estimated that the drinking water consumed by an average resident in the United States contains 0.7 ppm nitrate and that the average nitrate content of vegetables ranges from 13 ppm in dry beans to 2,760 ppm in beets (White, J. W., Jr., "Relative

Significance of Dietary Sources of Nitrate and Nitrite," *Journal of Agricultural and Food Chemistry*, 23:886 (1975), as corrected in the same journal, 24:202 (1976). Leafy vegetables such as lettuce, cabbage, and broccoli are also high in nitrates. Nitrites have a very low toxicity that has been reported to be of the same order as the toxicity of sodium chloride (Institute of Food Technologists' Expert Panel on Food Safety and Nutrition, "Nitrites, Nitrates, and Nitrosamines in Food—a Dilemma," *Food Technology/Journal of Food Science*, 37:989 (1972). Sodium nitrate has been fed to rats up to 10 percent in the diet for their lifetime. Other than some depression in growth at levels above 1 percent, no adverse effects were noted in these animals (Lehman, A. J., "Nitrates and Nitrites in Meat Products," *Association of Food and Drug Officials, U.S. Quarterly Bulletin*, 22:136 (1958)).

Nitrites, on the other hand, occur less frequently in the environment but are more toxic. In pigs that were fed up to 18.3 milligrams of potassium nitrite per kilogram of body weight there was no effect on weight gain or feed efficiency, but methemoglobinemia (impairment of ability of blood to carry oxygen) was apparent. When fed potassium nitrite at more than 21.3 mg/kg body weight, the pigs died (London, W. T., et al., "An Attempt to Produce Chronic Nitrite Toxicosis in Swine," *Journal of the American Veterinary Medical Association*, 150:398 (1967)). Methemoglobinemia is also seen in man, particularly in infants accidentally exposed to nitrites (Committee on Nutrition, "Infant Methemoglobinemia. The Role of Dietary Nitrate," *Pediatrics*, 46:475 (1970)).

Nitrites have not been shown to be carcinogenic or teratogenic at any dose level. However, additional research is currently being carried out. A recent report in *Science*, 196:1,000 (1977) discussed the mutagenic activity of nitrite-treated foods. Extracts of Japanese raw fish, beef, and hot dogs treated with nitrite were evaluated using the *Salmonella typhimurium* test. The raw fish extracts exhibited mutagenic activity, but the beef and hot dog samples were not mutagenic. Additionally, FDA has supported a dominant lethal study in rats on potassium nitrite and potassium nitrate. These studies, funded under contract to Stanford Research Institute, were recently completed (June 1977). Preliminary conclusions indicate that potassium nitrate is nonmutagenic in the rat, and that potassium nitrite may be a mutagen in the rat at 112, 373, and 1,120 ppm in the diet.

R. Preussman has reviewed the chronic toxicity of nitrites (Proceedings of the International Symposium on Nitrite in Meat Products, held at the Central Institute for Nutrition and Food Research/TNO, ZEIST, the Netherlands, September 10-14, 1973, pp. 217-226) and summarizes the work of several investigators. One investigator (Druckery) gave 100 milligrams of nitrite per kilogram of body weight to rats over the lifespan of

three generations. Except for a (probably not significant) shortening of the life-span and a reduction in hemoglobin concentration, no adverse toxic effects of the treatment were noted; reproduction of treated animals was not affected and no teratogenic effects were observed in the offspring. Another investigator (Sander) added 1 percent sodium nitrite to the diet of rats for 117 days and observed the animals until natural death; he saw no tumors or other serious toxic effect.

An ongoing study with sodium nitrite in the rat is discussed later in this document in connection with a study involving the simultaneous feeding of sodium nitrite and an amine in rats.

Although the values for the ingestion of nitrates and nitrites by the population of the United States are not well documented, J. White ("Relative Significance of Dietary Sources of Nitrate and Nitrite," *Journal of Agricultural and Food Chemistry*, 23:886 (1975) as corrected in the same journal 24:202 (1976)) has estimated the average daily ingestion of nitrates and nitrites for a United States resident to be 99.8 and 11.22 milligrams, respectively. More than four-fifths of the dietary intake of nitrates is from vegetables and less than one-tenth from cured meats, including poultry products. Three-fourths of the nitrite entering the human stomach originates in saliva, and approximately one-fifth from cured meats including poultry products.

While nitrites have not been shown to be carcinogenic, it is known that nitrites can, under certain conditions, combine with secondary or tertiary amines to form compounds known as nitrosamines. There are many different nitrosamines, some of which are known carcinogens. Nitrosamines have been detected occasionally at low levels in various cured meat products, but not with any consistency in any except fried bacon. Nitrosamines were detected in 3 out of 34 frankfurter samples at 11 to 84 parts per billion (Wasserman, A. E., et al., "Dimethylnitrosamine in Frankfurters," *Food and Cosmetics Toxicology*, 10:681 (1972)), in 5 out of 59 prepared meat products at 10 to 80 parts per billion (Sen, N. P., "The Evidence of Presence of Dimethylnitrosamine in Meat Products," *Food and Cosmetics Toxicology*, 10:219 (1972)), and in 1 ham sample out of 51 samples of various meat products, at 5 parts per billion (Pazio, T., et al., "Analysis of Nitrite and/or Nitrate—Processed Meats for N-Nitrosodimethylamine," *Journal of the Association of Official Analytical Chemists*, 54:1157 (1971)). N-Nitrosopyrrolidine was detected in all 22 samples of fried bacon at levels up to 139 parts per billion (Haverty, D. C., et al., "Survey of Food Products for Volatile N-Nitrosamines," *Journal of the Association of Official Analytical Chemists*, 59:540 (1976)). Cured poultry products have not been comprehensively examined to determine whether they contain nitrosamines. Indications of traces of apparent nitrosamines were observed in two of four

chicken frankfurter products recently examined in an FDA laboratory.

The mutagenic properties of nitrosamines have been studied extensively in various systems. McCann et al. document nitrosamine compounds which have been shown to be mutagenic in selected bacterial test systems (Proceedings of the National Academy of Sciences of the USA, 72:5135 (1975)).

Nitrosamines have been formed experimentally in the gastrointestinal tracts of mice, rats, and rabbits by simultaneous administration of nitrites and secondary amines. In vitro experiments have shown for both animals and man that nitrosamine formation can occur under conditions normally present in the stomach (Sen, N. P. et al., "Formation of N-Nitrosamines from Secondary Amines and Nitrite in Human and Animal Gastric Juice," *Food and Cosmetics Toxicology*, 7:301 (1969)). It is not known whether this phenomenon is increased or even affected by ingestion of foods containing nitrites. In human subjects with gastric hypochlorhydria (low stomach acidity) who were administered a drink containing both diphenylamine and sodium nitrate, bacterial reduction of nitrate to nitrite and formation of diphenylnitrosamine (a noncarcinogen) was demonstrated (Sander, J. and P. Seif, "Bacterial Reduction of Nitrate in the Human Stomach, as a Cause of Nitrosamine Formation," *Arzneimittel Forschung*, 19:1091 (1969)).

Cancer has occurred in laboratory animals in experiments in which high levels of nitrites and secondary amines were fed to the animals. These experiments indicate the possibility of the formation of carcinogenic nitrosamines in the bodies of animals. As would be expected, the levels of nitrites employed in these studies far exceeded the levels commercially used in human foods. A study conducted recently at the Massachusetts Institute of Technology under FDA contract (R. C. Shank and P. M. Newberne, "Dose-Response Study of the Carcinogenicity of Dietary Sodium Nitrite and Morpholine in Rats and Hamsters," *Food and Cosmetics Toxicology*, 14:1 (1976)), although possibly flawed, has suggested a dose-response relationship for the induction of liver and lung tumors in rats fed combinations of sodium nitrite and morpholine (a cyclic amine) when the nitrite levels in the diet were of the order used in commercially prepared human foods.

The study also suggests, in the rat, a possible relationship between the feeding of sodium nitrite alone and an increased incidence of lymphoreticular tumors. The significance of these tumors is, however, unclear because of a variety of uncertainties with respect to the feeding of nitrite alone in this study. These uncertainties include the possible interaction of nitrite with the semisynthetic diet that was used, the possible influence of the diet itself, and the fact that in this study, as in other studies of combined nitrite and secondary amine, the nitrite group itself represented a control group. Because of these uncertainties,

FDA has sponsored an additional study to examine directly the questions of potential nitrite carcinogenicity. This study is nearing completion and to date has shown no indication that sodium nitrite is carcinogenic.

Questions about the potential carcinogenicity of nitrites have persisted for several years, and have dominated discussions about the proper regulatory action on their continued use. In 1973, the Secretary of Agriculture established an Expert Panel on Nitrites, Nitrates, and Nitrosamines, consisting of scientific experts both within and outside government, to advise him whether the use of nitrates and nitrites in the curing of meats and poultry constituted a public health hazard, and if so, whether such use should be restricted or prohibited.

The USDA Expert Panel is to conclude its deliberations in September 1977 and to thereafter make recommendations to the Secretary of USDA. The recommendations will address such considerations as the levels of nitrite in all cured meat products; the formation of nitrosamines and an evaluation of their dangers; evaluation of currently available alternatives to nitrite use; and a review of products, if any, in which nitrites are used solely for color or other organoleptic purposes.

LEGAL STATUS OF NITRATES AND NITRITES IN POULTRY PRODUCTS

Section 201(s) of the Federal Food, Drug, and Cosmetic Act defines "food additive" as follows:

The term "food additive" means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food * * * if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use; except that such term does not include—

- (3) A color additive; or
- (4) Any substance used in accordance with a sanction or approval granted prior to the enactment of this paragraph pursuant to this Act, the Poultry Products Inspection Act (21 U.S.C. 451 and the following) or the Meat Inspection Act of March 4, 1907 (34 Stat. 1260), as amended and extended (21 U.S.C. 71 and the following) * * *

Under this definition, substances sanctioned by USDA for use in poultry products under the Poultry Products Inspection Act prior to the enactment of the Food Additives Amendment of 1958 (September 6, 1958) are not considered "food additives". A substance that is prior-sanctioned need not be covered by an effective food additive regulation in order to be used, nor need its safety have been demonstrated in accordance with

modern toxicological standards. If FDA determines that such a substance is not safe, the agency has the burden of demonstrating that it causes foods in which it is used to be adulterated under section 402(a)(1) or (2)(A) of the act (21 U.S.C. 342(a)(1), (2)(A)). Furthermore, because they are not food additives, prior-sanctioned substances are not subject to section 409(c)(3)(A) (the Delaney anticancer clause) of the act (21 U.S.C. 348(c)(3)(A)).

Section 201(t)(1) of the act defines "color additive":

The term "color additive" means a material which—

(A) Is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source and

(B) When added or applied to a food, drug, or cosmetic, or to the human body or any part thereof, is capable (alone or through reaction with other substance) of imparting color thereto; except that such term does not include any material which the Secretary, by regulation, determines is used or intended to be used solely for a purpose or purposes other than coloring.

This definition makes no provision for continued use of substances that had been sanctioned by FDA or USDA prior to enactment of the Color Additive Amendments of 1960. However, the amendments permitted the "provisional listing" and continued use, pending completion of safety testing, of substances meeting the definition of a color additive already in use in food in 1960.

There are no FDA regulations that independently authorize the commercial use of nitrates and nitrites in poultry products, either as food additives or as color additives, nor has FDA itself issued a prior sanction permitting their use. In § 170.60(b) (21 CFR 170.60(b)), FDA regulations do, however, recognize their use, based on the belief that USDA had issued valid prior sanctions.

The longstanding use of nitrates and nitrites in poultry products is reflected in several documents. Ms. Foreman's letter indicates that, as far back as November 20, 1958, USDA authorized the use of nitrates and nitrites for specific purposes in certain poultry products. Additionally, USDA issued the Products Inspection Regulations, published in the FEDERAL REGISTER of May 16, 1972 (37 FR 9706), which include nitrates and nitrites on the list of substances permitted to be used in poultry. Nitrates and nitrites appear under the heading, "Curing agents," for the listed purpose "to fix color" (9 CFR 381.147(f)(3)).

FDA's belief that § 381.147(f)(3) rested on a prior USDA sanction is reflected in FDA's own proposal on nitrates and nitrites published in the FEDERAL REGISTER of November 3, 1972 (37 FR 23456). A portion of that proposal (proposed §§ 121.2007 and 121.2008 (21 CFR 121.2007 and 121.2008)) would have established regulations recognizing and gov-

erning the prior-sanctioned uses of nitrates and nitrites in both meat and poultry products. Proposed §§ 121.2007 and 121.2008 would have listed amounts of nitrates and nitrites for use in poultry, as well as meat products, that coincide with the levels specified in § 381.147(f)(3) of USDA's Poultry Products Inspection Regulations. Section 170.60(b) (21 CFR 170.60(b)) also reflects FDA's belief that USDA had issued a prior sanction. This FDA regulation explicitly mentions a prior sanction covering the use of nitrates and/or nitrites "in the commercial curing of meat and meat products and poultry products * * *". Thus, although FDA had not issued a prior sanction for nitrates and nitrites in poultry products, the Commissioner believed that USDA, the agency with primary jurisdiction over meat and poultry products, had done so. On this basis, FDA included the prior sanctions in § 170.60 and proposed to include them in §§ 121.2007 and 121.2008.

Assistant Secretary Foreman's April 22, 1977 letter to the Commissioner squarely rebuts the assumption on which FDA had previously operated. The letter states that "[B]ased upon our review of available information, it does not appear that there is such a prior sanction or approval of nitrates and nitrites in poultry products." In the absence of prior sanctions, FDA must determine—as Assistant Secretary Foreman's letter requests—whether there is any other legal basis for the use of nitrates and nitrites in poultry products. Initial inquiry must be directed to the question of whether nitrates and nitrites in poultry products are "food additives" or "color additives", or both, as those terms are defined in section 201(s) and (t) of the act. The answer depends on the purposes for which the substances are used.

Assistant Secretary Foreman's letter states: "nitrates and nitrites 'impart color' when added to white or brown poultry meat in that nitrates and nitrites cause such poultry meat to turn a reddish color." Nitrates and nitrites added to poultry products would appear, therefore, to meet the definition of a color additive in section 201(t) of the act. Indeed, if nitrates or nitrites are used solely for coloring, they are clearly color additives. However, FDA has not approved a color additive petition for nitrates or nitrites in poultry products under section 706 of the act (21 U.S.C. 376) and neither currently appears on the list of colors provisionally listed for use in food in § 81.1 (21 CFR 81.1).

On the other hand, consideration of the levels of nitrates and nitrites currently permitted by USDA for use in poultry products suggests that the substances are being used, and have been permitted for use, for purposes in addition to imparting color. Indeed, it would appear that the predominant purposes for which nitrates and nitrites are used in poultry products are other than coloring. The amount of nitrates or nitrites needed to fix color in a poultry product is approximately 20 ppm. Yet USDA regulations under 9 CFR 381.147(f)(3) permit up to 200 ppm nitrates or nitrites

in finished poultry products. That level is the amount generally thought necessary to prevent the growth of *Clostridium botulinum* and the formation of toxin, and thus to preserve products in which such formation might occur.

It is well established that when a tolerance is necessary for safe use, no food additive or color additive may be used in food in excess of the amount reasonably required to produce the intended effect; see sections 409(c)(4) and 706(b)(7) of the act (21 U.S.C. 348(c)(4), 376(b)(7)). Thus, although 9 CFR 381.147(f)(3) does not identify preservation or characterizing effects as the purposes for which nitrates and nitrites are used in poultry products, the amounts permitted by USDA suggest that these noncolor uses are, and generally have been, the predominant functions of nitrate and nitrite use.

A substance used to preserve food is a food additive unless it falls within one of the exceptions to the statutory definition. The definition of a "food additive" in section 201(s) of the act excludes a number of categories of substances added to food—including substances that were sanctioned by USDA or FDA prior to September 6, 1958, substances generally recognized as safe (GRAS), and color additives. As previously noted, USDA has advised that it had not sanctioned the use of nitrates and nitrites in poultry products prior to the effective date of the Food Additives Amendment of 1958. The Commissioner concludes that nitrates and nitrites used in poultry products are neither prior-sanctioned nor covered by any other exception to the statutory definition of "food additive".

As previously explained, the definition of "food additive" in section 201(s) of the act excludes GRAS substances. While nitrates and nitrites in poultry products may at one time have been considered GRAS, they are not now viewed as GRAS by FDA, nor does the Commissioner have any indication that USDA now considers them to be GRAS.

As noted above, one effect of adding nitrates and nitrites to poultry products is to impart color. The statutory definition of color additive could be read literally to include any substance that imparts color, and the statutory definition of food additive to exclude any substance that is a color additive, thus making the two categories of substances mutually exclusive. The Commissioner does not believe that this result was intended by Congress, and it does not correspond with sound public policy or historical practice under the act. In the Color Additive Amendments of 1960, Congress was amending a statute under which, since 1958, substances used to color food had been treated as food additives or as coal tar dyes. A primary purpose of the Color Additive Amendments of 1960 was to do away with these differences in the treatment of color additives. As stated in the Report of the House Committee on Interstate and Foreign Commerce, accompanying H.R. 7624, the amendments: would do away with the differences in legal require-

ments and treatment as between the so-called coal-tar colors and other color additives, and would establish an integrated and internally consistent basis for determining the admissibility of any coloring material for use in or on foods, drugs, or cosmetics (other than hair dyes). This would be accomplished by excepting color additives (as defined in the bill) from the term "food additive"; repealing the present provisions for listing and certification of coal-tar colors; enacting, as part of a single section (sec. 706), comprehensive provisions for the separate listing of any color additives suitable and safe for general or restricted use in foods, drugs, or cosmetics, and for their certification (or exemption from certification) and making other amendments to the act to mesh with these provisions.

The bill would embrace all color additives whether or not synthesized and whether or not capable of derivation from a coal-tar constituent. From the point of view of determining safety of use, there is no sound scientific basis for distinguishing between a color additive extracted from a plant, animal, or mineral source and one which is synthesized with a chemical structure which will bring it under the term "coal-tar color". The bill would therefore establish common ground rules for all such colors.

There is no evidence in the legislative history of the Color Additive Amendments of 1960 that Congress, when it modified the definition of food additive, intended to exempt additives to foods that are used primarily for a purpose other than coloring but also satisfy the sweeping definition of color additive. Rather, the intent appears to have been to exempt those substances used solely as color additives from the definition of food additives so that petitioners for "non-coal-tar" colors would be relieved of the burden of having to demonstrate safety twice, under both the food additive and the color additive provisions of the act.

Section 70.3(g) of the FDA color additive regulations (21 CFR 70.3(g)) has been interpreted consistently with the recognition that a substance may be both a food additive and a color additive, reflecting the fact that some ingredients added to food may serve more than one technological purpose. Thus, the exception for color additives in section 201(s) does not preclude a substance from being both a color additive and a food additive, depending on its uses and effects, and therefore subject to the requirements of both sections 409 and 706 of the act.

Therefore, nitrates and nitrites, when used in poultry products at levels necessary to accomplish their preservative effect, are food additives within the meaning of section 201(s) of the act. No food additive petition for the use of nitrates and nitrites as a preservative in poultry products, however, has been approved by FDA. Furthermore, as previously noted, neither nitrates nor nitrites are currently approved as color additives or listed among the colors provisionally authorized for use in food.

It might be argued that, under these circumstances, a literal reading of the act requires immediate termination of the use of nitrates and nitrites in all poultry products. In the Commissioner's judgment, however, such precipitous action would fail to take into account the important health benefits that preservatives provide in preventing botulism, and therefore such action may not be warranted for the protection of the public health. Although significant safety issues have been raised about the use of nitrates and nitrites, their immediate elimination from all poultry and meat products would likewise pose serious safety concerns.

Some current uses of nitrates and nitrites may not be necessary to prevent the growth of *Clostridium botulinum*. There may also be uses in poultry that result in the formation of nitrosamines in foods before they are eaten. Consequently, the Commissioner believes that the immediate objective of both USDA and FDA should be to eliminate all non-preservative uses of nitrates and nitrites for which substantial evidence of safety is lacking. This document is directed to this end and to establish a schedule for the completion of any further testing needed to resolve the questions of the safety of the addition of nitrates and nitrites to poultry products where nitrosamines are not performed, and to identify, and eliminate, any uses in poultry that result in preformed cancer-causing nitrosamines.

In the past, when the Commissioner has been reasonably certain that a substance with a long history of use may continue to be used safely, FDA has issued an interim food additive regulation that permits continued but limited use while required data are accumulated to enable the agency to make a final decision about the approvability of the substance (see 21 CFR Part 180).

The Commissioner has reached no final judgment about whether an interim food additive regulation covering even restricted uses of nitrates and nitrites in poultry products would be appropriate. However, he will consider proposing to establish an interim food additive regulation if USDA or other interested parties submit appropriate requests. The criteria for issuing an interim food additive regulation are set forth in § 180.1. Requests must address each criterion and provide all pertinent data and information needed to enable the agency to evaluate fully the request. The information required is more fully described in the concluding section of this notice.

The authority of FDA to issue interim food additive regulations permitting continued use of substances about which safety questions have been raised pending the accumulation of data to resolve those questions has been judicially upheld (*Jacobson v. Edwards*, Civil Action No. 445-71 (D.D.C. July 6, 1971), CCH FDC Reports paragraph 40, 817, p. 42, 114, *aff'd* No. 71-2046 (D.C. Cir. Dec. 15, 1972)).

Agency regulations make no provision for the issuance of "interim color addi-

tive regulations," however, and some question might be raised about FDA authority to add a substance to the provisional list of colors for the first time in 1977, some 17 years after the passage of the Color Additive Amendments of 1960. Although the Commissioner would have reservations about placing nitrates and nitrites on the provisional list at this late date, it is his opinion, upon careful consideration of the provisions and history of the 1960 amendments, that under appropriate circumstances, nitrates and nitrites could lawfully be so added. The legality of such action, however, is but one issue to be addressed. Clearly, the more important issue is whether nitrates and nitrites used as color additives are or would be safe. The Commissioner has no reason at the present time to propose the addition of nitrates and nitrites to the provisional list of colors. So far as he is now aware, neither type of substance is being used in poultry products solely for the purpose of affecting color. While some current users of nitrates and nitrites in poultry products undoubtedly desire the coloring effect of nitrates and nitrites used for preservation, FDA has not historically required dual approval of additives used for purposes that also affect color.

The Commissioner therefore will not require the submission of companion requests for both interim food additive status and provisional color listing for any use of nitrates or nitrites as a preservative or characterizing ingredient in poultry products.

The Commissioner would consider petitions for the "permanent" listing of nitrates or nitrites used solely for the purpose of coloring, at levels no higher than necessary to accomplish a coloring effect. If, contrary to his current understanding, nitrates and nitrites are currently being used in poultry products essentially as color additives, the Commissioner would also entertain requests for their provisional listing as color additives, subject to the following conditions: (1) A petition for "permanent" listing is filed simultaneously; (2) the requested color additive uses are ones that were in commercial use prior to July 12, 1960; (3) the Commissioner can be satisfied that provisional listing would pose no significant risk to public health; and (4) the request is accompanied by a commitment promptly to conduct the studies necessary to establish the safe conditions of use.

ISSUES ON WHICH DATA AND VIEWS ARE REQUESTED

The most important criterion for issuance of an interim food additive regulation under § 180.1 is the assurance that continued use of a substance will pose no significant risk to the health of consumers. In determining whether, for any uses in poultry products, nitrates and nitrites satisfy this criterion, the Commissioner will consider all information submitted with any requests for interim food additive status or for provisional color additive listing. He will also welcome views and scientific data submitted

by other interested persons and organizations, including the USDA Expert Panel that is considering the uses of nitrates and nitrites in curing meat and poultry products.

Before concluding that continued use of nitrates or nitrites in a product does not pose a significant risk to human health, the Commissioner must be satisfied that such use does not result in the formation of cancer-causing nitrosamines in the food before it is ingested, regardless of whether such formation occurs during production or when the product is prepared for eating. In addition, the Commissioner will carefully evaluate all available data relating to the toxicity of nitrates and nitrites when directly ingested.

To assist persons who wish to comment on, or submit data concerning, the policy announced in this document, the Commissioner has identified several questions on which the agency specifically requests information and advice:

(1) To what extent is botulinal toxin a genuine concern in poultry products? Which products?

(2) To what extent are nitrates and nitrites effective in preventing the

growth of *C. botulinum* and formation of botulinal toxin in poultry products? Are there other compounds that would be equally effective? What levels of nitrates and nitrites are needed to prevent the growth of *C. botulinum* and formation of botulinal toxin?

(3) What is the chemical action of nitrates/nitrites in poultry products?

(4) What is the biochemical mechanism of the coloring or color-fixing properties of nitrates and nitrites?

(5) What additional studies are necessary to resolve the foregoing questions, as well as the outstanding safety issues discussed above?

The Commissioner advises that he will entertain requests for the issuance of interim food additive regulations or for provisional listing as a color additive. To the extent that the types of data identified in questions (1) through (4) above cannot be presented in response to this notice, requestors must express a willingness to commit themselves to conduct any studies that are necessary for resolution of the unanswered questions within a reasonable period of time. This requirement would obviously extend to any studies identified in the com-

ments received in response to question (5).

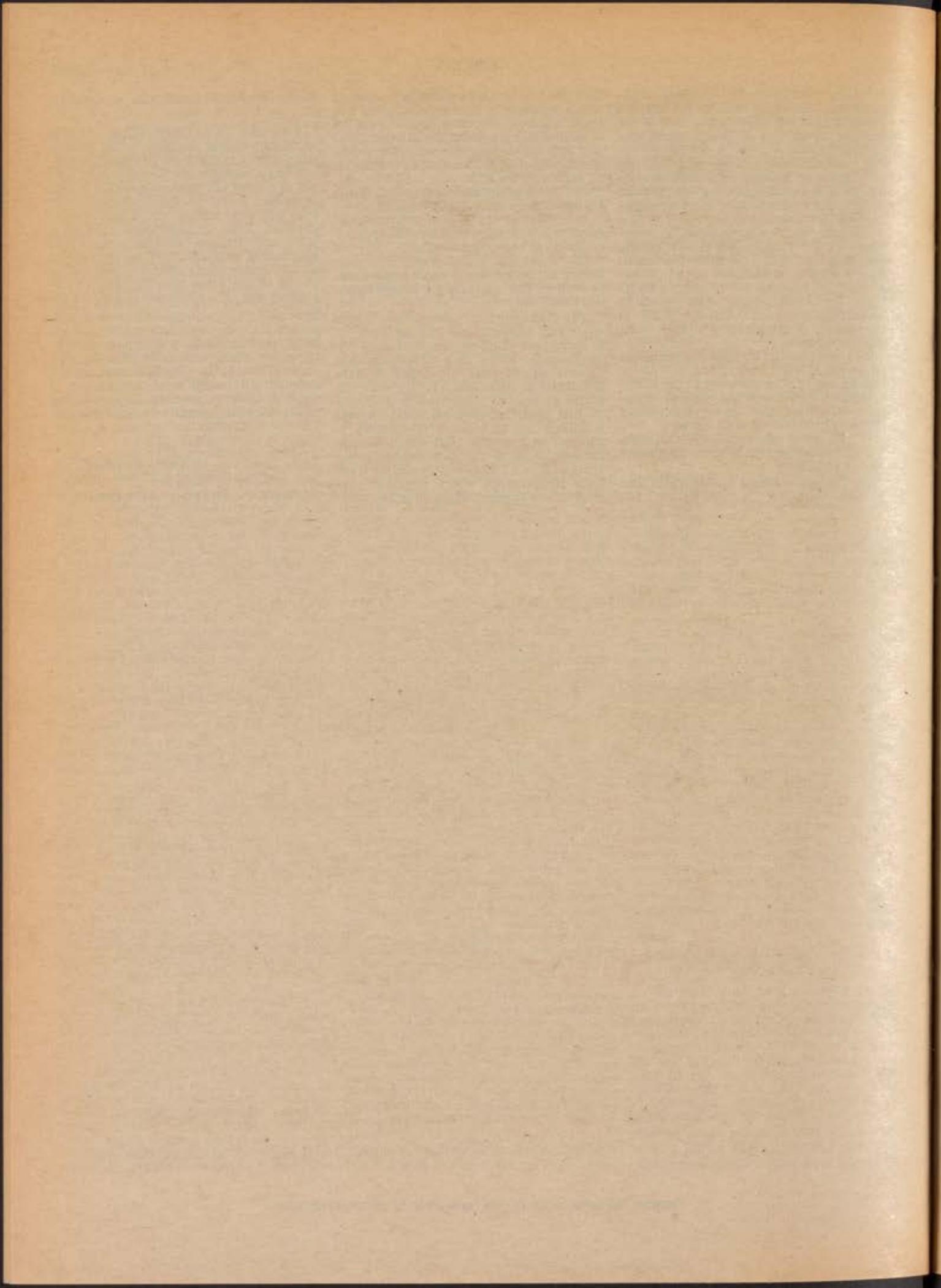
A request for an interim food additive regulation is not required to be accompanied by a request for provisional listing and a petition for "permanent" listing as a color additive to support a coloring effect that is a consequence of the food additive use for which the request is filed. The Commissioner concludes that any request providing sufficient supporting grounds for the proposal of an interim food additive regulation would at the same time be sufficient to support the safety of any coloring effect.

Therefore, the Commissioner does not, at this time, perceive any useful purpose to be served by requiring an accompanying color additive petition in these circumstances. If the Commissioner should conclude that additional information is needed with respect to any coloring effect, he would require further submissions in the future.

Dated: August 25, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77-25404 Filed 9-1-77;8:45 am]



federal register

FRIDAY, SEPTEMBER 2, 1977

PART IV



DEPARTMENT OF LABOR

**Office of Employee Benefits
Security**

DEPARTMENT OF THE TREASURY

Internal Revenue Service



**EMPLOYEE STOCK
OWNERSHIP PLANS**

Title 29—Labor

CHAPTER XXV—EMPLOYEE BENEFITS
SECURITY OFFICE, DEPARTMENT OF
LABORPART 2550—RULES AND REGULATIONS
FOR FIDUCIARY RESPONSIBILITYExemption for Loans to Employee Stock
Ownership Plans

AGENCY: Department of Labor.

ACTION: Final regulations.

SUMMARY: These regulations under sections 408(b)(3), 407(d)(5) and 407(d)(6) of the Employee Retirement Income Security Act of 1974 (the Act) set forth requirements relating to the exemption for loans to employee stock ownership plans (ESOPs), the definition of the term employee stock ownership plan and the definition of the term qualifying employer security. These regulations are intended to provide guidance for the public in complying with the law. They affect all employees who are participants in an ESOP and all employers who establish ESOPs.

EFFECTIVE: Generally effective for plan years ending after December 31, 1974.

FOR FURTHER INFORMATION CONTACT:

Rhea Schwartz, Department of Labor, Room C-4508, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202-523-6855).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On July 30, 1976, the Department of Labor (the Department) published in the FEDERAL REGISTER (41 FR 31870), a proposal to adopt regulations 29 CFR 2550.408b-3, 2550.407d-5 and 2550.407d-6 under section 408(b)(3), 407(d)(5) and 407(d)(6) of the Act. Similar Internal Revenue Service provisions appeared at the same time (41 FR 31833).

By notice published in the FEDERAL REGISTER on October 19, 1976, the public was invited to comment orally or in writing not only upon issues addressed in the proposed regulations, but also upon issues addressed by section 803(h) of the Tax Reform Act of 1976 (90 Stat. 1590) and by the Conference Report of the Committee of Conference on H.R. 10612 (H.R. Rep. No. 94-1515, 94th Cong., 2d Sess., 539-542 (1976)), as both relate to ESOPs. A public hearing was held on November 12, 1976.

Both substantive and structural changes in the proposed regulations were made after consideration of all the comments received. Thus, the regulations, as adopted, differ considerably from the proposed regulations. Certain provisions have been added. Others are restructured or deleted. However, many changes are designed solely to simplify the regulations. Therefore, no substantive inference should be drawn solely from the fact that a particular proposed provision has been either deleted or restructured.

MAJOR SUBSTANTIVE DELETIONS
SPECIAL REQUIREMENTS FOR USE OF
LOAN PROCEEDS

Several comments suggest major revisions to proposed sections 2550.408b-3(b)(1)(ii)(B) through (F). These provisions relate to requirements with respect to voting stock; non-voting common stock, preferred stock and other equity securities; unrestricted dividend rights; and to the overall limitation on employer securities (other than certain common stock or convertible securities) acquired with loan proceeds. The majority recommended deletion. This document makes the deletion.

However, this deletion does not mean that the Department is unconcerned with the nature of securities acquired by an ESOP with the proceeds of an exempt loan. The acquisition of securities by an ESOP will be judged under the requirements of section 404(a)(1) of the Act.

MAJOR SUBSTANTIVE ADDITIONS
RIGHTS OF FIRST REFUSAL

Section 2550.408b-3(1) is added under the regulations, as adopted, to permit an ESOP to acquire employer securities that are subject to a right of first refusal.

Many comments stress the necessity of a right of first refusal to protect small, closely-held corporations, whose securities are not publicly traded, from dilution of control, takeovers by competitors and inadvertent "going public". The regulations, as adopted, reflect the comments by permitting a 14-day right of first refusal in favor of the employer, the ESOP, or both. However, the securities subject to a right of first refusal must not be publicly traded at the time the right of first refusal is sought to be exercised. Also, the selling price and other terms of the purchase under such a right of first refusal must be not less favorable to the seller of such securities than the greater of the fair market value of the securities or the purchase price and other terms offered by a third party buyer making a good faith offer.

MAJOR REVISIONS

(1) Definition of "Publicly Traded"

In response to a number of comments, the concept of "publicly traded" is expanded under the regulations, as adopted, to include securities quoted on a system sponsored by a national securities association registered under section 15A(b) of the Securities Exchange Act. The primary effect of this change is to limit the extent to which a put option is required.

(2) Scope of ESOP Loan Exemption

Many comments suggest that the proposed amendment limiting the scope of the ESOP loan exemption to the prohibitions of section 406(a) of the Act is not supported by the Act or its legislative history. The same criticism is made concerning the requirement that loans involving fiduciary self-dealing must be arranged and approved by an independent fiduciary.

Based upon a review of the comments and the legislative history, the scope of the ESOP loan exemption is expanded under the regulations, as adopted. The only prohibited transactions to which the exemption under section 408(b)(3) does not apply are those arising under section 406(b)(3), relating to the receipt by a fiduciary of any consideration for his own personal account from a party dealing with a plan. Also, the independent fiduciary requirement is eliminated under the regulations, as adopted.

The ERISA Conference Report states that, because of potential problems with respect to ESOP loans by parties in interest, "the conferees intend that all aspects of these transactions will be subject to special scrutiny by the Department of Labor and the Internal Revenue Service to ensure that they are primarily for the benefit of plan participants and beneficiaries" (H.R. Rep. No. 93-1280, 93d Cong., 2d Sess., 313 (1974)). The regulations, as adopted, make it clear that the "special scrutiny" for ESOP transactions referred to by the conferees is not meant to require an administrative exemption for loans by fiduciaries. Rather, the language is interpreted as requiring the careful examination of these transactions to ensure that they are primarily for the benefit of participants and their beneficiaries and that they satisfy the requirements of section 404(a)(1) of the Act.

(3) Primary Benefit Requirement

The requirement that a loan to an ESOP be made primarily for the benefit of participants and beneficiaries of the plan is expressed with greater specificity under the regulations, as adopted. In response to comments requesting clarification of this provision, two tests are added under § 2550.408b-3(c) to illustrate how a determination can be made with respect to whether a transaction meets the primary benefit requirement. The first test, derived from the ERISA Conference Report, involves a determination based upon the projected net effect of the loan on the ESOP over the duration of the transaction (See ERISA Conference Report, p. 313). The second test requires that the terms of an ESOP loan be at least as favorable as a comparable loan resulting from arm's-length negotiations involving independent parties.

(4) Default

The proposed regulations restrict the transfer of plan assets in the event of default to a failure to meet the loan payment schedule. As suggested in the comments, the regulations, as adopted, are less restrictive. The limitation on the transfer of plan assets in the event of default applies only to loans in which the party in interest extends credit in a form other than a guarantee.

(5) Release from encumbrance

The proposed regulations require securities to be released from encumbrance in at least equal annual amounts. This rule is eliminated from the regulations,

as adopted, because, as pointed out in the comments, it is unnecessarily rigid. Instead, the regulations, as adopted, now provide, as a general rule, for release of securities from encumbrance as principal and interest are paid. Also, an alternative rule now permits release from encumbrance with reference to principal payments only. In the case of loans made after November 1, 1977, the alternative applies only to loans with a term of ten years or less that require payments at a cumulative rate not less rapid than level annual payments. In these cases, interest payments will not be disregarded unless based on standard loan amortization tables.

The regulations, as adopted, note that the release of securities in unequal annual amounts may reflect conditions causing plan disqualification if contributions are not substantial and recurring or if the limitations on annual additions under section 415 of the Code are exceeded.

(6) Put Options

The comments address various aspects of the put option provision of the proposed regulation. Several comments express concern over the strain on an employer's cash supply that could result from the continuous exercise of put options by participants, unless installment payments were permissible. Others point out that under certain circumstances, the corporate laws of several states prohibit corporations from purchasing their own securities, and that certain corporations, e.g., banks, may be absolutely prohibited by law from issuing put options.

The regulations, as adopted, relating to put options reflect many of these comments. Therefore, they differ considerably from the proposed regulations.

The regulations, as adopted, address the problem that arises if an employer is prohibited by law from honoring a put option. In such cases, a third party other than the ESOP must be bound to honor the put option. They also make it clear that the ESOP must not be bound under any circumstances to honor a put option. However, it may be granted the option to assume the rights and obligations of the employer at the time that the put option is exercised.

The minimum duration of the put option is reduced to fifteen months. However, if, for example, the employer or a designated third party were prohibited by law from honoring a put option, the fifteen-month period runs only when the legal restriction ceases to apply. Also, a security not subject to a put option when distributed must be subject to the requirements for put options, if, for example, it ceases to be publicly traded within 15 months after distribution.

Other new put option provisions include a limitation on the number of years over which periodic payments under a put option may be spread and a prohibition of certain payment restrictions. Also, the scope of the put option requirement is expanded to include publicly traded securities that are not freely tradable because of certain restrictions.

(7) Special Rules for Certain Exempt Loans

A number of comments indicate the need to permit retroactive amendment to certain ESOP loans to prevent inadvertent prohibited transactions in loan agreements consummated in good faith prior to the publication of the regulations, as adopted. In light of these comments, the proposed regulations are modified to provide transitional relief.

The regulations, as adopted, provide special rules for loans entered into before January 1, 1976. These loans are not subject to the provisions relating to puts, calls or other options, buy-sell or similar arrangements; liability of ESOPs; default; release from encumbrance; rights of first refusal; put options; and other loan terms. They are subject to the remaining provisions of the regulation because these provisions could be reasonably anticipated by reading the statutory provisions relating to ESOPs.

Other special rules apply more restrictively to loans made between January 1, 1976 and November 1, 1977. These additional restrictions embody provisions contained in Technical Information Release 1413, guidelines relating to ESOPs, published on November 4, 1975 (1975-50 I.R.B. 16). However, these special rules would allow an ESOP loan made during such period to be exempt for the entire loan period even though such loan fails to satisfy the three additional provisions under the special rule for release from encumbrance, or the provisions relating to rights of first refusal and default.

In addition, a loan may be retroactively amended under the regulations, as adopted, to comply with the default and put option provisions. Under the special rule for put options, a security distributed without a put option will satisfy the regulations, as adopted, as of the date of distribution if by November 1, 1977 the security becomes subject to a put option satisfying the regulations. The 15-month period for the duration of the put option begins with the date on which the security becomes subject to the put option.

(8) Valuation of Securities Subject to Rights of First Refusal and Put Options

The selling price of a security subject to a right of first refusal must be no less favorable to the plan than the greater of the price offered by a buyer, other than the employer or the ESOP, making a good faith offer to purchase the security, or the fair market value determined under 26 CFR 54.4975-11(d)(5). The price at which a put option must be exercisable is the fair market value of the security determined in accordance with 26 CFR 54.4975-11(d)(5).

DEFINITION OF THE TERM "EMPLOYEE STOCK OWNERSHIP PLAN"

Section 407(d)(6) of the Act defines the term "employee stock ownership plan" and § 2550.407d-6 contains requirements that a plan must meet under section 407(d)(6). In addition, § 2550.407d-6 of the regulations, as adopted, provides that ESOPs must comply with

such other requirements as the Secretary of the Treasury adopts by regulation under section 4975(e)(7) of the Internal Revenue Code (see 26 CFR 54.-4975-11)(a) through (f) in this issue of the FEDERAL REGISTER).

DEFINITION OF QUALIFYING EMPLOYER SECURITY

The term "other equity security" is included in the definition of "qualifying employer security" under the Code but not under section 407(d)(5) of the Act. The proposed regulations are silent on this difference. One comment suggests that this difference is of substantive significance. Since insufficient justification is offered in support of this suggestion, no change is made.

The regulations set forth below are adopted pursuant to the authority contained in section 505 of the Act (Pub. L. 93-406, 88 Stat. (29 U.S.C. 1135)).

Accordingly, Part 2550 of Chapter XXV of Title 29 of the Code of Federal Regulations is amended by inserting §§ 2550.408b-3, 2550.407d-5 and 2550.407d-6 as set forth below:

Paragraph 1. § 2550.408b-3 is inserted in the appropriate place to read as set forth below:

§ 2550.408b-3 Loans to Employee Stock Ownership Plans.

(a) *Definitions.* When used in this section, the terms listed below have the following meanings:

(1) *ESOP.* The term "ESOP" refers to an employee stock ownership plan that meets the requirements of section 407(d)(6) of the Employee Retirement Income Security Act of 1974 (the Act) and 29 CFR 2550.407d-6. It is not synonymous with "stock bonus plan." A stock bonus plan must, however, be an ESOP to engage in an exempt loan. The qualification of an ESOP under section 401(a) of the Internal Revenue Code (the Code) and 26 CFR 54.4975-11 will not be adversely affected merely because it engages in a non-exempt loan.

(2) *Loan.* The term "loan" refers to a loan made to an ESOP by a party in interest or a loan to an ESOP which is guaranteed by a party in interest. It includes a direct loan of cash, a purchase-money transaction, and an assumption of the obligation of an ESOP. "Guarantee" includes an unsecured guarantee and the use of assets of a party in interest as collateral for a loan, even though the use of assets may not be a guarantee under applicable state law. An amendment of a loan in order to qualify as an exempt loan is not a refinancing of the loan or the making of another loan.

(3) *Exempt loan.* The term "exempt loan" refers to a loan that satisfies the provisions of this section. A "non-exempt loan" is one that fails to satisfy such provisions.

(4) *Publicly traded.* The term "publicly traded" refers to a security that is listed on a national securities exchange registered under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) or that is quoted on a system sponsored by a national securities association regis-

tered under section 15 A(b) of the Securities Exchange Act (15 U.S.C. 78o).

(5) *Qualifying employer security.* The term "qualifying employer security" refers to a security described in 29 CFR 2550.407d-5.

(b) *Statutory exemption—(1) Scope.* Section 408(b)(3) of the Act provides an exemption from the prohibited transaction provisions of sections 406(a) and 406(b)(1) of the Act (relating to fiduciaries dealing with the assets of plans in their own interest or for their own account) and 406(b)(2) of the Act (relating to fiduciaries in their individual or in any other capacity acting in any transaction involving the plan on behalf of a party (or representing a party) whose interests are adverse to the interests of the plan or the interests of its participants or beneficiaries). Section 408(b)(3) does not provide an exemption from the prohibitions of section 406(b)(3) of the Act (relating to fiduciaries receiving consideration for their own personal account from any party dealing with a plan in connection with a transaction involving the income or assets of the plan).

(2) *Special scrutiny of transaction.* The exemption under section 408(b)(3) includes within its scope certain transactions in which the potential for self-dealing by fiduciaries exists and in which the interests of fiduciaries may conflict with the interests of participants. To guard against these potential abuses, the Department of Labor will subject these transactions to special scrutiny to ensure that they are primarily for the benefit of participants and their beneficiaries. Although the transactions need not be arranged and approved by an independent fiduciary, fiduciaries are cautioned to scrupulously exercise their discretion in approving them. For example, fiduciaries should be prepared to demonstrate compliance with the net effect test and the arm's-length standard under paragraphs (c)(2) and (3) of this section. Also, fiduciaries should determine that the transaction is truly arranged primarily in the interest of participants and their beneficiaries rather than, for example, in the interest of certain selling shareholders.

(c) *Primary benefit requirement—(1) In general.* An exempt loan must be primarily for the benefit of the ESOP participants and their beneficiaries. All the surrounding facts and circumstances, including those described in paragraphs (e)(2) and (3) of this section, will be considered in determining whether such loan satisfies this requirement. However, no loan will satisfy such requirement unless it satisfies the requirements of paragraphs (d), (e) and (f) of this section.

(2) *Net effect on plan assets.* At the time that a loan is made, the interest rate for the loan and the price of securities to be acquired with the loan proceeds should not be such that plan assets might be drained off.

(3) *Arm's-length standard.* The terms of a loan, whether or not between independent parties, must, at the time the loan is made, be at least as favorable to the ESOP as the terms of a com-

parable loan resulting from arm's-length negotiations between independent parties.

(d) *Use of loan proceeds.* The proceeds of an exempt loan must be used, within a reasonable time after their receipt, by the borrowing ESOP only for any or all of the following purposes:

(1) To acquire qualifying employer securities.

(2) To repay such loan.

(3) To repay a prior exempt loan. A new loan, the proceeds of which are so used, must satisfy the provisions of this section.

Except as provided in paragraphs (i) and (j) of this section or as otherwise required by applicable law, no security acquired with the proceeds of an exempt loan may be subject to a put, call, or other option, or buy-sell or similar arrangement while held by and when distributed from a plan, whether or not the plan is then an ESOP.

(e) *Liability and collateral of ESOP for loan.* An exempt loan must be without recourse against the ESOP. Furthermore, the only assets of the ESOP that may be given as collateral on an exempt loan are qualifying employer securities of two classes: those acquired with the proceeds of the exempt loan and those that were used as collateral on a prior exempt loan repaid with the proceeds of the current exempt loan. No person entitled to payment under the exempt loan shall have any right to assets of the ESOP other than:

(1) Collateral given for the loan.

(2) Contributions (other than contributions of employer securities) that are made under an ESOP to meet its obligations under the loan, and

(3) Earnings attributable to such collateral and the investment of such contributions.

The payments made with respect to an exempt loan by the ESOP during a plan year must not exceed an amount equal to the sum of such contributions and earnings received during or prior to the year less such payments in prior years. Such contributions and earnings must be accounted for separately in the books of account of the ESOP until the loan is repaid.

(f) *Default.* In the event of default upon an exempt loan, the value of plan assets transferred in satisfaction of the loan must not exceed the amount of default. If the lender is a party in interest, a loan must provide for a transfer of plan assets upon default only upon and to the extent of the failure of the plan to meet the payment schedule of the loan. For purposes of this paragraph, the making of a guarantee does not make a person a lender.

(g) *Reasonable rate of interest.* The interest rate of a loan must not be in excess of a reasonable rate of interest. All relevant factors will be considered in determining a reasonable rate of interest, including the amount and duration of the loan, the security and guarantee (if any) involved, the credit standing of the ESOP and the guarantor (if any), and the interest rate prevailing for compa-

parable loans. When these factors are considered, a variable interest rate may be reasonable.

(h) *Release from encumbrance—(1) General rule.* In general, an exempt loan must provide for the release from encumbrance of plan assets used as collateral for the loan under this paragraph. For each plan year during the duration of the loan, the number of securities released must equal the number of encumbered securities held immediately before release for the current plan year multiplied by a fraction. The numerator of the fraction is the amount of principal and interest paid for the year. The denominator of the fraction is the sum of the numerator plus the principal and interest to be paid for all future years. See § 2550.408b-3(h)(4). The number of future years under the loan must be definitely ascertainable and must be determined without taking into account any possible extensions or renewal periods. If the interest rate under the loan is variable, the interest to be paid in future years must be computed by using the interest rate applicable as of the end of the plan year. If collateral includes more than one class of securities, the number of securities of each class to be released for a plan year must be determined by applying the same fraction to each class.

(2) *Special rule.* A loan will not fail to be exempt merely because the number of securities to be released from encumbrance is determined solely with reference to principal payments. However, if release is determined with reference to principal payments only, the following three additional rules apply. The first rule is that the loan must provide for annual payments of principal and interest at a cumulative rate that is not less rapid at any time than level annual payments of such amounts for 10 years. The second rule is that interest included in any payment is disregarded only to the extent that it would be determined to be interest under standard loan amortization tables. The third rule is that subdivision (2) is not applicable from the time that, by reason of a renewal, extension, or refinancing, the sum of the expired duration of the exempt loan, the renewal period, the extension period, and the duration of a new exempt loan exceeds 10 years.

(3) *Caution against plan disqualification.* Under an exempt loan, the number of securities released from encumbrance may vary from year to year. The release of securities depends upon certain employer contributions and earnings under the ESOP. Under 26 CFR 54.4975-11(d)(2) actual allocations to participants' accounts are based upon assets withdrawn from the suspense account. Nevertheless, for purposes of applying the limitations under section 415 of the Code to these allocations, under 26 CFR 54.4975-11(a)(8)(ii) contributions used by the ESOP to pay the loan are treated as annual additions to participants' accounts. Therefore, particular caution must be exercised to avoid exceeding the maximum annual additions under section 415 of the

Code. At the same time, release from encumbrance in annually varying numbers may reflect a failure on the part of the employer to make substantial and recurring contributions to the ESOP which will lead to loss of qualification under section 401(a) of the Code. The Internal Revenue Service will observe closely the operation of ESOPs that release encumbered securities in varying annual amounts, particularly those that provide for the deferral of loan payments or for balloon payments. See 26 CFR 54.4975-7(b) (8) (iii).

(4) *Illustration.* The general rule under paragraph (h) (1) of this section operates as illustrated in the following example:

Example. Corporation X establishes an ESOP that borrows \$750,000 from a bank. X guarantees the loan which is for 15 years at 6% interest and is payable in level annual amounts of \$72,256.72. Total payments on the loan are \$1,083,850.80. The ESOP uses the entire proceeds of the loan to acquire 15,000 shares of X stock which is used as collateral for the loan. The number of securities to be released for the first year is 1,000 shares, i.e., 15,000 shares \times \$72,256.72 / \$1,083,850.80 = 15,000 shares \times 1/15. The number of securities to be released for the second year is 1,000 shares, i.e., 14,000 shares \times \$72,256.72 / \$1,011,594.08 = 14,000 shares \times 1/14. If all loan payments are made as originally scheduled, the number of securities released in each succeeding year of the loan will also be 1,000.

(i) *Right of first refusal.* Qualifying employer securities acquired with proceeds of an exempt loan may, but need not, be subject to a right of first refusal. However, any such right must meet the requirements of this paragraph. Securities subject to such right must be stock or an equity security, or a debt security convertible into stock or an equity security. Also, they must not be publicly traded at the time the right may be exercised. The right of first refusal must be in favor of the employer, the ESOP, or both in any order of priority. The selling price and other terms under the right must not be less favorable to the seller than the greater of the value of the security determined under 26 CFR 54.4975-11(d) (5), or the purchase price and other terms offered by a buyer, other than the employer or the ESOP, making a good faith offer to purchase the security. The right of first refusal must lapse no later than 14 days after the security holder gives written notice to the holder of the right that an offer by a third party to purchase the security has been received.

(j) *Put option.* A qualifying employer security acquired with the proceeds of an exempt loan by an ESOP after September 30, 1976, must be subject to a put option if it is not publicly traded when distributed or if it is subject to a trading limitation when distributed. For purposes of this paragraph, a "trading limitation" on a security is a restriction under any Federal or State securities law or any regulation thereunder, or an agreement (not prohibited by this section) affecting the security which would make the security not as freely tradable as one not subject to such re-

striction. The put option must be exercisable only by a participant, by the participant's donees, or by a person (including an estate or its distributee) to whom the security passes by reason of a participant's death. (Under this paragraph "participant" means a participant and the beneficiaries of the participant under the ESOP.) The put option must permit a participant to put the security to the employer. Under no circumstances may the put option bind the ESOP. However, it may grant the ESOP an option to assume the rights and obligations of the employer at the time that the put option is exercised. If it is known at the time a loan is made that Federal or state law will be violated by the employer's honoring such option, the put option must permit the security to be put, in a manner consistent with such law, to a third party (e.g., an affiliate of the employer or a shareholder other than the ESOP) that has substantial net worth at the time the loan is made and whose net worth is reasonably expected to remain substantial.

(k) *Duration of put option.*—(1) *General rule.* A put option must be exercisable at least during a 15-month period which begins the date the security subject to the put option is distributed by the ESOP.

(2) *Special rule.* In the case of a security that is publicly traded without restriction when distributed but ceases to be so traded within 15 months after distribution, the employer must notify each security holder in writing on or before the tenth day after the date the security ceases to be so traded that for the remainder of the 15-month period the security is subject to a put option. The number of days between the tenth day and the date on which notice is actually given, if later than the tenth day, must be added to the duration of the put option. The notice must inform distributees of the terms of the put options that they are to hold. The terms must satisfy the requirements of paragraphs (j) through (l) of this section.

(l) *Other put option provisions.*—(1) *Manner of exercise.* A put option is exercised by the holder notifying the employer in writing that the put option is being exercised.

(2) *Time excluded from duration of put option.* The period during which a put option is exercisable does not include any time when a distributee is unable to exercise it because the party bound by the put option is prohibited from honoring it by applicable Federal or state law.

(3) *Price.* The price at which a put option must be exercisable is the value of the security, determined in accordance with paragraph (d) (5) of 26 CFR 54.4975-11.

(4) *Payment terms.* The provisions for payment under a put option must be reasonable. The deferral of payment is reasonable if adequate security and a reasonable interest rate are provided for any credit extended and if the cumulative payments at any time are no less

than the aggregate of reasonable periodic payments as of such time. Periodic payments are reasonable if annual installments, beginning with 30 days after the date the put option is exercised, are substantially equal. Generally, the payment period may not end more than 5 years after the date the put option is exercised. However, it may be extended to a date no later than the earlier of 10 years from the date the put option is exercised or the date the proceeds of the loan used by the ESOP to acquire the security subject to such put option are entirely repaid.

(5) *Payment restrictions.* Payment under a put option may be restricted by the terms of a loan, including one used to acquire a security subject to a put option, made before November 1, 1977. Otherwise, payment under a put option must not be restricted by the provisions of a loan or any other arrangement, including the terms of the employer's articles of incorporation, unless so required by applicable state law.

(m) *Other terms of loan.* An exempt loan must be for a specific term. Such loan may not be payable at the demand of any person, except in the case of default.

(n) *Status of plan as ESOP.* To be exempt, a loan must be made to a plan that is an ESOP at the time of such loan. However, a loan to a plan formally designated as an ESOP at the time of the loan that fails to be an ESOP because it does not comply with section 401(a) of the Code or 26 CFR 54.4975-11 will be exempt as of the time of such loan if the plan is amended retroactively under section 401(b) of the Code or 26 CFR 54.4975-11(a) (4).

(o) *Special rules for certain loans.*—

(1) *Loans made before January 1, 1976.* A loan made before January 1, 1976, or made afterwards under a binding agreement in effect on January 1, 1976 (or under renewals permitted by the terms of such an agreement on that date) is exempt for the entire period of such loan if it otherwise satisfies the provisions of this section for such period, even though it does not satisfy the following provisions of this section:

(i) The last sentence of paragraph (d);

(ii) Paragraphs (e), (f), and (h) (1) and (2); and

(iii) Paragraphs (l) through (m), inclusive.

(2) *Loans made after December 31, 1975, but before (insert 60 days after publication of final regulations).* A loan made after December 31, 1975, but before November 1, 1977, or made afterwards under a binding agreement in effect on November 1, 1977 (or under renewals permitted by the terms of such an agreement on that date) is exempt for the entire period of such loan if it otherwise satisfies the provisions of this section for such period even though it does not satisfy the following provisions of this section:

(i) Paragraph (f);

(ii) The three provisions of paragraph (h) (2); and (iii) paragraph (l).

(3) **Release rule.** Notwithstanding paragraphs (c) (1) and (2) of this section, if the proceeds of a loan are used to acquire securities after November 1, 1977, the loan must comply by such date with the provisions of paragraph (h) of this section.

(4) **Default rule.** Notwithstanding paragraphs (c) (1) and (2) of this section, a loan by a party in interest other than a guarantor must satisfy the requirements of paragraph (f) of this section. A loan will satisfy these requirements if it is retroactively amended before November 1, 1977, to satisfy these requirements.

(5) **Put option rule.** With respect to a security distributed before November 1, 1977, the put option provisions of paragraphs (j), (k), and (l) of this section will be deemed satisfied as of the date the security is distributed if by December 31, 1977, the security is subject to a put option satisfying such provisions. For purposes of satisfying such provisions, the security will be deemed distributed on the date the put option is issued. However, the put option provisions need not be satisfied with respect to a security that is not owned on November 1, 1977, by a person in whose hands a put option must be exercisable.

Par. 2. § 2550.407d-5 is inserted in the appropriate place to read as set forth below:

§ 2550.407d-5 Definition of the term "qualifying employer security".

(a) **In general.**—For purposes of this section and section 407(d) (5) of the Employee Retirement Income Security Act of 1974 (the Act), the term "qualifying employer security" means an employer security which is:

(1) Stock; or

(2) A marketable obligation, as defined in paragraph (b) of this section and section 407(e) of the Act.

(b) For purposes of paragraph (a) (2) of this section and section 407(d) (5) of the Act, the term "marketable obligation" means a bond, debenture, note, or certificate, or other evidence of indebtedness (hereinafter in this paragraph referred to as "obligation") if:

(1) Such obligation is acquired—

(i) On the market, either

(A) At the price of the obligation prevailing on a national securities exchange which is registered with the Securities and Exchange Commission, or

(B) If the obligation is not traded on such a national securities exchange, at a price not less favorable to the plan than the offering price for the obligation as established by current bid and asked prices quoted by persons independent of the issuer;

(ii) From an underwriter, at a price—

(A) Not in excess of the public offering price for the obligation as set forth in a prospectus or offering circular filed with the Securities and Exchange Commission, and

(B) At which a substantial portion of the same issue is acquired by persons independent of the issuer; or

(iii) Directly from the issuer at a price not less favorable to the plan than the price paid currently for a substantial portion of the same issue by persons independent of the issuer;

(2) Immediately following acquisition of such obligation,

(i) Not more than 25 percent of the aggregate amount of obligations issued in such issue and outstanding at the time of acquisition is held by the plan, and

(ii) At least 50 percent of the aggregate amount referred to in paragraph (A) is held by persons independent of the issuer; and

(3) Immediately following acquisition of the obligation, not more than 25 percent of the assets of the plan is invested in obligations of the employer or an affiliate of the employer.

Par. 3. § 2550.407d-6 is inserted in the appropriate place to read as set forth below:

§ 2550.407d-6 Definition of the term "employee stock ownership plan".

(a) **In general.**—(1) **Type of plan.** To be an "ESOP" (employee stock ownership plan), a plan described in section 407(d) (6) (A) of the Employee Retirement Income Security Act of 1974 (the Act) must meet the requirements of this section. See section 407(d) (6) (B).

(2) **Designation as ESOP.** To be an ESOP, a plan must be formally designated as such in the plan document.

(3) **Retroactive amendment.** A plan meets the requirements of this section as of the date that it is designated as an ESOP if it is amended retroactively to meet, and in fact does meet, such requirements at any of the following times:

(i) 12 months after the date on which the plan is designated as an ESOP;

(ii) 90 days after a determination letter is issued with respect to the qualification of the plan as an ESOP under this section, but only if the determination is requested by the date in paragraph (a) (3) (i) of this section; or

(iii) A later date approved by the Internal Revenue Service district director.

(4) **Addition to other plan.** An ESOP may form a portion of a plan the balance of which includes a qualified pension, profit-sharing, or stock bonus plan which is not an ESOP. A reference to an ESOP includes an ESOP that forms a portion of another plan.

(5) **Conversion of existing plan to an ESOP.** If an existing pension, profit-sharing, or stock bonus plan is converted into an ESOP, the requirements of section 404 of the Act, relating to fiduciary duties, and section 401(a) of the Internal Revenue Code (the Code), relating to requirements for plans established for the exclusive benefit of employees, apply to such conversion. A conversion may constitute a termination of an existing plan. For definition of a termination, see the regulations under section 411(d) (3) of the Code and section 4041 (f) of the Act.

(6) **Certain arrangements barred.**—

(i) **Buy-sell agreements.** An arrangement

involving an ESOP that creates a put option must not provide for the issuance of put options other than as provided under § 2550.408b-3(j), (k) and (l). Also, an ESOP must not otherwise obligate itself to acquire securities from a particular security holder at an indefinite time determined upon the happening of an event such as the death of the holder.

(b) **Plan designed to invest primarily in qualifying employer securities.** A plan constitutes an ESOP only if the plan specifically states that it is designed to invest primarily in qualifying employer securities. Thus, a stock bonus plan or a money purchase pension plan constituting an ESOP may invest part of its assets in other than qualifying employer securities. Such plan will be treated the same as other stock bonus plans or money purchase pension plans qualified under section 401(a) of the Code with respect to those investments.

(c) **Regulations of the Secretary of the Treasury.** A plan constitutes an ESOP for a plan year only if it meets such other requirements as the Secretary of the Treasury may prescribe by regulation under section 4975(e) (7) of the Code. (See 26 CFR 54.4975-11).

Signed at Washington, D.C., this 18th day of August, 1977.

IAN LANOFF,
Administrator of Pension and
Welfare Benefit Programs,
Labor-Management Services
Administration.

[FR Doc. 77-25695 Filed 8-30-77; 2:42 pm]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY
SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7506]

PART 54—PENSION, ETC. EXCISE TAX

Employee Stock Ownership Plans

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to employee stock ownership plans ("ESOP's"). Changes in the applicable tax law were made by the Employee Retirement Income Security Act of 1974 (ERISA). Together with temporary regulations published elsewhere in today's FEDERAL REGISTER, these regulations are intended to provide guidance for the public in complying with the law. They affect all employees who participate in ESOP's and employers who establish ESOP's.

DATE: The regulations are generally effective for plan years ending after December 31, 1974.

FOR FURTHER INFORMATION CONTACT:

Thomas Rogan of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3478).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On July 30, 1976, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part D) under section 301 of the Internal Revenue Code of 1954 and to the Pension, etc. Excise Tax Regulations (26 CFR Part 54) under section 4975 (d) (3), (e) (7), and (e) (8) of the Code (41 FR 31833). Similar Department of Labor provisions appeared at the same time (41 FR 31870).

By a notice published in the FEDERAL REGISTER on October 19, 1976, the public was invited to comment orally or in writing not only upon issues addressed in the proposed amendments, but also upon issues addressed by section 803(h) of the Tax Reform Act of 1976 (90 Stat. 1590) and by the Conference Report of the Committee of Conference on H.R. 10612 (H.R. Rep. No. 94-1515, 94th Cong., 2d Sess., 539-542 (1976)), as both relate to ESOP's.

A public hearing was held on November 12, 1976. After consideration of all comments, some of the amendments are adopted as revised by this Treasury decision. Others are revised and re-proposed elsewhere in today's FEDERAL REGISTER. Also, temporary regulations parallel to the re-proposed amendments are adopted elsewhere in today's FEDERAL REGISTER.

Both substantive and structural changes are made in the proposed amendments. Thus, the final regulations differ considerably from the proposed amendments. Certain provisions are added. Others are restructured or deleted. However, many changes are designed solely to simplify the final regulations. Therefore, no substantive inference should be drawn solely from the fact that a particular proposed amendment is either deleted or restructured.

MAJOR SUBSTANTIVE DELETIONS

(1) TREATMENT OF SALE AS REDEMPTION

Many comments object to the proposed amendment under § 1.301-1(1). The amendment would result in treating some ESOP transactions as dividends distributed by the employer to shareholders. Some of the comments question the legal validity of this proposal, its application solely to ESOP's, and its failure to identify specific transactions to which the proposal would apply. In order that these comments may be considered further, this proposal is withdrawn. Guidance on this matter may be expected within the context of shareholder transactions with employee plans in general.

(2) SPECIAL REQUIREMENTS FOR USE OF LOAN PROCEEDS

Several comments suggest major revisions to proposed § 54.4975-7(b) (2) (1) (B) (2) through (5). These provisions relate to requirements with respect to voting stock; to non-voting common stock; preferred stock or other equity securities; to unrestricted dividend rights; and to the overall limitation on employer secu-

rities (other than certain common stock or convertible securities) acquired with loan proceeds. The majority recommend deletion. This document makes the deletion.

However, this deletion does not mean that the Department of Labor and the Internal Revenue Service are unconcerned with the nature of securities acquired by an ESOP with the proceeds of an exempt loan. The acquisition of securities by an ESOP will be judged by the Department of Labor under the requirements of section 404(a) (1) of ERISA.

(3) PASS-THROUGH OF VOTING RIGHTS

The comments reflect a mixed reaction to the proposed amendment relating to the exercise of voting and other rights attributable to securities owned by an ESOP. Particularly, the comments focus on the provision requiring the pass-through of voting rights to participants with respect to allocated securities. Some comments favor the proposed amendments. Others suggest minor modifications. However, most of the comments object to the treatment of ESOP's differently in this respect from other qualified employee plans.

Because of these comments, the proposed § 54.4975-11(d) is withdrawn. The requirements generally applicable with respect to the exercise of rights under qualified employee plans apply to ESOP's.

MAJOR SUBSTANTIVE ADDITIONS

(1) RIGHTS OF FIRST REFUSAL

Section 54.4975-7(b) (9) is added under the final regulations to permit an ESOP to acquire employer securities that are subject to a right of first refusal.

Many comments stress the necessity of a right of first refusal to protect small, closely held corporations whose securities are not publicly traded from dilution of control, takeovers, by competitors, and inadvertent "going public". The final regulations reflect the comments by permitting a 14-day right of first refusal in favor of the employer, the ESOP, or both. However, the securities subject to a right of first refusal must not be publicly traded at the time the right is sought to be exercised. Also, the selling price and other terms of the purchase under a right of first refusal must not be less favorable to the seller of the security than the greater of the fair market value of the security or the purchase price and other terms offered by a third party making a good faith offer.

MAJOR REVISIONS

(1) DEFINITION OF "PUBLICLY TRADED"

In response to a number of comments, the concept of "publicly traded" is expanded under the final regulations to include securities quoted on a system sponsored by a registered national securities association. The primary effect of this change is to limit the extent to which a put option is required.

(2) SCOPE OF ESOP LOAN EXEMPTION

Many comments suggest that the proposed amendment limiting the scope of the ESOP loan exemption to the prohibi-

tions of section 4975(c) (1) (A) through (D) is not supported by ERISA or its legislative history. The same criticism is made concerning the requirement that loans involving fiduciary self-dealing must be arranged and approved by an independent fiduciary.

Based upon a review of the comments and the legislative history, the scope of the ESOP loan exemption is expanded under the final regulations. The only prohibited transactions to which the exemption under section 4975(d) (3) does not apply are those arising under section 4975(c) (1) (F), relating to the receipt by a fiduciary of any consideration for his own personal account from a party dealing with a plan. Also, the independent fiduciary requirement is eliminated under the final regulations.

The ERISA Conference Report states that, because of potential problems with respect to ESOP loans by disqualified persons, "the conferees intend that all aspects of these transactions will be subject to special scrutiny by the Department of Labor and the Internal Revenue Service to ensure that they are primarily for the benefit of plan participants and beneficiaries" (H.R. Rep. No. 93-1280, 93d Cong., 2d Sess., 313 (1974)). The final regulations make it clear that the "special scrutiny" for ESOP transactions referred to by the conferees is not meant to require an administrative exemption for loans by fiduciaries. Rather, the language is interpreted as requiring the careful examination of these transactions to ensure that they are primarily for the benefit of participants and their beneficiaries and that they satisfy the requirements of section 404(a) (1) of ERISA.

(3) PRIMARY BENEFIT REQUIREMENT

The requirement that an ESOP loan be made primarily for the benefit of participants and beneficiaries of the plan is expressed with greater specificity under the final regulations. In response to comments requesting clarification of this provision, two tests are added under § 54.4975-7(b) (3) to illustrate how a determination can be made with respect to whether a transaction meets the primary benefit requirement. The first test, derived from the ERISA Conference Report, involves a determination based on the projected net effect of the loan on the ESOP over the duration of the transaction. (See ERISA Conference Report, p. 313.) The second test requires that the terms of an ESOP loan be at least as favorable as a comparable loan resulting from arm's length negotiations involving independent parties.

(4) DEFAULT

The proposed amendment restricts the transfer of plan assets in the event of default to a failure to meet the loan payment schedule. As suggested in the comments, the final regulations are less restrictive. The limitation on the transfer of plan assets in the event of default applies only to loans in which the disqualified person extends credit in a form other than a guarantee.

(5) RELEASE FROM ENCUMBRANCE AND SUSPENSE ACCOUNT

The proposed amendments require securities to be released in at least equal annual amounts from encumbrance and from a suspense account. This rule is eliminated from the final regulations because, as pointed out in the comments, it is unnecessarily rigid. Instead, the final regulations now provide, as a general rule, for release of securities from encumbrance and the suspense account as principal and interest are paid. Also, an alternative rule now permits release from encumbrance and from the suspense account with reference to principal payments only. In the case of loans made after November 1, 1977, the alternative applies only to loans with a term of 10 years or less that require payments at a cumulative rate not less rapid than level annual payments. In these cases, interest payments will not be disregarded unless based on standard loan amortization tables.

The final regulations note that the release of securities in unequal annual amounts may reflect conditions causing plan disqualification if contributions are not substantial and recurring or if the limitations on annual additions under section 415 are exceeded.

(6) PUT OPTIONS

The comments address various aspects of the put option provision under the proposed amendments. Several comments express concern over the strain on an employer's cash supply that could result from the continuous exercise of put options by participants, unless installment payments were permissible. Others point out that under certain circumstances, the corporate laws of several states prohibit corporations from purchasing their own securities, and that certain corporations, e.g., banks, may be absolutely prohibited by law from issuing put options.

The final regulations relating to put options reflect many of these comments. Therefore, they differ considerably from the proposed amendments.

The final regulations address the problem that arises if an employer is prohibited by law from honoring a put option. In such cases, a third party other than the ESOP must be bound to honor the put option. They also make it clear that the ESOP must not be bound under any circumstances to honor a put option. However, it may be granted the option to assume the rights and obligations of the employer at the time that the put option is exercised.

The minimum duration of the put option is reduced to 15 months. However, if, for example, the employer or a designated third party is prohibited by law from honoring a put option, the 15-month period runs only when the legal restriction ceases to apply. Also, a security not subject to a put option when distributed must be subject to the requirements for put options if, for example, it ceases to be publicly traded within 15 months after distribution.

Other new put option provisions include a limitation on the number of years over which periodic payments under a put option may be spread and a prohibition of certain payment restrictions. Also, the scope of the put option requirement is expanded to include publicly traded securities that are not freely tradable because of certain restrictions.

(7) SPECIAL RULES FOR CERTAIN EXEMPT LOANS

A number of comments indicate the need to permit retroactive amendment of certain ESOP loans to prevent inadvertent prohibited transactions in loan agreements consummated in good faith before the publication of the final regulations. In light of these comments, the proposed amendments are modified to provide transitional relief.

The regulations provide special rules for loans entered into before January 1, 1976. These loans are not subject to the requirements relating to puts, calls or other options, or buy-sell or similar arrangements; liability of ESOP's; default; release from encumbrance; rights of first refusal; put options; and other loan terms. They are subject to the remaining provisions of the regulation because these provisions could be reasonably anticipated by reading the statutory provisions relating to ESOP's.

Other special rules apply more restrictively to loans made between January 1, 1976, and November 1, 1977. These additional restrictions embody provisions contained in Technical Information Release 1413, guidelines relating to ESOP's, published on November 4, 1975 (1975-50 I.R.B. 16). However, these special rules would allow an ESOP loan made during this period to be exempt for the entire loan period even though the loan fails to satisfy the three additional provisions under the special rules for release from encumbrance or the provisions relating to rights of first refusal and default.

In addition, a loan may be retroactively amended under the final regulations to comply with the default and put option provisions. Under the special rule for put options, a security distributed without a put option will satisfy the final regulations as of the date of distribution if by November 1, 1977 the security becomes subject to a put option satisfying the regulations. The 15-month period for the duration of the put option begins with the date on which the security becomes subject to the put option.

(8) TRANSITIONAL RULES FOR PLANS

The comments also note that transitional rules are lacking under the proposed amendments for plan qualification as an ESOP. This relief is available under the final regulations for ESOP's established before November 1, 1977 if they are amended by December 31, 1977, to satisfy the final regulations.

(9) PURCHASE OF LIFE INSURANCE

Many comments criticize the limitation in the proposed amendments on the purchase of life insurance policies with ESOP assets that are not the proceeds

of an exempt loan. That limitation is deleted. Thus, in general, the rules applicable to purchases of life insurance by qualified plans apply to ESOP's. However, the rule of the proposed amendments restricting the use of exempt loan proceeds by an ESOP is unchanged. Thus, an ESOP loan is not exempt if life insurance policies are acquired with the loan proceeds.

(10) VALUATION*

Many comments urge deletion of the requirement that an annual certificate of value must be provided in certain situations. The final regulations delete this requirement. They also add the requirement that any determination of value must be made in good faith. In the case of a transaction involving a plan and a disqualified person, this determination must be made as of the date of the transaction. In all other cases, it must be made as of the most recent valuation date under the plan.

An independent appraisal is recognized as a good faith determination of value. However, in the case of a transaction between a plan and a disqualified person, a determination based only on an independent appraisal may not be conclusive.

(11) QUALIFYING EMPLOYER SECURITY

The term "other equity security" is included in the definition of "qualifying employer security" under the Code but not under section 407(d)(5) of ERISA. The proposed amendments are silent on this difference. One comment suggests that this difference is of substantive significance. Since insufficient justification is offered in support of this suggestion, no change is made.

GUIDELINES SUPERSEDED

Questions and answers relating to ESOP's were published in Technical Information Release (TIR) 1413 on November 4, 1975, as guidelines pending the issuance of regulations. The regulations under this Treasury decision supersede the following of those questions and answers in so far as they apply to ESOP's:

- (1) G-1, relating to definition of ESOP;
- (2) F-3, relating to rights of first refusal;
- (3) F-4, relating to call options;
- (4) F-5, relating to buy-sell arrangements with shareholders;
- (5) F-6, to the extent that the first paragraph of the answer applies to section 4975(e)(7)(A), relating to the funding of ESOP's;
- (6) F-9, relating to incidental life insurance; and
- (7) F-10, relating to loans to ESOP's.

DRAFTING INFORMATION

The principal author of this regulation was Thomas Rogan of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service, Treasury Department, and Department of

Labor participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, 26 CFR Part 54 is amended as follows:

Paragraph 1. There is inserted in the appropriate place the following new section:

§ 54.4975-7. Other statutory exemptions.

(a) [Reserved].

(b) *Loans to employee stock ownership plans*—

(1) *Definitions*. When used in this paragraph (b) and § 54.4975-11, the terms listed below have the following meanings:

(i) *ESOP*. The term "ESOP" refers to an employee stock ownership plan that meets the requirements of section 4975 (e) (7) and § 54.4975-11. It is not synonymous with "stock bonus plan." A stock bonus plan must, however, be an ESOP to engage in an exempt loan. The qualification of an ESOP under section 401 (a) and § 54.4975-11 will not be adversely affected merely because it engages in a non-exempt loan.

(ii) *Loan*. The term "loan" refers to a loan made to an ESOP by a disqualified person or a loan to an ESOP which is guaranteed by a disqualified person. It includes a direct loan of cash, a purchase-money transaction, and an assumption of the obligation of an ESOP. "Guarantee" includes an unsecured guarantee and the use of assets of a disqualified person as collateral for a loan, even though the use of assets may not be a guarantee under applicable state law. An amendment of a loan in order to qualify as an exempt loan is not a refinancing of the loan or the making of another loan.

(iii) *Exempt loan*. The term "exempt loan" refers to a loan that satisfies the provisions of this paragraph (b). A "non-exempt loan" is one that fails to satisfy such provisions.

(iv) *Publicly traded*. The term "publicly traded" refers to a security that is listed on a national securities exchange registered under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) or that is quoted on a system sponsored by a national securities association registered under section 15A(b) of the Securities Exchange Act (15 U.S.C. 78o).

(v) *Qualifying employer security*. The term "qualifying employer security" refers to a security described in § 54.4975-12.

(2) *Statutory exemption*—(1) *Scope*. Section 4975(d)(3) provides an exemption from the excise tax imposed under section 4975 (a) and (b) by reason of section 4975(c)(1) (A) through (E). Section 4975(d)(3) does not provide an exemption from the imposition of such tax by reason of section 4975(c)(1) (F), relating to fiduciaries receiving consideration for their own personal account from any party dealing with a plan

in connection with a transaction involving the income or assets of the plan.

(ii) *Special scrutiny of transaction*. The exemption under section 4975(d)(3) includes within its scope certain transactions in which the potential for self-dealing by fiduciaries exists and in which the interests of fiduciaries may conflict with the interests of participants. To guard against those potential abuses, the Internal Revenue Service will subject these transactions to special scrutiny to ensure that they are primarily for the benefit of participants and their beneficiaries. Although the transactions need not be arranged and approved by an independent fiduciary, fiduciaries are cautioned to exercise scrupulously their discretion in approving them. For example, fiduciaries should be prepared to demonstrate compliance with the net effect test and the arm's-length standard under paragraph (b)(3) (ii) and (iii) of this section. Also, fiduciaries should determine that the transaction is truly arranged primarily in the interest of participants and their beneficiaries rather than, for example, in the interest of certain selling shareholders.

(3) *Primary benefit requirement*—(1) *In general*. An exempt loan must be primarily for the benefit of the ESOP participants and their beneficiaries. All the surrounding facts and circumstances, including those described in paragraph (b)(3) (i) and (iii) of this section, will be considered in determining whether the loan satisfies this requirement. However, no loan will satisfy the requirement unless it satisfies the requirements of paragraph (b) (4), (5), and (6) of this section.

(ii) *Net effect on plan assets*. At the time that a loan is made, the interest rate for the loan and the price of securities to be acquired with the loan proceeds should not be such that plan assets might be drained off.

(iii) *Arm's-length standard*. The terms of a loan, whether or not between independent parties, must, at the same time the loan is made, be at least as favorable to the ESOP as the terms of a comparable loan resulting from arm's-length negotiations between independent parties.

(4) *Use of loan proceeds*. The proceeds of an exempt loan must be used within a reasonable time after their receipt by the borrowing ESOP only for any or all of the following purposes:

(i) To acquire qualifying employer securities.

(ii) To repay such loan.

(iii) To repay a prior exempt loan. A new loan, the proceeds of which are so used, must satisfy the provisions of this paragraph (b).

Except as provided in paragraph (b) (9) and (10) of this section or as otherwise required by applicable law, no security acquired with the proceeds of an exempt loan may be subject to a put, call, or other option, or buy-sell or similar arrangement while held by and when distributed from a plan, whether or not the plan is then an ESOP.

(5) *Liability and collateral of ESOP for loan*. An exempt loan must be without recourse against the ESOP. Furthermore, the only assets of the ESOP that may be given as collateral on an exempt loan are qualifying employer securities of two classes: those acquired with the proceeds of the loan and those that were used as collateral on a prior exempt loan repaid with the proceeds of the current exempt loan. No person entitled to payment under the exempt loan shall have any right to assets of the ESOP other than:

(i) Collateral given for the loan.

(ii) Contributions (other than contributions of employer securities) that are made under an ESOP to meet its obligations under the loan, and

(iii) Earnings attributable to such collateral and the investment of such contributions.

The payments made with respect to an exempt loan by ESOP during a plan year must not exceed an amount equal to the sum of such contributions and earnings received during or prior to the year less such payments in prior years. Such contributions and earnings must be accounted for separately in the books of account of the ESOP until the loan is repaid.

(6) *Default*. In the event of default upon an exempt loan, the value of plan assets transferred in satisfaction of the loan must not exceed the amount of default. If the lender is a disqualified person, a loan must provide for a transfer of plan assets upon default only upon and to the extent of the failure of the plan to meet the payment schedule of the loan. For purposes of this subparagraph (6), the making of a guarantee does not make a person a lender.

(7) *Reasonable rate of interest*. The interest rate of a loan must not be in excess of a reasonable rate of interest. All relevant factors will be considered in determining a reasonable rate of interest, including the amount and duration of the loan, the security and guarantee (if any) involved, the credit standing of the ESOP and the guarantor (if any), and the interest rate prevailing for comparable loans. When these factors are considered, a variable interest rate may be reasonable.

(8) *Release from encumbrance*—(1) *General rule*. In general, an exempt loan must provide for the release from encumbrance under this subdivision (i) of plan assets used as collateral for the loan. For each plan year during the duration of the loan, the number of securities released must equal the number of encumbered securities held immediately before release for the current plan year multiplied by a fraction. The numerator of the fraction is the amount of principal and interest paid for the year. The denominator of the fraction is the sum of the numerator plus the principal and interest to be paid for all future years. See § 54.4975-7(b) (8) (iv). The number of future years under the loan must be definitely ascertainable and must be determined without taking into account any possible extensions or renewal pe-

riods. If the interest rate under the loan is variable, the interest to be paid in future years must be computed by using the interest rate applicable as of the end of the plan year. If collateral includes more than one class of securities, the number of securities of each class to be released for a plan year must be determined by applying the same fraction to each class.

(ii) *Special rule.* A loan will not fail to be exempt merely because the number of securities to be released from encumbrance is determined solely with reference to principal payments. However, if release is determined with reference to principal payments only, the following three additional rules apply. The first rule is that the loan must provide for annual payments of principal and interest at a cumulative rate that is not less rapid at any time than level annual payments of such amounts for 10 years. The second rule is that interest included in any payment is disregarded only to the extent that it would be determined to be interest under standard loan amortization tables. The third rule is that this subdivision (ii) is not applicable from the time that, by reason of a renewal, extension, or refinancing, the sum of the expired duration of the exempt loan, the renewal period, the extension period, and the duration of a new exempt loan exceeds 10 years.

(iii) *Caution against plan disqualification.* Under an exempt loan, the number of securities released from encumbrance may vary from year to year. The release of securities depends upon certain employer contributions and earnings under the ESOP. Under § 54.4975-11(d)(2) actual allocations to participants' accounts are based upon assets withdrawn from the suspense account. Nevertheless, for purposes of applying the limitations under section 415 to these allocations, under § 54.4975-11(a)(8)(ii) contributions used by the ESOP to pay the loan are treated as annual additions to participants' accounts. Therefore, particular caution must be exercised to avoid exceeding the maximum annual additions under section 415. At the same time, release from encumbrance in annual varying numbers may reflect a failure on the part of the employer to make substantial and recurring contributions to the ESOP which will lead to loss of qualification under section 401(a). The Internal Revenue Service will observe closely the operation of ESOPs that release encumbered securities in varying annual amounts, particularly those that provide for the deferral of loan payments or for balloon payments.

(iv) *Illustration.* The general rule under paragraph (b)(8)(i) of this section operates as illustrated in the following example:

Example. Corporation X establishes an ESOP that borrows \$750,000 from a bank. X guarantees the loan, which is for 15 years at 5% interest and is payable in level annual amounts of \$72,256.72. Total payments on the loan are \$1,083,850.80. The ESOP uses the entire loan proceeds to acquire 15,000 shares of X stock which is used as collateral for the loan. The number of securities to be

released for the first year is 1,000 shares, i.e., $15,000 \text{ shares} \times \frac{\$72,256.72}{\$1,083,850.80} = 15,000 \text{ shares} \times 1/15$. The number of securities to be released for the second year is 1,000 shares, i.e., $14,000 \text{ shares} \times \frac{\$72,256.72}{\$1,011,594.08} = 14,000 \text{ shares} \times 1/14$. If all loan payments are made as originally scheduled, the number of securities released in each succeeding year of the loan will also be 1,000.

(9) *Right of first refusal.* Qualifying employer securities acquired with proceeds of an exempt loan may, but need not, be subject to a right of first refusal. However, any such right must meet the requirements of this subparagraph (9). Securities subject to such right must be stock or an equity security, or a debt security convertible into stock or an equity security. Also, the securities must not be publicly traded at the time the right may be exercised. The right of first refusal must be in favor of the employer, the ESOP, or both in any order of priority. The selling price and other terms under the right must not be less favorable to the seller than the greater of the value of the security determined under § 54.4975-11(d)(5), or the purchase price and other terms offered by a buyer, other than the employer or the ESOP, making a good faith offer to purchase the security. The right of first refusal must lapse no later than 14 days after the security holder gives written notice to the holder of the right that an offer by a third party to purchase the security has been received.

(10) *Put option.* A qualifying employer security acquired with the proceeds of an exempt loan by an ESOP after September 30, 1976, must be subject to a put option if it is not publicly traded when distributed or if it is subject to a trading limitation when distributed. For purposes of this subparagraph (10), a "trading limitation" on a security is a restriction under any Federal or state securities law, any regulation thereunder, or an agreement, not prohibited by this paragraph (b), affecting the security which would make the security not as freely tradable as one not subject to such restriction. The put option must be exercisable only by a participant, by the participant's donees, or by a person (including an estate or its distributee) to whom the security passes by reason of a participant's death. (Under this subparagraph (10), "participant" means a participant and beneficiaries of the participant under the ESOP.) The put option must permit a participant to put the security to the employer. Under no circumstances may the put option bind the ESOP. However, it may grant the ESOP an option to assume the rights and obligations of the employer at the time that the put option is exercised. If it is known at the time a loan is made that Federal or state law will be violated by the employer's honoring such put option, the put option must permit the security to be put, in a manner consistent with such law, to a third party (e.g., an affiliate of the employer or a shareholder other than the ESOP) that has substantial net worth at the time the loan is made and whose net worth is

reasonably expected to remain substantial.

(11) *Duration of put option.*—(i) *General rule.* A put option must be exercisable at least during a 15-month period which begins on the date the security subject to the put option is distributed by the ESOP.

(ii) *Special rule.* In the case of a security that is publicly traded without restriction when distributed but ceases to be so traded within 15 months after distribution, the employer must notify each security holder in writing on or before the tenth day after the date the security ceases to be so traded that for the remainder of the 15-month period the security is subject to a put option. The number of days between such tenth day and the date on which notice is actually given, if later than the tenth day, must be added to the duration of the put option. The notice must inform distributees of the terms of the put options that they are to hold. Such terms must satisfy the requirements of paragraph (b)(10) through (12) of this section.

(12) *Other put option provisions.*—(i) *Manner of exercise.* A put option is exercised by the holder notifying the employer in writing that the put option is being exercised.

(ii) *Time excluded from duration of put option.* The period during which a put option is exercisable does not include any time when a distributee is unable to exercise it because the party bound by the put option is prohibited from honoring it by applicable Federal or state law.

(iii) *Price.* The price at which a put option must be exercisable is the value of the security, determined under § 54.4975-11(d)(5).

(iv) *Payment terms.* The provisions for payment under a put option must be reasonable. The deferral of payment is reasonable if adequate security and a reasonable interest rate are provided for any credit extended and if the cumulative payments at any time are no less than the aggregate of reasonable periodic payments as of such time. Periodic payments are reasonable if annual installments, beginning with 30 days after the date the put option is exercised, are substantially equal. Generally, the payment period may not end more than 5 years after the date the put option is exercised. However, it may be extended to a date no later than the earlier of 10 years from the date the put option is exercised or the date the proceeds of the loan used by the ESOP to acquire the security subject to the put option are entirely repaid.

(v) *Payment restrictions.* Payment under a put option may be restricted by the terms of a loan, including one used to acquire a security subject to a put option made before November 1, 1977. Otherwise, payment under a put option must not be restricted by the provisions of a loan or any other arrangement, including the terms of the employer's articles of incorporation, unless so required by applicable state law.

(13) *Other terms of loan.* An exempt loan must be for a specific term. Such loan may not be payable at the demand

of any person, except in the case of default.

(14) *Status of plan as ESOP.* To be exempt, a loan must be made to a plan that is an ESOP at the time of such loan. However, a loan to a plan formally designated as an ESOP at the time of the loan that fails to be an ESOP because it does not comply with section 401(a) of the Code or § 54.4975-11 will be exempt as of the time of such loan if the plan is amended retroactively under section 401(b) or § 54.4975-11(a)(4).

(15) *Special rules for certain loans.*—(i) *Loans made before January 1, 1976.* A loan made before January 1, 1976, or made afterwards under a binding agreement in effect on January 1, 1976 (or under renewals permitted by the terms of the agreement on that date) is exempt for the entire period of the loan if it otherwise satisfies the provisions of this paragraph (b) for such period, even though it does not satisfy the following provisions of this section: the last sentence of paragraph (b)(4) and all of paragraph (b)(5), (6), (8)(i) and (ii), and (9) through (13), inclusive.

(ii) *Loans made after December 31, 1975, but before November 1, 1977.* A loan made after December 31, 1975, but before November 1, 1977 or made afterwards under a binding agreement in effect on November 1, 1977 (or under renewals permitted by the terms of the agreement on that date) is exempt for the entire period of the loan if it otherwise satisfies the provisions of this paragraph (b) for such period even though it does not satisfy the following provisions of this section: paragraph (b)(6) and (9) and the three additional rules listed in paragraph (b)(8)(ii).

(iii) *Release rule.* Notwithstanding paragraph (b)(15)(i) and (ii) of this section, if the proceeds of a loan are used to acquire securities after November 1, 1977, the loan must comply by such date with the provisions of paragraph (b)(8) of this section.

(iv) *Default rule.* Notwithstanding paragraph (b)(15)(i) and (ii) of this section, a loan by a disqualified person other than a guarantor must meet the requirements of paragraph (b)(6) of this section. A loan will meet these requirements if it is retroactively amended before November 1, 1977 to meet these requirements.

(v) *Put option rule.* With respect to a security distributed before November 1, 1977, the put option provisions of paragraph (b)(10), (11), and (12) of this section will be deemed satisfied as of the date the security is distributed if by December 31, 1977, the security is subject to a put option satisfying such provisions. For purposes of satisfying such provisions, the security will be deemed distributed on the date the put option is issued. However, the put option provisions need not be satisfied with respect to a security that is not owned on November 1, 1977, by a person in whose hands a put option must be exercisable.

Par. 2. There are inserted in the appropriate place the following new sections:

§ 54.4975-11 "ESOP" requirements.

(a) *In general.*—(1) *Type of plan.* To be an "ESOP" (employee stock ownership plan), a plan described in section 4975(e)(7)(A) must meet the requirements of this section. See section 4975(e)(7)(B).

(2) *Designation as ESOP.* To be an ESOP, a plan must be formally designated as such in the plan document.

(3) *Non-terminable provisions.* [Reserved]

(4) *Retroactive amendment.* A plan meets the requirements of this section as of the date that it is designated as an ESOP if it is amended retroactively to meet, and in fact does meet, such requirements at any of the following times:

(i) 12 months after the date on which the plan is designated as an ESOP;

(ii) 90 days after a determination letter is issued with respect to the qualification of the plan as an ESOP under this section, but only if the determination is requested by the time in paragraph (a)(4)(i) of this section; or

(iii) A later date approved by the district director.

(5) *Addition to other plan.* An ESOP may form a portion of a plan the balance of which includes a qualified pension, profit-sharing, or stock bonus plan which is not an ESOP. A reference to an ESOP includes an ESOP that forms a portion of another plan.

(6) *Conversion of existing plan to an ESOP.* If an existing pension, profit-sharing, or stock bonus plan is converted into an ESOP, the requirements of section 404 of the Employee Retirement Income Security Act of 1974 (ERISA) (88 Stat. 877), relating to fiduciary duties, and section 401(a) of the Code, relating to requirements for plans established for the exclusive benefit of employees, apply to such conversion. A conversion may constitute a termination of an existing plan. For definition of a termination, see the regulations under section 411(d)(3) of the Code and section 4041(f) of ERISA.

(7) *Certain arrangements barred.*—(1) *Buy-sell agreements.* An arrangement involving an ESOP that creates a put option must not provide for the issuance of put options other than as provided under § 54.4975-7(b)(10), (11) and (12). Also, an ESOP must not otherwise obligate itself to acquire securities from a particular security holder at an indefinite time determined upon the happening of an event such as the death of the holder.

(ii) *Integrated plans.* [Reserved]

(8) *Effect of certain ESOP provisions on section 401(a) status.*—(i) *Exempt loan requirements.* An ESOP will not fail to meet the requirements of section 401(a)(2) merely because it gives plan assets as collateral for an exempt loan under § 54.4975-7(b)(5) or uses plan assets under § 54.4975(b)(6) to repay an exempt loan in the event of default.

(ii) *Individual annual contribution limitation.* An ESOP will not fail to meet the requirements of section 401(a)(16) merely because annual additions under section 415(c) are calculated with re-

spect to employer contributions used to repay an exempt loan rather than with respect to securities allocated to participants.

(iii) *Income pass-through.* [Reserved].

(9) *Transitional rules for ESOP's established before November 1, 1977.* A plan established before November 1, 1977 that otherwise satisfies the provisions of this section constitutes an ESOP if it is amended by December 31, 1977, to comply from November 1, 1977 with this section even though before November 1, 1977 the plan did not satisfy paragraphs (c) and (d)(2), (4), and (5) of this section.

(10) *Additional transitional rules.* [Reserved].

(b) *Plan designed to invest primarily in qualifying employer securities.* A plan constitutes an ESOP only if the plan specifically states that it is designed to invest primarily in qualifying employer securities. Thus, a stock bonus plan or a money purchase pension plan constituting an ESOP may invest part of its assets in other than qualifying employer securities. Such plan will be treated the same as other stock bonus plans or money purchase pension plans qualified under section 401a with respect to those investments.

(c) *Suspense account.* All assets acquired by an ESOP with the proceeds of an exempt loan under section 4975(d)(3) must be added to and maintained in a suspense account. They are to be withdrawn from the suspense account by applying § 54.4975-7(b)(8) and (15) as if all securities in the suspense account were encumbered. Such assets acquired before November 1, 1977, must be withdrawn by applying § 54.4975-7(b)(8) or the provision of the loan that controls release from encumbrance. Assets in such suspense accounts are assets of the ESOP. Thus, for example, such assets are subject to section 401(a)(2).

(d) *Allocations to accounts of participants.*—(1) *In general.* Except as provided in this section, amounts contributed to an ESOP must be allocated as provided under § 1.401-1(b)(ii) and (iii) of this chapter, and securities acquired by an ESOP must be accounted for as provided under § 1.402(a)-1(b)(2)(ii) of this chapter.

(2) *Assets withdrawn from suspense account.* As of the end of each plan year, the ESOP must consistently allocate to the participants' accounts non-monetary units representing participants' interests in assets withdrawn from the suspense account.

(3) *Income.* Income with respect to securities acquired with the proceeds of an exempt loan must be allocated as income of the plan except to the extent that the ESOP provides for the use of income from such securities to repay the loan.

(4) *Forfeitures.* If a portion of a participant's account is forfeited, qualifying employer securities allocated under paragraph (d)(2) of this section must be forfeited only after other assets. If interests in more than one class of qualifying employer securities have been allocated to the participant's account, the

participant must be treated as forfeiting the same proportion of each such class.

(5) *Valuation.* For purposes of § 54.4975-7(b) (9) and (12) and this section, valuations must be made in good faith and based on all relevant factors for determining the fair market value of securities. In the case of a transaction between a plan and a disqualified person, value must be determined as of the date of the transaction. For all other purposes under this subparagraph (5), value must be determined as of the most recent valuation date under the plan. An independent appraisal will not in itself be a good faith determination of value in the case of a transaction between a plan and a disqualified person. However, in other cases, a determination of fair market value based on at least an annual appraisal independently arrived at by a person who customarily makes such appraisals and who is independent of any party to a transaction under § 54.4975-7(b) (9) and (12) will be deemed to be a good faith determination of value.

(e) *Multiple plans.*—(1) *General rule.* An ESOP may not be considered together with another plan for purposes of applying section 401(a) (4) and (5) or section 410(b) unless:

(i) The ESOP and such other plan exist on November 1, 1977, or

(ii) Paragraph (e) (2) of this section is satisfied.

(2) *Special rule for combined ESOP's.* [Reserved]

(f) *Distribution.*—(1) *In general.* Except as provided in paragraph (f) (2) and (3) of this section, with respect to distributions, a portion of an ESOP consisting of a stock bonus plan or a money purchase pension plan is not to be distinguished from other such plans under section 401(a). Thus, for example, benefits distributable from the portion of an ESOP consisting of a stock bonus plan are distributable only in stock of the employer. Also, benefits distributable from the money-purchase portion of the ESOP may be, but are not required to be, distributable in qualifying employer securities.

(2) *Exempt loan proceeds.* If securities acquired with the proceeds of an exempt loan available for distribution consist of more than one class, a distributee must receive substantially the same proportion of each such class. However, as indicated in paragraph (f) (1) of this section, benefits distributable from the portion of an ESOP consisting of a stock bonus plan are distributable only in stock of the employer.

(3) *Income.* [Reserved]

§ 54.4975-12 Definition of the term "qualifying employer security".

(a) *In general.* For purposes of section 4975(e) (8) and this section, the term "qualifying employer security" means an employer security which is:

(1) Stock or otherwise an equity security, or

(2) A bond, debenture, note, or certificate or other evidence of indebtedness

which is described in paragraphs (1), (2), and (3) of section 503(e).

(b) *Special rule.* In determining whether a bond, debenture, note, or certificate or other evidence of indebtedness is described in paragraphs (1), (2), and (3) of section 503(e), any organization described in section 401(a) shall be treated as an organization subject to the provisions of section 503.

(Secs. 4975(e) (7) and 7805, Revenue Code of 1954 (88 Stat. 976, 58A Stat. 917; 26 U.S.C. 4975(e) (7), 7805).)

JEROME KURTZ,
Commissioner
of Internal Revenue.

Approved: August 26, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the
Treasury.

[FR Doc. 77-26696 Filed 8-30-77; 2:52 pm]

[T.D. 7507]

PART 141—TEMPORARY EXCISE TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Certain Requirements for Employee Stock Ownership Plans

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations relating to employee stock ownership plans ("ESOP's"). Changes in the applicable tax laws were made by the Employee Retirement Income Security Act of 1974 and the Tax Reform Act of 1976. Together with final regulations published elsewhere in today's FEDERAL REGISTER, these regulations are intended to provide guidance for the public in complying with the law. They affect all employees who participate in ESOP's and employers who establish ESOP's.

DATE: The regulations are generally effective for plan years ending after December 31, 1974.

FOR FURTHER INFORMATION CONTACT:

Thomas Rogan of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3478).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On July 30, 1976, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part I) under section 301 of the Internal Revenue Code of 1954 and to the Pension, etc. Excise Tax Regulations (26 CFR Part 54) under section 4975 (d) (3), (e) (7), and (e) (8) of the Code (41 FR 31833). Similar Department of Labor provisions appeared at the same time (41 FR 31870).

By a notice published in the FEDERAL REGISTER on October 19, 1976, the public was invited to comment orally or in writing not only upon issues addressed in the proposed amendments, but also upon issues addressed by section 803(h) of the Tax Reform Act of 1976 (90 Stat. 1590) and by the Conference Report of the Committee of Conference on H.R. 10612 (H.R. Rep. No. 94-1515, 94th Cong., 2d Sess., 539-542 (1976)), as both relate to ESOP's.

A public hearing was held on November 12, 1976. After consideration of all the comments regarding the proposed amendments, certain of those amendments are adopted and others are re-proposed elsewhere in today's FEDERAL REGISTER. The temporary regulations adopted in this Treasury decision incorporate by reference the re-proposed amendments.

The temporary regulations also incorporate by reference a proposal relating to an amendment under the Tax Reform Act of 1976. The notice of this proposed amendment to the regulations is published for the first time along with the re-proposed amendments relating to the Employee Retirement Income Security Act.

ISSUES ADDRESSED

The temporary regulations contain provisions relating to the following issues:

- (1) Non-terminable plan provisions,
- (2) Integrated plans,
- (3) Special multiple plan rule for combined ESOP's, and
- (4) Current payment of income to participants.

GUIDELINES SUPERSEDED

Questions and answers relating to ESOP's were published in Technical Information Release (TIR) 1413 on November 4, 1975, as guidelines pending the issuance of regulations. The temporary regulations under this Treasury decision supersede question and answer G-8, relating to the distribution of dividends.

DRAFTING INFORMATION

The principal author of this regulation was Thomas Rogan of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, 26 CFR Part 141 is amended by inserting in the appropriate place the following new section:

§ 141.4975-11 "ESOP" requirements.

Until superseded by final regulations, the provisions under § 54.4975-11 as published with notice of proposed rule making in the FEDERAL REGISTER for Friday, September 2, 1977 (42 FR 44396) apply.

There is need for immediate guidance with respect to the provisions contained

In this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 4975(e)(7) and 7805, Internal Revenue Code of 1954 (88 Stat. 976, 68A Stat. 917; 26 U.S.C. 4975(e)(7), 7805).)

JEROME KURTZ,
*Commissioner
of Internal Revenue.*

Approved: August 26, 1977.

LAURENCE N. WOODWORTH,
*Assistant Secretary of the
Treasury.*

[FR Doc. 77-25697 Filed 8-30-77; 2:42 pm]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 54]

[LR-75-77]

EMPLOYEE STOCK OWNERSHIP PLANS

Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rule-making.

SUMMARY: This document contains proposed regulations relating to employee stock ownership plans ("ESOP's"). Changes in the applicable tax law were made by the Employee Retirement Income Security Act of 1974 and the Tax Reform Act of 1976. The regulations would provide the public with the guidance needed to comply with the law. They would affect all employees who participate in ESOP's and employers who establish ESOP's.

DATE: Written comments and requests for a public hearing must be delivered or mailed by October 3, 1977. The amendments are generally proposed to be effective for plan years ending after December 31, 1974.

ADDRESS: Send comments and requests for public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-75-77), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Thomas Rogan of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3478).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On July 30, 1976, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 301 of the Internal Revenue Code of 1954 and to the pension, etc. Excise Tax Regulations (26 CFR Part 54) under section 4975(d)(3), (e)(7), and (e)(8) of the Code (41 FR 31833). Similar Department of Labor provisions appeared at the same time 41 FR 31870).

By a notice published in the FEDERAL REGISTER on October 19, 1976, the public was invited to comment orally or in writing not only upon issues addressed in the proposed amendments, but also upon issues addressed by section 803(h) of the Tax Reform Act of 1976 (90 Stat. 1590) and by the Conference Report of the Committee of Conference on H.R. 10612 (H.R. Rep. No. 94-1515, 94th Cong., 2d Sess., 539-542 (1976)), as both relate to ESOP's.

A public hearing was held on November 12, 1976.

After consideration of all the comments regarding the proposed amendments, some of those amendments are

revised and repropoed in this document. Others are adopted by a Treasury decision published elsewhere in today's FEDERAL REGISTER. Also, temporary regulations parallel to the proposed and repropoed amendments contained in this document are adopted in today's FEDERAL REGISTER.

The proposed amendments also contain a provision relating to section 803 (h) of the Tax Reform Act of 1976.

NONTERMINABLE PLAN PROVISIONS

The proposed amendments would require an ESOP to include provisions protecting the rights of participants under securities acquired with the proceeds of an exempt loan. Thus, after an exempt loan is repaid or after the plan ceases to be an ESOP, these securities would remain subject to the put option requirements if they were subject to them at the time of the loan. The plan could not be amended to provide otherwise.

INTEGRATED PLANS

Integrated ESOP's would not be permitted after November 1, 1977. However, ESOP's in existence and integrated on that date could continue to operate without amendment. The plan provisions relating to the integration level and the integration percentage could not be increased by later amendments. However, the integration level could continue to increase under the plan if geared to a variable figure determined apart from the plan such as the taxable wage base under the Social Security Act.

DISTRIBUTION OF INCOME

The proposed amendment would provide rules for the current payment of income under ESOP's.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of this regulation was Thomas Rogan of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Part 54 are as follows:

Section 54.4975-11 is amended by—

1. Revising paragraph (a) (3), (7) (ii), (8) (iii), and (10),
2. Adding a new sentence at the end of paragraph (d) (3),
3. Revising paragraph (e) (2), and
4. Revising paragraph (f) (3).

These revised and added provisions read as follows:

§ 54.4975-11 "ESOP" requirements.

(a) *In general.* * * *

(3) *Nonterminable provisions.* An ESOP must provide that, notwithstanding the fact that it ceases to be an ESOP, qualifying employer securities acquired with proceeds of an exempt loan will continue after the loan is paid to be subject to § 54.4975-7(b) (4), (10), (11), and (12) relating to put, call or other options and to buy-sell or similar arrangements. Thus, for example, an ESOP must provide that publicly traded securities acquired with exempt loan proceeds must, if the plan ceases to be an ESOP after their acquisition, satisfy the put option provisions in the event that the securities cease to be publicly traded within 15 months after their distribution.

(7) *Certain arrangements barred.* * * *

(ii) *Integrated plans.* An ESOP established after November 1, 1977, must not be integrated directly or indirectly with contributions or benefits under Title II of the Social Security Act (42 U.S.C. 401) or under the Railroad Retirement Act of 1937 (45 U.S.C. 228a). ESOP's established and integrated before such date may remain integrated. However, such plans must not be amended to increase the integration level or the integration percentage. Such plans may in operation continue to increase the level of integration if under the plan such increase is limited by reference to a criterion existing apart from the plan.

(8) *Effect of certain ESOP provisions on section 401(a) status.* * * *

(iii) *Income pass-through.* An ESOP will not fail to meet the requirements of section 401(a) merely because it provides for the current payment of income under paragraph (f) (3) of this section.

(10) *Additional transitional rules.* Notwithstanding paragraph (a) (9) of this section, a plan established before November 1, 1977, that otherwise satisfies the provisions of this section constitutes an ESOP if by December 31, 1977, it is amended to comply from November 1, 1977, with this section even though before such date the plan did not satisfy the following provisions of this section:

- (i) Paragraph (a) (3) and (8) (iii);
- (ii) The last sentence of paragraph (d) (3); and
- (iii) Paragraph (f) (3).

(d) *Allocations to accounts of participants.* * * *

(3) *Income.* * * * Certain income may be distributed currently under paragraph (f) (3) of this section.

(e) *Multiple plans* * * *

(2) *Special rule for combined ESOP's.* Two or more ESOP's, one or more of which does not exist on November 1, 1977, may be considered together for purposes of applying section 401(a) (4) and (5) or section 410(b) only if the proportion of qualifying employer securities to total plan assets is substantially the same for each ESOP and—

(i) The qualifying employer securities held by all ESOP's are all of the same class; or

(ii) The ratios of each class held to all such securities held is substantially the same for each plan.

(3) *Amended coverage, contribution, or benefit structure.* For purposes of paragraph (e) (1) (i) of this section, if the coverage, contribution, or benefit structure of a plan that exists on November 1, 1977 is amended after that date, as of the effective date of the amendment, the plan is no longer considered to be a plan that exists on November 1, 1977.

(f) *Distribution.* * * *

(3) *Income.* Income paid with respect to qualifying employer securities acquired by an ESOP in taxable years beginning after December 31, 1974, may be

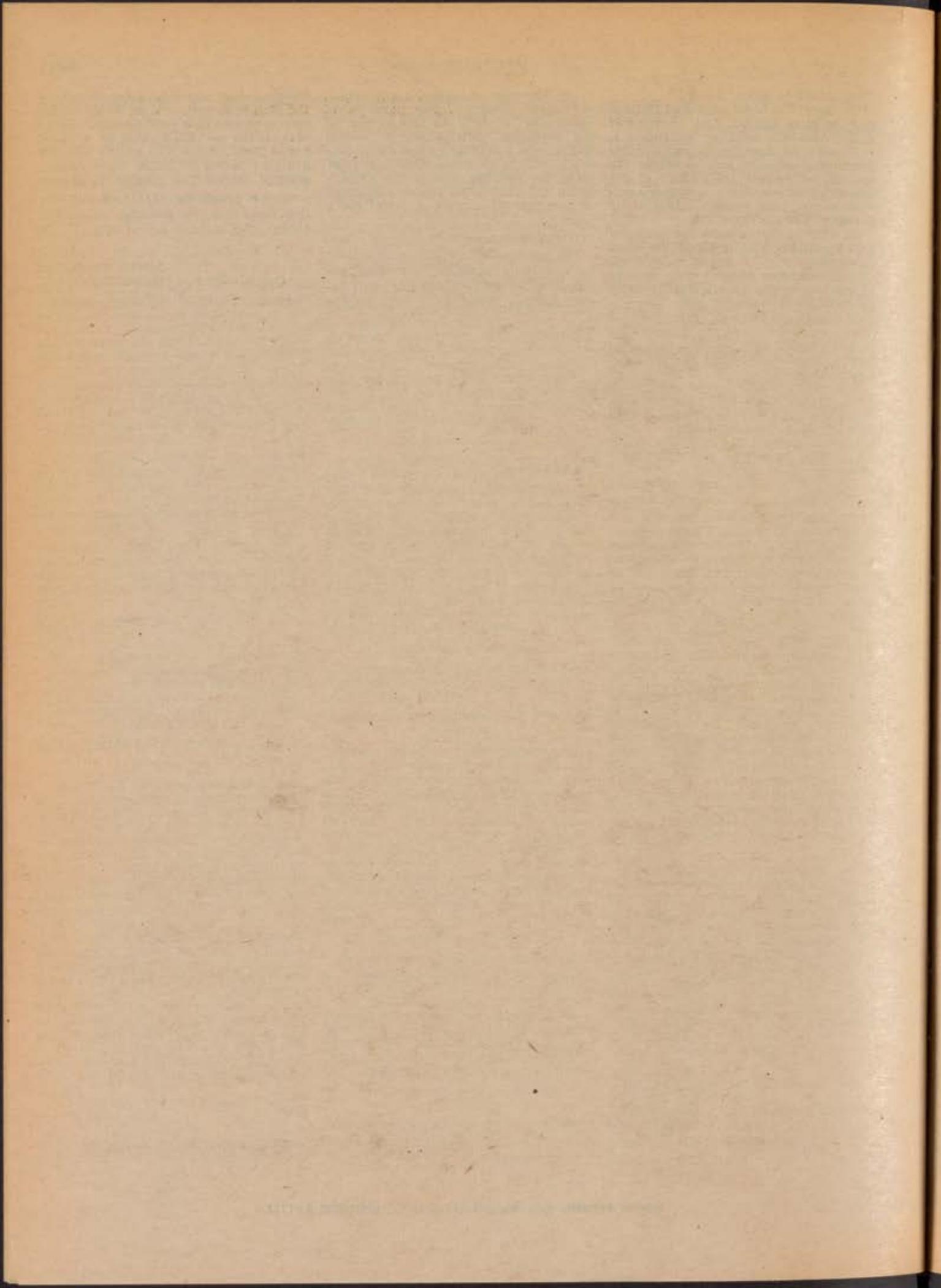
distributed at any time after receipt by the plan to participants on whose behalf such securities have been allocated. However, under an ESOP that is a stock bonus plan, income held by the plan for a 2-year period or longer must be distributed under the general rules described in paragraph (f) (1) of this section. (See the last sentence of section 803(h), Tax Reform Act of 1976.)

* * * * *

JEROME KURTZ,

Commissioner of Internal Revenue.

[FR Doc.77-25698 Filed 8-30-77; 2:42 pm]



Federal Register

FRIDAY, SEPTEMBER 2, 1977

PART V



**DEPARTMENT OF
COMMERCE**

**National Oceanic and
Atmospheric Administration**



**COASTAL ENERGY
IMPACT PROGRAM
PROJECT ASSESSMENTS
AND ENVIRONMENTAL
IMPACT STATEMENTS**

Environmental Guidelines for Preparation

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

COASTAL ENERGY IMPACT PROGRAM PROJECT ASSESSMENTS AND ENVIRONMENTAL IMPACT STATEMENTS

Environmental Guidelines for Preparation

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of guidelines.

SUMMARY: The purpose of these guidelines is to provide coastal States and local communities with a detailed description of the environmental information necessary as part of their applications for certain kinds of assistance under the Coastal Energy Impact Program (CEIP), section 308 of the Coastal Zone Management Act of 1972, as amended. These guidelines are designed to solicit information essential to the environmental review process required under the National Environmental Policy Act of 1969 (NEPA).

FOR FURTHER INFORMATION CONTACT:

Joelyn Murphy, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management, 3300 Whitehaven Street NW., Washington, D.C. 20235 (202-634-4249).

SUPPLEMENTARY INFORMATION:

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

Each applicant requesting CEIP funding for a proposed project must complete an Environmental Impact Assessment, based on the following guidelines, to be submitted with the initial application. A copy of the EIA will be sent to the Coastal Energy Impact Program, OCZM/NOAA, Room 372, 3300 Whitehaven Street NW., Washington, D.C. 20235.

An EIA documents the analysis of environmental impacts associated with alternative courses of action studied during the decision making process. The assessment aids in the selection of the best alternative for the siting and construction of a proposed project.

I. CEIP GUIDELINES: ENVIRONMENTAL ASSESSMENT INFORMATION

A. PROCEDURES FOR PREPARING ENVIRONMENTAL IMPACT ASSESSMENTS

The purpose of an environmental impact assessment is to document the analysis of environmental impacts associated with alternative courses of action studied by the applicant during the development of the project proposal, so as to aid OCZM in making its determination as to whether an environmental impact statement (EIS) must be prepared in accordance with the National Environmental Policy Act of 1969. The assessment should also aid the applicant in the selection of an alternative as the proposed course of action. Because the environmental assessment will be used by OCZM in making its decision on the need for an EIS, the information contained in the

assessment should be presented in a manner which clearly and succinctly describes the significant environmental impacts that may be associated with the proposed project and its alternatives. These guidelines are intended to aid the applicant in developing an EIA which will serve these needs.

1. General Project Description

Identify name of site, type of proposed facility and operation. Identify all specific elements of the project including size, land area, capacity in applicable units affected. Identify the project briefly and identify whether it is an alteration or modification of an existing facility, an additional facility by itself or in an existing complex, or one of the first facilities in a new complex. If it is part of a new complex, the review should address the entire complex rather than only the immediate construction activity addressed in the grant application.

2. Beneficiaries

a. Identify the name and size of the community, county or region to be affected.

b. Identify the new or expanded coastal energy activity which is triggering the proposed project.

c. Document the increases in employment and the anticipated increase in population in the community, county/town, or region.

3. Project Alternatives

This section shall describe the full range of options from which the proposed project was chosen, the adverse and beneficial environmental impacts of those options, and the reasons the various alternatives were not chosen (for example, different sites or designs, mitigating measures, etc.).

This section will be reviewed by the Office of Coastal Zone Management (OCZM) to determine if the most environmentally appropriate site, design, and timing for the proposed project has been selected.

The general procedure to be used in developing a description for each alternative is as follows:

(a) Describe what is the effect on the area if no action is taken.

(b) Determine objectives of the action, expressed in terms of desired accomplishment.

(c) Determine a general design for any physical structures required for the alternative. Describe possible approaches.

(d) Select a general site if the action involves a major facility.

(e) Develop a general description of the facility and its surrounding environment during construction and after completion of construction.

(f) Describe the character or nature, including existing use, of the environment physically affected, including any downstream uses of water bodies being altered.

(g) Prepare a short (e.g., one page) general description of each alternative. The description should be based on available maps, a visual reconnaissance of the site, and available literature. As an

example, if the alternative were a hydroelectric dam, the description could consist simply of a "hydroelectric dam at about river mile 597 with a reservoir elevation of 1,290 ft. and a tailwater elevation of 950 ft. The turbines would be designed for a maximum flow rate of 80,000 cfs (corresponding to generation of 1800/NWe) and no fish ladders or navigation locks would be provided. The reservoir would extend upstream to mile 700. Lands to be inundated are currently used for agriculture. The river contains an important salmon spawning area and provides passage for numerous upstream migrants, etc."

4. Project Design

Briefly summarize engineering design. Applicants are advised to employ project design features and techniques which will result in the choice of the alternative providing the least disturbance to the surrounding environment.

Applicants having projects in the later stage of design or with final drawings completed will review all aspects of the project design and development for compatibility with environmental standards.

Environmental protection features with respect to design must meet Federal, State and local requirements, and where Federal, State or local environmental codes and ordinances differ, the most demanding standards must be incorporated into the project design.

5. Compliance with State and Local Environmental permits and procedures.

Indicate if the proposed project is subject to State/local environmental regulations and permit procedures. Summarize the results of compliance with these requirements and attach available documentation.

6. Environmental Summary

Briefly summarize the major unavoidable environmental problems of the proposed project. Evaluation of environmental impacts will be considered by the applicant in depth when filling out Section I B of these Guidelines.

7. Short-Term and Long-Term Impacts of Project

The short-term commitment of environmental resources will be compared to the proposed project's cumulative, long-term impacts. This section thus will discuss "trade offs": what long-term environmental productivity will be enhanced by the short-term uses of the environment in the proposed project. Special attention should be given to effects upon ecological inter-relationships, and to long-term hazards to human health and safety.

8. Any irreversible and irretrievable commitment of resources which would be involved if the proposed project were implemented

This section shall discuss and quantify, when possible, any irreversible or irretrievable uses of resources in the proposed project. "Resources" should be defined broadly to include not only air and water quality, but also archeologi-

cal or historical sites, the habitats of threatened or endangered species, dedicated uses areas such as parks and valuable, environmentally productive areas such as wetlands.

9. Federal/State Agency Involvement

a. Identify Federal/State agency funding of other projects as a result of the same coastal energy activity (if applicable). Attach comments received from the A-95 clearinghouse process.

b. Environmental Analysis of Participating Federal Agencies. Indicate if another Federal agency is participating in the project either through the provision of additional funds, a companion project, or a permit review authority. Summarize the results of the involved agency's environmental impact analysis and attach available documentation.

c. Identify existing and proposed area-wide planning agencies (both Federal and State) for the area under consideration.

d. Was the proposed project ever considered by other public funding agencies? Summarize the results.

10. Consultation and coordination with others

Since one of the intentions of NEPA was to open an important part of the planning process, environmental study, to public review and comment, all private and public organizations which have cooperated in or contributed to the preparation of the environmental information document should be listed. OCZM will review each project proposal to determine if the public has participated adequately at the earliest stages of a legally mandated public process.

11. Processing

Upon receipt, the applicant's Environmental Impact Assessment will be reviewed by the CEIP staff. When the EIA document for a proposed project is complete the usual review period will be 10 days.

In the event of omissions in the study or the need for additional information, the applicant will be advised to submit or provide additional necessary data and material. Where review of the Environmental Impact Assessment discloses need for revisions, applicant will be notified of the necessary changes.

In those instances where the support of a project would produce a significant effect on the environment, it may be necessary to request the applicant to develop materials to be used in preparing a draft Environmental Impact Statement which will be reviewed and issued by the Department of Commerce. (Section II).

B. GUIDELINES FOR ANALYZING SIGNIFICANT ENVIRONMENTAL IMPACTS

The ten categories listed are areas of environmental concern regulated by Federal law. The proposed project must consider in detail potential effects it will have on each of these areas and must conform to permit and public notice requirements.

1. Land Use

a. *Development Impact:* (1) Describe the project site and its present use.

(2) Describe the existing land use plan and zoning designations for the project area. Determine whether the plan and zoning are consistent with each other and with the zoning ordinance. Will a zoning amendment be necessary to permit construction of the project?

b. *Impact on other Community Facilities.* If the proposed project is a new or expanded community facility system, does it have the capacity to provide for:

(1) Nursing Homes or Hospitals: 200 units (beds) or more.

(2) Subdivisions: Typical proposed lot size 6000 sq. ft. or greater = 100 units or more.

(3) Multifamily structures: Typical proposed lot size under 6000 sq. ft. = 200 units or more. This was a threshold limit established by HUD, 4010.1 CHG, Nov. 4, 1974.

If the facility has the potential to expand the size of a community beyond these thresholds then special attention must be given to the impact on other community facilities such as schools, hospitals, recreational resources, transportation facilities, fire stations, libraries. Current capacities of the existing public facilities of the area including waste water treatment and water supply systems need to be identified and future demands on their capacities projected.

c. *Submit a small-scale map,* using USGS topographic map 1:24,000 and U.S. Soil Conservation soil/slope maps, locating environmental features of the area in relation to the proposed project:

Dunes	Farmland
Beaches	Seismic conditions
Slippage soils	Streams and creeks
Steep slopes	Wildlife habitats
Wetlands	Proximity to dedicated public use areas
Areas of scenic beauty	Highways and secondary roads
Floodplains	Designated historic preservation areas
Woodlands	
Aquifer recharge areas	

d. *Floodplains.* According to Executive Order 11988, dated May 24, 1977, the term floodplain means "the lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year." This Executive Order requests that all agencies must protect the values and benefits of floodplains and reduce risks of flood losses by not conducting, supporting or allowing action located in flood plains unless it is the only practicable alternative. Use available HUD floodplain boundary maps, or more detailed U.S. Army Corps of Engineers maps or other available floodplain information, to locate the project in relation to the 100-year floodplain.

If it is determined from the environmental analysis that the only feasible location for the project is a designated floodplain, then the design of the project must (i) minimize potential harm to

the floodplain, (ii) meet flood-proof standards under the National Flood Insurance Program and (iii) insure that the project in compliance with the Flood Disaster Protection Act is a special flood hazard area as specified in Section 102 (a) Title I.

e. *Wetlands.* "The term 'wetlands' means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds." This definition was contained in Executive Order 11990, dated May 24, 1977.

According to the Order, Federal assistance for new construction located in wetlands should be avoided unless the agency finds that there is no practicable alternative and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

The term "new construction" includes "draining, dredging, channeling, filling, diking, impounding and related activities and any structures or facilities begun or authorized after the effective date of the Order (May 25, 1977)."

Each Federal agency is also required to provide opportunity for early public review on any plans or proposals for new construction in wetlands.

The nation's wetlands are also protected by section 404 of the Federal Water Pollution Control Act of 1972 which requires the applicant to apply for a permit for dredge and fill activities in wetlands from the U.S. Army Corps of Engineers. The permit must be obtained by the applicant prior to submission of the application for CEIP funding.

Evaluation of the cumulative effect of piecemeal changes in wetland areas is emphasized in the Corps regulations. No permit is granted unless the benefits of the proposed alteration outweigh the damage to the wetlands resource and the proposed alteration is necessary to achieve those benefits. The applicant must further provide sufficient data on the availability of feasible alternative sites.

If the proposed project will either be located in or adjacent to a wetlands using the above definition, please estimate the project location on the U.S. Geological Survey topographical map exhibit, 1:24,000 (See Section B, Subsection 1(c)) and complete the following check list.

Do the wetlands within the impact area provide:

- Feeding for waterfowl, migratory birds and other species.¹
- Wintering areas for waterfowl.¹
- Nursery areas.¹
- Breeding areas.¹

¹ Identify major species of mammals, fishes, birds, reptiles and amphibians.

Barrier Islands.¹
Grass Beds.
Shellfish Beds.¹
Drainageways.
Vegetated Tidelands (salt marshes and mangrove swamps).

Buffer areas.
Migration Pathways.¹
Filter areas for pollution. (Specify proximity to urban areas and industrial facilities.)

Recharge areas for ground water and aquifers.

Fish and Wildlife game refuge.¹
Wildlife habitat, including endangered species (Specify type of habitat).¹
Dedicated Public Use Areas.

Has the applicant applied for or received a permit from the U.S. Army Corps of Engineers?

Has the applicant applied for or received a permit from the State/local wetlands management authority?

Give the name and address of the State and local wetlands management authority.

Information on the resident and migratory species of wildlife and the functions performed by the wetlands in question can be obtained from the U.S. Fish and Wildlife Service field offices, local and State game and fish agencies, local wetlands commissions and other related agencies.

f. Farmland. The Coastal Zone Management Act designates farmland in production as a preferred economic activity in the coastal zone. If the proposed project site will incorporate existing farmland either under production or not in production, complete the following check list:

Does any portion of the project site meet the criteria for prime farmland as defined by U.S. Soil Conservation Service USDA in the Land Inventory and Monitoring Memo-3 (October 31, 1975).

Is the site in a special agricultural district designated by either the State or local governments?

Is the cropland on the site significantly used by wildlife for feeding, nesting or breeding areas?

Is the site located in a district designated by any planning agency as farmland?

Information for this section can be obtained from the nearest Soil Conservation Service office of the Department of Agriculture, the State Conservation/State Extension Services or other appropriate agencies.

g. Wildlife Habitat. (1) The Federal Fish and Wildlife Coordination Act of 1958 recognized the value of wildlife and wildlife habitat as a national resource to be conserved and protected. If the proposed project, or any one of the alternatives, is located in or adjacent to a natural area (wetlands, cropland, dedicated use area) providing wildlife habitat, determine the major effects of the action on the habitat area assessing the extent of the impact.

i. What are the primary species of animals, birds and reptiles common to the area?

ii. What land area will be altered? In what manner?

iii. Are any rare or endangered species indigenous to the proposed altered lands?²

²If the answer is yes, please describe in greater detail.

iv. Will there be a change in vegetation or stream flow patterns over a large area of land which would affect habitat?²

v. Can habitats elsewhere be purchased and improved to accommodate lost population?²

vi. What special habitats, such as food, cover, nesting and breeding areas will be changed and what will be the effects of the changes?

vii. What are the important commercial and sports species utilized in this area?

viii. Will the action alter migration patterns (waterfowl, fish, wildlife)?

(2) Concern for various species of fish, wildlife, and plants endangered by economic growth and development without accompanying conservation measures led to the enactment of the Federal Endangered Species Act of 1973.

Therefore, please indicate whether the proposed project could:

i. Jeopardize the continued existence of any endangered or threatened species (flora and fauna), and

ii. Result in the destruction or modification of a habitat or a portion of such habitat of endangered or threatened species.

This analysis shall be conducted in consultation with the Regional Directors of the U.S. Fish and Wildlife Service and/or the Regional Directors of the National Marine Fisheries Service. If there appears to be an effect, the CEIP office shall be notified and shall coordinate the project with the Regional Directors of the U.S. Fish and Wildlife Service. The results of this coordination shall be included in the assessment and considered in the environmental impact consideration.

2. Noise Impacts

New construction or substantial rehabilitation of noise sensitive land uses such as nursing homes, hospitals, group practice facilities and the location of day care or community counseling services must be justified if it is located in unacceptable noise zones.

To determine if the proposed project is in an unacceptable noise zone, apply Noise Abatement and Control Standards set by HUD Circular 1390.2.

a. **Unacceptable Noise Standards.**—Exceeds 80 dB(A) 60 minutes per 24 hours. Exceeds 75 dB(A) 8 hours per 24 hours.

b. **Optimal Noise Standards.**—Does not exceed 45 dB(A) more than 30 minutes per 24 hours.

c. **The following is a noise standard reference guide:**

Near airport—Jet plane 100 ft. away—average 130 dB(A) internal combustion aircraft engine—average 110 dB(A).

Near traffic—Busy street—average 80 dB(A). Automobile at 35-40 M.P.H. average 70 dB(A). Subway train passing station—100 dB(A).

Near large industry: (Identify). Pneumatic riveter—average 130 dB(A). Pneumatic drill, 20 ft. away—90 dB(A).

²The decibel values for those sound levels measured using A-weighting network of a standardized sound level meter. The A-weighting approximates the response of the human ear to noise.

Are there TV or radio transmission facilities within three horizontal miles of the facility? If so, describe.

3. Air Quality

Federal air quality standards to meet national air quality goals are divided into two categories: primary standards designed to protect human health, and less stringent secondary standards to protect property and aesthetics.

Each State has the primary responsibility to assure air quality by the establishment of implementation plans which specify the manner in which national primary and secondary ambient air quality control regions will be achieved and maintained within the various air quality control regions (title I, section 107) of the Clean Air Act. To determine if the proposed action will have an effect on air quality sufficient to require a detailed assessment, the following should be submitted for the proposed project and considered for each alternative (if applicable).

a. Types of contaminants, specifically toxic or nuisance pollutants such as carbon monoxide, nitrogen dioxide, sulfur oxides, organic compounds, photochemical oxidants, suspended particulate matter, hydrogen sulfide, lead, fluoride, calcium oxide, and beryllium.

b. Proximity to human habitations, especially if within one mile of airports, schools, residential areas, etc. because of possible effects on visibility, esthetic health, vegetation, and animal life.

c. Topographic features—influencing air currents and ventilation factor.

d. Ventilation factors as measured by volume of air available for the dispersal of pollutants which is dependent upon the character and height of the temperature inversion layer and the amount of windflow. Undesirable effects can be caused in areas that have high frequency of temperature inversions and low wind speeds (0-5 mph).

e. Air pollution history of the area where the action would take place, especially if local air quality standards are being exceeded.

f. Existing industrial concentration and associated air contaminants.

g. Potential for changes in the microclimate of the area (i.e., the climatic structure of the air space near the ground such as temperature, humidity, wind, air pollution, etc.).

This information is available from the State Air Quality Control Board or from the Regional EPA Offices.

Wherever there is some variation between State (or local) and Federal air quality standards, the strictest one applies to the project.

4. Water Quality

Each State is required to set water quality standards for State waters within its boundaries and to set effluent limitations and total maximum daily loads of pollutants including thermal discharges in order of the severity of pollution.

a. **Standards.**—For projects discharging effluents into the waterways, applicable effluent limitations and state water

quality standards for the impact area should be listed. Information can be obtained from the State water control authority or the Regional EPA Office. Water quality problems already identified by local/State or Federal agencies should be specified.

b. *Environmental effects.*—To determine whether the proposed project will cause significant environmental effects on the biota or human usage of water, the following information should be considered for each alternative and submitted for the proposed project (if applicable).

- (1) Will the water temperature change? Indicate volume and temperature of merging waters.
- (2) Will the water solids content change because of increased suspension of solids, increased settling of solids, or a change in dissolved solids?
- (3) Will there be a significant change in nitrogen saturation? *
- (4) Will there be any change in concentration of hazardous chemicals or radionuclides? *
- (5) Will there be a change in pathogens? *
- (6) Will impoundments or changes in water temperature change the rate of eutrophication? *
- (7) Will the taste or odor change? *
- (8) Do any of these changes in water quality create conditions which are outside of permissible or desirable conditions as expressed by water quality standards or general social opinion? *

5. Waste Water Treatment Plants

If the proposed project is a waste water treatment plant, the following information is requested. This information follows closely the information needed for the facility—planning process developed by EPA for its municipal grants construction program for sewage treatment works, authorized under Title II of the FWPCA. The purpose of coordinating the CEIP grant program with EPA's program is to insure that the intent of the Federal Water Pollution Control Act is carried out.

a. *State Continuing Planning Process or Related Projects and Basin Plans.*—Plans for the proposed treatment plant must conform to applicable approved basin plans prepared under section 303 of the FWPCA. Under the State continuing planning process, "segments" of the nation's waterways have been classified initially as "water quality limited" or "effluent limited". "Water quality limited" segments are those which cannot be expected to meet established water quality standards even if all point sources achieve the effluent limitations required by section 301 of FWPCA. "Effluent limited" segments are those where water quality standards can be achieved after all point sources meet the effluent limitations required by section 301.

b. *Effluent Limitations.*—The assessment should list the effluent limitations

* If the answer is yes, please quantify with the best available information.

applicable to the facility being planned. These effluent limitations normally may be found in a municipal permit issued under the National Pollutant Discharge Elimination System. A copy of the municipal permit should be attached to the assessment.

If the proposed project is on a "water quality limited" waterway the applicable water quality standards should be obtained from the State and briefly be summarized in the assessment, in addition to effluent limitations necessary to meet the applicable water quality standards.

If the proposed treatment plant will discharge into an "effluent limited" stream segment, secondary treatment must be provided as a minimum (40 CFR Part 133 "Secondary Treatment Information," FEDERAL REGISTER Vol. 38 No. 159, August 17, 1973, pp. 22298-22299). Discharge limitations for treatment plants on "water quality limited" segments will be determined in the basin planning process or, if not available, in conjunction with the permit program.

c. *Areawide Waste Treatment Management Plans.*—Areawide plans, authorized under section 208 of the FWPCA, are to set forth a comprehensive management program for collection and treatment of wastes and for controlling pollution from all point and non-point sources. Indicate whether the proposed project has been considered, is part of, or has been rejected by, the areawide 208 plan or state-wide nondesignated area plan.

d. *Title II, section 201 EPA grant program.*—Is the proposed waste treatment project on the State priority list? If so, has it been rejected by EPA or any other Federal agency.

e. *Municipal permits.*—The Waste Water Treatment Plant plan must, as a minimum, conform with all applicable permit requirements and include a copy of the permit if already obtained.

f. *Planning Area for Alternatives.*—The facility planning area for any new waste water treatment should be large enough to analyze the cost-effective alternative methods of waste transport, treatment handling and disposal of sludge and disposal of treated effluent. It should also be large enough to analyze both the primary and secondary (induced growth) effects of alternatives.

(1) Provide a USGS topographic map showing the planning area, the boundaries of political jurisdictions, boundaries of streams, lakes, water impoundments and water basin and service areas of existing waste treatment systems.

(2) Existing waste water flows and treatment systems. Provide an inventory of existing waste water treatment systems, including services, treatment plants, effluent disposal or reuse methods, sludge disposal methods, and flows and waste reduction measures if any in the planning area.

g. *Develop and Evaluate Alternatives.*—The alternative of optimizing performance of existing facilities should be considered first. The level of treatment attainable with optimum performance should serve as a baseline for planning

additions or modifications to the treatment system.

Regional Solutions. The possibility of a regional solution to waste water treatment problems should be explored early in the planning process to reduce the number of options requiring detailed consideration to a manageable number. Regional solutions may include interconnection of facilities, construction of one or more large facilities to eliminate the need for many small facilities and joint management of facilities to improve operation and maintenance and reduce costs. Joint facilities may involve interceptors, treatment plants and sludge and effluent disposal systems.

Existing plans which address regional options should be referenced and important conclusions summarized in the assessment. Further analysis of options will not be necessary if regional questions are resolved by existing plans.

h. *Infiltration and Inflow.*—Absent a State certification that excessive infiltration/inflow does not exist, then estimate the infiltration/inflow into the system. Approximate, on a preliminary basis, the costs of treating the existing problems versus the costs of rehabilitating the sewer system to eliminate the problem.

i. *Dredging and Filling.*—Title IV, Permits and Licenses (section 404(a)), authorized the U.S. Army Corps of Engineers to regulate discharging of dredge or fill material into navigable waters by issuing permits. Section 303(b) directs EPA to develop guidelines with the U.S. Corps of Engineers to evaluate the disposal sites for the fill in terms of the effect on municipal water supplies, shellfish beds, fishery areas (including spawning and breeding areas), wildlife or recreational areas.

For projects with dredging and filling activities, describe the type, composition and quantity of the material to be dredged, the method of dredging and the site and plans for disposal of the dredged material.

6. Solid Waste Management

Indicate all aspects of the project including beneficiaries' operations, and known indirect effects which will necessitate the disposal of solid wastes. Indicate the kinds and expected quantities of solid wastes involved and the disposal techniques to be used. Evaluate the adequacy of these techniques especially in relationship to air and water quality. Indicate if recycling or recovery programs are or will be used. Cite any contacts with appropriate experts.

7. Human Population

Will the construction of the facility disrupt one of the following services to a human population for more than 24 hours: water, electrical power, natural gas, or sewage. Indicate the number of people to be relocated and arrangements being made for the relocation. A project must comply with requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Pub. L. 91-686).

8. Transportation

Describe available transportation networks such as highways and rail. Estimate the increase in motor vehicle traffic and the ability of existing roads to safely accommodate this increase. Describe new traffic patterns which will arise because of project. Discuss how these new traffic patterns will affect the land uses described above especially residential, hospitals, schools and recreational. Describe the consistency of the project's transportation impacts with the transportation plans for the area and any air quality thresholds. Cite any contact with appropriate experts.

9. Wild and Scenic Rivers

Indicate whether the project will affect a river or portion of it which is either included in the National Wild and Scenic Rivers System or designated for potential addition to the system. If so, an analysis shall be conducted through discussions with the appropriate regional office of the Bureau of Outdoor Recreation, the U.S. Department of Agriculture when forest service lands are involved, and appropriate State agencies having implementation authorities. Summarize the results of these discussions. If there appears to be an effect, the CEIP program staff shall be notified and will then coordinate the project with the Secretary of Interior or Agriculture, as required.

The results of this formal coordination shall be included in the assessment and considered in the environmental impact determination.

10. Historic Preservation

In this section, steps shall be taken to comply with the "Procedures for the Protection of Historic and Cultural Properties." First, indicate that the National Register of Historic Places has been reviewed and whether there are any listed properties located within the area to be affected by the project. Second, indicate the steps taken such as historical/archeological surveys to determine if there are any properties eligible for listing located within the affected area. Summarize the results of the consultation with the State Historic Preservation Officer (SHPO) and attach appropriate documentation. Discuss the views of any other experts contacted. Based upon the above review process and the views of the SHPO, state whether or not an eligible or listed property will be affected.

If there will be an effect, discuss all of the steps and protective measures tak-

en to complete the "Procedures." Describe the affected property and the nature of the effect.

Describe alternative solutions. For example, the Public Buildings Cooperative Use Act will allow the Public Buildings Service of the General Services Administration (GSA) to locate Federal offices in buildings of historic and architectural value and encourage mixed commercial and cultural uses.

II. PROCEDURES FOR PREPARING ENVIRONMENTAL IMPACT STATEMENTS (EIS)

The Environmental Impact Assessment prepared for a proposed project will be reviewed by the OCZM Associate Administrator in accordance with these guidelines, and with Department of Commerce Administrative Order 216-6, and a "Notice of Intent" or a "Notice of Negative Declaration" will be issued.

Notice of Intent.—A notice of intent is a CEIP letter, memorandum or news release that notifies appropriate Federal, State and local agencies, and the public that the OCZM intends to prepare an environmental statement on a particular action based on the environmental assessment and review.

Notice of Negative Declaration.—A notice of negative declaration is a CEIP letter, memorandum or news release notifying appropriate Federal, State, and local agencies, and the public that an environmental statement is not required and will not be prepared on a particular action.

A. REGIONAL EIS

The Associate Administrator may determine that a Regional EIS will be prepared if a group of related projects are concentrated in a geographic area. A regional EIS will be prepared by the CEIP staff in coordination with the appropriate local, State, and Federal interests.

B. DECISIONS OF ADEQUATE PRIOR ENVIRONMENTAL REVIEW

The Associate Administrator can determine that the Environmental Impact Assessment on a project has received "adequate" prior environmental review. Projects which have been the subject of prior assessment either by the Department of Commerce, or another Federal agency, or have been covered by an area-wide Environmental Impact Statement shall not require additional environmental assessment if the following conditions are met:

1. An environmental review pursuant to NEPA has been undertaken by a Federal agency and completed within the last three years;

2. The prior review has been evaluated by CEIP staff and found to be:

a. Sufficiently detailed and accurate in its description of the proposed action to allow a substantive judgment of the environmental consequences of those actions;

b. Currently accurate in its description of existing and prospective site and technology conditions which might affect the contemplated project;

3. The prior review has not been subjected to legal challenge, or if challenged, was found by the court to be adequate, and no further legal action is pending;

4. There are no identifiable adverse consequences to the proposed CEIP action which are environmentally significant and which might be mitigated or prevented through evaluation and/or project modification.

C. "THIRD PARTY" AGREEMENTS

If in the application process for section 308 (E) and (G) Grants it becomes evident that an EIS will be required, the responsible official may seek the applicant's interest in developing a draft EIS by the "third party" method. Generally, such an agreement should be established prior to the development of the applicant's Environmental Impact Assessment and serve the purpose of such environmental impact assessment.

Such agreement will not be initiated unless both the applicant and OCZM have agreed to its establishment. Under a third party agreement, both the applicant and OCZM have certain minimum responsibilities. The applicant will be responsible for retaining a third party consultant to prepare materials for use in the EIS. OCZM shall approve the selection of the third party consultant and shall base such approval on the objectiveness of the consultant, including such factors as the degree of financial independence, the ability to make a free and independent appraisal of environmental impact, and the absence of conflicting interest. In all cases OCZM will be responsible for the scope and content of the assessment or impact statement prepared under NEPA.

T. P. GLEITER,
Assistant Administrator
for Administration.

AUGUST 26, 1977.

[FR Doc. 77-25599 Filed 9-1-77; 8:45 am]

federal register

FRIDAY, SEPTEMBER 2, 1977

PART VI



DEPARTMENT OF
HEALTH,
EDUCATION, AND
WELFARE

Office of Education



STATE ADULT EDUCATION
PROGRAMS

Maintenance of Effort

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 166]

STATE ADULT EDUCATION PROGRAMS

Maintenance of Effort

AGENCY: Office of Education, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule prescribes new maintenance of effort requirements and provisions for waiver for maintenance of effort for State adult education programs. Under existing regulations no payment could be made to a State that failed to maintain its previous year's level of effort. The proposed rule would allow a State an opportunity to deviate from the maintenance of effort requirements with a corresponding reduction of Federal funds, if any, to be determined by the nature of the circumstances causing the deviation.

DATES: Comments on or before October 17, 1977.

ADDRESSES: Comments should be addressed to Paul V. Delker, U.S. Office of Education, Regional Office Building No. 3, 7th and D Streets SW., Room 5056, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Paul V. Delker, 202-245-2278.

SUPPLEMENTARY INFORMATION: Under the authority contained in section 307(b) of the Adult Education Act, 20 U.S.C. 1206, and section 431A of the General Education Provisions Act, 20 U.S.C. 1232, as amended by section 323 of Pub. L. 94-482, the Education Amendments of 1976, the Commissioner of Education, with the approval of the Secretary of Health, Education and Welfare, proposes to amend § 166.51 et seq. of the regulations for State Adult Education Programs (45 CFR Part 166) to establish new requirements for maintenance of effort by States and their political subdivisions.

Summary of the amended maintenance of effort requirement and provisions for waiver. Under existing regulations for the administration of the Adult Education Act, the State must certify that there will be available for expenditure by the State, including its political subdivisions, for adult education from non-Federal sources during the fiscal year for which the allotment is made an amount equal to not less than the total amount expended for such purposes from such sources during the preceding fiscal year.

The proposed regulation provides that the State shall certify that there was available for expenditure by the State for adult education from non-Federal sources for the preceding fiscal year an amount which was not less than the fiscal effort per student or the aggregate amount expended for such purposes from such sources during the second preceding fiscal year. Accordingly, the States

may compute maintenance of fiscal effort on either a per student or aggregate expenditure basis.

In addition, the proposed regulations provide for three types of exceptions through a notification or waiver process. First, a State is allowed a maximum percentage reduction in fiscal effort of five percent below the base year for the years for which the Act is in effect. A percentage reduction is computed by dividing the amount of the reduction for the preceding year by the amount of the State's expenditures in the base year. The use of a percentage reduction by the State will not cause a corresponding reduction in the Federal share.

Secondly, the proposed regulations Commissioner may waive the maintenance of effort provision for exceptional circumstances. Exceptional circumstances, which carry a penalty of pro rata reduction of the Federal allocation, include situations where the State educational agency or local educational agency had at least some control of the events resulting in decreased expenditures, but nevertheless made a reasonable effort in a timely fashion to comply with the maintenance of effort requirement.

Thirdly, the proposed regulations contain the standards by which the Commissioner may waive the maintenance of effort provision for very exceptional circumstances. Very exceptional circumstances, which do not carry a penalty of pro rata reduction of the Federal allocation, include situations where the State educational agency or local educational agency had no control of the events resulting in decreased expenditures, but made a reasonable effort in a timely fashion to comply with the maintenance of effort requirement.

The proposed regulations also provide that in the event the Commissioner determines that it would not be equitable to grant a waiver for very exceptional circumstances, the Commissioner may grant a waiver for exceptional circumstances.

The regulations provide, however, that the Commissioner will not consider a waiver to be equitable to reflect exceptional or very exceptional circumstances unless the State agrees to restore future expenditure levels to the level which existed prior to the fiscal year for which the waiver was granted.

**PUBLIC COMMENT TO THE NOTICE OF INTENT
TO ISSUE REGULATIONS**

As a first step in the regulation process, the Commissioner published a Notice of Intent to Issue Regulations in the FEDERAL REGISTER on November 22, 1976 (41 FR 51550-51559). The public was invited to offer comment, advice and guidance to the Office of Education in response to identified or other issues relating to the development of regulations for this amendment. The suggestions received from the public have been given consideration in the preparation of this proposed rule.

The public's comments and the Commissioner's responses to these comments are summarized as follows:

Issue (a)—Aggregate Expenditures. Should aggregate expenditures be considered on an individual or a statewide basis?

Comment. One State agency commented that it was its commitment to provide total matching funds for the program rather than to require matching from local educational agencies. This practice, they assure, has proved attractive to local educational agencies and has resulted in more adults receiving much-needed basic education programs.

Response. Since the legislation refers to aggregate expenditures by the State from non-Federal sources, the Commissioner has interpreted this to mean expenditures on a statewide basis.

Issue (b)—Per Pupil Expenditures. Is there any justifiable basis for using per pupil expenditures in determining maintenance of effort?

Comment. Several comments were received with the recommendation that per student effort not be used to determine maintenance of effort. Reasons given were that adult student open enrollment concepts, non-fixed hours of instruction, flexible scheduling, and ADA/ADM factors for adults are not general measures of student enrollment.

Response. Because the statute provides for the option of the States' using per pupil expenditure in determining that effort has been maintained, the regulation must also provide for this alternative. The State may, however, continue to use the aggregate expenditure method.

Issue (c)—Waivers. What constitutes "exceptional" or "very exceptional" circumstances in determining waiver of the maintenance of effort requirement?

Comment. A local educational agency responded that conditions such as strikes involving in-school services, school closings, statewide strikes, and increased costs for non-controllable budget items (such as fuel) could reduce the amount available for adult education and that these examples should be included in the criteria governing very exceptional circumstances.

Response §§ 166.54 and 166.55. Consideration has been given to each of these situations. These proposed regulations provide that exceptional circumstances include situations where the State educational agency or local educational agency had at least some control of the events resulting in decreased expenditures. Very exceptional circumstances include situations where the State educational agency or local educational agency had no control of the events resulting in decreased expenditures.

Citations of legal authority. As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a)), a citation of the statutory or other legal authority for each section of the regulation has been placed in parentheses on the line following the text of the section.

Invitation to comment. Interested persons are invited to submit comments, suggestions, and recommendations to be considered prior to the issuance of the final rule. Comments, suggestions, or recommendations may be sent to the ad-

dress given at the beginning of this notice. All comments received on or before October 17, 1977, will be considered. All comments submitted will be available for public inspection both during and after the comment period, in Room 5056, Regional Office Building 3, 7th and D Streets SW., Washington, D.C., between 8:30 a.m. and 4:00 p.m., Monday through Friday of each week.

Authority. This proposed rule is issued under the authority of section 307(b) of the Adult Education Act, 20 U.S.C. 1206, and section 431A of the General Education Provisions Act, 20 U.S.C. 1232, as amended by section 323 of Pub. L. 94-482, the Education Amendments of 1976.

NOTE.—The Office of Education 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.

(Catalog of Federal Domestic Assistance Program No. 13.400, Adult Education—Grants to States.)

Dated: July 7, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: August 27, 1977.

HALE CHAMPION,
Acting Secretary of Health,
Education, and Welfare.

PART 166—STATE ADULT EDUCATION PROGRAMS

In the table of contents preceding the regulations, certain section and subpart designations are amended or added to read as follows:

Amend title of Subpart E and add the following new sections:

Subpart E—Federal Financial Participation; Payments and Reports

- Sec.
166.46 Approved State plan as a condition for payment.
166.47 Reports.

Amend title of Subpart F and add the following sections:

Subpart F—Maintenance of Effort

- 166.51 Maintenance of effort.
166.52 Withholding of payments.
166.53 Allowable percentage reduction.
166.54 Waiver of maintenance of effort under exceptional circumstances.
166.55 Waiver of maintenance of effort under very exceptional circumstances.
166.56 Restoration of expenditure levels.
166.57 Definitions for Subpart F.

§ 166.27 [Amended]

2. In § 166.27 the cross reference to the reporting requirements regulation is changed from § 166.52 to § 166.47.

3. The title of Subpart E is amended to read as follows:

Subpart E—Federal Financial Participation; Payments and Reports

4. Section 166.51 is renumbered and amended to read as follows:

§ 166.46 Approved State plan as a condition for payment.

Payments to States under the Act will be made only after the Commissioner has

approved the State plan submitted in accordance with the requirements of the Act, these regulations, and the GEPR.

§ 166.52 [Renumbered § 166.47]

5. Section 166.52 Reports is renumbered § 166.47 and transferred in toto to Subpart E.

6. Subpart F and new §§ 166.51 through 166.57 are added as follows:

Subpart F—Maintenance of Effort

§ 166.51 Maintenance of effort.

A State shall maintain its fiscal effort on either a per student basis or on an aggregate expenditure basis for adult education from all non-Federal sources compared to the amount expended from all non-Federal sources in the previous year.

(Sec. 307(b); 20 U.S.C. 1206)

§ 166.52 Withholding of payments.

Except as provided in § 166.53 through § 166.55, the Commissioner will not make any payment to a State in any fiscal year unless the Commissioner finds that the fiscal effort of the State for adult education from all non-Federal sources from the preceding fiscal year was not less than the fiscal effort per student or the aggregate amount expended for adult education purposes from all non-Federal sources during the second preceding fiscal year.

(Sec. 307(b); 20 U.S.C. 1206)

§ 166.53 Allowable percentage reduction.

(a) A State shall compute a percentage reduction in fiscal effort by dividing the amount of the reduction for the preceding fiscal year by the amount of the State's expenditures in the base year. ("Base year" is defined in § 166.57(c).)

(b) The Commissioner will consider the maintenance of effort requirement in § 166.51 satisfied if the reduction in expenditures on a per student or on an aggregate basis in the preceding fiscal year, when added to the sum of any percentage reductions previously determined, does not exceed five percent. A State is allowed a maximum percentage reduction of five percent below the base year for the years for which the Act is in effect.

(c) A State intending to use the allowable percentage reduction shall notify the Commissioner. A State shall submit the notification with the annual program plan or as an amendment to the annual program plan.

Example of allowable percentage reduction. If the fiscal effort of a State, including its local educational agencies, for adult education in fiscal year 1977 is three percent less than its fiscal effort in its base year (e.g., FY 1976), the State must notify the Commissioner in its annual program plan for fiscal year 1978 or as an amendment to the annual program plan. The State may then use the remaining two percent of its allowable reduction in subsequent years. For example, when the State submits its annual program plan for fiscal year 1979, it may notify the Commissioner that non-Federal expenditures in fiscal year 1978 were two percent less than they were in the base year. At this point the State has used up its

maximum allowable five percent reduction, and may not again reduce its non-Federal expenditures below the base year unless it applies for and is granted a waiver under § 166.54 or § 166.55.

(Sec. 431A(a) of GEPA; 20 U.S.C. 1232)

§ 166.54 Waiver of maintenance of effort under exceptional circumstances.

(a) The Commissioner may waive the maintenance of effort requirement in section 307(b) of the Act and § 166.51 if the Commissioner determines it would be equitable to do so in view of exceptional circumstances affecting the State.

(b) A State shall submit a request for a waiver under paragraph (a) of this section with the annual program plan or an amendment to the annual program plan. A State shall include in the request for a waiver the reason for the request and any additional information the Commissioner may require.

(c) In any case in which a waiver is granted under this section, the Commissioner will reduce the amount of the Federal payment for the current fiscal year in the exact proportion to which the fiscal effort per student or aggregate expenditure was less than 100 percent for the second preceding fiscal year. For example, if a State, having received a waiver under this section, reduced its expenditures in the preceding fiscal year 20 percent below the second preceding fiscal year, the Commissioner will reduce the amount of the Federal payment in the current fiscal year by 20 percent.

(d) Exceptional circumstances include situations where the State educational agency or local educational agency had at least some control of the events resulting in decreased expenditures, but nevertheless made a reasonable effort in a timely fashion to comply with section 307(b) of the Act. Exceptional circumstances as determined by this standard include, but are not limited to, the following situations:

(1) The State decreased its aggregate expenditures for the adult education program due to a justifiable mistake such as a reasonable anticipation of a decrease in enrollment which for unforeseen reasons failed to materialize; or

(2) A newly constituted governing body of the State educational agency had made a reasonable effort to maintain expenditures, but it could not do so due to the continuing effect of the predecessor governing body's policy.

(e) Exceptional circumstances also include situations described in § 166.55 (d) where the Commissioner has determined that it would not be equitable to grant a waiver for very exceptional circumstances.

(f) The Commissioner will not grant a waiver in any case where the State educational agency or local educational agency had the fiscal resources available for use to meet the maintenance of effort requirement of the Adult Education Act but failed to spend them.

(Implements Sec. 431A(b)(1)(A) of GEPA; 20 U.S.C. 1232)

§ 166.55 Waiver of maintenance of effort under very exceptional circumstances.

(a) The Commissioner may waive the maintenance of effort requirement in section 307(b) of the Act and §166.51 if the Commissioner determines it would be equitable to do so in view of very exceptional circumstances affecting the State.

(b) A State shall submit a request for a waiver under paragraph (a) with the annual program plan or an amendment to the annual program plan. A State shall include in the request for a waiver the reason for the request and any additional information the Commissioner may require.

(c) In any case in which a waiver is granted under this section, the Commissioner will not reduce the Federal payment for the current fiscal year.

(Sec. 431A(b)(1)(B) of GEPA)

(d) Very exceptional circumstances include situations where the State educational agency or local educational agency had no control of the events resulting in decreased expenditures but made a reasonable effort in a timely fashion to comply with section 307(b) of the Act. Very exceptional circumstances as determined by this standard include, but are not limited to, the following situations:

(1) The tax base of the State, including its local educational agencies, has decreased very significantly due to several factors: e.g., the removal of property from the tax roll because of urban renewal, government acquisition of previously taxed property in substantial amount, or natural or man-made disaster of taxable property;

(H.R. 94-1071, p. 233)

(2) The capacity to raise funds for adult education is out of the control of the State educational agency because of a very substantial need of the State to reduce fiscal resources for education in general, or fiscal resources have been diverted very significantly to other functions which are not within the control of the State educational agency;

(H.R. 94-1071, p. 233)

(3) Situations which occur in States where State law requires that a local educational agency must go to the voters for special levies to meet operating expenses over and above those guaranteed by the State, and the local educational agency has gone to the voters as many

times as State law permits and has failed to gain voter approval;

(H.R. 94-1071, p. 233)

(4) The State, in the second year preceding the year for which the annual program plan is submitted, incurred a substantial nonrecurring expense which did not result in an increase in the fiscal effort of its regular adult education program;

(5) Decreased expenditures by the State which are directly attributable to strikes involving educational and/or service personnel;

(6) Reductions of services to adults which are directly attributable to energy shortages or conservation measures which resulted in a general reduction of educational services throughout the State or any of its local educational agencies; or

(7) The tax revenues of the State or its local educational agencies are reduced due to the State's adoption of an equalization formula.

(Implements sec. 431A(b)(1)(B) of GEPA; 20 U.S.C. 1232; H.R. 94-1701, p. 233)

(e) The Commissioner will not grant a waiver in any case where the State educational agency or local educational agency had the fiscal resources available for use to meet the maintenance of effort requirement but failed to spend them.

(Implements sec. 431A(b)(1)(B) of GEPA; 20 U.S.C. 1232)

§ 166.56 Restoration of expenditure levels.

The Commissioner will consider a waiver under § 166.54 or § 166.55 equitable in order to reflect exceptional circumstances or very exceptional circumstances (as the case may be) only if the State agrees to restore future expenditure levels to the level which existed prior to the year for which the waiver was granted. If in any future year expenditures are not restored to the level, the Commissioner will not consider the maintenance of effort requirement of section 307(b) of the Act satisfied unless the Commissioner grants an additional waiver for that year.

Example. A State expends \$1,000,000 in non-Federal resources for the adult education program in fiscal year 1976. The non-Federal expenditures in fiscal year 1977 are \$800,000. The State applies for a waiver of maintenance of effort in fiscal year 1978 because of the reduction in fiscal year 1977. A waiver is granted in fiscal year 1978 for the reduction in fiscal year 1977. In determining its level of expenditures for fiscal year 1978,

the State cannot use \$800,000 (the level of expenditures in fiscal year 1977) but must use the \$1,000,000 (the level of expenditures in fiscal year 1976).

(Implements Sec. 431A(b) of GEPA; 20 U.S.C. 1232)

§ 166.57 Definitions for Subpart F.

(a) The "preceding fiscal year" for purposes of computing maintenance of expenditure means the first twelve-month fiscal period most commonly used in the State for official reporting purposes which is prior to the period for which the current annual program plan will be in effect.

(b) The "second preceding fiscal year" means the second twelve-month period most commonly used in a State for official reporting purposes, which is prior to the period for which the current annual program plan will be in effect.

(c) The "base year" means the first or second fiscal year as determined by the State which precedes the fiscal year in which the State first uses the allowable percentage reduction. The base year may not be a fiscal year which, because of reduced non-Federal expenditures in that year, was the basis for a waiver granted under § 166.54 or § 166.55.

(Sec. 431A(a) of GEPA; 20 U.S.C. 1232)

Appendix A [Amended]

7. Assurance (8) of the State-Federal Agreement set forth in Appendix A of this part is amended to read as follows:

(8) The statement checked below reflects the State's maintenance of effort for the preceding fiscal year;

- (a) The State had available for expenditure for adult education from non-Federal sources for the preceding fiscal year an amount which was not less than the fiscal effort per student or the aggregate amount expended for adult education purposes from non-Federal sources during the second preceding fiscal year; OR
- (b) Notification of reduction under regulation § 166.53 and supporting documentation are attached (Base year used for notification purposes is fiscal year 19...); OR
- (c) Request for waiver under exceptional circumstances, together with supporting documentation, is hereby submitted as an attachment to this plan; OR
- (d) Request for waiver under very exceptional circumstances, together with supporting documentation, is hereby submitted as an attachment to this plan.

[FR Doc. 77-25687 Filed 9-1-77; 8:45 am]

**register
federal**

FRIDAY, SEPTEMBER 2, 1977

PART VII



**DEPARTMENT OF
LABOR**

**Employment Standards
Administration**



**MINIMUM WAGES FOR
FEDERAL AND FEDERALLY
ASSISTED CONSTRUCTION**

**General Wage Determination Decisions;
Index to General Wage Determination
Decisions as of August 5, 1977**

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

Iowa ----- IA77-4213
IA77-4215

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.

Arkansas:
AR77-4106 ----- May 27, 1977.
AR77-4107 ----- June 3, 1977.
AR77-4112 and AR77-4114 ----- June 10, 1977.
AR77-4147 ----- July 1, 1977.
AR77-4173 ----- Aug. 19, 1977.
District of Columbia:
DC77-3040 ----- Mar. 18, 1977.
Florida:
FL76-1014 ----- Jan. 23, 1976.
FL77-1028 and FL77-1029 ----- Mar. 18, 1977.
FL77-1034 ----- Apr. 1, 1977.
FL77-1044 ----- Mar. 1, 1977.
FL77-1049 ----- Apr. 29, 1977.
FL77-1091 ----- July 6, 1977.
FL77-1098 ----- Aug. 5, 1977.
FL77-1099 ----- Aug. 12, 1977.
Illinois:
IL76-2144 ----- Nov. 25, 1976.
IL77-2112 ----- Aug. 5, 1977.
Iowa:
IA77-4090 and IA77-4096 ----- Aug. 26, 1977.
Maryland:
MD77-3041 ----- Mar. 18, 1977.
MD77-3086 ----- Aug. 5, 1977.
Massachusetts:
MA77-3063 ----- Aug. 12, 1977.
New Jersey:
NJ77-3093 ----- July 8, 1977.
Pennsylvania:
PA77-3303 ----- Feb. 18, 1977.
PA77-3043 ----- Apr. 8, 1977.
PA77-3050; PA77-3053; PA77-3054; PA77-3055; PA77-3056; PA77-3057; PA77-3058 ----- May 13, 1977.
PA77-3059 ----- May 20, 1977.
PA77-3061 ----- June 10, 1977.
PA77-3100 ----- July 15, 1977.
PA77-3102; PA77-3103; PA77-3104 ----- July 22, 1977.
West Virginia:
WV77-3101 ----- Do.
Wisconsin:
WI77-2110 ----- Do.

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.

Iowa:
IA76-4120 (IA77-4212) ---- July 23, 1976.
IA76-4124 (IA77-4212) ---- Nov. 19, 1976.
IA77-4110 (IA77-4212) ---- June 10, 1977.
IA76-4121 (IA77-4210) ---- July 23, 1976.
IA77-4041 (IA77-4210) ---- Feb. 25, 1977.
IA76-4122 (IA77-4211); IA76-4123 (IA77-4211) ----- July 23, 1976.
IA77-4041; IA77-4042 (IA77-4211) ----- Feb. 25, 1977.
IA77-4089 (IA77-4209) ---- May 6, 1977.
IA77-4117 (IA77-4214) ---- June 24, 1977.
Massachusetts:
MA76-2068 (MA77-3065); MA76-2099 (MA77-3066) ----- Aug. 13, 1976.
MA76-2101 (MA77-3068) ... Aug. 20, 1976.
Michigan:
MI77-2071 (MI77-2127) --- June 3, 1977.
New York:
NY77-3110 (NY77-3118) ... July 29, 1977.
Ohio:
OH77-2069; OH-2077 and OH77-2078 (OH77-2132) ----- May 13, 1977.
OH77-2074 and OH77-2075 (OH77-2133) ----- Do.
Oklahoma:
OK77-4073 (OK77-4216) ... Apr. 1, 1977.

CANCELLATION OF GENERAL WAGE
DETERMINATION DECISIONS

General Wage Determination Decision No. CO75-5061 (with Modification No. 1) Adams, Arapahoe, Denver, and Jefferson Counties, Colo., for residential construction is cancelled. Agencies with residential construction projects pending in these locations should utilize the project determination procedure by submitting form SF-308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 CFR 1.7(b)(2), the incorporation of Decision No. CO75-5061 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

General Wage Determination Decision No. SD77-5019, Minnehaha County, S. Dak., for residential construction is cancelled. Agencies with residential construction projects pending in these locations should utilize the project determination procedure by submitting form SF-308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 CFR 1.7(b)(2), the incorporation of Decision No. SD77-5019 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

General Wage Determination Decision No. WA77-5008, Yakima County, Wash., for residential construction is cancelled.

Agencies with residential construction projects pending in these locations should utilize the project determination procedure by submitting form SF-308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 CFR 1.7(b)(2), the incorporation of Decision No. WA77-5508 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 26th day of August 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

LABORERS (HEAVY & HIGHWAY CONSTRUCTION CLASSIFICATION DEFINITIONS)

- GROUP I - Pipe Layer (Utilities); Sand Blaster
- GROUP II - Form Setter (Structures); Grade Checker
- GROUP III - Caulkers, Joiner, Painter, Srouster & Joint Assemblers; Cure Cart Operator; Form Setter (Paving) and Expansion Joint Assemblers
- GROUP IV - Paving Sausen; Power Bogwain; Rakers
- GROUP V - Air, Gas & Electric Tool Operator; Cement Finisher Helpers; Concrete Processing Material & Monitors; Stringman on Paving Work
- GROUP VI - Common Labor; Dump Person and Spotter; Fence Erector; Scaleman; Handling and Placing of Metal Mesh, Dowel Bars, Reinforcing Bars and Chairs
- GROUP VII - Flag Person

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION CLASSIFICATION DEFINITIONS)

- GROUP I - Power Shovel, Crane, Backhoe and Drilling; Dredge Engineer, Dredge Foreman; Hoisting Engineer (Steel Erection); Motor Patrol (Finish) Pile-driver Machine; Master Mechanic; Sideboom Tractor; Horizontal Boring Machine
- GROUP II - Central Mix Plant; Paver or Self-propelled Spreader; Tow or Push Boat; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Scraper (over 12 c.y.); Bulldozer (Finish); Push Cat; Dump or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planner's Concrete Pump; Self-propelled Curb Machine
- GROUP III - Motor Patrol (Rough); Front End Loader (3 c.y. or over); Scraper (12 c.y. & under); Bulldozer (Rough); Asphalt Roller; Mechanical-aided; Group Equipment Greaser; Concrete Curb Breaking Machine; Concrete Widening Machine; Paving Breaker; Barber-Greene, Hiss Loader or similar machine; Crawler Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-propelled Sheepsfoot Roller; Self-propelled Roller, Distributor; Screening and Washing Plant; Self-propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on Concrete); Flexplane; Bull Float; Form Grader
- GROUP IV - Boiler, Mechanical Broom; Gilder or Mechanics Helper or Group Greaser Helper; Farm Type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Broom and Misch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Operator; Concrete Curbing Machine; Safety Boat; Batch Plant-dry; Spreader Attachments; Utility Tractor With Attachments

NEW EDITION

COVERAGE: Bureau, Alaska, Chesapeake, CLAY, Dickinson, Iowa, Missouri, Nevada, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming, and Alaska.

DATE: Date of Publication

DESCRIPTION OF WORK: Heavy and Highway Construction except work on or pertaining to the Big Stone River.

Basic Hourly Rates	Range Benefits Payments			Education and/or App. Tr.
	R & B	Pensions	Vacation	
\$5.50				
5.40				
5.30	.60	.10		
5.20	.60	.10		
5.10	.60	.10		
5.00	.60	.10		
4.90	.60	.10		
4.80	.60	.10		
4.70	.60	.10		
4.60	.60	.10		
4.50	.60	.10		
4.40	.60	.10		
4.30	.60	.10		
4.20	.60	.10		
4.10	.60	.10		
4.00	.60	.10		
3.90	.60	.10		
3.80	.60	.10		
3.70	.60	.10		
3.60	.60	.10		
3.50	.60	.10		
3.40	.60	.10		
3.30	.60	.10		
3.20	.60	.10		
3.10	.60	.10		
3.00	.60	.10		
2.90	.60	.10		
2.80	.60	.10		
2.70	.60	.10		
2.60	.60	.10		
2.50	.60	.10		
2.40	.60	.10		
2.30	.60	.10		
2.20	.60	.10		
2.10	.60	.10		
2.00	.60	.10		
1.90	.60	.10		
1.80	.60	.10		
1.70	.60	.10		
1.60	.60	.10		
1.50	.60	.10		
1.40	.60	.10		
1.30	.60	.10		
1.20	.60	.10		
1.10	.60	.10		
1.00	.60	.10		
.90	.60	.10		
.80	.60	.10		
.70	.60	.10		
.60	.60	.10		
.50	.60	.10		
.40	.60	.10		
.30	.60	.10		
.20	.60	.10		
.10	.60	.10		
0.00	.60	.10		

Occupations
 Cement Worker
 Laborers:
 Group 1
 Group 2
 Group 3
 Group 4
 Group 5
 Group 6
 Power Equipment Operators:
 Group 1
 Group 2
 Group 3
 Group 4
 Truck Drivers

LABORERS (HEAVY & HIGHWAY CONSTRUCTION CLASSIFICATION DEFINITIONS)

- GROUP I - Pipe Layer (Utilities); Sand Blaster
- GROUP II - Form Setter (Structures); Grade Decker
- GROUP III - Caulkers, Joiner, Painter, Grouter & Joint Assembler; Cure Cart Operator; Form Setter (Paving) and Expansion Joint Assembler; Paving Smanan; Power Buggyman; Bakers
- GROUP IV - Air, Gas & Electric Tool Operator; Cement Finisher Helper; Concrete Processing Material & Monitor; Stringman on Paving Work
- GROUP V - Common Labor; Dump Person and Spotter; Fence Erector; Scaleman; Handling and Placing of Metal Mesh, Dowel Bars, Reinforcing Bars and Chairs
- GROUP VI - Flag Person

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION CLASSIFICATION DEFINITIONS)

- GROUP I - Power Shovel, Crane, Backhoe and Dredge; Dredge Engineer, Dredge Leverman; Hoisting Engineer (Steel Erection); Motor Patrol (Finish); Piledriver Machine; Master Mechanic; Sideboom Tractor; Horizontal Boring Machine
- GROUP II - Central Mix Plant; Paver or Self-propelled Spreader; Tow or Push Boat; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Scraper (over 12 c.y.); Bulldozer (Finish); Push Cat; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer; Concrete Pump; Self-propelled Curb Machine
- GROUP III - Motor Patrol (Rough); Front End Loader (3 c.y. or over); Scraper (12 c.y. & under); Bulldozer (Rough); Asphalt Roller; Mechanics-Welders; Group Equipment Greaser; Concrete Curb Breaking Machine; Concrete Widening Machine; Paving Breaker; Barber-Greene, Heiss Loader or similar machine; Crawler Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Rollers; Self-propelled Sheepsfoot Roller; Self-propelled Boiler, Distributor; Screening and Washing Plant; Self-propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on Concrete); Flexplane; Bull Float; Form Greaser
- GROUP IV - Boiler, Mechanical Broom; Oiler or Mechanics Helper or Group Greaser Helper; Farm Type Tractor (mulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Broom and Which Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat; Batch Plant-dry; Spreader Attachments; Utility Tractor With Attachments

NEW DECISION

STATE: Iowa
 COUNTY: Des Moines, Louisa, and Macquinn (excluding the City of Burlington and adjoining municipalities and the Burlington urban area).
 DECISION NO.: I471-215 DATE: Date of Publication
 DESCRIPTION OF WORK: Heavy and Highway Construction including work on or pertaining to the Mississippi River.

	Basic Hourly Rate	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Vacation	Medical	
Carpenters	\$6.15				
Cement Masons	6.15				
Laborers:					
Group 1	5.40	.20	.10		
Group 2	4.90	.20	.10		
Group 3	4.65	.20	.10		
Group 4	4.40	.20	.10		
Group 5	4.20	.20	.10		
Group 6	4.30				
Power Equipment Operators:					
Group 1	6.50	.40	.20		
Group 2	6.10	.40	.20		
Group 3	5.75	.40	.20		
Group 4	5.10	.40	.20		
Truck Drivers	5.05	.20	.05		

DECISION NO. AB77-4104 - Mod. #2
(42 FR 27563 - May 27, 1977)
Conroy, Faulkner, Van Buren,
Cliburne and Perry Counties,
Arkansas

CHANGE:
SHEET METAL WORKERS

DECISION NO. AB77-4107 - Mod. #3
(42 FR 28737 June 3, 1977)
Polaski County, Arkansas

CHANGE:
SHEET METAL WORKERS

DECISION NO. AB77-4112 - Mod. #3
(42 FR 30104 - June 10, 1977)
Cariand, Hot Springs, and Clark
Counties, Arkansas

CHANGE:
SHEET METAL WORKERS

DECISION NO. AB77-4114 - Mod. #4
(42 FR 30106 - June 10, 1977)
Sebastian, Crawford and
Washington Counties, Arkansas

CHANGE:
SHEET METAL WORKERS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.25	.45	.44		.05
\$10.25	.45	.44		.05
\$10.25	.45	.44		.05

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.25	.45	.44		.05

DECISION NO. AB77-4147 - Mod. #1
(42 FR 34135 - July 1, 1977)
Union and Osage Counties,
Arkansas

CHANGE:
SHEET METAL WORKERS

OMIT:
FOOTNOTES:
a - Includes 3% Sasmel
b - Includes .02 National
Training Fund.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$9.75	35+.55	.40		.16

DECISION NO. AB77-4171 - Mod. #1
(42 FR 42063 - August 19, 1977)
Jefferson County, Arkansas

CHANGE DESCRIPTION OF WORK TO READ "BUILDING CONSTRUCTION (does not include single family homes and garden type apartments up to and including four stories). Building Construction includes construction of sheltered enclosures, with walk-in access for the purpose of housing persons, machinery, equipment or supplies; includes, in all construction of such structures, the installation inside the building of utilities and equipment, both above and below ground level, as well as excavation and foundation."

CHANGE:
PLASTERERS
SHEET METAL WORKERS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$6.85 10.25	.45	.44		.02 .05

MODIFICATION P. 4

DECISION #DC77-3040 - Mod. # 6, (Cont'd.)	Fringe Benefits Payments				Basic Monthly Rates
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
SEWER & WATER LINES: (EXCLUDING MWATA - RAPID RAIL TRANSIT SYSTEM)					
TRUCK DRIVERS:					
Dump trucks					6.10
Dump trucks over 8 wheels					6.20
Flat trucks					6.20
Trailers					6.45
Fuel and oil trucks					6.10
Euclids					6.60
Footnote: c. \$10.00 per week when employee has worked 90 days and work three days in any work week.					

MODIFICATION P. 3

DECISION #DC77-3040 - Mod. # 6 (42 FR 15292 - March 18, 1977) Washington, D. C.	Fringe Benefits Payments				Basic Monthly Rates
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
CHERRY: BUILDING AND HEAVY CONSTRUCTION: (INCLUDING MWATA - RRTS)					
Asbestos workers	.59	.89		.03	
Electricians	.65	1.84-.80		.13	
Line Construction: Linemen, cable splicers, equipment operators	.45	3%		1/2 of 1%	
Truck with winch, truck pole or steel handling	.45	3%		1/2 of 1%	
Groundmen (0 to 1 year)	.45	3%		1/2 of 1%	
Groundmen (1 to 2 years)	.45	3%		1/2 of 1%	
Groundmen (over 2 years)	.45	3%		1/2 of 1%	
Flumbers	1.00	1.00		.27	
Roofers:					
Composition	.56	.30			
Slate, tile, moppes, waterproof- ers, sprayers, sprandrel and ironite	.56	.30			
Helpers	.79	.30		.14	
Sheet metal workers	1.14	1.21			
Steamfitters, refrigeration and air conditioning mechanic					
Truck Drivers:					
Boom trucks	.75	1.00		.15	
Small comp, water sprinkler, grease and oil	.415	.425	enf		
Flat, pick-up hauling materials, small euclids, dump over 8 wheels	.415	.425	enf		
Trailers, low boys, tractor pull wheels	.415	.425	enf		
Helpers	.415	.425	enf		
Carryalls, large euclids, euclid water sprinkler	.415	.425	enf		
Mechanics	.415	.425	enf		

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Decision # FL77-1034 - Mod. # 4 (42 FR-17761 - April 1, 1977) Martin & Palm Beach Counties, Florida.					
Change: Line Construction: Linemen Cable splicers Winch truck operators Groundmen Truck drivers Heavy equipment operators	3.54 3.54 3.54 3.54 3.54 3.54 3.54	24+38 24+38 24+38 24+38 24+38 24+38 24+38			3/8 of 18 3/8 of 18 3/8 of 18 3/8 of 18 3/8 of 18 3/8 of 18 3/8 of 18
Decision # FL77-1044 - Mod. # 4 (42 FR-17764 - March 1, 1977) Volusia County (except Cape Kennedy, Kennedy Space Flight Center and Cape Canaveral Air Force Station), Florida					
Change: Asbestos workers	.45	.55			.04
Decision # FL77-1049 - Mod. # 4 (42 FR-22080 - April 29, 1977) Leon County, Florida					
Change: Asbestos workers	.45	.55			.04

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Decision # FL76-1024 - Mod. # 3 (41 FR-5937 - January 23, 1976) Hillborough County, Florida					
Change: Electricians: Commercial: Electricians Cable splicers Industrial: Electricians Cable splicers	4.55 4.55 4.55 4.55 4.55 4.55	35+25 15+25 35+25 15+25 35+25 15+25	4% 4% 4% 4% 4% 4%	.10 .10 .10 .10 .10 .10	
Decision # FL77-1028 - Mod. # 5 (42 FR-15203 - March 18, 1977) Alachua County, Florida					
Change: Asbestos workers	.45	.55			.04
Decision # FL77-1028 - Mod. # 1 (41 FR-15204 - March 18, 1977) Dee County, Florida					
Change: Electricians: Linemen Cable splicers Laborers: Laborers Nurse tenders, mortar mixers Plasterers Line Construction: Linemen Groundmen	11.25 11.75 6.70 6.50 6.70 6.88 9.60 484JR	38 38 .37 .37 .37 .37 38+28 38+28	8% 8% 5% 5%	1% 1% 3/4 of 18 3/4 of 18	

MODIFICATION P. 8

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. T.
	H & W	Pensions	Vacation		
\$11.05	.45	.80			.05
10.85	.45	.80			.05
10.27	.45	.80			.05
10.00	.45	.80			.05
8.56	.45	.80			.05
11.67	.50	3%+.50			1%
11.33	.45	3%			.5%
10.57	.45	3%			.5%
7.90	.45	3%			.5%
7.52	.45	3%			.5%
7.17	.45	3%			.5%
9.70	.60	a28.00			
10.10	.60	a28.00			
10.30	.60	a28.00			

DECISION #1176-2144 - Mod. #1
(41 FR 52247 - November 25, 1976)

Fulton, Hancock, Benlarson, Knox, McDonough, Mercer, Peoria, Stark, Tazewell & Warren Counties, Illinois

CHANGES:
Power Equipment Operators:
Remainder of Counties:
Group 1
Group 2
Group 3
Group 4
Group 5

Electricians:
Peoria & Tazewell Cos; Twp. of Essex Valley & W. Jersey in Stark Co; Remainder of Fulton County

Linemen:
Peoria, Tazewell, Stark, Fulton, Hancock, Henderson, Knox, McDonough & Warren Counties:
Linemen
Groundman Equip. Opr.
Class 1
Groundman Truck Driver:
M/Minch
MO/Minch
Groundman Class "A"
Truck Drivers:
Group I
Group II
Group III

MODIFICATION P. 7

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. T.
	H & W	Pensions	Vacation		
10.65	.65	.60			.07
8.70	.50	.40			.03
8.70	.50	.40			.03
8.70	.50	.40			.03
8.70	.50	.40			.03
8.70	.50	.40			.03
11.01	.45	.55			.04
7.33	.40	.30			

Decision # FL77-1091 - Mod. # 2
(42 FR-35538 - July 8, 1977)
Broward County, Florida

Change:
Plumbers

Decision # FL77-1098 - Mod. # 1
(42 FR-39871 - August 5, 1977)
Orange County, Florida

Change:
Bricklayers
Bricklayers
Stonemasons
Marble masons
Plasterers
Cement masons

Decision # FL77-1099 - Mod. # 1
(42 FR-41080 - August 12, 1977)
Doral County, Florida

Change:
Asbestos workers
Plasterers

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$7.08				
		.45		
\$7.08				
T.08		.45		

Decision #1ATT-1090-Mod. # 2
(42 FR - August 26, 1977)
Cerro Gordo County (City of
Mason City), Iowa

Change:
Heavy and Highway:
Cement Masons

Decision #1ATT-1096-Mod. # 3
(42 FR - August 26, 1977)
Webster County (City of Fort
Dodge), Iowa

Change:
Heavy and Highway:
Carpenters and Pile-driverman
Cement Masons

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$11.67	.50	30+.50		1%
11.45	.95	1.00		.03
11.32	.45	.80		.05
11.12	.45	.80		.05
10.765	.45	.80		.05
10.47	.45	.80		.05
9.86	.45	.80		.05
11.32	.45	.80		.05
11.12	.45	.80		.05
10.765	.45	.80		.05
10.47	.45	.80		.05
9.86	.45	.80		.05

DECISION #1127-2112 - Mod. #1
(42 FR 19873 - August 5, 1977)
Peoria & Tazewell Counties,
Illinois

CHANGE:
Electricians
Butlers
Power Equipment Operators:
Group 1
Group 2
Group 3
Group 4
Group 5
Dredging Construction:
Group 1
Group 2
Group 3
Group 4
Group 5

MODIFICATION P. 11

DECISION #M077-5041 - Mod. # 6
(42 FR 15245 - March 18, 1977)
Montgomery and Prince Georges
Counties, Maryland; Arlington
County, Virginia; D. C. Training
School, and for WMATA - Rapid
Rail Transit System Projects
Only, Alexandria, Virginia

Change:
BUILDING CONSTRUCTION
(INCLUDING WMATA - RRTS)

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Education and/or Appr. Tr.
Asbestos Workers	\$11.92	.59	.89	.03
Electricians	11.40	.65	124.80	.13
Line Construction: Linenmen, cable splicers, equipment operators	12.41	.45	3%	1/2 of 1%
Truck with winch, truck pole or steel handling	7.53	.45	3%	1/2 of 1%
Groundmen (0 to 1 year)	6.11	.45	3%	1/2 of 1%
Groundmen (1 to 2 years)	7.02	.45	3%	1/2 of 1%
Groundmen (over 2 years)	7.27	.45	3%	1/2 of 1%
Plumbers	11.12	1.00	1.00	.27
Roofers: Composition Slate, tile women, water- proofers, scrapers, spandrel, and ironite	9.57	.56	.30	
Helpers	10.13	.56	.30	
Sheet metal workers	6.79	.56	.50	.14
Steamfitters, refrigeration and air conditioning mechanic	11.14	1.07	1.21	
TRUCK DRIVERS: Boon trucks	11.46	.75	1.00	.16
Small dump, water sprinkler, grease and oil	8.45	.415	.425	eff
Flat, pick-up hauling materials, small euclids, dump over	8.20	.415	.425	eff
8 wheels	8.30	.415	.425	eff
Trailers, low boys, tractor pulls	8.50	.415	.425	eff
Helpers	8.05	.415	.425	eff
Carryalls, large euclids, tunnel work under ground	8.60	.415	.425	eff
Mechanics	8.35	.415	.425	eff

MODIFICATION P. 12

DECISION #M077-5086 - Mod. #1
(42 FR 59880 - August 5, 1977)
Allegany & Garrett Counties,
Maryland

Change:
Sheet Metal Workers

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Education and/or Appr. Tr.
	\$10.92		.25	.02

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$8.35	.065	.31	=	.04
11.20	.72	.45		.05
12.95	6%	3% + .35		
12.09	1.04	.90		.20
12.09	1.04	.90		.20
12.09	1.04	.90		.20
12.09	1.04	.90		.20

DECISION #877-1093 - Mod. #2
 (42 FR-35567 - July 8, 1977)
 Bergen, Essex, Hudson, Hunterdon,
 Middlesex, Morris, Passaic,
 Somerset, Sussex, Union, & Warren
 Counties, New Jersey

Change:
 Air Conditioning & Refrigeration
 Mechanic
 Bricklayers, Stone masons, Cement
 masons, & Plasterers:
 Zone 1
 Zone 2
 Line Construction:
 Zone 3:
 Linemen, Cable splicers, line
 equipment operators, & Ground-
 men
 Plumbers & Pipefitters:
 Zone 1
 Zone 2
 Zone 3
 Plumbers & Steamfitters:
 Zone 1
 Zone 2
 Zone 3
 Zone 4

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.05	.35	347.69		.02

DECISION NO. 1907-2063-2 Mod. #1
 (42 FR. 41077- August 12, 1977)
 Berkshire County, Massachusetts

Change:
 Electricians

MODIFICATION P. 15

MODIFICATION P. 16

	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education and/or Appr. Tr.		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
DECISION #PA77-3033 - Mod. # 5 (42 FR 10268 - February 18, 1977) Northampton County, Pennsylvania				.02	\$12.80	1.05	1.00			
Change: Boilermakers										
Painters: Remainder of County					8.70	1.00	.60			
Brush					9.45	1.00	.60			
Structural Steel					10.41	1.00	.60			
Spray										
DECISION #PA77-3043 - Mod. # 5 (42 FR 18783 - April 8, 1977) Carbon, Monroe County, including Tobychanah Army Depot, and Pike County, Pennsylvania										
Change: Boilermakers				.02	12.80	1.05	1.00			
DECISION #PA77-3050 - Mod. # 5 (42 FR 24669 - May 13, 1977) Lackawanna, Susquehanna, Wayne, and Wyoming Counties, Pennsylvania										
Change: Boilermakers				.02	12.80	1.05	1.00			
DECISION #PA77-3053 - Mod. # 4 (42 FR 24572 - May 13, 1977) Elk, Forest, McKean & Warren Counties, Pennsylvania										
Change: Carpenters & Soft Floor Layers				.40 of 12	9.80	.61	.81			
Zone 1					10.09	.72	.82	.83	.01	
Zone 3					10.74	1.86	1.01		.15	
Zone 1										
Painters: Zone 4					9.00					
Brush & Roller					10.15					
Spray										
DECISION #PA77-3054 - Mod. # 5 (42 FR 24677 - May 13, 1977) Bedford, Cambria, Cameron, Clarion Clarion, Clearfield, Jefferson, Crawford & Venango Counties, Pennsylvania										
Change: Bricklayers & Stonemasons					\$10.35	.75	.95			
Zone 2					10.74	1.86	1.10		.15	
Ironworkers										
Zone 3					10.09	.72	.82	.83	.01	
Zone 1										
Marble Setters					9.98	.75	1.30			
Zone 4										
Painters: Zone 1					9.04	.75	.45		.12	
Commercial					9.54	.75	.45		.12	
Brush & Roller										
Spray					10.04	.75	.45		.12	
Industrial					10.54	.75	.45		.12	
Brush										
Spray										
DECISION #PA77-3055 - Mod. # 4 (42 FR 24688 - May 13, 1977) Greene, Somerset & Potter Counties, Pennsylvania										
Change: Boilermakers					12.80	1.05	1.00		.02	
Zone 1					10.09	.72	.82	.83	.01	
Glaziers										
Zone 1										
Painters: Zone 2					9.04	.75	.45		.02	
Commercial					9.54	.75	.45		.02	
Brush & Roller					10.04	.75	.45		.02	
Spray					10.54	.75	.45		.02	
Industrial										
Brush										
Spray										

DECISION #/PA77-3055 - Mod. # 4 (42 FR 24698 - May 13, 1977) Lehigh County, Pennsylvania	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vocational	Education and/or App. Tr.	
Change: Boilermakers	1.05	1.00		.02	\$12.80
DECISION #PA77-3057 - Mod. # 4 (42 FR 24700 - May 13, 1977) Sullivan County, Pennsylvania					12.80
Change: Boilermakers	1.05	1.00		.02	
DECISION #PA77-3058 - Mod. #3 (42 FR 24702 - May 13, 1977) Erie County, Pennsylvania					11.30
Change: Electricians Ironworkers Plasterers Painters: Brush Structural Steel Spray	4.5% 1.86 .60 .60 .60 .60	34.36 1.01 1.00	.70	.06 .15 .015	10.74 9.36 8.71 9.38 9.38
DECISION #PA77-3059 - Mod. # 4 (42 FR 20176 - May 20, 1977) Luzerne County, Pennsylvania					12.80
Change: Boilermakers	1.05	1.00		.02	

DECISION #PA77-3061 - Mod. # 3 (42 FR 30133 - June 10, 1977) Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington & Westmoreland Counties, Pennsylvania	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vocational	Education and/or App. Tr.	
Change: Bricklayers Zone 2 Glassblowers Marble Setters Zone 1 Painters Zone 6 Commercial Brush Spray Industrial Brush Spray Stonemasons Zone 1 Sprinkler Fitters Zone 1 Terrazzo Workers Zone 1 Tile Setters Zone 1	.75 .72 .75	1.20 .82 1.30	.83	.01	\$11.25 10.09 9.98
DECISION #PA77-3100 - Mod. # 3 (42 FR 36775 - July 15, 1977) Columbia, Montour & Snyder Counties, Pennsylvania					9.04 9.54 10.04 10.54 10.64 11.59 10.66 9.38
Change: Boilermakers	1.05	1.00		.02	

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.40				

DECISION NO. W177-2110 - JCO #1
 (42 FR 37773 - July 22, 1977)
 Columbia, Dane, Iowa, Sauk
 Counties, Wisconsin

ADD:
 Roofers

DECISION #W77-2101 - Mod. #2 (Cont'd.)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 8.73	.30	.30		
10.70		.10		.01
11.20		.10		.01
8.05		.10		.01
8.55		.10		.01
10.92		.25		.02

Mech's, Ferrazo, & Tile Finishers:
 Cabell, Lincoln, Mason (that
 portion south of the Keweenaw
 River), & Wayne Counties:

Roofers:
 Area 3

Commercial:

Roofers

Waterproofers

Unprotected roofing or reroofing:

Roofers

Waterproofers

Sheet Metal Workers:

Area 1

LABORERS (HEAVY & HIGHWAY CONSTRUCTION CLASSIFICATION DEFINITIONS)

- GROUP I - Pipe Layer (Utilities); Sand Blaster
- GROUP II - Form Setter (Structures); Grade Checker
- GROUP III - Caulkers, Joiners, Painter, Grouter & Joint Assembler; Cure Cart Operator; Form Setter (Paving) and Expansion Joint Assembler; Paving Swaman; Power Suggman; Bakers
- GROUP IV - Air, Gas & Electric Tool Operator; Cement Finisher Helper; Concrete Processing Material & Monitors; Stringman on Paving Work
- GROUP V - Common Labor; Dump Person and Spotter; Fence Erector; Scaleman; Handling and Placing of Metal Mesh, Dowel Bars, Reinforcing Bars and Chairs
- GROUP VI - Flag Person

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION CLASSIFICATION DEFINITIONS)

- GROUP I - Power Shovel, Crane, Backhoe and Dragline; Eredge Engineer, Dredge Lenezman; Hoisting Engineer (Steel Erection); Motor Patrol (Finish); Piledriver Machine; Master Mechanic; Sideboom Tractor; Horizontal Boring Machine
- GROUP II - Central Mix Plant; Paver or Self-propelled Spreader; Tow or Push Boat; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Scraper (over 12 c.y.); Bulldozer (Finish); Push Cut; Churn or Rotary Drill; Trenching Machine (Cleveland 89 or similar capacity); Asphalt Laydown; Asphalt Scream; Asphalt Heater-Planer; Concrete Pump; Self-propelled Curb Machine
- GROUP III - Motor Patrol (Rough); Front End Loader (3 c.y. or over); Scraper (12 c.y. & under); Bulldozer (Rough); Asphalt Rollers; Mechanics-Welders; Group Equipment Greaser; Concrete Curb Breaking Machine; Concrete Widening Machine; Paving Breaker; Barber-Greene, Weiss Loader or similar machine; Crawler Tractor-Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-propelled Sheepsfoot Roller; Self-propelled Roller, Distributor; Screening and Washing Plant; Self-propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on Concrete); Flexplane; Bull Float; Form Greder
- GROUP IV - Boiler, Mechanical Broom; Oiler or Mechanics Helper or Group Greaser Helper; Farm Type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Broom and Misch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Deaerating; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat; Batch Plant-dry; Spreader Attachments; Utility Tractor With Attachments

COUNTIES: Adams, Audubon, Calhoun, Carroll, Cass, Clark, Crawford, Decatur, Fremont, Greene, Guthrie, Harrison, Iles, Lucas, Mills, Monroe, Montgomery, Page, Ringgold, See, Shelby, Taylor Union, Wayne, Woodbury, and Pottawatomie east of Minden, York, Washington and Silver Creek Townships

DECISION NO: 1477-4212 Date: Date of Publication
 Superior Decisions 1476-4120 dated July 23, 1976 in 41 FR 30461; 1476-4124 dated November 19, 1976 in 41 FR 51239; and 1477-4110 dated June 10, 1977 in 42 FR 20079
 DESCRIPTION OF WORK: Heavy and Highway Construction excluding work on or pertaining to the Missouri River

Occupants Current Missouri Laborers:	Basic Hourly Rates	Fringe Benefits, Payments			Education Add'l/yr Appx. %
		H & W	Pensions	Vacation	
Group 1	\$5.70				
Group 2	5.60				
Group 3	5.30	.20	.10		
Group 4	4.80	.20	.10		
Group 5	4.55	.20	.10		
Group 6	4.20	.20	.10		
Group 7	3.80	.20	.10		
Group 8	3.60				
Power Equipment Operators:					
Group 1	5.85	.40	.20		
Group 2	5.50	.40	.20		
Group 3	5.00	.40	.20		
Group 4	4.40	.40	.20		
Group 5	4.50	.25	.05		
Truck Drivers					

LABORERS (HEAVY & HIGHWAY CONSTRUCTION CLASSIFICATION DEFINITIONS)

- GROUP I - Pipe Layer (Utilities); Sand Blaster
- GROUP II - Form Setter (Structures); Grade Checker
- GROUP III - Caulkers, Joiner, Painter, Groutor & Joint Assembler; Cure Cart Operator; Form Setter (Paving) and Expansion Joint Assembler; Paving Sawman; Power Buggman; Bakers
- GROUP IV - Air, Gas & Electric Tool Operator; Cement Finisher Helper; Concrete Processing Material & Monitors; Stringman on Paving Work
- GROUP V - Common Labor; Dump Person and Spotter; Fence Erector; Scalemen; Handling and Placing of Metal Mesh, Dowel Bars, Reinforcing Bars and Chairs
- GROUP VI - Flag Person

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION CLASSIFICATION DEFINITIONS)

- GROUP I - Power Shovel, Crane, Backhoe and Dragline; Dredge Engineer, Dredge Leverman; Hoisting Engineer (Steel Erection); Motor Patrol (Finish); Piledriver Machine; Master Mechanic; Sideboom Tractor; Horizontal Boring Machine
- GROUP II - Central Mix Plant; Paver or Self-propelled Spreader; Tow or Push Boat; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Scraper (over 12 c.y.); Bulldozer (Finish); Push Cat; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer; Concrete Pump; Self-propelled Curb Machine
- GROUP III - Motor Patrol (Rough); Front End Loader (3 c.y. or over); Scraper (12 c.y. & under); Bulldozer (Rough); Asphalt Roller; Mechanics-Welders; Group Equipment Greaser; Concrete Curb Breaking Machine; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Crawler Tractor Pulling Ripper, Disc, Sheepfoot or Flat Roller; Self-propelled Sheepfoot Roller; Self-propelled Roller, Distributor; Screening and Washing Plant; Self-propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on Concrete); Flexplane; Bull Float; Form Grader
- GROUP IV - Greaser Helper; Farm Type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Broom and Munch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Operator; Concrete Curbing Machine; Safety Boat; Batch Plant-dry; Spreader-Attachments; Utility Tractor With Attachments

SUPERVISORS DECISION

STATE: Iowa
 COUNTY: Benton, Boone, Buchanan, Cedar, Clinton, Dallas, Delaware, Dubuque, Jackson, Jasper, Johnson, Jones, Madison, Marion, Marshall, Story, Warren, Webster, and Polk
 and Potawatomi south of the eastern boundaries of Mendon, York, Washington and Silver Creek townships (excluding the Cities of Ames, Clinton, Council Bluffs, Dubuque, Fort Dodge, and Iowa City and their abutting municipalities)

ISSUANCE NO.: IAW-4210
 SUPERVISORS DECISIONS IAW-4121 dated July 23, 1976 in IAW 30482 and IAW-4341 dated February 25, 1977 in IAW 31120
 ISSUANCE OF WORK: Heavy and Highway Construction excluding work on or pertaining to the Mississippi and Missouri Rivers.

Basic Hourly Rates	Fringe Benefits, Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$6.46				
6.46				
5.57	.20	.10		
5.39	.20	.10		
5.20	.20	.10		
5.09	.20	.10		
5.01	.20	.10		
4.80				
6.85	.40	.20		
6.70	.40	.20		
6.55	.40	.20		
6.45	.40	.20		
5.47	.20	.05		

- Carpenters
- Concrete Masons
- Laborers:
 - Group 1
 - Group 2
 - Group 3
 - Group 4
 - Group 5
 - Group 6
- Power Equipment Operators:
 - Group 1
 - Group 2
 - Group 3
 - Group 4
- Truck Drivers

LABORERS (HEAVY & HIGHWAY CONSTRUCTION CLASSIFICATION DEFINITIONS)

- GROUP I - Pipe Layer (Utilities); Sand Blaster
- GROUP II - Form Setter (Structures); Grade Checker
- GROUP III - Caulkers, Joiner, Painter, Greuter & Joint Assembler; Cure Cart Operator; Form Setter (Paving) and Expansion Joint Assembler; Paving Swaman; Power Buggeman; Bakers
- GROUP IV - Air, Gas & Electric Tool Operator; Cement Finisher Helper; Concrete Precessing Material & Monitors; Stringman on Paving Work
- GROUP V - Common Labor; Dump Person and Spotter; Fence Erector; Scaleman; Handling and Placing of Metal Mesh, Dowel Bars, Reinforcing Bars and Chairs
- GROUP VI - Flag Person

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION CLASSIFICATION DEFINITION)

- GROUP I - Power Shovel, Crane, Backhoe and Dragline; Dredge Engineer, Dredge Leverman; Boisting Engineer (Steel Erection); Motor Patrol (Finish); Piledriver Machine; Master Mechanic; Sideboom Tractor; Horizontal Boring Machine
- GROUP II - Central Mix Plant; Paver or Self-propelled Spreader; Tow or Push Boat; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Scraper (over 12 c.y.); Bulldozer (Finish); Push Cat; Churn or Rotary Drill; Tronching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer; Concrete Pump; Self-propelled Curb Machine
- GROUP III - Motor Patrol (Rough); Front End Loader (3 c.y. or over); Scraper (12 c.y. & under); Bulldozer (Rough); Asphalt Pallet; Mechanics-Welders; Group Equipment Greaser; Concrete Curb Breaking Machine; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Crawler Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller, Self-propelled Sheepsfoot Roller; Self-propelled Boiler, Distributor; Screening and Washing Plant; Self-propelled Winding Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on Concrete); Floplane; Ball Float; Form Grader
- GROUP IV - Boiler, Mechanical Broom; Oiler or Mechanics Helper or Group Greaser Helper; Farm Type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Broom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat; Hatch Plant-dry; Spreader Attachments; Utility Tractor With Attachments

SCHEDULES REGIONS

COUNTIES: Allouez, Assumption, Bremer, Butler, Carro Garcia, Chetek, Clayton, Dodge, Fenner, Floyd, Goodell, Grant, Hamilton, Hancock, Iron, Irons, Jackson, Johnson, Lincoln, Marshall, Mason, Mayfield, Mercer, Mitchell, Norman, Oneida, Pepin, Pierce, Polk, Rice, Rock, Scott, Shawano, Trempealeau, Vernon, Washburn, Winnebago, Wisconsin, Worth and Wright Counties (Excludes Mason City and adjoining municipalities)

REGIONS NO.: 1471-1473. DATE: Date of Publication

Supervisors Decisions 1476-1478 dated July 23, 1976 in LI PR 30487; 1476-1473 dated July 23, 1976 in LI PR 30488; 1477-1481 dated February 25, 1977 in LI PR 11210; and 1477-1482 dated February 25, 1977 in LI PR 11211.

EXEMPTED FROM: Heavy and Highway construction except work on or pertaining to the Mississippi River

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		M & V	Residence	Vacation	
Carpenters	\$5.70				
Concrete Masons	5.70				
Laborers:					
Group 1	5.30	.20	.10		
Group 2	4.80	.20	.10		
Group 3	4.55	.20	.10		
Group 4	4.20	.20	.10		
Group 5	3.90	.20	.10		
Group 6	3.75				
Power Equipment Operators:					
Group 1	6.00	.40	.20		
Group 2	5.65	.40	.20		
Group 3	5.35	.40	.20		
Group 4	4.95	.40	.20		
Truck Drivers	4.40	.20	.05		

DECISION NO. 1A77-4209

SUPERSEDES DECISION

STATE: Iowa
 COUNTY: Black Hawk
 DATE: Date of Publication
 DECISION NO: 1A77-4209, dated May 6, 1977 in 42 FR 23345
 SUPERSEDES DECISION NO. 1A77-4089, dated May 6, 1977 in 42 FR 23345
 DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), and Heavy and Highway Construction.

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & V	Pensions	Vacation	
\$11.55	.40	.60		.10
10.30	.85	1.00		.02
9.79	.38	.50		
8.03	.38	1.00		
8.43	.38	1.00		
8.50	.45	.91		
11.22	.45	.38		3/4
11.56	.45	.38		3/4
9.575	.45	.32	4 1/2-a	.02
7.06 JR	.465	.32	4 1/2-a	.02
5.06 JR				
10.565				.02
7.50	.45	.20		
7.60	.45	.20		
7.75	.45	.20		
7.24	.31			
9.32	.45	.58	b	3/8
6.06	.45	.58	b	3/8
6.24	.45	.58	b	3/8
7.46	.45	.58	b	3/8
5.13	.45	.58	b	3/8

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION
 ASBESTOS WORKERS
 MILLMAKERS
 INSULATORS AND STENOGRAPHS
 CHEFFERS:
 Carpenter; Filldriveman
 Millwrights
 CEILING MASONS
 ELECTRICIANS:
 Electricians
 Cable Splicers
 ELEVATOR CONSTRUCTORS
 ELEVATOR CONSTRUCTORS' HELPERS
 ELEVATOR CONSTRUCTORS' HELPERS (PROB.)
 IRONWORKERS
 LABORERS:
 GROUP 1- Common laborers; Carpenter's helpers; sawing; wrecking & demolition
 GROUP 2- Mason tenders; hod carriers; machine and air tool operators
 GROUP 3- Rooferman
 LAYERS
 LINE CONSTRUCTION:
 GROUP 1- Cable splicers; Lineman; welder; technicians; all rigs setting assembled "H" fixtures and steel transmission structures
 GROUP 2- Groundman; track driver (without winch); Experienced (not less than 6 months)
 GROUP 3- Groundman; track driver (with winch)
 GROUP 4- Slatter; special equipment operations (hole digging machines, all tractions, transmission line pole hauling & setting equipment other than assembled "H" fixtures)
 GROUP 5- Groundman- let 6 mos.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & V	Pensions	Vacation	
\$ 8.08		.20		.03
8.18		.20		.03
8.58		.20		.03
9.87	.45			
9.78	.60	.85		.08
9.20		.22		.02
10.65	.50	1.00		
8.03	.38			
11.48	.65	.95		.08
7.01	.31		.25	
5.14	.25	.30		
4.97	.25	.30		

PAINTERS:
 Brush, roller
 Tapers
 Spray
 PLASTERERS
 PLUMBERS AND STEAMFITTERS
 ROOFERS
 SHEET METAL WORKERS
 SOFT FLOOR LAYERS
 SPRINKLER FITTERS
 TILE SETTERS:
 TRUCK DRIVERS:
 Up to 6 tons
 Helpers
 WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.
 FOOTNOTES:
 a - Employer contributes 1/4 of basic hourly rate for over 5 years' service and 2/4 of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays: A thru F
 b - Seven paid holidays - A thru G
 PAID HOLIDAYS:
 A- New Year's Day; B- Memorial Day; C- Independence Day; D- Labor Day; E- Thanksgiving Day; F- Christmas Day; G- Friday after Thanksgiving

DECISION NO. IAWT-4009

HEAVY & HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	N & W	Pensions	Vacation	
48.13	.45			
8.13	.45			
7.30	.30	.20		
7.05	.30	.20		
6.80	.30	.20		
6.65	.30	.20		
6.55	.30	.20		

LABORERS & PILEDRIVERS

LABORERS

LABORERS

LABORERS

LABORERS

LABORERS

LABORERS

LABORERS

LABORERS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Sandblasters; Powdermen and blasters; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunmita mazzelman; Diamond and core drills, powered by air; All work performed by laborers working from a boss's chair, swinging stage, life belt, top line or block and tackle; Drill operator of air tracs, wagon drills and similar drills

GROUP 2 - Tree climber; Form setters; Barkers; Extenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 11 ft.; Grade checker and cutting torches on demolition work

GROUP 3 - Power boggyman; Concrete and paving saaman; Form liner, expansion joint assembler; Bottom man; Caulker and joiner and painter; Timber and chain saw man; Mechanical greeters; Automatic concrete power curbing machines; Struts or stretchmen on post-tension or pre-stressed concrete on or off the job; Powderman helpers

GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, baron hammer, paving broaders, spaders, tapers; electric drills, hammers and jack hammers; Tree grounders; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Conon finishers' helpers; Stringman on paving work

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Robbers; Tending to carpenters; Hot asphalt labor

DECISION NO. IAWT-4009

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION

POWER EQUIPMENT OPERATORS

GROUP 1

GROUP 2

GROUP 3

GROUP 4

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$9.56	.50	.50		.05
9.435	.50	.50		.05
8.59	.50	.50		.05
8.265	.50	.50		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; tower cranes; truck cranes and cherry pickers 12 1/2 ton & over rated capacity; derricks; pile drivers and extractors; caisson rigs; side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoists; welders; mechanics; locomotive; dredge (livemen)

GROUP 2 - 1 and 2 drum hoists; air and electric tappers (on power plants or settling steel and gratings); automobiles; plant mixers; farm type tractors (with loaders, backhoes, attachments, etc.); scrapers (loamspull, etc.); endloaders; dredges (engineer); side boom and winch truck other than Group No. 1; motor patrol; bulldozers; push cat; truck cranes and cherry pickers (under 12 1/2 tons); concrete mixers (1 yard and over); ditching machine (3' and over); fork lifts (on steel erection and machinery moving or hoisting above one complete story); concrete pump; dewatering pumps; temporary hoist cage operated; second man on locomotive; vibrating concrete spreader (Gomaco, C-450 or equal)

GROUP 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; air compressors (one or a combination of 250 cfm or more); pumps 3" or over; welding machines 600 amps or combination thereof; conveyors; firemen (boiler); generator (75 KW & over); fork lifts (other than above Group No. 2); gunnite machine; self-propelled rollers; stump chippers; self-propelled tapers; air and electric tappers (other than above); ditching machine under 3'

GROUP 4 - Oilers; mechanical heaters; truck crane drivers; permanent elevators

DECISION NO. IAT1-1202

HEAVY AND HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

(City of Waterloo & abutting municipalities)

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

GROUP 8

GROUP 9

GROUP 10

GROUP 11

GROUP 12

GROUP 13

GROUP 14

GROUP 15

GROUP 16

GROUP 17

GROUP 18

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GROUP 46

GROUP 47

GROUP 48

GROUP 49

GROUP 50

GROUP 51

GROUP 52

GROUP 53

GROUP 54

GROUP 55

GROUP 56

GROUP 57

GROUP 58

GROUP 59

GROUP 60

GROUP 61

GROUP 62

GROUP 63

GROUP 64

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appl. Tr.
	H & W	Pensions	Vacation	Education and/or Appl. Tr.	
\$8.62	.60	.60	.60	.05	.05
8.22	.60	.60	.60	.05	.05
7.82	.60	.60	.60	.05	.05
7.49	.60	.60	.60	.05	.05
7.09	.60	.60	.60	.05	.05
6.69	.60	.60	.60	.05	.05
7.14	.45				

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION); CLASSIFICATION DEFINITION

GROUP 1 - Power shovel, crane, backhoe and dragline; central mix plant operator; dredge engineer; dredge leverman; paver or spreader operator; hoisting engineer (steel erection); motor patrol; piledriver machine; concrete mixer; top or push boat operator; master mechanic; C.M.I. paver; C.M.I. subgrader (or equivalent); asphalt paver; front end loader; scraper; bulldozer; push cat tractor pulling scraper; sideboom tractor; churn or rotary drill; trenching machine (Cleveland 80 or similar capacity); asphalt laydown; asphalt screed; asphalt heater-plant unit; asphalt roller; self-propelled elevating grader or similar machine; spreader (concrete); horizontal boring machine; mechanics-similar machine; Group equipment greaser; concrete pump; self-propelled curb machine welder; Concrete curb breaker; concrete widening machine; paving breaker;

GROUP 2 - Concrete curb breaker; concrete widening machine; paving breaker; Barber-greeno, haiss loader or similar machine; tractor pulling tipper, disc, sheepfoot or flat roller; self-propelled sheepfoot roller; self-propelled roller (other than asphalt); distributor; screening and washing plant; self-propelled vibrating compactor; trenching machine (other than above); steel placing machine; conveyor; finishing machine (on concrete); flexplane; ballfloat; form grader

GROUP 3 - Boiler; mechanical broom; oiler or mechanics helper or Group greaser helper; farm-type tractor (pulling disc, harrow or roller); welding machine; pump operator (other than dredge); boom and winch truck; compressor; tank car heater (combination boiler and booster); pumps on well points and deep wells for dewatering; track crane combination driver-oiler; concrete curbing machine safety boat operator; batch plant (dry)

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Group 1	9.56	.50	.50		.05
Group 2	9.435	.50	.50		.05
Group 3	8.59	.50	.50		.05
Group 4	8.265	.50	.50		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; tower cranes; truck cranes and cherry pickers over 15 ton rated capacity; derricks; piledrivers and extractors; calisson rigs; side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge (levasson)

Group 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or settling steel or grating); scoonobiles; plant mixers; farm type tractors (with loaders, backhoes, attachments, etc.); scrapers (tourspull, etc.); endloaders; dredge (engineer); side boom and winch truck other than Group No. 1; motor patrol; bulldozers; push cat; truck cranes and cherry pickers (15 tons and under); concrete mixers (1 yard and over); ditching machine (8' and over); fork lifts (on steel erection and machinery moving or hoisting above one complete story); concrete pump; dewatering pump; temporary hoist cage operated; second man on locomotive

Group 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; air compressors (over 125 CFM); Pumps 3" or over; welding machines 600 amps or combination thereof; conveyors; firemen (boiler); generator (75 K.W. and over); fork lifts (other than above Group No. 2); sunlite machine; self-propelled rollers; stump chippers; self propelled tampers; air and electric tuggers (other than above); ditching machine under 8"

Group 4 - Oilers; mechanical beaters; truck crane drivers; permanent elevators

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CARPENTERS .1	9.11	.50	.40	.60	.05
CEMENT MASONS	9.28	.50	.40		
LABORERS:					
Common laborers	6.30	.50	.40	.20	.05
Towboat & Dredge Deckhands	6.30	.50	.40	.20	.05
Form setters helpers	6.40	.50	.40	.20	.05
Bakers & screedmen on asphalt work; mortar mixers; chain saw operators	6.38	.50	.40	.20	.05
Pipelayers; concrete saw operators	6.45	.50	.40	.20	.05
Form setters & precast masonry setters, inlet builders and masonry setters	6.83	.50	.40	.20	.05
POWER EQUIPMENT OPERATORS:					
Group 1	8.62	.60	.60		.05
Group 2	8.22	.60	.60		.05
Group 3	7.82	.60	.60		.05
TRUCK DRIVERS:					
Single axle	7.28	.50	.30		
Tandem axle, euclide, power lift form trucks	7.34	.50	.30		
Three axle tandem	7.39	.50	.30		
Lowboys, tractor trailer, water pulls	7.47	.50	.30		
Tandem dump with auxiliary end dump trailer	7.52	.50	.30		
Lumber carrier	7.64	.50	.30		

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Power shovel, Crane, Backhoe and Dragline; central air plant operator; dredge engineer; dredge levtram; paver or spreader operator; hoisting engineer (steel erection); motor patrol; pile-driver machine; concrete mixer; tow or push boat operator; master mechanic; CMI paver; CMI subgrader (or equivalent); asphalt plant; front end-loader; scraper; bulldozer; push cat; tractor pulling scrapers; sideboom tractor; churn or rotary drill; trenching machine (Cleveland #8 or similar capacity); asphalt laydown; asphalt screed; asphalt beater-planer unit; asphalt roller; self-propelled elevating grader or similar machine; spreader (concrete); horizontal boring machine; mechanics-welders; group equipment greaser; concrete pump; self-propelled curb machine

GROUP 2 - Concrete curb breaker; concrete widening machine; paving breaker; barter-grease, ball loader or similar machine; tractor pulling rigger, disc, sheepfoot or flat roller; self-propelled sheepfoot roller; self-propelled roller (other than asphalt); distributor; screening and washing plant; self-propelled vibrating compactor; trenching machine (other than above); steel piling machine; conveyor; finishing machine (on concrete); flexplane; ball float; form grader

GROUP 3 - boiler, mechanical broom; oiler or mechanics helper or group greaser helper; farm-type tractor (falling disc, harrow or roller); welding machine; pump operator (other than dredge); boom and winch truck; compressor; tank car heater (combination boiler and booster); pumps on well points and deep wells for dewatering; truck crane combination driver-oiler; concrete curbing machine; safety boat operator; batch plant (dry)

SUPERSEDES DECISION

STATE: Massachusetts
 DECISION NO.: MA77-1065
 SUPERSEDES DECISION NO. MA76-2098, dated August 13, 1976 in 41 FR 34514
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartment up to and including 4 stories), heavy, highway, and marine construction

COUNTY: Essex

DATE: Date of Publication

ASSESSORS WORKERS
 BOILERMAKERS
 BRICKLAYERS & STONE MASONS:
 Andover, Boxford, Danvers,
 Lawrence, Lynn, Lynnfield,
 Marblehead, Methuen, Middleton,
 Nahant N. Andover, Peabody,
 Salem, Saugus, Swampscott &
 Topsfield
 All work, including demolition,
 repair and alteration of any
 existing structure which is
 intended for predominantly
 residential use:
 Bricklayers: Andover, Boxford,
 Danvers, Lawrence, Lynn,
 Lynnfield, Marblehead,
 Methuen, Middleton, Nahant,
 N. Andover, Peabody, Salem,
 Saugus, Swampscott and
 Topsfield
 Remainder of County
 CARPENTERS & SOFT FLOOR LAYERS:
 Amesbury, Boxford, Georgetown,
 Groveland, Haverhill, Newbury,
 Newburyport, Rowley, Salisbury,
 W. Newbury, Lynn, Lynnfield,
 Nahant, Saugus and Swampscott
 Andover, Lawrence, Methuen, N.
 Andover and W. Andover
 All work, including demolition,
 repair and alteration of any
 existing structure which is
 intended for predominantly
 residential use:
 Carpenters: Andover, Lawrence,
 Methuen, N. Andover & W.
 Andover
 Remainder of County

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
10.26	.80	.80		.01
10.00	.60	1.04		.01
9.90	.70	1.25		.06
8.42	.70	.75		.06
10.45	1.00	.60		.06
10.20	.60	1.00		.07
10.20	.60	1.00		.07
8.57	.60	1.00		.02
9.50	.78	1.00		

DECISION NO. MA77-1065

CEMENT MASONS & PLASTERERS:
 Amesbury, Boxford, Georgetown,
 Groveland, Haverhill, Lawrence,
 Merrimac, Methuen, N. Andover,
 Salisbury & West Salisbury
 All work, including demolition,
 repair and alteration of any
 existing structure which is
 intended for predominantly
 residential use:
 Plasterers: Amesbury, Boxford,
 Georgetown, Groveland, Haver-
 hill, Lawrence, Merrimac,
 Methuen, N. Andover, Salis-
 bury, W. Salisbury
 Danvers, Lynn, Lynnfield, Marble-
 head, Middleton, Nahant, Pea-
 body, Salem, Saugus, Swampscott
 and Topsfield
 Remainder of County
 ELECTRICIANS:
 Andover, Lawrence, Methuen and
 North Andover
 All work, including demolition,
 repair and alteration of any
 existing structure which is
 intended for predominantly
 residential use:
 Electricians: Andover,
 Lawrence, Methuen and North
 Andover
 Lynn, Lynnfield, Nahant, Saugus
 and Swampscott
 Amesbury, Boxford, Georgetown,
 Groveland, Haverhill, Merrimac,
 Newbury, Newburyport, Rowley,
 Salisbury & W. Newbury
 Remainder of County:
 \$30,000
 Electrical contracts over
 \$30,000
 Electrical contract \$30,000
 and less

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
9.69	.70	.75		
8.24	.70	.75		
9.30	.50	.85		.05
9.45	.60	.60		.05
10.02	.35	34+.20		.02
9.03	.75	14+.40		.02
11.25	.75	14+1.55		.05
10.88	.70	34+.20		.02
10.05	.85	34+.26		.02
9.55	.85	34+.26		.02

DECISION NO. HA77-3065

	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
CLASS I	7.50	.60	.70		.10
CLASS II	7.75	.60	.70		.10
CLASS III	8.00	.60	.70		.10
CLASS IV	8.25	.60	.70		.10

LABORERS:
 CLASS I
 CLASS II
 CLASS III
 CLASS IV

CLASSIFICATIONS

- CLASS I
 Carpenter tenders, cement finisher tenders, laborers, wrecking laborers
- CLASS II
 Asphalt makers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op
- CLASS III
 Air track op., block pavers, rammers, curb setters
- CLASS IV
 Blasters, powdermen

DECISION NO. HA77-3065

	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
ROOFERS: Haverhill and Lawrence Remainder of County	7.30	.70	1.20		.05
Re-roofing & repair	9.20	.70	1.20		.05
Pitch work	10.75	.70	1.20		.06
SHEET METAL WORKERS	10.23	1.16	1.10		.08
SPRINKLER FITTERS	11.63	.65	.95		.08
TERRAZZO WORKERS' HELPERS	9.85	.85	.25		.05
TILE SETTERS' HELPERS	8.71	.85	.25		.05

ROOFERS:
 Haverhill and Lawrence
 Remainder of County
 Re-roofing & repair
 Pitch work
 SHEET METAL WORKERS
 SPRINKLER FITTERS
 TERRAZZO WORKERS' HELPERS
 TILE SETTERS' HELPERS

PAID HOLIDAYS:
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
- Holidays: A through F
- Holidays: A through F, Washington's Birthday, Good Friday & Christmas Eve provided the employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular scheduled work days immediately preceding and following the holiday.
- Holidays: A through F, & Bunker Hill Day provided the employee has been employed 10 working days prior to any 1 of the listed holidays.

DECISION NO. WAT7-3065

POWER EQUIPMENT OPERATORS:

CLASS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS I	10.61	1.10	.80	a	.02
CLASS II	10.49	1.10	.80	a	.02
CLASS III	9.86	1.10	.80	a	.02
CLASS IV	9.87	1.10	.80	a	.02
CLASS V	7.84	1.10	.80	a	.02
CLASS VI	8.32	1.10	.80	a	.02

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench booms, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, boom over 150', including jib additional \$.35 per hour; Boom over 185' including jib - additional \$.70 per hour; Boom 210' including jib - additional \$1.00 per hour; Boom over 250' including jib - additional \$1.50 per hour Boom over 295' including jib - additional \$2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mauling machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), siphons-pulmonometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragm pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers (other than truck cranes and gradalls)

CLASS VI Oilers on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thankingiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day.

DECISION NO. WAT7-3065

HEAVY & HIGHWAY CONSTRUCTION:

POWER EQUIPMENT OPERATORS

GROUP	Hourly premium for boom lengths including jib	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
			H & W	Pensions	Vacation	
GROUP 1	Over 150 feet + \$.45	10.61	1.10	.80	a	.02
	Over 185 feet + .80					
	Over 210 feet + 1.15					
	Over 250 feet + 1.75					
	Over 295 feet + 2.50					
GROUP 2		10.49	1.10	.80	a	.02
GROUP 3		9.86	1.10	.80	a	.02
GROUP 4		9.87	1.10	.80	a	.02
GROUP 5		7.84	1.10	.80	a	.02
GROUP 6		8.32	1.10	.80	a	.02

CLASSIFICATIONS

GROUP 1 Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, three drum machines, pumcrete machines, ute loaders, shovel dozers, front end loaders, mauling machines, shaft hoists, steam engines, backhoes, gradalls, cable ways, fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks

GROUP 2 Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozer, tractors, mechanic maintenance, York rakes, mauling machines paving screed machines, stationary steam boilers, paving concrete finishing machine, groat pumps, portable steam boilers, portable steam generators, rollers, spreaders, asphalt pavers, locomotives or machines used in place thereof, tampers, self propelled or tractor drawn, cal trucks, ballast regulators, rail anchor machines, switch tampers

GROUP 3 Pump (1-3 grouped), compressors, welding machine (1-3 grouped), generators, lighting plants, heaters (power driven) (1-5), siphons-pulmonometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing)

DECISION NO. MATI-3065
MARINE CONSTRUCTION

TOWER EQUIPMENT OPERATORS

- GROUP I
- GROUP II
- GROUP III
- GROUP IV
- GROUP V
- GROUP VI
- GROUP VII
- GROUP VIII

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
10.61	1.10	.80	a		.02
11.61	1.10	.80	a		.02
10.56	1.10	.80	a		.02
10.49	1.10	.80	a		.02
8.86	1.10	.80	a		.02
9.67	1.10	.80	a		.02
7.84	1.10	.80	a		.02
8.32	1.10	.80	a		.02

CLASSIFICATIONS

GROUP I - Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers two or more diam machines, lighters, derricks booms, trenching, mechanics hoists pavement breakers, cement concrete pavers, draglines, hoisting engines, pump-crete machines, elevating graders, shovel loaders, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers; Booms over 150' including jib - additional \$.45 per hour - Booms over additional \$1.15 per hour; Booms over 250' including jib - additional \$1.75 per hour; Booms over 255' including jib additional \$2.50 per hour

GROUP II - Master Mechanic

GROUP III - Swinger Engines

GROUP IV - Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, rock rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast, regulator, switch tampers, rail anchor machines, tire trucks

GROUP V - Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, well point systems, augers - powered by independence engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI - Assistant engineers (firemen)

DECISION NO. MATI-3065

CLASSIFICATIONS CONT'D

- GROUP 4 Assistant engineers (firemen)
- GROUP 5 Oilers (other than truck cranes & gradalls)
- GROUP 6 Oilers (on truck cranes & gradalls)

FOOTNOTES:

2. Holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day

DECISION NO. MA77-3065

CLASSIFICATIONS

GROUP VII - Oilers and apprentices (other than truck cranes and gradalls)
GROUP VIII - Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day;
 F-Christmas Day

FOOTNOTES:

a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day;
 Columbus Day & Veterans' Day

DECISION NO. MA77-3065

TRUCK DRIVERS:

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation
7.24	.545	.575	a+b
7.39	.545	.575	a+b
7.44	.545	.575	a+b
7.54	.545	.575	a+b
7.64	.545	.575	a+b
7.89	.545	.575	a+b
8.14	.545	.575	a+b

CLASSIFICATIONS

- CLASS I Station wagons, panel trucks and pickup trucks
- CLASS II Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators
- CLASS III Three axle equipment and tiremen
- CLASS IV Four and five axle equipment
- CLASS V Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vechual, mechanics, paving restoration equipment, mechanics
- CLASS VI Specialized earth moving equipment over 35 tons
- CLASS VII Trailers for earth moving equipment, (double hookup)

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
- b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDES DECISION

STATE: Massachusetts
 DECISION NO.: H27-2066
 COUNTY: Franklin
 DATE: Date of publication
 Supersedes decision No. H26-2099, dated August 13, 1976 in #1 FR 34519
 DESCRIPTION OF WORK: Building Construction (excluding single family homes
 and garden type apartments up to and including 4 stories), heavy and highway
 construction

	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vocational	Education and/or App. Tr.
ASBESTOS WORKERS	9.95	.94	1.25		.01
BOILERMAKERS	10.00	.60	1.04		.01
BRICKLAYERS, CURB SETTERS, MARBLE FLASTERS, STONE MASONS, MARBLE TILE, TERRAZZO WORKERS, CALLER, AND CLEANER PAINTER	9.55	.55	.80		.06
CAUPTERS & SOFT FLOOR LAYERS: Irving, Warwick, Orange & N. Leavitt, Shutesbury and Sande-land	10.20	.60	1.00		.07
Remainder of County	9.30	.45	1.00		.02
Monroe & Monroe Bridge	9.30	.45	1.00		.02
ELECTRICIAN: Wesley, Monroe and Rowe	8.79	.95	1.00		.04
Remainder of County: Electrical contracts \$75,000.00 & over	10.09	.55	34+.69		.02
Electrical contracts under \$75,000.00	10.51	.70	14+.40		.02
Shaft and tunnel work	8.60	.70	14+.40		.02
ELEVATOR CONSTRUCTORS	11.01	.70	14+.40	34+a	.02
ELEVATOR CONSTRUCTORS' HELPS	9.71	.445	.29	34+a	.02
ELEVATOR CONSTRUCTORS' HELPS (PROG.)	706JR	.445	.29	34+a	.02
GLAZIERS	504JR	.47	.45		.09
ISOMERS:	9.45				
Structural, ornamental and reinforcing	9.60	.70	1.50		.10
LABORERS: Building	7.50	.60	.70		.10
Labors, carpenter tenders, wrecking labors					
Asphalt rakers, carbide, core drillers, chain saw op., pipe layers jackhammer & paving breaker ops., barco-type jumping tampers, laser beam ops., concrete pump ops., mason tenders, mortar mixers, & ride-on motorized buggy op. and plasterers tenders					

DECISION NO. H27-2066

LABORERS: (CONT'D)
 Air track ops., block pavers ramms, & curb setters
 Powdermen and blasters
 Open air caisson, underpinning work and test boring crew:
 Bottom man
 Top man
 Driller
 Helper
 LATHERS
 Drywall
 LINE CONSTRUCTION:
 Linemen
 Equipment Operators
 Driver groundmen
 MARBLE SETTERS' HELPS
 MILLWRIGHTS
 PAINTERS:
 Brush & roller
 Spray
 Swing stage under 40' and steel
 Swing stage over 40' and steel
 PILEDRIVERS
 PLUMBERS & STEAMFITTERS:
 Monroe, Tow and Western part of Charlemont
 Orange
 Remainder of County
 ROOFERS:
 Composition, damp waterproof
 Slate, tile, precast concrete
 SHEET METAL WORKERS
 SPRINKLER FITTERS
 Welders receive rate prescribed for craft performing operation to which welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vocational	Education and/or App. Tr.
8.00	.60	.70		.10
8.25	.60	.70		.10
8.25	.60	.70		.10
7.50	.60	.70		.10
8.37	.60	.70		.10
7.62	.60	.70		.10
9.40	.45	.25		.01
8.30	.45	.25		.01
10.16	.40	14	b	3/8 of 14
9.48	.40	14	b	3/8 of 14
7.32	.40	14	b	3/8 of 14
8.95				
10.20	.60	1.00		.07
8.92	.65	.46		.03
11.8933	.8666	.5333		.04
9.107	.55	.40		.03
9.42	.85	.40		.03
10.15	.85	1.00		
9.97	.55	.50		.02
10.02	.60	.65	.40	.05
10.45	.60	.60		.02
9.185	.82	1.06		
9.82	.82	1.06		
9.41	.85	1.16		.03
11.38	.60	.90		.08

DECISION NO. 08771-2066

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- a. Employer contributes 4% basic hourly rate for 5 years or more of service of 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Plus six paid holidays; A through F.
- b. Holidays A through F, Washington's Birthday, Patriots Day providing employee has been employed for a period of five (5) working days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday. One floating holiday per year.

DECISION NO. 08771-2066

LABORERS:
 CLASS I
 CLASS II
 CLASS III
 CLASS IV

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	7.50	.60	.70		.10
CLASS II	7.75	.60	.70		.10
CLASS III	8.00	.60	.70		.10
CLASS IV	8.25	.60	.70		.10

CLASSIFICATIONS

- CLASS I**
 Carpenter tenders, cement finisher tenders, laborers, wrecking laborers
- CLASS II**
 Asphalt makers, fence and guard rail erectors, laser beam op., mason tender, pipelayet, pneumatic drill op., pneumatic tool op., wagon drill op
- CLASS III**
 Air track op., block pavers, rammers, curb setters
- CLASS IV**
 Blasters, powdermen

DECISION NO. MA77-3066

CLASSIFICATIONS CONT'D

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts up to 15 feet

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Blasters, Welding Machines, Conveyors, Gilder, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

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, Veterans' Day and Columbus Day

DECISION NO. WA77-3066

CLASSIFICATION CONT'D

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Concrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Firemen, Pumps-16 inches or over total discharge, Compressors (1 or 2) (1) cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinks, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar drills, Batch Plant (not self-loading), Bulk Cement Plant

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Boom, Parts Man (in repair shop), Power Safety Boat

FOOTNOTES:

a. Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day

Basic Hourly Rates	Fringe Benefits Payments			Earnings and/or Appr. T.
	H & W	Pension	Vacation	
9.73	.85	.75	a	.07
9.53	.85	.75	a	.07
9.33	.85	.75	a	.07
8.96	.85	.75	a	.07
8.24	.85	.75	a	.07
7.78	.85	.75	a	.07
7.03	.85	.75	a	.07
9.45	.85	.75	a	.07
9.25	.85	.75	a	.07
9.05	.85	.75	a	.07
8.68	.85	.75	a	.07
8.00	.85	.75	a	.07
7.55	.85	.75	a	.07
6.82	.85	.75	a	.07

* The Above Rates Are For Contracts \$175,000.00 and Above

POWER EQUIPMENT OPERATORS:

- CLASS I
- CLASS II
- CLASS III
- CLASS IV
- CLASS V
- CLASS VI
- CLASS VII

* The Above Rates Are for Contracts Under \$175,000.00

CLASSIFICATIONS

CLASS I Shovels, Crawlers and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clay Shell, Cableways, Shaft Hoists, Mocking Machines, Front End Loader-5 1/2 yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Graders-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors, Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5 1/2 yards, Scraper-21 yards and over (Struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Rammer Console

REGISTRATION NO. 80,77-3066.

TRUCK DRIVERS:

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocational	
6.80	.485	.575	a+b	
6.95	.485	.575	a+b	
7.00	.485	.575	a+b	
7.10	.485	.575	a+b	
7.20	.485	.575	a+b	
7.45	.485	.575	a+b	
7.70	.485	.575	a+b	

CLASSIFICATIONS

CLASS I Station wagons, panel trucks and pickup trucks

CLASS II Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators

CLASS III Three axle equipment and tiremen

CLASS IV Four and five axle equipment

CLASS V Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, mechanics

CLASS VI Specialized earth moving equipment over 35 tons

CLASS VII Trailers for earth moving equipment, (double hookup)

SUPPLEMENTAL DECISION

STATE: Massachusetts
 COUNTY: Hampshire
 DATE: Date of Publication
 DECISION NO.: MA77-1068
 SUPERSEDES DECISION NO. MA76-2101, dated August 20, 1976 in 41 FR 35369
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

DECISION NO. MA77-1068

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BUILDING, HEAVY & HIGHWAY CONSTRUCTION					
ASBESTOS WORKERS	9.95	.94	1.25		.01
BOILERMAKERS	10.00	.60	1.08		.01
BRICKLAYERS, PLASTERERS, CEMENT MASONS, STONE MASONS, MARBLE TILE & TERRAZZO WORKERS, CARVEKER CLEANSERS, PAINTERS	9.55	.55	.80		.06
CARPENTERS	9.85	.45	.65		.02
ELECTRICIANS	9.85	.70	1.1+-.50	.43	.03
Malchertown, Ware Middlefield, Cummington & Plainfield	10.09	.55	3+-.69		.02
Remainder of County:					
Electrical contracts under \$75,000.00	8.60	.70	1.1+-.40		.02
Electrical contracts \$75,000 and over	10.51	.70	1.1+-.40		.02
ELEVATOR CONSTRUCTORS' HELPERS	9.71	.445	.29	44+4b	.02
ELEVATOR CONSTRUCTORS' HELPERS	704JR	.445	.29	44+4b	.02
ELEVATOR CONSTRUCTORS' HELPERS (720B.)	504JR				
GLAZIERS	9.45	.47	.45		
IRONWORKERS, STRUCTURAL, ORSK-MENTAL & REINFORCING	9.60	.70	1.50		.09
LABORERS (BUILDING): Laborers, wrecking laborers, carpenters & cement finisher tenders	7.50	.60	.70		.10
Asphalt takers, Carbide core driller ops., chain saw ops., pipelayers, Jackhammer & paving breaker op., barco-type jumping tampers, laser beams ops., concrete pump ops. & wagon drill ops., mason tenders, mortar mixers & ridge on motorized buggy ops & plasterer tenders					
Air track ops., block gavers, rammers & curb setters	8.00	.60	.70		.10
Powdermen and blasters	8.25	.60	.70		.10
LABORERS: (CONT'D)					
Open air caissons, underpinning work and boring crew: (entire county)	8.25	.60	.70		.10
Bottom man	7.50	.60	.70		.10
Top man					
Test boring:					
Driller	8.37	.60	.70		.10
Helper	7.62	.70	.70		.10
LATHESS	9.40	.45	.25		.01
Helper	8.30	.45	.25		.01
DRYWALL					
LINE CONSTRUCTION					
Linemen	10.16	.40	1.1		3/8 of 1.1
Equipment Operator	9.48	.40	1.1		3/8 of 1.1
Driver Groundman	7.32	.40	1.1		3/8 of 1.1
MASONS & TILE SETTERS HELPERS & TERRAZZO WORKERS' HELPERS					
MILLHANDS	8.95	.60	1.00		.07
PAINTERS:					
Brush & Roller	8.92	.65	.40		.03
Spary	11.8933	.8666	.5333		.04
Swing stage under 40' steel	9.17	.65	.40		.03
Swing stage over 40' steel	9.42	.65	.40		.03
PILINGMEN	10.15	.60	1.00		.03
PLUMBERS & STEAMFITTERS: Belchertown, Granby, Huntington, Middlefield, South Hadley, Ware					
Plumbers	9.85	.96	1.00	d	.05
Steamfitters	10.68	.56	.95	e	.03
Remainder of County: Plumbers and Steamfitters					
ROOFERS:					
Plumbers and Steamfitters	10.45	.85	.85		.02
Composition, dump, waterproof Slate, tile, precast concrete	9.165	.82	1.06		.03
SHEET METAL WORKERS	9.41	.85	1.16		.03
SPRINKLER FITTERS	11.38	.60	.90		.08
Welders receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NO. MA77-3068

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; D-Independence Day; E-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- a. Employer contributes 4% of basic hourly rate for 3 months to 5 years of service as Vacation Pay Credit.
- b. Holidays: A through F.
- c. Holidays: A through F, Washington's Birthday and Patriots Day providing employee has been employed for a period of five (5) working days prior to the holiday and the regular scheduled working day preceding and following the holiday.
- d. July 4th and Labor Day provided worker employed 7 days before holiday
- e. July 4th and Labor Day - \$68 per hour employer contribution to make two paid holidays.

DECISION NO. MA77-3068

LABORERS:

- CLASS I
- CLASS II
- CLASS III
- CLASS IV

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
7.50	.60	.70		.10
7.75	.60	.70		.10
8.00	.60	.70		.10
8.25	.60	.70		.10

CLASSIFICATIONS

- CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers
- CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op
- CLASS III
Air track op., block pavers, rammers, curb setters
- CLASS IV
Blasters, powdermen

DECISION NO. MAT7-3068
BUILDING CONSTRUCTION

DECISION NO. MAT7-3068

CLASSIFICATIONS CONT'D

POWER EQUIPMENT OPERATORS:

CLASS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
CLASS I	9.73	.85	.75	a	.07
CLASS II	9.53	.85	.75	a	.07
CLASS III	9.33	.85	.75	a	.07
CLASS IV	8.96	.85	.75	a	.07
CLASS V	8.24	.85	.75	a	.07
CLASS VI	7.78	.85	.75	a	.07
CLASS VII	7.03	.85	.75	a	.07

CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Booms, Satchoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum hoisting and trenching machines, Belt-type Loaders, Front End Loader-5 1/2 yards or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over

CLASS II Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), rock and earth boring machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5 1/2 yards, two Drum Hoists, Bligh Fork lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console

CLASS III Combination Backhoe-Loader-up to 3/4 hoe, Bulldozers, Push Cuts, Scraper-up to 21 yards (Struck Load)-self propelled or tractor drawn, Tiresman, Front End Loader-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton

CLASS IV Asphalt Roller-under 10 ton

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts up to 15 feet

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Boilers, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

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, Veterans' Day and Columbus Day

DECISION NO. MA77-3058

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

CLASS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS I	9.73	.85	.75	a	.07
CLASS II	9.53	.85	.75	a	.07
CLASS III	9.33	.85	.75	a	.07
CLASS IV	8.96	.85	.75	a	.07
CLASS V	8.24	.85	.75	a	.07
CLASS VI	7.78	.85	.75	a	.07
CLASS VII	7.03	.85	.75	a	.07
* The Above Rates Are For Contracts \$175,000.00 and Above					
POWER EQUIPMENT OPERATORS:					
CLASS I	9.45	.85	.75	a	.07
CLASS II	9.25	.85	.75	a	.07
CLASS III	9.05	.85	.75	a	.07
CLASS IV	8.68	.85	.75	a	.07
CLASS V	8.00	.85	.75	a	.07
CLASS VI	7.55	.85	.75	a	.07
CLASS VII	6.82	.85	.75	a	.07
* The Above Rates Are for Contracts Under \$175,000.00					

DECISION NO. MA77-3058

CLASSIFICATIONS CONT'D

CLASS III Bulldozer, Push Cuts, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Driven, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Wall Driller, Pumpscrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Wall Point Operators, Electric Pumps used in Well Point system, Fireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) (1) cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip form), etc.), Boom Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot troller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Baler on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat

FOOTNOTES:

a. Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Grabballs, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Class Shell, Cableways, Shaft Hoists, Mocking Machines, Front End Loader-5 1/2 yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cuts (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors, Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5 1/2 yards, Scraper-21 yards and over (Struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console

DECISION NO. MAT7-1068

TRUCK DRIVERS:

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation
7.24	.545	.575	a+b
7.38	.545	.575	a+b
7.44	.545	.575	a+b
7.54	.545	.575	a+b
7.64	.545	.575	a+b
7.69	.545	.575	a+b
8.14	.545	.575	a+b

CLASS I

CLASS II

CLASS III

CLASS IV

CLASS V

CLASS VI

CLASS VII

CLASSIFICATIONS

CLASS I Station wagons, panel trucks and pickup trucks

CLASS II Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators

CLASS III Three axle equipment and tireman

CLASS IV Four and five axle equipment

CLASS V Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachual, mechanics, paving restoration equipment, mechanics

CLASS VI Specialized earth moving equipment over 35 tons

CLASS VII Trailers for earth moving equipment, (double hookup)

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDES DECISION

STATE: Michigan
 DECISION NO.: M177-2127
 SUPERSEDES DECISION NO.: M177-2071, Dated June 3, 1977 in 42 Pa-28783
 DESCRIPTION OF WORK: Building Construction (Including Residential) and Heavy (Including Bridge, Airport and Sewer) Construction.

COUNTIES: *See below
 DATE: Date of Publication

*Counties: Macomb, Monroe, Oakland, Washtenaw, & Wayne

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS:						
Monroe County	11.83	.50	1.00		.04	
Twp. of Bridgewater, Dexter, Freedom, Lima, Lydon, Masschester, Sharon & Sylvan in Washtenaw County	9.36	.79	1.28		.02	
Remainder of Counties & the Remainder of Washtenaw County	11.39	1.24	1.19			
BOILERMAKERS:						
Monroe County	13.10	.70	1.00		.03	
Remainder of Counties	11.17	1.00	1.20	1.50	.03	
BRICKLAYERS & STONEMASONS:						
West of Hwy # 23 in Monroe Co. Washtenaw County	10.34	.86	.55			
Remainder of Counties & East of Hwy. # 23 in Monroe County	13.33	1.00	1.00			
CARPENTERS & PILEDRIVERS:						
Washtenaw County	12.83	.80	84+1.0		.05	
Remainder of Counties	11.14	.60	.50		.01	
CEMENT WORKERS:						
South of Hwy. # 151 in Monroe County	11.11	.75	1.04	1.14	.04	
Washtenaw County	12.64	.50	1.00		.02	
Remainder of Counties & North of Hwy. # 151 in Monroe County	13.13	.80	1.04		.02	
ELECTRICIANS:						
Washtenaw County	11.71	.80	1.04			
Monroe County:						
Building Residential	11.05	.50+44	14+.55	1.04	.02	
Remainder of Counties:						
Building Residential	12.35	.50	34+.55		.02	
Building Residential	6.78	.50	14+.55		.02	
Building Residential	12.00	1.95	34+1.06		.03	
Building Residential	12.00	1.95	34+1.06		.03	

DECISION NO. M177-2127

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ELEVATOR CONSTRUCTORS:						
Monroe County:						
Constructors	12.15	.545	.35	44	.02	
Helpers	704JR	.545	.35	44	.02	
504JR						
Washtenaw County	11.32	.495	.35	44	.02	
704JR						
504JR						
Helpers (prob.)	504JR	.495	.35	44	.02	
Remainder of Counties						
Constructors	11.75	.545	.35	44	.02	
704JR						
504JR						
Helpers (prob.)	504JR	.545	.35	44	.02	
9.77		.55	.65			
GLAZIERS:						
Monroe County	12.30	.93	1.11		.05	
Remainder of Counties:						
Structural & Ornamental	10.80	.84	1.44	174	.09	
Reinforcing	10.10	.98+.25	.24	154	.07	
Fence Erectors	9.80	.84	.44	174	.09	
Riggers & machinery Erectors	10.00	1.10	1.71	164	.02	
LABORERS: (BUILDING, RESIDENTIAL & SEAWALL)						
Monroe County:						
Construction laborer & Carpenter helper	9.74	.55	.35	.55	.04	
Mortar Mixer, Mason & Planter Tender, Carpenter Helper, Cement mason Helper, Tool Operator & Caisson Worker		.55	.35	.55	.04	
LATHEES:						
S.W. Corner of Monroe County & Western Portion of Washtenaw Co.	8.85	.64	.10	.50	.01	
Remainder of Counties: Eastern Portion of Washtenaw County & Remainder of Monroe County	10.92	.97+.35	.72			
MILLWRIGHTS:						
Washtenaw County	11.14	.60	.50		.01	
Remainder of Counties	10.80	.80	1.14	244	.06	

DECISION NO. M177-2127

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
11.14	.60	.50		.01
10.00	.86	.78	.84	.03
8.28	a1.60	a6.00		.68
6.86	a1.60	a6.00		.18
11.92	.65	.95		
12.185	.90	.90		
13.35		1.00		
11.29	.60	1.00		
10.11	.60	.40	.65	
11.68	.60	1.00		
9.27	.85	.80	.90	
9.90	a24.00	a28.00		
9.80	a24.00	a28.00		
9.65	a24.00	a28.00		
9.08	a24.00	a28.00		
9.21	a24.00	a28.00		
9.41	a24.00	a28.00		

SOFT FLOOR LAYERS:
 Washenaw County
 Remainder of Counties
 SOUND & COMMUNICATION WORKERS:
 Wayne, Oakland & Macomb Cos:
 Electrical Technician
 Electrical Technician Jr.
 SPRINKLER FITTERS:
 Monroe County
 Remainder of Counties
 TILE & TERRAZZO WORKERS:
 Washenaw County
 Remainder of Counties:
 Terrazzo Workers' Helpers
 Tile Setters
 Tile Setters' Helpers
 TRUCK DRIVERS: Building & Heavy Construction:
 Pole Trailer; Low Boys;
 Straddle Carrier; Double Bottoms & special Load Pumps
 Semi Drivers
 All Other TRUCK Drivers
 TRUCK DRIVERS: Underground Construction
 Truck Drivers (Except dump trucks of 3 cubic yds. capacity or over, pole trailers, semis, low boys, Euclid, double bottom & Fuel trucks
 Truck Drivers on dump trucks 3 cubic yards capacity or over, Pole trailers, semis & fuel trucks
 Low boys, Euclid & double bottom driver

DECISION NO. M177-2127

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
11.33	1.00			
12.12	.60	1.00		
10.37	.85	.80		
10.27	.43	.20		.02
11.02	.43	.20		.02
10.67	.43	.20		.02
10.70	.74	1.00	1.00	50.00 P/T
11.20	.74	1.00	1.00	50.00 P/T
11.325	.74	1.00	1.00	50.00 P/T
12.20	.65	.90		.01
12.55		.70	.65	
11.65	.75	.70	.70	.07
10.53	.75	.70	.70	.10
10.16	.75+.15	.75	.75	
10.12	1.48	1.20	1.25	.05
10.55	1.55	1.30	1.35	.05
11.51	.73	.85		.02
10.50	.85	.50	1.05	.10
11.25	.85	.50	1.05	.10
10.81	.80	.80	1.00	
11.81	.80	.80	1.00	
11.825	.65	1.00		.045
10.135	1.60	104	118	.11

MASSLE MASONS:
 Washenaw County
 Remainder of Counties:
 Marble Mason
 Marble Mason Helpers
 PAINTERS:
 Washenaw County
 Brush
 Spray
 Tape
 Remainder of Counties
 Brush
 Spray:
 to 40' height
 Over 40' height
 PLASTERERS:
 South of Hwy. # 151 in Monroe Co.
 Washenaw County
 Remainder of Counties &
 Remainder of Monroe County
 PLUMBERS & STEAMFITTERS:
 Monroe County
 Washenaw County
 Remainder of Counties:
 Plumbers
 Pipefitters
 ROOFERS:
 Monroe County
 Washenaw County
 Composition
 Slate
 Remainder of Counties
 Composition
 Slate
 SHEET METAL WORKERS:
 Monroe County
 Remainder of Counties

DECISION NO. M177-2127

LABORERS: OPEN CUT CONSTRUCTION WASHINGTON COUNTY	Fringe Benefits Payments				Basic Hourly Rates	Education and/or Appr. Tr.
	H & W	Pensions	Vacation			
CLASS 1	.55	.35	.55		7.70	.04
CLASS 2	.55	.35	.55		7.78	.04
CLASS 3	.55	.35	.55		7.83	.04
CLASS 4	.55	.35	.55		7.88	.04
CLASS 5	.55	.35	.55		7.93	.04
WAYNE, OAKLAND, & MACOMB COS:						
CLASS 1	.75	.60	.75		8.36	.04
CLASS 2	.75	.60	.75		8.44	.04
CLASS 3	.75	.60	.75		8.49	.04
CLASS 4	.75	.60	.75		8.54	.04
CLASS 5	.75	.60	.75		8.59	.04
MORRIS COUNTY						
CLASS 1	.55	.35	.55		7.70	.04
CLASS 2	.55	.35	.55		7.80	.04
CLASS 3	.55	.35	.55		7.90	.04
CLASS 4	.55	.35	.55		7.95	.04
CLASS 5	.55	.35	.55		8.05	.04

CLASS 1 - Construction Laborer
 CLASS 2 - Mortar, & Material Mixers, Concrete form man, Signal Man, Wheel Point, Man, Manhole, Baseball & catch Basin Building, Guard Rail Builders & fence Erectors.
 CLASS 3 - Air, gasoline, Electric Tool Ops., Vibrator Op., Drifters, Pumpman Tar Kettle Ops., bracers, rodder, Reinforced Steel or Mesh (under 40 W.P.) Windlass & Tigger Man
 CLASS 4 - Trench Excavating Grade Man
 CLASS 5 - Pipelayer

DECISION NO. M177-2121

LABORERS BUILDING, RESIDENTIAL & HEAVY Washington County	Fringe Benefits Payments				Basic Hourly Rates	Education and/or Appr. Tr.
	H & W	Pensions	Vacation			
GROUP 1	.55	.35	.75		8.59	.04
GROUP 2	.55	.35	.75		8.79	.04
GROUP 3	.55	.35	.75		8.91	.04
Wayne, Oakland & Macomb Cos:						
GROUP 1	.80	.80	.85		8.93	.85
GROUP 2	.80	.80	.85		9.01	.85
GROUP 3	.80	.80	.85		9.11	.85
GROUP 4	.80	.80	.85		9.16	.85
GROUP 5	.80	.80	.85		9.18	.85
GROUP 6	.80	.80	.85		9.26	.85
GROUP 7	.80	.80	.85		9.31	.85
GROUP 8	.80	.80	.85		9.68	.85

LABORERS: BUILDING, RESIDENTIAL & HEAVY
 Washington County:

GROUP 1 - All Construction Laborers not specified below
 GROUP 2 - Mortar mixers; Material Mixers (hand or machine) Air, Gas, Electric Tool Operators; Power Baggie Operators; Scaffold Building or Dismantling; Windlass Operators; Tar and Kettle Operators
 GROUP 3 - Crock or Pipe Layers; Calsson Workers

Wayne, Oakland & Macomb Counties:

GROUP 1 - All Construction Laborers not specified below
 GROUP 2 - Mortar Mixers, Scaffold Builders
 GROUP 3 - Signal Men, Air gas or electric tool operators, Windlass and Tigger operator, Jackhammer and Vibrator Operator
 GROUP 4 - Crock grade man
 GROUP 5 - Furnace Battery Heater Helper
 GROUP 6 - Crock and Pipe Layers
 GROUP 7 - Calsson Workers
 GROUP 8 - Lancing Burners, Blasters, Powderman

DECISION NO. M177-2127

LANDSCAPE LABORERS:

CLASS "A" Landscape Specialist, including air, gas, diesel, electric tool and/or equipment	\$6.57
CLASS "B" Landscape Laborers, Truck Drivers, Material Handlers & Small Power Equipment	4.82

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
8.33	.55	.35	.55	.04	
8.41	.55	.35	.55	.04	
8.45	.55	.35	.55	.04	
8.61	.55	.35	.55	.04	
8.81	.55	.35	.55	.04	
9.06	.55	.35	.55	.04	
8.36	.75	.60	.75	.04	
8.44	.75	.60	.75	.04	
8.94	.75	.60	.75	.04	
8.64	.75	.60	.75	.04	
8.84	.75	.60	.75	.04	
9.09	.75	.60	.75	.04	

LABORERS:
TUNNEL, SHAFT & CASSION
CONSTRUCTION
WASHINGTON & NEIGHBOR CITIES

CLASS 1	.55	.35	.55	.04
CLASS 2	.55	.35	.55	.04
CLASS 3	.55	.35	.55	.04
CLASS 4	.55	.35	.55	.04
CLASS 5	.55	.35	.55	.04
CLASS 6	.55	.35	.55	.04

Byrne, Okaland & Maccomb Cos:

CLASS 1	.75	.60	.75	.04
CLASS 2	.75	.60	.75	.04
CLASS 3	.75	.60	.75	.04
CLASS 4	.75	.60	.75	.04
CLASS 5	.75	.60	.75	.04
CLASS 6	.75	.60	.75	.04

CLASS 1 - Tunnel, Shaft & Cassion laborer, dump man, Shanty man, Bog house tender, Testing Man (on gas)
 CLASS 2 - Manholes, Headwall catch basin builder, Bricklayers Tender, Mortar man, Material mixer, fence Erector & Guard rail Builder
 CLASS 3 - Air Tool operator (Jackhammer man, Brush Hammer man & Grinding Man) First Bottom man, Second bottom man, Cages Tender, Car pusher, carrier man, Concrete man, concrete form man, Concrete repair man, Cement Invert laborer, Cement finisher, concrete shoveler, conveyor man, Floor man, Gasoline & Electric Tool operator, Gunnite man, groat operator, Reading dinky man, inside lock tender, pea gravel operator, pump man, outside lock tender, Vibrator man, top signal man switch man, track man, Tugget man, Utility man, Vibrator man, Winch Operator, concrete saw operator (under 40 H.P.)
 CLASS 4 - Tunnel, shaft & Cassion surker, Bracer man, Under Plate man, Long Basil Dinky driver & well point man
 CLASS 5 - Tunnel, shaft, & Cassion Miner, Driller Runner, Key board Operator, Power Knife operator, reinforced steel or mesh man (Wire Mesh, Steel Mats, Dowell Bars, Etc.)
 CLASS 6 - Dynamite man & Powerman

DECISION NO. M177-2127

LABORERS:
TUNNEL, SHAFT & CASSION
CONSTRUCTION
WASHINGTON & NEIGHBOR CITIES

CLASS 1	.55	.35	.55	.04
CLASS 2	.55	.35	.55	.04
CLASS 3	.55	.35	.55	.04
CLASS 4	.55	.35	.55	.04
CLASS 5	.55	.35	.55	.04
CLASS 6	.55	.35	.55	.04

Byrne, Okaland & Maccomb Cos:

CLASS 1	.75	.60	.75	.04
CLASS 2	.75	.60	.75	.04
CLASS 3	.75	.60	.75	.04
CLASS 4	.75	.60	.75	.04
CLASS 5	.75	.60	.75	.04
CLASS 6	.75	.60	.75	.04

CLASS 1 - Tunnel, Shaft & Cassion laborer, dump man, Shanty man, Bog house tender, Testing Man (on gas)
 CLASS 2 - Manholes, Headwall catch basin builder, Bricklayers Tender, Mortar man, Material mixer, fence Erector & Guard rail Builder
 CLASS 3 - Air Tool operator (Jackhammer man, Brush Hammer man & Grinding Man) First Bottom man, Second bottom man, Cages Tender, Car pusher, carrier man, Concrete man, concrete form man, Concrete repair man, Cement Invert laborer, Cement finisher, concrete shoveler, conveyor man, Floor man, Gasoline & Electric Tool operator, Gunnite man, groat operator, Reading dinky man, inside lock tender, pea gravel operator, pump man, outside lock tender, Vibrator man, top signal man switch man, track man, Tugget man, Utility man, Vibrator man, Winch Operator, concrete saw operator (under 40 H.P.)
 CLASS 4 - Tunnel, shaft & Cassion surker, Bracer man, Under Plate man, Long Basil Dinky driver & well point man
 CLASS 5 - Tunnel, shaft, & Cassion Miner, Driller Runner, Key board Operator, Power Knife operator, reinforced steel or mesh man (Wire Mesh, Steel Mats, Dowell Bars, Etc.)
 CLASS 6 - Dynamite man & Powerman

DECISION NO. M177-2127

POWER EQUIPMENT OPERATORS:
BUILDING & HEAVY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
11.04	.80	1.00	10%	.05
11.81	.80	1.00	10%	.05
11.58	.80	1.00	10%	.05
11.20	.80	1.00	10%	.05
10.05	.80	1.00	10%	.05
9.16	.80	1.00	10%	.05

MICS-1-FED-1-2

- CLASS A - Crane with boom & jib or leads 220' or longer
- CLASS B - Crane with boom and jib or leads 140' or longer
- CLASS C - Regular Crane Operator
- CLASS D - Regular Engineer
- CLASS E - Engineer when operating Compressor (or welding machine)
- CLASS F - Fireman or oiler

MICS-2-FED-SE

POWER EQUIPMENT OPERATORS:
STEEL ERECTION

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.57	.55	.75	10%	.05
11.33	.55	.75	10%	.05
10.85	.55	.75	10%	.05
10.70	.55	.75	10%	.05
9.61	.55	.75	10%	.05
8.65	.55	.75	10%	.05

- CLASS A - Engineer when operation combination of boom jib 220' or longer
- CLASS B - Engineer when operating combination of boom & jib 140' or longer Tower crane & derrick operator (where operators work stations is 501.0r more above first sub level)
- CLASS C - Crane operator job mechanic
- CLASS D - Hoisting operator
- CLASS E - Compressor (or welder) operator
- CLASS F - Oiler or fireman

DECISION NO. M177-2127

LINE CONSTRUCTION
Mayne, Macomb, Oakland Cos;
Reminist of Washenaw &
Monroe Counties

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
11.79	1.00	7%	5%	5%
11.34	1.00	7%	5%	5%
10.31	1.00	7%	5%	5%
9.72	1.00	7%	5%	5%
8.97	1.00	7%	5%	5%
9.73	.45	3%	a	.5%
10.13	.45	3%	a	.5%
7.04	.45	3%	a	.5%
7.61	.45	3%	a	.5%
6.12	.45	3%	a	.5%
6.67	.45	3%	a	.5%
5.57	.45	3%	a	.5%
6.37	.45	3%	a	.5%
5.38	.45	3%	a	.5%

Linemen - Technician

Cable splicers

Combination Equipment Operator & Groundman

Combination Driver-Groundman

Groundman

LINE CONSTRUCTION:
Dyde of Lyndon, Manchester, Sharon & Sylvan in Washenaw Cos Dyde of Bedford, Erie LaSalle & Whiteford in Monroe County

Linemen; Heavy Equipment operator

Cable Splicers

Combination Digger operator; Tractor operator Groundman: 1st 6 months Over 6 months

Light Equipment operator Groundman; Distribution Line Truck Driver Operator: 1st 6 months Over 6 months

Combination Winch Truck Driver Groundman: 1st 6 months Over 6 months

Combination Truck Driver Groundman

FOOTNOTES:

UNLISIKO MO. M177-2127

**POOR EQUIPMENT OPERATORS:
UNDERGROUND CONSTRUCTION**

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacations	
CLASS I	10.61	.80	1.00	10%	.05
CLASS II	10.49	.80	1.00	10%	.05
CLASS III	9.83	.80	1.00	10%	.05
CLASS IV	9.31	.80	1.00	10%	.05

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8' digging capacity), mechanic, end-loader (over 1 1/2 cu. yd. cap.), grader, scraper (self-propelled or tractor drawn), dozer (5' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batching plant operator (concrete), backfiller tamper, well drilling rig, slip form paver slope paver, conveyor loader (wheel type)

CLASS II - Trencher (8' digging capacity & smaller), end-loader (1 1/2 cu. yd. capacity & smaller), dozer (less than 5' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power sling type boom), tractor (pneu-tired, other than backhoe or front end-loader), crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min. or larger), concrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum & 1/2 or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted - includes compressor) discharge if used 3 hours or more a day gas or diesel powered - excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H.P. or over)

SUPPLEMENTAL DECISION

STATE: Massachusetts
 COUNTY: Hampshire
 DECISION NO.: M477-3068
 Supersedes Decision No. M476-2103, dated August 20, 1976 in 41 FR 35369
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

DECISION NO. M477-3068

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Vacation	Pensions	
8.25	.60	.70		.10
7.50	.60	.70		.10
8.37	.60	.70		.10
7.52	.60	.70		.10
9.40	.45	.25		.01
8.30	.45	.25		.01
10.15	.40	.14	C	3/8 of 18
9.48	.40	.14	C	3/8 of 18
7.32	.40	.14	C	3/8 of 18
8.95				
10.20	.60	1.00		.07
8.92	.65	.40		.03
11.8933	.8666	.5333		.04
9.17	.65	.40		.03
9.42	.65	.40		.03
10.15	.60	1.00		.03
9.85	.36	1.00	d	.05
10.68	.56	.95	e	.03
10.45	.85	.85		.02
9.165	.82	1.06		
9.82	.82	1.06		
9.41	.85	1.16		.03
11.30	.60	.90		.08

LABORERS: (CONT'D)
 Open air caissons, underpinning work and boring crew: (entire county)
 Top man
 Test boring:
 Driller
 Helper
 LATHERS
 Drywall
 LINE CONSTRUCTION
 Linemen
 Equipment Operator
 Driver Groundman
 WARE & TILE SETTERS HELPERS & TERRAZZO WORKERS' HELPERS
 MILLWRIGHTS
 PAINTERS:
 Brush & Roller
 Spary
 Swing stage under 40' steel
 Swing stage over 40' steel
 PILEDRIVERS
 PUMPS & STEAMFITTERS:
 Belchertown, Granby, Eastington, Middlefield, South Hadley, Ware
 Plumbers
 Steamfitters
 Remainder of County:
 Plumbers and Steamfitters
 ROOFERS:
 Composition, damp, waterproof
 Slate, tile, precast concrete
 SHEET METAL WORKERS
 SPRINKLER FITTERS
 Welders receive rate prescribed for craft performing operation to which welding is incidental

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Vacation	Pensions	
9.95	.94	1.25		.01
10.00	.60	1.04		.01
9.35	.55	.80		.04
9.65	.45	.65		.02
9.85	.70	1.4+30	.43	.03
10.09	.55	34+.69		.02
8.60	.70	1.4+40		.02
10.51	.70	1.4+40		.02
9.71	.445	.25	44+a+b	.02
70.42	.445	.25	44+a+b	.02
50.42	.47	.45		
9.45	.70	1.50		.09
7.50	.60	.70		.10
7.75	.60	.70		.10
8.60	.60	.70		.10
8.25	.60	.70		.10

BUILDING, HEAVY & HIGHWAY CONSTRUCTION
 ASSISTANT WORKERS
 BOILERMAKERS
 BRICKLAYERS, PLASTERERS, CEMENT MASONS, STONE MASONS, MARBLE TILE & TERRAZZO WORKERS, CRAFTER CLEANER, POINTERS
 CARPENTERS
 ELECTRICIANS:
 Belchertown, Ware
 Middlefield, Cummington & Plainfield
 Remainder of County:
 Electrical contracts under \$75,000.00
 Electrical contracts \$75,000 and over
 ELEVATOR CONSTRUCTORS' HELPERS
 ELEVATOR CONSTRUCTORS' HELPERS
 ELEVATOR CONSTRUCTORS' HELPERS (PROB.)
 GLAZIERS
 IRONWORKERS, STRUCTURAL, ORNAMENTAL & REINFORCING
 LABORERS: (BUILDING)
 Laborers, wrecking laborers, carpenters & cement finisher tenders
 Asphalt rakers, Carbide core driller ops., chain saw ops., pipelayers, jackhammer & paving breaker op., barco-type jumping tampers, laser beams ops., concrete pump ops. & wagon drill ops., mason tenders, mortar mixers & ridge on motorized buggy ops & plasterer tenders
 Air track ops., block pavers, rammers & curb setters
 Powdermen and blasters

DECISION NO. MAT7-3068

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
7.50	.60	.70			.10
7.75	.60	.70			.10
8.00	.60	.70			.10
8.25	.60	.70			.10

LABORERS:

CLASS I
CLASS II
CLASS III
CLASS IV

a. Employer contributes 4% of basic hourly rate for 5 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, Washington's Birthday and Patriots Day providing employee has been employed for a period of five (5) working days prior to the holiday and the regular scheduled working day preceding and following the holiday.

d. July 4th and Labor Day provided worker employed 7 days before holiday.

e. July 4th and Labor Day - \$98 per hour employer contribution to make two paid holidays.

CLASSIFICATIONS

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt makers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

DECISION NO. MAT7-3066

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; D-Independence Day; E-Labor Day; F-Thanksgiving Day; G-Christmas Day

FOOTNOTES:

DECISION NO. MA77-3068
BUILDING CONSTRUCTION

DECISION NO. MA77-3068

CLASSIFICATIONS CONT'D

POWER EQUIPMENT OPERATORS:

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar Grills, Satch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts up to 15 feet

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Sippers on Grease Truck, and Grease Trucks with hand greasing equipment

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, Veterans' Day and Columbus Day

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
9.73	.85	.75	a	.07
9.53	.85	.75	a	.07
9.23	.85	.75	a	.07
8.96	.85	.75	a	.07
8.24	.85	.75	a	.07
7.78	.85	.75	a	.07
7.03	.85	.75	a	.07

CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Bunches, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum hoisting and trenching Machines, Belt-type loaders, Front End Loader-5 1/2 yards or over, Dual Drum Favor, Automatic Grader (i.e. C.M.I.) Combination Back Hoe-Loader-3/4 yard box or over

CLASS II Rotary Drill (with mounted compressor), compressor hose (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5 1/2 yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Rammer Console

CLASS III Combination Backhoe-Loader-up to 3/4 box, Bulldozers, Push Cuts, Scraper-up to 21 yards (Struck Load)-self propelled or tractor drawn, Tiresman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton

CLASS IV Asphalt Roller-under 10 ton

DECISION NO. MA171-3048

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

CLASS	Basic Monthly Rates	H & W	Premiums	Vocatives	Educative and/or Appr. Tr.
CLASS I	9.73	.85	.75	a	.07
CLASS II	9.53	.85	.75	a	.07
CLASS III	9.33	.85	.75	a	.07
CLASS IV	8.96	.85	.75	a	.07
CLASS V	8.24	.85	.75	a	.07
CLASS VI	7.78	.85	.75	a	.07
CLASS VII	7.03	.85	.75	a	.07

* The Above Rates Are For Contracts \$175,000.00 and Above

POWER EQUIPMENT OPERATORS:

CLASS I	9.45	.85	.75	a	.07
CLASS II	9.25	.85	.75	a	.07
CLASS III	9.05	.85	.75	a	.07
CLASS IV	8.68	.85	.75	a	.07
CLASS V	8.00	.85	.75	a	.07
CLASS VI	7.55	.85	.75	a	.07
CLASS VII	6.82	.85	.75	a	.07

* The Above Rates Are for Contracts Under \$175,000.00

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Grapple, Cram Shell, Cables, Shaft Hoists, Mucking Machines, Front End Loader-5 1/2 yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Graders-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cuts (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressor, Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5 1/2 yards, Scraper-21 yards and over (Struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Semic Hammer Console

DECISION NO. MA171-1068

CLASSIFICATIONS CONT'D

CLASS III Bulldozer, Push Cuts, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tiresmen, Pumps, 16 inches or over total discharge, Compressors (1 or 2) (1) cu. ft. and over, Power Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, GROUT Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), BOOM Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot troller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Beaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat

FOOTNOTES:

a. Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day

DECISION NO. WA77-3063

TRUCK DRIVERS:

CLASS I
 CLASS II
 CLASS III
 CLASS IV
 CLASS V
 CLASS VI
 CLASS VII

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
7.24	.545	.575	a+b	
7.39	.545	.575	a+b	
7.44	.545	.575	a+b	
7.54	.545	.575	a+b	
7.64	.545	.575	a+b	
7.89	.545	.575	a+b	
8.14	.545	.575	a+b	

CLASSIFICATIONS

CLASS I Station wagons, panel trucks and pickup trucks

CLASS II Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators

CLASS III Three axle equipment and tiremen

CLASS IV Four and five axle equipment

CLASS V Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachual, mechanics, paving restoration equipment, mechanics

CLASS VI Specialized earth moving equipment over 35 tons

CLASS VII Trailers for earth moving equipment, (double hookup)

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPPLEMENTAL DECISION

STATE: NEW YORK COUNTY: DUTCHESS
 DECISION NO.: NY77-3118 DATE: DATE OF PUBLICATION
 SUPERSEDES DECISION NO. NY77-3110 DATED July 29, 1977 IN 42 FR 36073
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and Highway construction

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
513.4975	.79	1.57			
12.33	.51	.15%	.71		.02
9.30	1.85	2.00	a		.05
10.88	.98	.76	.85+b+c		.10
10.37	.90	.80	1.00		.10
10.88	.98	.76	.85+b+c		.10
10.87	.90	.80	1.00+c		.10
9.80	1.85	2.00	d		.05
10.60	.79	14+.75	.60		.52
10.00	.75	13+.85	54+d+e		.52
6.55	.79	.36	.30		.54

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

ASBESTOS WORKERS

BOULEVARDIERS

BRICKLAYERS, CEMENT MASONS,

MARBLE SETTERS, PLASTERERS,

STONE MASONS AND TILE SETTERS

CARPENTERS, BUILDING:

Wappingers Falls, New Hackensack

Pawling and Beacon, carpenters,

pile-drivers and soft floor

layers

Remainder of County:

Carpenters and soft floor

layers

CARPENTERS, HEAVY AND HIGHWAY:

Wappingers Falls, New

Hackensack, Pawling, and

Seacon:

Carpenters

Remainder of County:

CARPENTERS, BRICKLAYERS, STONE

MASONS (HEAVY & HIGHWAY)

ELECTRICIANS:

Types of Pawling, Seacon,

Fishkill, E. Fishkill

Remainder of County

Entire County: except Seacon and

Fishkill:

Repair, renovation, alteration

and new installations of

Electrical systems in light

commercial and industrial

property, herein defined to

include stores, gas stations,

motels and hotels

DECISION NO. NY77-3118

ELEVATOR CONSTRUCTORS
 ELEVATOR CONSTRUCTORS' HELPERS
 ELEVATOR CONSTRUCTORS' HELPERS
 (PROB)

GLAZIERS

IRONWORKERS, STRUCTURAL, ONMA, &

REINFORCING

LATERS

LEAD WORKERS

LINE CONSTRUCTORS:

Lineman

Cable splicer

Groundman digging machine

operator

Groundman mobile equipment

operator

Groundman track driver

Groundman dynamite man &

Mechanic

MARBLE SETTERS HELPERS

PAINTERS:

Brush

Bridges, towers, fire escapes,

smoke stacks, flag poles,

swing state, window jacks, boat

swain chair, safety belts, and

spray structural steel

PILEDRIVERS:

Dock & wharf builders

FLINGERS AND STRAINERS

ROOFERS, ASPHALT SHINGLE

ROOFERS, SLATE & TILE, ASBESTOS,

SLAB, ASPHALT BUILTUP

ROOFERS, FITCH, PITCH BUILTUP

SHEET METAL WORKERS

SPRINKLER FITTERS

TERRAZZO WORKERS' HELPERS

TILE SETTERS' HELPERS

WELDERS - receive prescribed for

craft performing operation to

which welding is incidental

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
10.59	.495	.32	f+g		.02
7.41	.455	.32	f+g		.02
5.295					
11.20	.66	1.66	.67		.01
9.75	1.43	2.02	1.50		.01
10.80		.35	b		.01
10.75	.40	.25			
11.10	.50	13+.50	1		3/82
12.21	.50	13+.50	1		3/82
9.99	.50	13+.50	1		3/82
8.88	.50	13+.50	1		3/82
8.325	.50	13+.50	1		3/82
8.88	.50	13+.50	1		3/82
10.45			3		
9.08	.52	.20	k		
10.08	.52	.20	k		
11.45	1.40	1.78	70		.04
10.00	1.50	.80	1.30		.05
7.65	1.00	1.65	1		.35
10.15	1.00	1.65	1		.35
10.65	1.00	1.65	1		.35
10.24	102	.174	104		.02
11.86	.65	.95	j		.08
10.50			j		
10.15			j		

DECISION NO. NYTT-3118

LABORERS: BUILDING

General laborers, Mason tender, carpenter tender, labor stripping, cleaning forms, labor sweeping, cleaners, grading, digging ditches
 End carriers, plasterers help-ers, scaffold builders (pedlock and self supporting scaffold 14 feet or under all runways, mortar mixers, machines and hand), concrete mixers (by machine under 21 E), vibrators, form setters, pipelayers, asphalt rollers, handling reinforcement rods, working labor foreman, drillers, jackhammer operator, signalman, gunniting machine, water pump 2' or under, baroc machine, wreckers paving breakers, power saw operators, other machine operators
 Blasters, laser beam operator

Basic Hourly Rates	Fringe Benefits Payments		
	H A W	Pensions	Vacation and/or Appr. Tr.
\$7.98	.96	1.60	\$+.40
8.23	.96	1.60	\$+.40
8.38	.96	1.60	\$+.40

FOOTNOTES:

- a. Two hours off with pay on Election Day.

DECISION NO. NYTT-3118

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 3 weeks prior to the holiday.
- f. PAID HOLIDAYS: A through 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 preceding 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 30 to July 4th.
1. 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. 10777-3118

SEWER, ROAD, STREET AND HIGHWAY CONSTRUCTION

Laborers:

General laborers AND
 Concrete man, joint setter, signal man, mason tender, pipe layer, rigrap and dry stone layers, asphalt workers, screed bar operator, steel tied carrier, Jack-hammerman, wagon driller, air-trac operator, rippers, powder-man, high scalars, power trowel operator, vibratory operator, other connector, wrecking laborers, gunite and sandblasting, coal passer
 Concrete finisher on Highways, blaster, form setter, laser beam operator

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
 C-Independence Day; D-Labor Day;
 E-Thanksgiving Day; F-Christmas Day.
 a. Holidays: A through F and Mother's Day, Father's Day, Anniversary, Birthday, Good Friday, Columbus Day, Veteran's Day and November Election Day provided the employee works (7) calendar days before or after the holiday.

Basic Heavy Rates	Fringe Benefits Payments			Apr. T.
	M & W	Pensions	Vacation	
\$8.15	.96	1.65	a	
8.40	.96	1.65	a	
8.75	.96	1.65	a	

DECISION NO. 10777-3118

POWER EQUIPMENT OPERATORS, BUILDING: Roughnecks and South

GROUP I
 GROUP II
 GROUP III
 GROUP IV
 GROUP V
 GROUP VI
 GROUP VII

Basic Heavy Rates	Fringe Benefits Payments			Education and/or Appr. T.
	M & W	Pensions	Vacation	
Theraput:				
\$13.48	64+1.00	104+B	a	144
12.565	64+1.00	104+B	a	144
12.4225	64+1.00	104+B	a	144
12.28	64+1.00	104+B	a	144
11.1375	64+1.00	104+B	a	144
14.795	64+1.00	104+B	a	144
13.9925	64+1.00	104+B	a	144
9.78	64+1.00	104+B	a	144
12.9925	64+1.00	104+B	a	144
11.7075	64+1.00	104+B	a	144
12.565	64+1.00	104+B	a	144
17.7075	64+1.00	104+B	a	144
11.1375	64+1.00	104+B	a	144
17.4225	64+1.00	104+B	a	144
15.7075	64+1.00	104+B	a	144
16.7075	64+1.00	104+B	a	144
13.98	64+1.00	104+B	a	144
14.88	64+1.00	104+B	a	144
13.7075	64+1.00	104+B	a	144

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION

GROUP I
 Backhoe Oliver 88, Fordson, dynaboe, dual purpose & similar machine, Barber Green loader-eucild loader or similar type, cherry picker (cableway), compressor (steel erection), convey or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tourmapoll (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ram), paver (concrete), Pulsmeter, push button (hour base) elevator, road boring machines, road mix machines, hoas carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-4 yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame

DECISION NO. NITT-3118

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION (CONT'D)

GROUP II

Compact or 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 & 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, concrete mixer, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-4 yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-212 & 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 212, mashing grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plaster roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cutting 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. NITT-3118

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, pipe structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overheadcrane, power house plant, telephiles, 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. NVT-3118

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS: REMAINDER 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 beaters, batch and plant ops., 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, scoomobiles, 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 hoist, post hole diggers, tractors, core and well well drillers (one drum), scoomobile and similar type machines, elevators, A-1 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, loop-type cranes, gradalls, hydrocrane, model CG3 Vibrocomp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), scullid 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			App. Tr.
		H & W	Pensions	Vacation	
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. NVT-3118
 Poughkeepsie and South Tarrytown:**

**POWER EQUIPMENT OPERATORS,
 HEAVY & HIGHWAY**

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP I	\$11.75	84+1.00	944+.25	a	144
GROUP II	10.96	84+1.00	944+.25	a	144
GROUP III	10.85	84+1.00	944+.25	a	144
GROUP IV	10.70	84+1.00	944+.25	a	144
GROUP V	9.70	84+1.00	944+.25	a	144
GROUP VI	11.95	84+1.00	944+.25	a	144
GROUP VII	11.35	84+1.00	944+.25	a	144
GROUP VIII	9.70	84+1.00	944+.25	a	144
GROUP IX	11.65	84+1.00	944+.25	a	144
GROUP X	10.70	84+1.00	944+.25	a	144
GROUP XI	10.575	84+1.00	944+.25	a	144
GROUP XII					
GROUP XIII					
A	10.7075	84+1.00	944+.25	a	144
B	9.575	84+1.00	944+.25	a	144
C	8.75	84+1.00	944+.25	a	144
D	15.45	84+1.00	944+.25	a	144
E	12.20	84+1.00	944+.25	a	144
F	15.20	84+1.00	944+.25	a	144
G	12.95	84+1.00	944+.25	a	144

POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY

GROUP I

Agger, auto grader, backhoe Oliver 88, Fordson, dynamo, dual purpose and similar machines, Barber green loader-sculid 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, overboard crane, paver (concrete), power house plant, pulcometer, push bottom (box box) elevator, read mix machines, Ross carrier and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoomobile-tractor-shovel over 14 yards, trenching machines, telephiles, tractor type demolition equipment, whitely, winch truck "A" Frame

DECISION NO. NYTT-3118

POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY (CONT'D)

GROUP VIII

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 212, beater-all types, pump 4" and over, pump station (water and sewer), pump-syphon, 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. NYTT-3118

POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY (CONT'D)

GROUP II

Compressor 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 stroke 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-1 1/2 yds. and under, locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-212 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, bedding machine, concrete breaker, concrete spreader, curb cutter machine, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mchling grass spreader, roller under 4 ton, shop mechanic (not employed on job site), spreading a 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 \$1.50 per hour additional shovel operators: Over 4 cu. yd. capacity \$1.00 per hour additional

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.
 Group III - 4-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, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-will, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), grapple 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 (165 and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mucking machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revlinus widener, shell winder, steam cleaner, tractor.

Basic Hourly Rates	Fringe Benefits Payments		App.
	N.E.W.	Excesses	
\$10.15	.60	•	.15
9.82	.60	•	.15
9.10	.60	•	.15
8.27	.60	•	.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 day before and after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automatic concrete spreader (C&I), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (C&I type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (5" 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 (sastrman 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-boist, 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 165), concrete pump (under 5"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. 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 stabilized base self-propelled), monorail machine, plant engineer, pumpcrete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-boist, winch, winch cat.

DECISION NO. NYTT-313

TRUCK DRIVERS

Drivers on Lefornneau 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.

Equipment 25 yards and over up to and including 30 yard bodies cable dump trailers, powder and dynamite trucks

Equipment up to and including 24 yards bodies, mixer trucks, dump crate trucks and similar types of equipment, fuel trucks and all other tractor trailers

Ten wheelers, grease trucks and tiller men

Straight trucks

Pick-up trucks used for hauling material parts escort man over the road

Helpers

Basic Hourly Rate	Fringe Benefits Payments			Elections and/or Appr. Tr.
	H & W	Pensions	Vacation	
10.00	.95	.95	atb	
9.90	.95	.95	atb	
9.70	.95	.95	atb	
9.60	.95	.95	atb	
9.50	.95	.95	atb	
9.50	.95	.95	atb	
9.40	.95	.95	atb	

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).

SUPERSEDES DECISION

COUNTIES: ASKE BELOW
 DATE: Date of Publication
 DECISION NUMBER: 0877-2132
 SUPERSEDES DECISION NO.: 0877-2069, dated May 13, 1977 in 42 FR 24636;
 0877-2077, dated May 13, 1977 in 42 FR 24647; &
 0877-2078, dated May 13, 1977 in 42 FR 24649
 DESCRIPTION OF WORK: Building Construction (Does not include single family homes and garden type apartments up to & including 4 stories)

*ALLEN, AUGLAISE, GRANFORD, DEFIANCE, ERIE, HANCOCK, KAGDIN, HENRY, HURON, KNOX, LOGAN, MARION, MERCER, MERRON, OTTAWA, PAULDING, PUTNAM, RICHLAND, SANDUSKY, SENECA, VAN VERT, WILLIAMS, WOOD, & WYANDOT

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12.30	.50	.75		.02
11.07	.75	1.00		
12.67	.45	.85		.02
11.83	.50	1.00		.04
13.93	.50	.80		.02
12.185	.70	1.00		.03
13.10				
11.08		.20		
10.63	.60	1.00		.02
11.30	.60			
11.14	.60	.50		.01

ASBESTOS WORKERS:

Allen, Defiance, Mercer, Paulding, Van Vert, & Williams Cos.
 Auglaise, & Logan Cos.
 Crawford, Kardin, Knox, Marion, & Morrow Cos.
 Erie (Wt), Hancock, Henry, Ottawa, Putnam, Sandusky, Seneca, Wood, & Wyandot Cos.
 Erie (E. S.), & Huron Cos.
 RICHLAND Co.

BUILDERS:

Marble setters;
 Terrazzo workers; & Tile setters;
 Allen, Auglaise, Mercer, & Van Vert Cos.
 Crawford, Kardin, Marion, Morrow, Richland, Wyandot (except Tps. of Crawford, Ridge, Richland, & Tymochtee) Cos.

BRICKLAYERS:

Henry (except Tps. of Monroe, Barlo, Liberty, Washington, Richfield, Marion, & outside city limits of city of Napoleon), Paulding, Putnam, & Williams Cos.

BRICKLAYERS:

Marble setters
 Erie, Hancock, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Tps.), & Wyandot (Tymochtee, Crawford, Ridge, & Richland Tps.), & Island of Lake Erie North of Sandusky

DECISION NO. 0877-2132

Henry (Tps. of Washington, Sandusky, Richfield, Barlo, Liberty, Harrison, Monroe, & Marion), & Wood (except Perry, Bloom, Perryborough, Ross, & Lake Tps.) Cos.
 Knox Co.
 Wood (Tps. of Perryborough, Ross, & Lake) Co.
 CAPPSTERS:
 Allen, Auglaise, Kardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Vert, & Wyandot Cos.
 Crawford, Erie, Hancock (Fosteria), Huron, Ottawa, Richland, Sandusky, Seneca, & Wood (Fosteria) Cos.
 Defiance, Henry, Paulding, & Williams Cos.
 Hancock & Wood Cos. (excluding Fosteria)
 CENTRAL WALKERS:
 Allen, Auglaise, Kardin, Logan, & Mercer, Van Vert Cos.
 Crawford, Marion, Morrow, Richland, & Wyandot Cos.
 Defiance, Paulding & Williams Cos.
 Erie, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Tps.), & Wyandot (Tps. of Tymochtee, Crawford, Ridge, & Richland), & Island of Lake Erie North of Sandusky
 Hancock, Henry, Putnam, & Wood (except Perry & Bloom Tps.) Cos.
 Knox Co.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.86	.65	.45		.01
10.33	.60	.50		.02
10.60				
11.655	.73	.80		.01
9.87	.40	.70		.02
10.66	.70	1.00		.04
11.54	.93	.75		.05
11.97	.73	.50		.05
10.20	.50			.05
10.55				
11.40	.50			
11.14	.60	.50		.01
12.64	.50			.02
9.90	.50	.20		.03

DECISION NO. CH77-2132

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.955 70LJR 50LJR	.545 .545	.35 .35	4%+4c 4%+4c	.02 .02
12.15 70LJR 50LJR	.545 .545	.35 .35	4%+4c 4%+4c	.02 .02
10.525 11.98	.50 .55	.85 .85		.01 .01
10.96 11.11	.90 .90	1.25 1.25		.04 .04
11.10 11.20 12.22	.90 .90 .80	1.55 1.20 1.10		.05 .02 .03
12.30	.93	1.11		.05
11.08 11.58 11.33 11.205	.70 .70 .70 .70	.75 .75 .75 .75		.03 .03 .03 .03

Eric & Huron Cos.:
Elevator constructors
Helpers
Helpers (Prob.)
Bancroft, Henry, Ottawa, Sandusky,
Seneca, Wood, & Wyandot Cos.:
Elevator constructors
Helpers
Helpers (Prob.)
GLAZIERS:
Allen, Anglaise, Crawford,
Bancroft, Hardin, Mercer, Putnam,
Van Wert, & Wyandot Cos.
Defiance, Henry, Ottawa, Sandusky,
Seneca, Williams, & Wood Cos.
Erie, & Huron Cos.
IRONWORKERS:
Allen, Anglaise, Logan (W 2/3),
& Mercer Cos.:
Within 15 mi. radius of Local
Union #290
Beyond 15 mi. radius of Local
Union #290
Crawford, Hardin, Knox, Logan
(Mem. of Co.), Marion, Morrow,
& Wyandot Cos.
Defiance, Paulding, Putnam, Van
Wert, & Williams Cos.
Erie, & Huron Cos.
Bancroft, Henry, Ottawa, Sandusky,
Seneca, & Wood Cos.
Richland Co.:
Ornamental; Reinforcing; &
Structural
Sheet-roof
Sheeter-side
Backer-up

DECISION NO. CH77-2132

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.44	.32	3%+37		.04
11.35	.45	3%+30		.12
12.35	.50	3%+35		.22
11.85	.53	3%		.12
10.90	.28	3%+60		.03
9.66 70LJR 50LJR	.495 .495	.32 .32	4%+4c 4%+4c	.02 .02
11.16 70LJR 50LJR	.545 .545	.35 .35	4%+4c 4%+4c	.02 .02

ELECTRICIANS:
Allen, Anglaise, Hardin, Logan,
Mercer, Van Wert, & Wyandot
(Tvs. of Crawford, Jackson,
Marcell, Millin, Ridgeland,
Ridge, & Salem) Cos.
Crawford, Huron (Tvs. of Rich-
mond, New Haven, Ripley, &
Greenwich), Knox (Tvs. of
Liberty, Clinton, Union, Woodard,
Monroe, Middleburg, Morris,
Wayne, Berlin, Pike, Brown, &
Jefferson), Marion, Morrow,
Richland, & Wyandot (Tvs. of
Sycamore, Crane, Eden, Pitt, &
Ashtabula) Cos.
Defiance, Bancroft, Henry, Ottawa,
Paulding, Putnam, Sandusky,
Seneca, Williams, & Wood Cos.
Erie, & Huron (Tvs. of Lyme,
Ridgeland, Norwalk, Townsend,
Mekman, Sherman, Ferris, Bronson,
Bartland, Clarkfield, Morwick,
Greenfield, Fairfield, Fitch-
ville, & New London) Cos.
Knox (Tvs. of Jackson, Clay,
Morgan, Miller, Milford,
Billiard, Butler, Harrison,
Pleasant, & College) Co.
ELEVATOR CONSTRUCTORS:
Allen, Anglaise, Defiance, Mercer,
Paulding, Putnam, Van Wert, &
Williams Cos.:
Elevator constructors
Helpers
Helpers (Prob.)
Crawford, Hardin, Knox, Logan,
Marion, Morrow, & Richland Cos.:
Elevator constructors
Helpers
Helpers (Prob.)

DECISION NO. OH77-2132

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LATHERS:					
Auglaize, Logan, & Mercer Cos.	9.11.04		.20		.01
Crawford, Knox, Logan, Marion, Morrow, & Wyandot Cos.	10.65		.10		.01
Defiance, Hancock, Ottawa, Paulding, Sandusky, Seneca, Williams, & Wood Cos.	11.90 12.45	.65	.10		.01 .01
Erie, & Huron Cos.	10.75	.40		.4	.01
LEARNERS:					
MARKET SETTERS' HELPERS; TERRAZZO WORKERS' HELPERS; & TILE SETTERS' HELPERS:					
Allen, Defiance, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos.	10.10	.65	.40	.50	
Auglaize, Bardin, Logan, & Mercer Cos.	8.34				
Erie, Huron, & Richland Cos.:	11.41		1.00		
Marble setters' helpers	12.12		.85		
Terrazzo workers' helpers	11.94		1.00		
MILLWRIGHTS:					
Allen, Auglaize, Bardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos.	10.92	.40	.70		.02
Crawford, Huron, & Richland Cos.	10.66	.70	1.00		.04
Defiance, Erie (N. of B & O RR Tracks), Hancock, Henry, Ottawa, Paulding, Sandusky, Seneca, Williams, & Wood Cos.	11.97	.73	.50		.05
Erie (E. of B & O RR Tracks)	11.95	.77	1.40		.03
PAINTERS:					
Allen, Auglaize, Defiance, Bardin, Mercer, Paulding, Putnam, Van Wert, & Williams Cos.:	8.15	.73	.50		.03
Brush; drywall taping; & roller wall covering; swing stage; safety belts; spiders & cherry pickers - brush or rollers	8.40	.73	.50		.03

DECISION NO. OH77-2132

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Sandblasting; Spray; Steam-cleaning; Hits; High pressure water cleaning; Blow down Skilts & automatic drywall tools	8.65 8.90	.73 .73	.50 .50		.03 .03
Petroleum storage tanks (over 30 ft. high) brush, rollers	8.55	.73	.50		.03
Structural steel (open skeleton) - brush or roller	8.45	.73	.50		.03
Elevated water tanks & stacks - brush, roller or spray	9.65	.73	.50		.03
Crawford, Marion, Morrow, & Richland Cos.:					
Brush; roller; Washer & cleaner	8.80		.50		
Drywall; Paperhangers; Wall coverer; Pot tender	9.55		.50		
Structural steel tanks & towers; Hazardous materials incl. epoxy or any 2 component materials	9.30		.50		
Spray; Riggers & helpers on scaffold over 30 ft. above base level	9.55		.50		
Sign & pictorial	9.65		.50		
Sandblaster cleaner	9.95		.50		
Erie, Hancock, Huron, Sandusky, Seneca, & Wyandot Cos.:					
Old Commercial	8.80	.30	.60		\$50.00p/yr
Brush; roller; Wash; Clean	9.05	.50	.60		50.00p/yr
Drywall; Paperhanging; 30' to 60'	9.90	.50	.60		50.00p/yr
60' or over					
Sandblasting; Spray; Swing stage; Boatswain chair; Needle beam	9.30	.30	.60		50.00p/yr
Hazardous work & material; Stacks, Tanks, Towers over 30' in ht.	9.80	.50	.60		50.00p/yr
New Commercial					
Brush; roller; Wash; Clean	9.40	.30	.60		50.00p/yr
Drywall; Paperhanging	9.85	.50	.60		50.00p/yr
Structural steel; 30' to 60'	9.85	.50	.60		50.00p/yr
60' & over	10.25	.50	.60		50.00p/yr
Sandblast; Spray; Swing stage; Needlebeam; Boatswain chair	9.90	.50	.60		50.00p/yr
Hazardous work & material; Stacks, tanks, & towers over 40' in ht.	10.40	.50	.60		50.00p/yr

DECISION NO. OR77-2132

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
12.00	.50	.75		.05
12.25	.60	.88		.05
12.83	.80	.85		.09
11.41	.58	.80		.04
12.32	.55	.80		.05
11.195	.60	.65		.01
10.74	.57	.60		.02
11.51	.73	.85		.02
13.16	.25	.50		
10.95	.55 ^{fe}	.84		.15
10.46	.65	.60		.02
11.825	.65 ^{fe}	1.00		.045
12.68	.60	.60		.04
10.82	.45 ^{fe}	1.05		.10
9.87	.40	.70		.02
10.66	.70	1.00		.04
10.30	.73	.50		.04

FURNISHERS; Steamfitters:
 Allen, Anglaise, Hardin, Mercer, & Van Wert Cos.
 Crawford, Erie, Huron, Knox, Morrow, Richland, & Wyandot Cos.
 Defiance, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos. Logan Co.
 Marion Co.
 ROOFERS:
 Allen, Anglaise, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos.
 Crawford, & Richland Cos.
 Defiance, Hancock, Henry, Paulding, Williams, & Wood Cos.
 Erie, Huron, Ottawa, Sandusky, & Seneca Cos.
 STREET METAL WORKERS:
 Allen, Anglaise, Hardin, Logan, Mercer, Van Wert, & Wyandot Cos.
 Crawford, & Richland Cos.
 Defiance, Hancock, Henry, Ottawa, Paulding, Putnam, Seneca, Williams, & Wood Cos.
 Erie, Huron, & Sandusky Cos.
 Knox, Marion, & Morrow Cos.
 SCOT FLOOR LAYERS:
 Allen, Anglaise, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos.
 Crawford, Erie, Hancock (Fosteria), Huron, Ottawa, Richland, Sandusky, Seneca, & Wood (Fosteria) Cos.
 Defiance, Hancock (excluding Fosteria), Henry, Paulding, Williams, & Wood (excluding Fosteria) Cos.

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.49	.65	.70		
11.04	.65	.70		
10.04	.65	.70		
7.50				
7.95				
7.80	.10	.25		
8.15	.10	.25		
8.50	.10	.25		
8.35	.10	.25		
10.47	.40	.70		.02
10.66	.70	1.00		.04
11.97	.73	.50		.05
12.10	.77	1.25		.03
9.58	.50	.30		.02
10.45				
12.20	.65			.01
11.14	.60	.50		.01

Henry, Ottawa, & Wood Cos.:
 Brush; Paperhangers; Drywall tapers & finishers
 Sandblasting; Spray; Pressure cleaning
 Open structural steel; Brush
 Knox Co.:
 Brush; Paperhangers
 Spray
 Logan Co.:
 Brush; Paperhangers (tools furnished)
 Swing stage
 Spray
 Structural steel
 PILEDRIVERS:
 Allen, Anglaise, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos.
 Crawford, Huron, & Richland Cos.
 Defiance, Erie (N. of B & O RR Tracks), Hancock, Henry, Ottawa, Paulding, Sandusky, Seneca, Williams, & Wood Cos.
 Erie (E. of B & O RR Tracks)
 PLASTERERS:
 Allen, Anglaise, Hardin, Knox, Logan, Mercer, & Van Wert Cos.
 Crawford, Marion, Morrow, Richland, & Wyandot (excluding Tymochtee, Crawford, Ridge, & Richland Twp.) Cos.
 Defiance, Hancock, Henry, Paulding, Williams, & Wood (excluding Perry & Bloom Twp.) Cos.
 Erie, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twp.), Wyandot (Tymochtee, Crawford, Ridge, & Richland Twp.), & Island of Lake Erie N. of Sandusky

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12.30	.65	.95		.08

SPRINKLER FITTERS

PAID HOLIDAYS:

- A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
- E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

- a. 2 paid holidays: B & D
- b. 6 paid holidays: A through F
- c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
- d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
- e. 3% of gross earnings to SASMI

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$7.85	.55	.40		.05
8.00	.55	.40		.05
8.15	.55	.40		.05
8.35	.55	.40		.05
8.66	.65	.40		.05
9.06	.65	.40		.05

LADDERES:

Allen, Aglaise, Mercer, Paulding, Putnam, & Van Wert Cos.:
 Building laborers; Laser beam; Power wheelbarrow or power buggy
 Vibrators; Spikers by hand (Railroad); Cement finishers' helpers; All machine driven tools (gas, electric, air); Asphalt rakers; Grissoes; Coffers; Demolition; Packers; Pot tenders; Pump man under 4" discharge; Tamper; Torch man; & tunnel
 Blaster helpers; Cylinder, shaft Jackhammer; Man-hole builders; Mason tenders; Mortar mixers; Plasterers' tenders; Sewer bottom man; Sewer pipelayer; Sewer, water conduit, gas, oil, pipeline, except mainlines; & wagon drill helper
 Blaster-powder man; Gunite operator & miners (tunnel & caisson) free air; Sandblaster; & wagon drill/operator
 Crawford, Knox, Morrow, & Richland Cos.:
 General laborer; Carpenter tender; Concrete handler
 Mason & Plasterers' tenders; Air & power driven tools; Pipelayer; Dynamite blaster; Mortar mixer & formsetter
 Gunite operator

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POWER EQUIPMENT OPERATORS (CONT'D):

- GROUP B - Asphalt paver, bulldozer, C.H.I. type equipment, endloaders, Mohlan type loaders (dirt loading), lead grassman, mucking machines, power grader, power scoops, power scrapers, push cat.
- GROUP C - Air compressor (pressurizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), Submersible pumps (4" and over discharge), trenchers 24" and under
- GROUP D - Compressors on building construction, conveyors (building material), generators, gunnits machines, mixers, (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher rollers, welder operator
- GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, cisterns, concrete spreading mach., crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 4" discharge, hydro welders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)
- GROUP F - Diller, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven hoists (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge)

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POWER EQUIPMENT OPERATORS:

	ZONE I		ZONE II		ZONE III		Fringe Benefits Payments		
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	H & W	Positions	Vacation	Education Adv./yr	Apr. Tr.
GROUP A	\$11.39	\$11.11	\$11.67	.46	1.00	.11			
GROUP B	11.23	10.95	11.52	.46	1.00	.11			
GROUP C	10.88	10.59	11.17	.46	1.00	.11			
GROUP D	10.07	9.81	10.39	.46	1.00	.11			
GROUP E	9.74	9.48	10.07	.46	1.00	.11			
GROUP F	8.28	8.03	8.64	.46	1.00	.11			

ZONE I: Allam, Defiance, Hancock, Hardin, Henry, Ottawa, Paulding, Putnam,

Richland, Sandusky, Seneca, Van Wert, Williams, & Wood Counties

ZONE II: Auglaize, Crawford, Knox, Logan, Marion, Mercer, Morrow, &

Wyandot Counties

ZONE III: Erie & Huron Counties

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on train (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter which operator when hoisting building materials, hoos (all types), hoist-ing engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$7.70	.53	3%		3%
11.73	.50	3%		3%
12.66	.50	3%		3%
9.31	.50	3%		3%
8.32	.50	3%		3%

Advanced truck driver (winch) groundman; Advanced groundman (over 2 years' experience) Knox Co. (Rem. of Co.):
 Linemen; Equipment operators
 Cable splicers
 Groundman - truck driver over 1 year
 Groundman - truck driver 0 - 1 year

FOOTNOTE:
 1. 9 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Day after Thanksgiving Day; Christmas Eve & New Year's Eve

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.68	.45	3%		3%
7.57	.45	3%		3%
10.51	.45	3%		3%
11.35	.45	3%+30		3%
7.38	.45	3%+30		3%
6.81	.45	3%+30		3%
12.76	.45	3%		.25%
12.33	.45	3%		.25%
13.01	.45	3%		.25%
10.20	.45	3%		.25%
9.00	.45	3%		.25%
6.47	.45	3%		.25%
7.10	.45	3%		.25%
7.73	.45	3%		.25%
11.85	.53	3%		3%
6.52	.53	3%		3%

LINE CONSTRUCTION:
 Allen, Anglaise, Hardin, Logan, Mercer, Van Wert, & Wyandot (Tws. of Crawford, Jackson, Marshall, Millin, Ridgeland, Ridge, & Salem) Cos.:
 Linemen
 Groundman; Truck drivers
 Equipment operators
 Crawford, Huron (Tws. of Richmond, New Haven, Ripley, & Greenwich), Knox (Tws. of Liberty, Clinton, Union, Howard, Monroe, Middleburg, Morris, Wayne, Berlin, Pike, Brown, & Jefferson), Marion, Morrow, Richland, & Wyandot (Tws. of Sycamore, Crane, Edon, Pitt, & Antrim) Cos.:
 Linemen; Equipment operators
 Line truck drivers
 Groundman
 DeLiance, Harcock, Henry, Ottawa Building, Fecman, Sandusky, Seneca, Williams, & Wood Cos.:
 Linemen
 Technicians
 Cable splicers
 Operator Class 1
 Operator Class 2
 Groundman:
 Driver 1st 6 mos.
 Driver 2nd 6 mos.
 Driver 3rd 6 mos.
 Erie, Huron (Tws. of Lyme, Ridgfield, Moravia, Townsend, Wakarusa, Sherman, Paris, Bronson, Battland, Clarksville, Norwich, Greenfield, Fairfield, Fitchville, & New London) Cos.:
 Linemen; Equipment operators;
 Cable splicers
 Beginning truck driver groundman; Beginning groundman

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$11.16 70LJR 50LJR	.545 .545	.35 .35	42%+4d 42%+4d	.02 .02
9.20 70LJR 50LJR	.495 .495	.32 .32	42%+4d 42%+4d	.02 .02
10.99 70LJR 50LJR	.545 .545	.35 .35	42%+4d 42%+4d	.02 .02
11.305 70LJR 50LJR	.545 .545	.35 .35	42%+4d 42%+4d	.02 .02
9.49 11.98	.70 .55	.77 .65		.03 .01
11.08 11.58 11.33 11.205	.70 .70 .70 .70	.75 .75 .75 .75		.03 .03 .03 .03
11.76 12.26 11.885 12.22	.40 .40 .40 .80	1.15 1.15 1.15 1.10		.07 .07 .07 .03
11.01 10.75	.57 .40	.15	e	.01 .01

ELEVATOR CONSTRUCTORS:
Ashland, Coshocton, Holmes, & Tuscarawas Cos.;
Elevator constructors
Helpers
Holmes (Prob.)
Carroll Co.;
Elevator constructors
Helpers
Columbiana Co.;
Elevator constructors
Helpers
Holmes & Wayne Cos.;
Elevator constructors
Helpers
Carroll, Coshocton, Holmes, & Wayne Cos.
Medina (N 1/2) Co.
IRONWORKERS:
Ashland, Carroll, Coshocton, Holmes, Tuscarawas, & Wayne Cos.;
Ornamental; Reinforcing; & Structural
Sheeter-roof
Sheeter-side
Bucker-up
Columbiana Co.;
Ornamental; Reinforcing; & Structural
Sheeters
Bucker-up
Medina Co.
LATHERS:
Wayne Co.
LEADWORKERS

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$10.57	.50	.50		.05
10.79 10.88	.85 .50	.60 .50		.01 .03
10.33	.60	.50		.02
11.18	1.00	1.00		.02
10.94 10.56	.50 .60	.60 .75		.01
11.35	.45	33+3.30		.11
11.75 12.00	.40 .61	31+4.40 9%	8%	.3% .11
10.26	8%	6.5%	8%+4b	1%
12.55	.56	7%		.3%
10.90	.28	33+6.60		.03
12.50	.60	33+8.80		.11
12.33	.47	31+5.50		.2%

Columbiana Co.;
Cement mixers
Plasterers
Tops. of Knox, Butler, West, & Senover
Reminder of Co.
Coshocton Co.;
Cement mixers
Holmes & Wayne (except Chippewa & Milton Tps.) Cos.
Medina Co.;
Cement mixers
Plasterers
ELECTICIANS:
Ashland Co.
Carroll (N 1/2 incl. Fox, Harrison, Keese & Washington Tps.);
Columbiana (Knox Tps.), Holmes, Tuscarawas (N. of Auburn, Clay, Rush, & York Tps.), & Wayne (S. of Empoeban, Chester, Green & Wayne Tps.) Cos.
Carroll (Rem. of Co.) Co.
Columbiana (Tops. of Center, Elk Run, Franklin, Smover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West, & Yellow Creek) Co.
Columbiana (Tops. of Butler, Fairfield, Perry, Salem, & Unity) Co.
Coshocton & Tuscarawas (Auburn, York, Jefferson, Clay, Rush, Oxford, Washington, Salem, Perry, & Bucks Tps.) Cos.
Medina (Tps. of Litchfield, & Liverpool) Co.
Medina (Rem. of Co.), & Wayne (N 1/2 of Co.)

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
11.41		1.00		
12.12		.83		
11.94		1.00		
8.09	.70	.45		
11.455				
8.80		.50		
9.55		.50		
9.30		.50		
9.55		.50		
9.95		.50		
9.61	.78	.60		.02
9.71	.78	.60		.02
10.11	.78	.60		.02
10.01	.78	.60		.02
10.36	.78	.60		.02
11.10	.60	.80		
11.60	.60	.80		
11.27	.60	.80		
11.25	.60	.80		

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
11.31	.60	.80		
11.45	.60	.80		
12.10	.60	.80		
12.35	.60	.80		
5.25				
5.75				
5.50				
9.40	.62	.60		
9.90	.62	.60		
9.65	.62	.60		
12.25	.60	.88		.05
10.93	.35	.52		.08
11.42	.45	.70		.05
12.31	.75	.50		.03
12.28	.75	1.00		.02
11.46	.79	.90		.05
10.74	.57	.40		.02
10.91	.61	.84		.05
11.84	.75	.79		.04
12.30	.65	.95		.08
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day				

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FOOTNOTES:

- a. 2 paid holidays: B & D
- b. 9 paid holidays: A through F, Good Friday, Day after Thanksgiving, & Day before Christmas
- c. 6 paid holidays: A through F
- d. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
- e. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
- f. 1 paid holiday: D providing the employee has worked 5 consecutive days before and after the holiday.

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Columbiana Co.:
 General laborers; Carpenters' tenders
 Brick & cement mason tenders;
 Plasterers' tenders; Mortarman
 Pipelayers; Air tool & power
 tool operators; Jackhammer ops.
 Coshocton, Holmes, & Tuscarawas
 Cos.:
 Laborers; Carpenters' tenders;
 Concrete handlers; Finisher
 tenders; Coal rail erector
 Bottom men scaffold builders;
 Air & power driven tools;
 burners; Pipelayers; Mason &
 plasterers' tenders; Rod
 carriers; Laser beam set up
 men; Blasters & Dynamite man
 Committee operators
 Medina Co.:
 Common laborers; Welders
 Helpers; Carpenters' tenders;
 Landscape laborers; Mason
 tenders; Concrete bucket tender
 Air driven boring machine; Tam-
 per ops.; Asphalt takers; Paving
 bed makers; Material mixers; Wire
 mesh handlers; Hook-up man on
 demolition work; Scaffold erect-
 tor; Structural precast erectors
 Power tools-air, gas, or elec-
 tric
 Pipe layers; Rock drillers;
 Buckers--Tunnel; Burners; Form
 setters; Power saws; Jackhammers
 Barco type tampers; Bottom man;
 Rod carriers; Power buggy or
 Power wheelbarrow
 Gunite nozzlemen; Tunnel miners;
 Water line caulkers; Dynamite
 men; Pump hose nozzlemen

	Basic Hourly Rate	Fringe Benefits Payments				Education and/or App. Tr.
		H & V	Pensions	Vacation	Education and/or App. Tr.	
LABORERS: Ashland Co.: General laborers; Carpenter tenders; Concrete handler Mason & Plasterers' tenders; Air & power driven tools; Pipelayers; Dynamite blaster; Mortar mixer; & formsetter Committee operator Carroll Co.: Building & construction; Signal- men; Flagmen; Tool erector Carpenters' tenders; Finisher tenders; Concrete handler; Utility construction laborers; Coal rail erector Bottom men; Scaffold builder; Tunnel laborers; Pipelayers; Air & power driven tools; Burner on demolition; Swinging scaffold; Buckers; Gasson wor- ker; Cofferdam worker; Powder men & dynamite blaster; Dred- gee workers; Mortar mixers; Form setter; Mason tender; Plasterers' tenders; Rod carrier; Laser beam set-up men Committee operator	8.46 8.66 9.06 7.96 8.16 8.56	.65 .65 .65 .55 .55 .55	.40 .40 .40 .40 .40 .40	.05 .05 .05 .05 .05 .05	.05 .05 .05 .05 .05 .05	

	Basic Hourly Rate	Fringe Benefits Payments				Education and/or App. Tr.
		H & V	Pensions	Vacation	Education and/or App. Tr.	
Columbiana Co.: General laborers; Carpenters' tenders Brick & cement mason tenders; Plasterers' tenders; Mortarman Pipelayers; Air tool & power tool operators; Jackhammer ops. Coshocton, Holmes, & Tuscarawas Cos.: Laborers; Carpenters' tenders; Concrete handlers; Finisher tenders; Coal rail erector Bottom men scaffold builders; Air & power driven tools; burners; Pipelayers; Mason & plasterers' tenders; Rod carriers; Laser beam set up men; Blasters & Dynamite man Committee operators Medina Co.: Common laborers; Welders Helpers; Carpenters' tenders; Landscape laborers; Mason tenders; Concrete bucket tender Air driven boring machine; Tam- per ops.; Asphalt takers; Paving bed makers; Material mixers; Wire mesh handlers; Hook-up man on demolition work; Scaffold erect- tor; Structural precast erectors Power tools-air, gas, or elec- tric Pipe layers; Rock drillers; Buckers--Tunnel; Burners; Form setters; Power saws; Jackhammers Barco type tampers; Bottom man; Rod carriers; Power buggy or Power wheelbarrow Gunite nozzlemen; Tunnel miners; Water line caulkers; Dynamite men; Pump hose nozzlemen	8.40 8.565 8.60 8.17 8.37 8.77 9.25 9.40 9.45 9.75	.55 .55 .55 .65 .65 .65 .50 .50 .50 .50	.40 .40 .40 .40 .40 .40 .30 .30 .30 .30	.05 .05 .05 .05 .05 .05 .02 .02 .02 .02	.05 .05 .05 .05 .05 .05 .02 .02 .02 .02	

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Wayne Co.:
 Building & Construction; Signal
 men; Flagmen; Tool cribman;
 Carpenters' tenders; Finisher
 tenders; Concrete handler;
 Utility construction laborers;
 Guard rail erector
 Bottom men; Scaffold builder;
 Tunnel laborers; Pipe layers;
 Air & power driven tools;
 Burner on demolition; Swinging
 scaffold; Mucker; Caisson wor-
 ker; Cofferdam worker; Powder
 men & dynamite blasters; Croo-
 set workers; Mortar mixers;
 Form setter; Mason tenders;
 Plasterers' tenders; Rod
 carrier; Laser beam set-up man
 Concrete operator

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Retireless	Vacation	
8.45	.65	.40		.05
8.66	.65	.40		.05
9.06	.65	.40		.05
11.39	.46	1.00		.11
11.23	.46	1.00		.11
10.88	.46	1.00		.11
10.07	.46	1.00		.11
9.74	.46	1.00		.11
8.28	.46	1.00		.11
11.67	.46	1.00		.11
11.52	.46	1.00		.11
11.17	.46	1.00		.11
10.59	.46	1.00		.11
10.07	.46	1.00		.11
8.64	.46	1.00		.11

POWER EQUIPMENT OPERATORS:
 Ashland, Carroll, Coakerton,
 Holmes, Tucserwest, & Wayne Cos.:

Group A
 Group B
 Group C
 Group D
 Group E
 Group F
 Medina Co.:

NOTICES

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on train (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (lift loading), lead grassman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressurizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), hoese elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing wall points or other type of seawater systems, pumps (4" and over discharge), Submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers, (capacity more than one bag), mixers (one bag capacity; side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher rollers, welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, ball floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck heads, drum fireman (asphalt), farm type tractor pulling attachments, finishing machines, form trenchers, high pressure pumps over 4" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)

GROUP F - Oiler, helpers, signalman, inboard & outboard motor boat launch, light plant operator, power driven beaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge)

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TRUCK EQUIPMENT OPERATORS
Columbiana Co.

CLASS I CLASS II CLASS III CLASS IV CLASS V CLASS VI	Fringe Benefits Payments			Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	
	\$12.01	.65	.80	.14
	11.32	.65	.80	.14
	10.66	.65	.80	.14
	10.27	.65	.80	.14
	10.17	.65	.80	.14
	12.28	.65	.80	.14

CLASS I - Asphalt planer hoister; Austin western & similar type; Backhoe; Batch plant-central mix; Batch plant-portable concrete; Bero builder-automotive; Backfiller w/drag attachment; Boat derrick; Boat-tug; Boring mach. attached to tractor; Ballclaw bulldozers; C.M.I. road builder & similar type; Cable pincer & layer; Carrier-straddle; Cortyall - scraper or scoop; Chicago boom; Compactor w/wide attachment; Concrete spreader finisher comb.; Crane; Crane-stationary or climbing; Crane-electric overhead; Crane-side boom; Crane truck; Crane-tower; Derrick-boom; Derrick-car; Digger-wheel (not trencher or road widener); Double nine; Drag line; Dredger; Drill-heavy or similar type; Electronic; Foot lift; Frankie pile; Gradall; Grabber-power; Grady; Gentry-self-propelled; High lift; Hoist-monorail; Hoist-stationary & mobile tractor; Hoist-2 or 3; Jackall; Jumbo mach.; Local or Columbus; Load-carrying vehicle; Loader - Elevating; Loader-front end; Locomotive; Mechanic at welder; Petro clip harvester w/boom; Bucking mach.; Paver-asphalt finishing mach.; Paver-road concrete; Paver-clip form; Placecrete mach.; Post driver; Power-driven hydraulic pump & jacks; Pumpcrete machine; Regulator-ballast; Reigs-drilling; Snoweis; Spikesuter; Stonecrusher; Tie puller & loader; Tie tapper; Tractor-double boom; tractor w/attachment; Truck-beam; Truck-tire-assigned to job; Trench mach.; Tunnel machine (back 21 jaws or similar); Whaley

CLASS II - Asphalt plant; bending machine; Boring mach.; Chip harvester w/o boom; clamshell mach.; pipeline type; Coating mach-pipeline type; Concrete bolt placer; concrete finisher; Concrete plaser or asphalt; Concrete spreader; Elevator; Fork lift walk behind; form line mach.; Grout truck op.; Grout pump; Gunite mach.; Hot boiling mach.; Hydraulic scaffold; Faving breaker; Pipe drench; Hot fireman; Power broom; Refrigoratoric plant; Saxon derrick; Seeding mach.; Self-propelled mobile vibrator compacter or roller; Hoist-nibble drum; Soil stabilizer (pump type); Spray cure mach.-Self propelled; Straw blowers mach.; Sub-grader; Tube Finisher or broom C.M.I. or similar type; Toggler hoist

CLASS III - Batch plant-job related; Boiler op.; Compressor (125 CFM or over); Curb builder (self-propelled); Concrete-stone; Jack-hydraulic driven; Mixer-concrete; Matching mach.; Pin pallet; Pulverizer; Pump; Road finishing mach. (pulltype); roller; Saw-concrete-self propelled; signal man; spray cure mach.-motor powered; Spreader (side driver aboulder attachment); Tractor; Trencher-form; Water blaster

CLASS IV - Brake man; Compressor under 125 CFM; Conveyor; Conveyor 12 feet or under other than servicing bricklayers; Deck hand; Drill wagon; fireman; Generator set; Heaters-portable power (2 to 5); Helper-mechanic; Jacks hydraulic (railroad); Lehdwater; Boiler (walk behind 1 ton or over); Steam jacks; Synthetic; Vibrator-gasoline; Welding machines (2) (fuel burning)

CLASS V - Oiler

CLASS VI - Rigo-pile driving or caisson type

LINE CONSTRUCTION:

Ashland Co.:

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.35	.45	374.30		3%
7.38	.45	314.30		3%
6.81	.45	314.30		3%
12.00	6%	9%	8%	3%
7.80	6%	9%	8%	3%
12.40	6%	9%	8%	3%

Equipment operators; Lineman
Line truck drivers
Groundman
Carroll (S. of Fox, Harrison, Base, & Washington Tps.) Co.:
Linemen; Line equipment ops. & truck drivers
Groundman
Cable splicer
Carroll (Rem. of Co.), Columbiana (Knox Twp.), Holmes, Tuscarawas (S. of Auburn, Clay, Rush, & York Tps.), & Wayne (S. of Banglams, Chester, Green, & Wayne Tps.) Cos.:
Cable splicers; Linemen
Line equipment operators
Groundman:
Under 1 yr's experience
Over 1 yr's experience
Truck drivers

DECISION NO. 0817-2133

Columbian (incl. Knox Typ.) Co.:
 Linemen; Cable splicers;
 Operator - pole digging equip-
 ment
 Groundman 1st 6 mos.
 Groundman 2nd 6 mos.
 Groundman 2nd yr.
 Groundman 3rd yr.
 Groundman over 3 yrs.
 Conabecton & Tostcarawas (Gen. of
 Co.) Co.:
 Cable splicers; Linemen; Equip-
 ment ops.
 Groundman:
 0 - 6 mos.
 After 6 mos.
 After 12 mos.
 After 18 mos.
 Medina (5th part) Co.:
 Linemen; Cable splicers; Equip-
 ment ops.
 Beginning truck driver ground-
 man; Beginning groundman
 Advanced truck driver (winch)
 groundman; Groundman (over 2
 years' experience)
 Medina (Gen. of Co.) & Wayne
 (8 1/2 of Co.):
 Linemen
 Cable splicer
 Truck drivers; Groundman
 Equipment operators

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Festivals	Vacation	
813.23	.45	3%		3%
6.62	.45	3%		3%
7.94	.45	3%		3%
9.26	.45	3%		3%
9.92	.45	3%		3%
10.58	.45	3%		3%
11.43	.35	3%		3%
5.92	.35	3%		3%
6.30	.35	3%		3%
6.72	.35	3%		3%
7.11	.35	3%		3%
12.50	.60	3%+80		3%
5.96	.60	3%+80		3%
7.04	.60	3%+80		3%
12.06	.57	3%+65		3%
12.88	.57	3%+65		3%
6.04	.57	3%+65		3%
9.06	.57	3%+65		3%

SUPPLEMENTAL DECISION

COUNTY: Statewide (except heavy construction within the city of Muskogee)

STATE: Oklahoma

DATE: Date of Publication

DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities (but does not include building structures on highway rest areas).

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & V	Pensions	Vacation	
Air tool man	\$4.00			
Asphalt heater	4.50			
Asphalt raker	4.60			
Asphalt shoveler	3.85			
Carpenter	5.35			
Carpenter helper	4.50			
Concrete finisher	5.40			
Concrete finisher helper	4.45			
Concrete rubber	4.60			
Electricians	9.00			
Electricians helper	6.30			
Firman	4.50			
Form builder	5.00			
Form builder helper	4.30			
Form setter	5.00			
Form setter helper	4.30			
Laborer, common	3.50			
Manhole builder	4.85			
Mechanic	5.50			
Mechanic helper	4.50			
Oilier	4.75			
Painter	4.75			
Painter helper	4.00			
Piledriver	4.50			
Powerman	4.70			
Powerman helper	4.10			
Reinforcing steel setter (paring)	4.50			
Reinforcing steel setter (structure)	4.50			
Reinforcing steel setter helper	3.75			
Structural steel worker	5.10			
Structural steel worker helper	4.35			
Spreader box man	4.00			
Vibrator (hand type)	3.75			
Weighman (truck scales)	3.60			
Welder	5.10			
Welder helper	4.30			
Pipelayers	4.50			

TRUCK DRIVERS:

- Over 2 tons
- 2 tons and under
- Tandem axle & semitrailer
- Lowboy
- Transit mix
- Winch

POWER EQUIPMENT OPERATORS:

- Asphalt distributor
- Asphalt paving machine
- Buildover
- Cement unloading & machine op.
- Concrete paving machine
- Concrete finishing machine
- Concrete saw operator
- Concrete batching plant
- Crams, clamshell, backhoe,
- derrick, dragline & shovel
- Crawler & screening plant op.
- Front end loader (1 cy and less)
- Front end loader (over 1 cy)
- Hoist
- Mixer (over 16 C.F.)
- Mixer (16 C.F. and less)
- Mixer (concrete paving)
- Motor grader operator
- Pug mill operator
- Pumpcrete
- Roller (steel wheel)
- Roller (pneumatic)
- Scrapers

TRACTORS:

- Crawler, 50 HP & less
- Crawler, over 50 HP
- Pneumatic, 50 HP & less
- Pneumatic, over 50 HP
- Traveling plant (stabilization)
- Trenching machine
- Wagon drill

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & V	Pensions	Vacation	
\$4.25				
3.85				
4.50				
4.60				
4.50				
4.50				
4.75				
3.50				
5.50				
4.00				
5.25				
5.00				
4.75				
5.25				
4.75				
4.85				
4.55				
5.00				
5.50				
4.85				
4.50				
5.00				
4.65				
5.25				
4.70				
5.00				
4.00				
4.25				
4.80				
4.90				
4.65				

WELL DRILLINGZONE AWell Drillers
Well driller helpersZONE BWell Drillers
Well drillers helper

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$4.00				
3.00				
3.00				
2.50				

AREA COVERED BY VARIOUS ZONESWELL DRILLING:

ZONE A - Adair, Atoka, Beckham, Blaine, Caddo, Canadian, Cherokee, Choctaw, Craig, Custer, Delaware, Dewey, Haskell, Kingfisher, Latimer, LeFlore, McCurtain, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Ottawa, Puchotaha, Roger Mills, Rogers, Sequoyah, Tulsa, Wagoner, Washington and Washita Counties.

ZONE B - Alfalfa, Beaver, Bryan, Carter, Cimarron, Cleveland, Coal, Comanche, Cotton, Creek, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Hughes, Jackson, Jefferson, Johnston, Kay, Kiowa, Lincoln, Logan, Love, McClain, Major, Marshall, Murray, Noble, Oklahoma, Oklahoma, Osage, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Seminole, Stephens, Texas, Tillman, Woods and Woodward Counties.

[FR. Doc. 77-26531 Filed 9-1-77; 8:45 am.]

NOTICES

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF AUGUST 5, 1977

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

Abbreviations

- (B)—Building Construction.
- (D)—Dredging.
- (F)—Flood Control Construction.
- (H)—Heavy Construction.
- (Hw)—Highway Construction.
- (R)—Residential Construction.
- Mod.—Modification.
- (HE)—Heavy Engineering.
- (LE)—Light Engineering.
- (U)—Utility.
- (W&S)—Water and Sewer.

Signed at Washington, D.C., this 26th day of August 1977.

RAY J. DOLAN,
*Assistant Administrator,
Wage and Hour Division.*

ALABAMA

STATEWIDE

Decision #AL76-5060 (D)
41 FR 44609 - 10/8/76
Decision #AL77-1042 (Hw)
41 FR 17753 - 4/1/77
AUTAUGA COUNTY
Decision #AL77-1063 (HMS)
42 FR 24550 - 5/13/77
Decision #AL77-1064 (H)
42 FR 24553 - 5/13/77
(D, Hw) - See Statewide

BALDWIN COUNTY
Decision #AL77-1072 (H)
42 FR 28729 - 6/3/77
42 FR 28729 - 6/3/77
42 FR 36537 - 7/10/77
(D, Hw) - See Statewide

BARBOUR COUNTY
Decision #AL77-1097 (F)
42 FR 30835 - 7/29/77
(H, MS) - See Autauga County

BIBB COUNTY
(D, Hw) - See Statewide

BLOUNT COUNTY
(H, MS) - See Autauga County
(D, Hw) - See Statewide

BLOUNT COUNTY
Decision #AL77-1075 (R)
42 FR 28756 - 6/3/77
Mod. #1 - 42 FR 36836 - 7/29/77

Decision #AL77-1065 (HMS)
42 FR 24554 - 5/13/77
Decision #AL77-1067 (H)
42 FR 24554 - 5/13/77
(D, Hw) - See Statewide

BULLOCK COUNTY
(R) - See Barbour County
(H, MS) - See Autauga County
(D, Hw) - See Statewide

BUTLER COUNTY
(D, Hw) - See Autauga County
(H, MS) - See Statewide

CALHOUN COUNTY
Decision #AL77-1071 (HMS)
42 FR 28726 - 6/3/77
Decision #AL77-1083 (H)
42 FR 32496 - 6/24/77
Decision #AL76-1125 (D)
41 FR 47713 - 10/29/76
Mod. #1 - 42 FR 8925 - 2/11/77
(D, Hw) - See Statewide

CHAMBERS COUNTY
(H, MS) - See Autauga County
(D, Hw) - See Statewide

CHESTER COUNTY
(H, MS) - See Blount County
(D, Hw) - See Statewide

CHILTON COUNTY
(H, MS) - See Autauga County
(D, Hw) - See Statewide

CHOCTAW COUNTY
(D, Hw) - See Statewide
(H) - See Baldwin County

ALABAMA (Cont'd.)

CLARKE COUNTY

(D, Hw) - See Statewide
(H, R) - See Baldwin County

CLAY COUNTY
(H, MS) - See Blount County
(D, Hw) - See Statewide

CLEBURNE COUNTY
(H, MS) - See Blount County
(D, Hw) - See Statewide

COFFEE COUNTY
(H, MS) - See Barbour County
(D, Hw) - See Statewide

(R) - See Barbour County
(H, MS) - See Autauga County
(D, Hw) - See Statewide

COLUMBIA COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL77-1079 (B)
42 FR 39860 - 6/5/77
(H, MS) - See Blount County
(D, Hw) - See Statewide

CONOCOCHOC COUNTY
(D, Hw) - See Statewide
(H, R) - See Baldwin County

COOSA COUNTY
(H, MS) - See Autauga County
(D, Hw) - See Statewide

COVINGTON COUNTY
(H, MS) - See Autauga County
(D, Hw) - See Statewide

CRENSHAW COUNTY
(H, MS) - See Autauga County
(D, Hw) - See Statewide

CULLMAN COUNTY
Decision #AL77-1048 (R)
42 FR 22067 - 4/29/77
(D, Hw) - See Statewide
(H, MS) - See Blount County

DALE COUNTY
(R) - See Barbour County
(H, MS) - See Autauga County
(D, Hw) - See Statewide

DALLAS COUNTY
(H, MS) - See Autauga County
(D, Hw) - See Statewide

DE KALB COUNTY
(H, MS) - See Blount County
(D, Hw) - See Statewide

ELMORE COUNTY
(H, MS) - See Autauga County
(D, Hw) - See Statewide

ESCAMBIA COUNTY
(D, Hw) - See Statewide
(H, R) - See Baldwin County

ETOWAH COUNTY
(D, Hw) - See Statewide
(H) - See Calhoun County

ALABAMA (Cont'd.)

FAYETTE COUNTY

(D, Hw) - See Statewide
(H, MS) - See Blount County

FRANKLIN COUNTY
(D, Hw) - See Statewide
(H, MS) - See Blount County
(R) - See Colbert County

GENEVA COUNTY
(R) - See Barbour County
(D, Hw) - See Statewide
(H, MS) - See Autauga County

GREENE COUNTY
(H) - See Calhoun County
(D, Hw) - See Statewide
(H, MS) - See Calhoun County

HALE COUNTY
(D, Hw) - See Statewide
(H, MS) - See Autauga County

HENRY COUNTY
(R) - See Barbour County
(D, Hw) - See Statewide
(H, MS) - See Autauga County

HOUSTON COUNTY
(R) - See Barbour County
(D, Hw) - See Statewide
(H, MS) - See Autauga County

JACKSON COUNTY
(D, Hw) - See Statewide
(H, MS) - See Blount County
(R) - See Cullman County

JEFFERSON COUNTY
Decision #AL77-1086 (B)
42 FR 34153 - 7/1/77
(D) - See Statewide
(R) - See Blount County
(H, MS) - See Calhoun County

LANHAM COUNTY
(D, Hw) - See Statewide
(H, MS) - See Blount County

LAUDERDALE COUNTY
(B, R) - See Colbert County
(D, Hw) - See Statewide
(H, MS) - See Blount County

LAWRENCE COUNTY
Decision #AL77-1025 (B)
42 FR 12577 - 3/4/77
Mod. #1 - 42 FR 20048 - 4/15/77
Mod. #2 - 42 FR 24566 - 5/13/77
(D, Hw) - See Statewide
(R) - See Colbert County
(H, MS) - See Blount County

LEE COUNTY
(H, MS) - See Autauga County
(D, Hw) - See Statewide

LIMESTONE COUNTY
(B) - See Lawrence County
(D, Hw) - See Statewide

ALABAMA (cont'd.)

LIMESTONE COUNTY (cont'd.)

(R) - See Cullman County
(H, MS) - See Blount County

LOWDES COUNTY
(D, Hw) - See Statewide
(H, MS) - See Autauga County

MACON COUNTY
(D, Hw) - See Statewide
(H, MS) - See Autauga County

MADISON COUNTY
Decision #AL77-1090 (R)
42 FR 35609 - 7/8/77
Decision #AL77-1040 (B)
42 FR 17752 - 4/1/77
Mod. #1 - 42 FR 28731 - 6/3/77
Mod. #2 - 42 FR 37700 - 7/22/77
Mod. #3 - 42 FR 38836 - 7/29/77
(D, Hw) - See Statewide
(H, MS) - See Blount County

MARSHALL COUNTY
(R) - See Colbert County
(D, Hw) - See Statewide
(H, MS) - See Blount County

MOBILE COUNTY
(D, Hw) - See Statewide
Decision #AL77-1085 (B)
42 FR 37715 - 7/22/77
(D, Hw) - See Statewide
(H, R) - See Baldwin County

MONROE COUNTY
(H, R) - See Baldwin County
(D, Hw) - See Statewide

MONTGOMERY COUNTY
(D, Hw) - See Statewide
(H, MS) - See Autauga County
Decision #AL76-1002 (R)
41 FR 1693 - 1/9/76
Mod. #1 - 41 FR 36365 - 8/27/76

MORRIS COUNTY
Decision #AL76-1138 (B)
41 FR 5321 - 12/3/76
(H, MS) - See Lawrence County
(D, Hw) - See Statewide
(H, R) - See Cullman County
(H, MS) - See Blount County

PERRY COUNTY
(D, Hw) - See Statewide
(H, MS) - See Autauga County

PICONGS COUNTY
(D, Hw) - See Statewide
(H, MS) - See Calhoun County

ALABAMA (Cont'd)

PIKE COUNTY
(D, Hw) - See Statewide
(H, WBS) - See Autauga County

RANDOLPH COUNTY
(D, Hw) - See Statewide
(H, WBS) - See Blount County

RUSSELL COUNTY
(R) - See Barbour County
(D, Hw) - See Statewide
(H, WBS) - See Autauga County

SAINT CLAIR COUNTY
(D, Hw) - See Statewide
(R) - See Blount County

SHELBY COUNTY
(H, WBS) - See Calhoun County
(R) - See Jefferson County
(D, Hw) - See Statewide
(R) - See Blount County
(H, WBS) - See Calhoun County

SUMNER COUNTY
(D, Hw) - See Statewide
(H, WBS) - See Calhoun County

TALLADEGA COUNTY
(D, Hw) - See Statewide
(H, WBS) - See Calhoun County
(R) - See Blount County

TALLAPOOSA COUNTY
(D, Hw) - See Statewide
(H, WBS) - See Autauga County

TUSCALOOSA COUNTY
Decision #AL77-1053 (B)
42 FR 23254 - 5/6/77
(D, Hw) - See Statewide
(H, WBS) - See Calhoun County

WALKER COUNTY
(D, Hw) - See Statewide
(R) - See Blount County
(H, WBS) - See Calhoun County

WASHINGTON COUNTY
(D, Hw) - See Statewide
(H, R) - See Baldwin County

WILCOX COUNTY
(R) - See Baldwin County
(D, Hw) - See Statewide
(H) - See Baldwin County

WINSTON COUNTY
(D, Hw) - See Statewide
(R) - See Colbert County
(H, WBS) - See Blount County

ARIZONA

STATEWIDE
Decision #AZ77-5058 (B, H, Hw)
42 FR 31056 - 6/17/77
Mod. #1 - 42 FR 35511 - 7/18/77
Mod. #2 - 42 FR 37700 - 7/22/77

APACHE COUNTY
(Navajo and Hopi Indian Reservations in Apache, Coconino, Navajo Cos.)
(B, H, Hw) - See Statewide

COCHISE COUNTY
(B, H, Hw) - See Statewide

COCONINO COUNTY
(B, H, Hw) - See Statewide

SELA COUNTY
(B, H, Hw) - See Statewide

GRANAH COUNTY
(B, H, Hw) - See Statewide

GREENLEE COUNTY
(B, H, Hw) - See Statewide

MARICOPA COUNTY
(B, H, Hw) - See Statewide
Decision #AZ77-5059 (R)
42 FR 31055 - 6/17/77
Mod. #1 - 42 FR 35511 - 7/18/77
Mod. #2 - 42 FR 37701 - 7/22/77

MOHAVE COUNTY
(B, H, Hw) - See Statewide

NAVADO COUNTY
(B, H, Hw) - See Statewide

PIMA COUNTY
(B, H, Hw) - See Statewide
Decision #AZ77-5060 (R)
42 FR 31070 - 6/17/77
Mod. #1 - 42 FR 35511 - 7/18/77
Mod. #2 - 42 FR 37701 - 7/22/77

PINAL COUNTY
(B, H, Hw) - See Statewide

SANTA CRUZ COUNTY
(B, H, Hw) - See Statewide

YAVAPAI COUNTY
(B, H, Hw) - See Statewide

YUMA COUNTY
(B, H, Hw) - See Statewide

ARKANSAS (Cont'd.)

ARKANSAS (Cont'd.)

ARKANSAS (Cont'd.)

ARKANSAS

JACKSON COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

JEFFERSON COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

JOHNSON COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

LAFAYETTE COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

LAURENCE COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

LEE COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

LINDSEY COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

LITTLE RIVER COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

LOGAN COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

LONNICK COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

MAISON COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

MARION COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

IREN COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

FRANKLIN COUNTY
(B) - See Conway County
(D, H, I, W) - See Statewide
(F) - See Arkansas County

FRANKLIN COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

FULTON COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

GARLAND COUNTY
Decision #AR77-4112 (B)
42 FR 30104 - 6/10/77
Mod. #1 - 42 FR 34138 - 7/1/77
Mod. #2 - 42 FR 37702 - 7/22/77
(D, H, I, W) - See Statewide
(F) - See Arkansas County

GRANT COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

GREENE COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

HEMPSTEAD COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

HOT SPRING COUNTY
(B) - See Garland County
(D, H, I, W) - See Statewide
(F) - See Arkansas County

HOWARD COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

INDEPENDENCE COUNTY
(H, I, W) (D) - See Statewide
(F) - See Arkansas County

IZARD COUNTY
(H, I, W) (D) - See Statewide
(F) - See Arkansas County

CLAY COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

CLEBURNE COUNTY
(B) - See Conway County
(D, H, I, W) - See Statewide
(F) - See Arkansas County

CLEVELAND COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

COLLINGA COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

CONWAY COUNTY
Decision #AR77-4106 (B)
42 FR 27563 - 5/27/77
Mod. #1 - 42 FR 28732 - 6/3/77
Mod. #2 - 42 FR 31045 - 6/17/77
Mod. #3 - 42 FR 34138 - 7/1/77
Mod. #4 - 42 FR 37701 - 7/22/77
(D, H, I, W) - See Statewide
(F) - See Arkansas County

CRALGHEAD COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

CRANFORD COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

Decision #AR77-4114 (B)
42 FR 30106 - 6/10/77
Mod. #1 - 42 FR 34139 - 7/1/77
Mod. #2 - 42 FR 35735 - 7/15/77
Mod. #3 - 42 FR 37702 - 7/22/77

CRITTENDER COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

CROSS COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

DALLAS COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

DESSA COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

STATEWIDE
Decision #AR77-4072 (Construction
Alteration, and/or repair of
streets, highways, runways,
and water & sewer utilities)
42 FR 17754 - 4/17/77
Mod. #1 - 42 FR 23267 - 5/6/77
Decision #AR76-5090 (D)
41 FR 44609 - 10/8/76
Mod. #1 - 42 FR 18786 - 4/8/77

ARKANSAS COUNTY
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/26/76
(D) - See Statewide

ASHLEY COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

BALTER COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

BENTON COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

BOONE COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

BRADLEY COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

CALHOUN COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

CARROLL COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

CHicot COUNTY
(D, H, I, W) - See Statewide
(F) - See Arkansas County

CLARK COUNTY
(B) - See Garland County
(D, H, I, W) - See Statewide
(F) - See Arkansas County
(D) - See Statewide

ARKANSAS (Cont'd)

MILLER COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

MISSISSIPPI COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

NEWBORN COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

MONTGOMERY COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

NEVADA COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

NEWTON COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

OUACHITA COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

PERRY COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

PHILLIPS COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

PIKE COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

POIKSETT COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

POLK COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

POPE COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

PULASKI COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

Decision #R277-4107 (B)
42 FR 28057 - 6/3/77

Mod. #1 - 42 FR 31045 - 6/17/77
Mod. #2 - 42 FR 34138 - 7/1/77
Mod. #3 - 42 FR 37701 - 7/22/77

Decision #R77-4694 (R)
42 FR 10223 - 2/18/77

(D, H, Hv) - See Statewide
(F) - See Arkansas County

RANDOLPH COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

ST. FRANCIS COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

SALINE COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

SCOTT COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

SEARCY COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

SEBASTIAN COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

SEVIER COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

SHARP COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

UNION COUNTY
(F) - See Arkansas County

Decision #R277-4147 (B)
42 FR 34155 - 7/1/77

Mod. #1 - 42 FR 37702 - 7/22/77
Mod. #2 - 42 FR 39843 - 8/5/77

VAN BUREN COUNTY
(B) - See Conway County
(D, H, Hv) - See Statewide
(F) - See Arkansas County

WASHINGTON COUNTY
(B) - See Crawford County
(D, H, Hv) - See Statewide
(F) - See Arkansas County

WHITE COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

WOODRUFF COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

YELL COUNTY
(D, H, Hv) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA77-5039 (B, H, Hw, D)
42 FR 20991 - 4/22/77
Mod. #1 - 42 FR 30081 - 6/10/77
Mod. #2 - 42 FR 35512 - 7/8/77
Mod. #3 - 42 FR 37703 - 7/22/77
Mod. #4 - 42 FR 38836 - 7/29/77
Decision #CA77-5040 (R)
42 FR 21012 - 4/22/77
Mod. #1 - 42 FR 30082 - 6/10/77
Mod. #2 - 42 FR 35515 - 7/8/77
Mod. #3 - 42 FR 37704 - 7/22/77

ALPINE COUNTY - See Alameda County

AMADOR COUNTY
(B, D, H, Hw, R) - See Alameda County

AMADOR COUNTY
(B, D, H, Hw, R) - See Alameda County

ARIZONA COUNTY
(B, H, Hw, R) - See Alameda County

BUTTE COUNTY
(B, H, Hw, R) - See Alameda County

CALATEAS COUNTY
(B, H, Hw, D, R) - See Alameda County

COLUSA COUNTY
(B, H, Hw, R) - See Alameda County

CONTRA COSTA COUNTY
(B, D, H, Hw, R) - See Alameda County

DELEWARE COUNTY
(B, D, H, Hw, R) - See Alameda County

ELDORADO COUNTY
(B, D, H, Hw, R) - See Alameda County

FRESNO COUNTY
(B, D, H, Hw, R) - See Alameda County

GLENN COUNTY
(B, H, Hw, D) - See Alameda County

HUMBOLDT COUNTY
(B, D, H, Hw, R) - See Alameda County

IMPERIAL COUNTY
Decision #CA77-5041 (B, D, H, Hw)
42 FR 23295 - 5/5/77
Mod. #1 - 42 FR 28732 - 6/3/77
Mod. #2 - 42 FR 38735 - 7/15/77
Decision #CA77-5042 (R)
42 FR 23306 - 5/5/77
Mod. #1 - 42 FR 28733 - 6/3/77
Mod. #2 - 42 FR 38736 - 7/15/77

JAYO COUNTY
(B, H, Hw, D) - See Imperial County

KEERN COUNTY
(B, D, H, Hw, R) - See Imperial County

CALIFORNIA (Cont'd)

KINGS COUNTY - See Alameda County

LAKE COUNTY
(B, H, Hw, D) - See Alameda County

LASSER COUNTY
(B, H, Hw, D) - See Alameda County

LOS ANGELES COUNTY
(B, D, H, Hw, R) - See Imperial County

MADERA COUNTY
(B, H, Hw, D) - See Alameda County

MADISON COUNTY
(B, H, Hw, D, R) - See Alameda County

MARIPOSA COUNTY
(B, D, H, Hw, R) - See Alameda County

MENDOCINO COUNTY
(B, H, Hw, D) - See Alameda County

MERCED COUNTY
(B, D, H, Hw, R) - See Alameda County

MODOC COUNTY
(B, H, Hw, D) - See Alameda County

MONO COUNTY
(B, H, Hw, D) - See Imperial County

MONTREY COUNTY
(B, D, H, Hw, R) - See Alameda County

NAPA COUNTY
(B, D, H, Hw, R) - See Alameda County

NEVADA COUNTY
(B, D, H, Hw, R) - See Alameda County

ORANGE COUNTY
(B, D, H, Hw, R) - See Imperial County

PLACER COUNTY
(B, D, H, Hw, R) - See Alameda County

PLUMAS COUNTY
(B, H, Hw, D) - See Alameda County

RIVERSIDE COUNTY
(B, D, H, Hw, R) - See Imperial County

SACRAMENTO COUNTY
(B, D, H, Hw, R) - See Alameda County

SAN BENITO COUNTY
(B, H, Hw, D, R) - See Alameda County

SAN BERNARDINO COUNTY
(B, D, H, Hw, R) - See Imperial County

SAN DIEGO COUNTY
Decision #CA77-5043 (B, H, Hw, D)
42 FR 26122 - 5/20/77
Mod. #1 - 42 FR 28733 - 6/3/77
Mod. #2 - 42 FR 34139 - 7/1/77
Mod. #3 - 42 FR 38737 - 7/15/77

CALIFORNIA (Cont'd)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA77-5044 (R)
42 FR 26130 - 5/20/77
Mod. #1 - 42 FR 28735 - 6/3/77
Mod. #2 - 42 FR 34139 - 7/1/77
Mod. #3 - 42 FR 38737 - 7/15/77

SAN FRANCISCO COUNTY
(B, D, H, Hw, R) - See Alameda County

SAN JOAQUIN COUNTY
(B, D, H, Hw, R) - See Alameda County

SAN JOAQUIN COUNTY
(B, H, Hw, R) - See Alameda County

SAN LUIS OBISPO COUNTY
(B, H, Hw, D, R) - See Imperial County

SAN MATEO COUNTY
(B, D, H, Hw, R) - See Alameda County

SANTA BARBARA COUNTY
(B, D, H, Hw, R) - See Imperial County

SANTA CLARA COUNTY
(B, D, H, Hw, R) - See Alameda County

SANTA CRUZ COUNTY
(B, D, H, Hw, R) - See Alameda County

SHASTA COUNTY
(B, D, H, Hw, R) - See Alameda County

SIERRA COUNTY
(B, D, H, Hw) - See Alameda County

SISKIYOU COUNTY
(B, H, Hw, D) - See Alameda County

SOLANO COUNTY
(B, D, H, Hw, R) - See Alameda County

SONOMA COUNTY
(B, D, H, Hw, R) - See Alameda County

STANISLAUS COUNTY
(B, H, Hw, R) - See Alameda County

SUTTER COUNTY
(B, H, Hw, D) - See Alameda County

TEHAMA COUNTY
(B, D, H, Hw, R) - See Alameda County

TRINITY COUNTY
(B, H, Hw, D) - See Alameda County

TULARE COUNTY
(B, H, Hw, D) - See Alameda County

TULARE COUNTY
(B, D, H, Hw, R) - See Alameda County

TUOLUMNE COUNTY
(B, D, H, Hw, R) - See Alameda County

VENTURA COUNTY
(B, D, H, Hw, R) - See Imperial County

YOLO COUNTY
(B, D, H, Hw, D, R) - See Alameda County

YUBA COUNTY
(B, H, Hw, D, R) - See Alameda County

COLORADO (Cont'd.)

COLORADO (Cont'd.)

COLORADO

- STATEMIDE
Decision #0077-5055 (H, Hw)
42 FR 34157 - 7/17/77
Mod. #1 - 42 FR 38837 - 7/29/77
- ADAMS COUNTY
Decision #0077-5067 (B)
42 FR 34165 - 7/17/77
Mod. #1 - 42 FR 38838 - 7/29/77
Decision #0076-5061 (B)
40 FR 22744 - 5/23/75
Mod. #1 - 41 FR 10818 - 3/12/76
(H, Hw) - See Statewide
- ALAMOSA COUNTY
(H, Hw) - See Statewide
- ARAPAHO COUNTY
(H, Hw) - See Statewide
- ARCHULETA COUNTY
(B, R) - See Adams County
- BACKA COUNTY
(H, Hw) - See Statewide
- BENT COUNTY
(H, Hw) - See Statewide
- BOLDFACE COUNTY
(H, Hw) - See Statewide
- BURDEN COUNTY
(B) - See Adams County
- CHAFEE COUNTY
(H, Hw) - See Statewide
- CHEYENNE COUNTY
(H, Hw) - See Statewide
- CHEYENNE COUNTY
(H, Hw) - See Statewide
- CLEAR CREEK COUNTY
(B) - See Adams County
- COLORADO COUNTY
(H, Hw) - See Statewide
- COMESABO COUNTY
(H, Hw) - See Statewide
- COSTILLA COUNTY
(H, Hw) - See Statewide
- CROWLEY COUNTY
(H, Hw) - See Statewide
- CUSTER COUNTY
(H, Hw) - See Statewide
- DELTA COUNTY
Decision #0077-5070 (B)
42 FR 34182 - 7/17/77
Mod. #1 - 42 FR 38839 - 7/29/77
(H, Hw) - See Statewide
- DENVER COUNTY
(H, Hw) - See Statewide
- (B, R) - See Adams County
- DOLGOS COUNTY
(H, Hw) - See Statewide
- DOUGLAS COUNTY
(H, Hw) - See Statewide
- EAGLE COUNTY
(B) - See Adams County
- (B) - See Adams County
- (H, Hw) - See Statewide
- ELBERT COUNTY
(H, Hw) - See Statewide
- (B) - See Adams County
- EL PASO COUNTY
Decision #0077-5068 (B)
42 FR 34172 - 7/17/77
Mod. #1 - 42 FR 38838 - 7/29/77
(H, Hw) - See Statewide
- FREMONT COUNTY
(H, Hw) - See Statewide
- GRAND COUNTY
(H, Hw) - See Statewide
- (B) - See Adams County
- (B) - See Adams County
- GUNNISON COUNTY
(B) - See Delta County
- (H, Hw) - See Statewide
- HENRIE COUNTY
(H, Hw) - See Statewide
- HUERFANO COUNTY
(H, Hw) - See Statewide
- JACKSON COUNTY
(H, Hw) - See Statewide
- JEFFERSON COUNTY
(H, Hw) - See Statewide
- (B, R) - See Adams County
- KIOWA COUNTY
(H, Hw) - See Statewide
- KIT CARSON COUNTY
(H, Hw) - See Statewide
- LAKE COUNTY
(B) - See Adams County
- (H, Hw) - See Statewide
- LA PLATA COUNTY
(H, Hw) - See Statewide
- LARIMER COUNTY
(B) - See Adams County
- (H, Hw) - See Statewide
- LAS ANIMAS COUNTY
Decision #0077-5069 (B)
42 FR 34177 - 7/17/77
Mod. #1 - 42 FR 38838 - 7/29/77
(H, Hw) - See Statewide
- LINCOLN COUNTY
(H, Hw) - See Statewide
- LOGAN COUNTY
(H, Hw) - See Statewide
- MESA COUNTY
(B) - See Delta County
- (H, Hw) - See Statewide
- MINERAL COUNTY
(H, Hw) - See Statewide
- MOFFAT COUNTY
(H, Hw) - See Statewide
- MONTEZUMA COUNTY
(H, Hw) - See Statewide
- MONTEZUMA COUNTY
(B) - See Delta County
- (H, Hw) - See Statewide
- MORISAN COUNTY
(B) - See Adams County
- (H, Hw) - See Statewide
- OTERO COUNTY
(B) - See Las Animas County
- (H, Hw) - See Statewide
- OURAY COUNTY
(H, Hw) - See Statewide
- PARK COUNTY
(B) - See Adams County
- (H, Hw) - See Statewide
- PHILLIPS COUNTY
(H, Hw) - See Statewide
- PITKIN COUNTY
(B) - See Delta County
- (H, Hw) - See Statewide
- PROWERS COUNTY
(H, Hw) - See Statewide
- PUEBLO COUNTY
(B) - See Las Animas County
- (H, Hw) - See Statewide
- RIO BLANCO COUNTY
(H, Hw) - See Statewide
- RIO GRANDE COUNTY
(H, Hw) - See Statewide
- ROUITT COUNTY
(H, Hw) - See Statewide
- SAGUACHE COUNTY
(H, Hw) - See Statewide
- SAN JUAN COUNTY
(H, Hw) - See Statewide
- SAN MIGUEL COUNTY
(H, Hw) - See Statewide
- SEDBUCK COUNTY
(H, Hw) - See Statewide
- SUMMIT COUNTY
(B) - Adams County
- (H, Hw) - See Statewide
- TELLER COUNTY
(H, Hw) - See Statewide
- WASHINGTON COUNTY
(H, Hw) - See Statewide
- WELD COUNTY
(B) - See Adams County
- (H, Hw) - See Statewide
- YUMA COUNTY
(H, Hw) - See Statewide

FLORIDA (cont'd)

FLORIDA (Cont'd.)

DELMARE

CONNECTICUT

FAIRFIELD COUNTY
 Decision #CT76-2172 (B,H,Iw,R)
 41 FR 56574 - 12/29/76
 Decision #CT77-5001 (D)
 42 FR 999 - 1/4/77
 HARTFORD COUNTY
 Decision #CT75-2067 (R)
 40 FR 18304 - 4/25/75
 Decision #CT76-2173 (B,H,Iw,R)
 41 FR 56581 - 12/28/76
 Mod. #1 - 42 FR 30053 - 6/10/77
 Mod. #2 - 42 FR 37704 - 7/22/77
 LITCHFIELD COUNTY
 (B,H,Iw,R) - See Fairfield County
 MIDDLESEX COUNTY
 (B,H,Iw) - See Hartford County
 (D) - See Fairfield County
 NEW HAVEN COUNTY
 Decision #CT77-3045 (R)
 42 FR 20055 - 4/15/77
 Mod. #1 - 42 FR 36737 - 7/15/77
 (B,H,Iw) - See Hartford County
 (D) - See Fairfield County
 NEW LONDON COUNTY
 (B,H,Iw,D,R) - See Fairfield County
 TOLLAND COUNTY
 (B,H,Iw) - See Hartford County
 MIDDRAW COUNTY
 (B,H,Iw,D,R) - See Fairfield County

STATEWIDE
 Decision #CT77-5001 (D)
 42 FR 999 - 1/4/77
 Decision #DE77-3042 (B,H,Iw)
 42 FR 17756 - 4/1/77
 Mod. #1 - 42 FR 30054 - 6/10/77
 Mod. #2 - 42 FR 36738 - 7/15/77
 Mod. #3 - 42 FR 39843 - 8/5/77
 KENT COUNTY
 (B,H,Iw,D) - See Statewide
 NEW CASTLE COUNTY
 (B,H,Iw,D) - See Statewide
 SUSSEX COUNTY
 (B,H,Iw,D) - See Statewide

BRADFORD COUNTY
 (Hw) - See Alachua County
 BREVARD COUNTY (Entire County)
 Decision #BR77-5035 (D)
 42 FR 13726 - 1/1/77
 Decision #FL76-1105 (B)
 41 FR 46385 - 5/17/76
 (Cape Kennedy, Kennedy Space Flight Center
 and Patrick AFB only)
 Decision #FL77-1005 (B,H,Iw)
 42 FR 24575 - 5/13/77
 Mod. #1 - 42 FR 32555 - 5/27/77
 Mod. #2 - 42 FR 33739 - 6/3/77
 Mod. #3 - 42 FR 31045 - 8/17/77
 Mod. #4 - 42 FR 39845 - 8/5/77
 (Remainder of County)
 Decision #FL76-1108 (B)
 41 FR 43555 - 10/17/76
 Decision #FL76-1082 (Hw)
 41 FR 41380 - 9/5/76
 BROWARD COUNTY
 Decision #FL75-1084 (Hw)
 40 FR 41362 - 9/5/75
 Mod. #1 - 40 FR 53168 - 11/14/75
 Decision #FL77-1091 (B,H)
 42 FR 35538 - 7/18/77
 Mod. #1 - 42 FR 39845 - 8/5/77
 (D) - See Brevard County
 CALUSON COUNTY
 (D) - See Brevard County
 (Hw) - See Alachua County
 CHARLOTTE COUNTY
 Decision #FL75-1083 (Hw)
 40 FR 41361 - 9/5/75
 Mod. #1 - 40 FR 53168 - 11/14/75
 Mod. #2 - 41 FR 53229 - 12/3/76
 Mod. #3 - 42 FR 12564 - 3/4/77
 (D) - See Brevard County
 CITRUS COUNTY
 Decision #FL75-1104 (R)
 40 FR 49549 - 10/26/75
 (Hw) - See Alachua County
 (D) - See Brevard County
 CLAY COUNTY
 (Hw) - See Baker County
 COLLIER COUNTY
 (D) - See Brevard County
 (Hw) - See Charlotte County
 COLUMBIA COUNTY
 (Hw) - See Alachua County
 (B) - See Alachua County
 Dade County
 Decision #FL76-1106 (B)
 41 FR 50385 - 5/17/76
 Decision #FL77-1009 (B)
 42 FR 15264 - 3/18/77
 Mod. #1 - 42 FR 17737 - 4/1/77
 Mod. #2 - 42 FR 28738 - 6/3/77
 Decision #FL77-1093 (R)
 42 FR 4081 - 1/21/77
 Mod. #1 - 42 FR 36839 - 7/29/77
 Decision #FL76-1141 (Hw)
 41 FR 56589 - 12/28/76
 (D) - See Brevard County

DESOLO COUNTY
 Decision #FL76-1082 (R)
 39 FR 43468 - 12/13/74
 (Hw) - See Charlotte County
 DIXIE COUNTY
 (Hw) - See Alachua County
 (D) - See Brevard County
 DUVAL COUNTY
 Decision #FL76-1098 (R)
 41 FR 37469 - 9/3/76
 Decision #FL77-1021 (B)
 42 FR 10225 - 2/18/77
 Mod. #1 - 42 FR 13715 - 3/11/77
 Mod. #2 - 42 FR 17733 - 4/1/77
 Mod. #3 - 42 FR 22028 - 4/29/77
 Mod. #4 - 42 FR 28738 - 6/3/77
 (D) - See Brevard County
 (Hw) - See Baker County
 ESCAMBIA COUNTY
 Decision #FL76-1133 (B)
 41 FR 52233 - 11/26/76
 Mod. #1 - 41 FR 54101 - 12/10/76
 Mod. #2 - 42 FR 3133 - 1/14/77
 Decision #FL76-1017 (R)
 41 FR 3589 - 1/23/76
 (Hw) - See Bay County
 FLABLER COUNTY
 (D) - See Brevard County
 (Hw) - See Baker County
 FRANKLIN COUNTY
 (D) - See Bay County
 (Hw) - See Alachua County
 GADSDEN COUNTY
 Decision #FL77-1004 (R)
 42 FR 3141 - 1/14/77
 (Hw) - See Alachua County
 GILCHRIST COUNTY
 (Hw) - See Alachua County
 GLADES COUNTY
 (Hw) - See Charlotte County
 GULF COUNTY
 (D) - See Bay County
 (Hw) - See Bay County
 HAMILTON COUNTY
 (Hw) - See Alachua County
 HARBEE COUNTY
 (R) - See DeSoto County
 (Hw) - See Charlotte County
 HENDRY COUNTY
 (Hw) - See Charlotte County
 HERNANDO COUNTY
 (Hw) - See Charlotte County
 (D) - See Brevard County
 (R) - See Citrus County
 (Hw) - See Alachua County
 HIGHLANDS COUNTY
 (R) - See DeSoto County
 (Hw) - See Charlotte County
 HILLSBOROUGH COUNTY
 Decision #FL76-1034 (B)
 41 FR 3587 - 1/23/76
 Mod. #1 - 41 FR 22716 - 6/4/76
 Mod. #2 - 41 FR 37473 - 9/3/76

FLORIDA

ALACHUA COUNTY
 Decision #FL75-1080 (Hw)
 40 FR 41358 - 9/5/75
 Mod. #1 - 41 FR 23885 - 6/11/76
 Decision #FL77-1028 (B)
 42 FR 15262 - 3/18/77
 Mod. #1 - 42 FR 18788 - 4/8/77
 Mod. #2 - 42 FR 22059 - 4/29/77
 Mod. #3 - 42 FR 28738 - 6/3/77
 Mod. #4 - 42 FR 39843 - 8/5/77
 BAKER COUNTY
 Decision #FL75-1081 (Hw)
 40 FR 41359 - 9/5/75
 BAY COUNTY
 Decision #FL76-1069 (B)
 41 FR 20130 - 5/14/76
 Mod. #1 - 41 FR 23885 - 6/11/76
 Mod. #2 - 42 FR 10206 - 2/18/77
 Decision #AL76-5090 (D)
 41 FR 44609 - 10/8/76
 Mod. #1 - 42 FR 18788 - 4/8/77
 Decision #FL76-1021 (Hw)
 41 FR 4749 - 1/30/75
 Mod. #1 - 41 FR 23884 - 6/11/76

FLORIDA (cont'd.)

HIGHLAND COUNTY
 (R) - See DeSoto County
 (HW) - See Charlotte County
 HILLSBOROUGH COUNTY
 Decision #FL76-1014 (B)
 41 FR 3587 - 1/23/76
 Mod. #1 - 41 FR 22718 - 6/4/76
 Mod. #2 - 41 FR 37473 - 9/3/76
 (HW) - See Brevard Co. (Remainder of Co.)
 (D) - See Brevard County
 (R) - See Citrus County
 HOLMES COUNTY
 (HW) - See Alachua County
 INDIAN RIVER COUNTY
 (D) - See Brevard County
 (HW) - See Brevard Co. (Remainder of Co.)
 JACKSON COUNTY
 (HW) - See Alachua County
 JEFFERSON COUNTY
 (D) - See Bay County
 (R) - See Gadsden County
 (HW) - See Alachua County
 LAFAYETTE COUNTY
 (R, HW) - See Alachua County
 LAKE COUNTY
 Decision #FL75-1056 (R)
 40 FR 20332 - 7/7/75
 (HW) - See Alachua County
 LEE COUNTY
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HOWARD COUNTY
None
HUMBOLDT COUNTY
None
IDA COUNTY
(H, Hw) - See Audubon County
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
(D) - See Allamakee County
(H, Hw) - See Buchanan County
JASPER COUNTY
None
JEFFERSON COUNTY
(H, Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and
abutting municipalities)
Decision #1077-4092 (B, H, Hw)
42 FR 23354 - 5/6/77
(Hw) - See Benton County
JONES COUNTY
(H, Hw) - See Buchanan County
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
(D) - See Allamakee County
LINN COUNTY
Decision #1077-4093 (B, H, Hw)
42 FR 23357 - 5/6/77

Kansas (Cont'd.)

HARVEY COUNTY
 (Hw, M&S) - See Barber County
 HARVEY COUNTY
 (Hw, M&S) - See Allen County
 HARVEY COUNTY
 (Hw, M&S) - See Allen County
 HARVEY COUNTY
 (Hw, M&S) - See Barber County
 HODGEMAN COUNTY
 (Hw, M&S) - See Barber County
 JACKSON COUNTY
 (Hw, M&S) - See Allen County
 JEFFERSON COUNTY
 (Hw) - See Douglas County
 JENELL COUNTY
 (Hw, M&S) - See Barber County
 JOHNSON COUNTY
 Decision #R077-4075 (B, H, Hw)
 42 FR 18815 - 4/18/77
 Mod. #1 - 42 FR 26100 - 5/20/77
 Mod. #2 - 42 FR 27538 - 5/27/77
 Mod. #3 - 42 FR 26745 - 5/3/77
 Mod. #4 - 42 FR 35523 - 7/18/77
 Mod. #5 - 42 FR 36738 - 7/15/77
 Decision #R077-4180 (R)
 42 FR 35547 - 7/18/77
 Mod. #1 - 42 FR 36740 - 7/15/77
 KENNY COUNTY
 (Hw, M&S) - See Barber County
 KENDRICK COUNTY
 (Hw, M&S) - See Allen County
 KIDDER COUNTY
 (Hw, M&S) - See Barber County
 LABETTE COUNTY
 (Hw, M&S) - See Allen County
 LANE COUNTY
 (Hw, M&S) - See Barber County
 LEAVENWORTH COUNTY
 Decision #R577-4149 (B)
 42 FR 34188 - 7/1/77
 (D) - See Atchison County
 (Hw) - See Douglas County
 LINCOLN COUNTY
 (Hw, M&S) - See Barber County
 LINN COUNTY
 (Hw, M&S) - See Allen County
 LOGAN COUNTY
 (Hw, M&S) - See Barber County

Kansas (Cont'd.)

LYON COUNTY
 (Hw, M&S) - See Allen County
 MCPHERSON COUNTY
 (Hw, M&S) - See Allen County
 MAPLE COUNTY
 (Hw, M&S) - See Allen County
 MARSHALL COUNTY
 (Hw, M&S) - See Allen County
 MEADE COUNTY
 (Hw, M&S) - See Barber County
 MIAMI COUNTY
 (Hw) - See Douglas County
 MITCHELL COUNTY
 (Hw, M&S) - See Barber County
 MONTGOMERY COUNTY
 (Hw, M&S) - See Allen County
 MORRIS COUNTY
 (Hw, M&S) - See Allen County
 MORTON COUNTY
 (Hw, M&S) - See Barber County
 NEMAH COUNTY
 (Hw, M&S) - See Allen County
 NEOSHO COUNTY
 (Hw, M&S) - See Allen County
 NESS COUNTY
 (Hw, M&S) - See Barber County
 NORTON COUNTY
 (Hw, M&S) - See Barber County
 OSAGE COUNTY
 (Hw, M&S) - See Allen County
 OSBORNE COUNTY
 (Hw, M&S) - See Barber County
 OTTAWA COUNTY
 (Hw, M&S) - See Allen County
 PAINE COUNTY
 (Hw, M&S) - See Barber County
 PHILLIPS COUNTY
 (Hw, M&S) - See Barber County
 POTTAWATOMIE COUNTY
 (Hw, M&S) - See Allen County
 PRATT COUNTY
 (Hw, M&S) - See Barber County
 RAWLINS COUNTY
 (Hw, M&S) - See Barber County
 RAY COUNTY
 (Hw, M&S) - See Allen County

Kansas (Cont'd.)

RENO COUNTY
 (Hw, M&S) - See Allen County
 REPUBLIC COUNTY
 (Hw, M&S) - See Allen County
 RICE COUNTY
 (Hw, M&S) - See Barber County
 RILEY COUNTY
 (Hw, M&S) - See Allen County
 (R) - See Geary County
 RODGERS COUNTY
 (Hw, M&S) - See Barber County
 RUSH COUNTY
 (Hw, M&S) - See Barber County
 RUSSELL COUNTY
 (Hw, M&S) - See Barber County
 SALINE COUNTY
 (Hw, M&S) - See Allen County
 SCOTT COUNTY
 (Hw, M&S) - See Barber County
 SEDGWICK COUNTY
 Decision #R577-4047 (R)
 42 FR 11212 - 2/25/77
 Decision #R577-4081 (B)
 42 FR 18809 - 4/18/77
 Mod. #1 - 42 FR 23273 - 5/16/77
 Mod. #2 - 42 FR 27559 - 5/27/77
 Mod. #3 - 42 FR 36739 - 7/15/77
 Decision #R577-4023 (Hw, M&S)
 42 FR 10233 - 2/18/77
 Mod. #1 - 42 FR 17740 - 4/7/77
 SEWARD COUNTY
 (Hw, M&S) - See Barber County
 SHARPE COUNTY
 Decision #R577-4080 (B)
 42 FR 18806 - 4/18/77
 Mod. #1 - 42 FR 22072 - 4/29/77
 Mod. #2 - 42 FR 27559 - 5/27/77
 Mod. #3 - 42 FR 36739 - 7/15/77
 Decision #R577-4075 (R)
 42 FR 18803 - 4/18/77
 Mod. #1 - 42 FR 22071 - 4/29/77
 Mod. #2 - 42 FR 27559 - 5/27/77
 Mod. #3 - 42 FR 36739 - 7/15/77
 (Hw) - See Douglas County

Kansas (Cont'd.)

SHERIDAN COUNTY
 (Hw, M&S) - See Barber County
 SHERMAN COUNTY
 (Hw, M&S) - See Barber County
 SMITH COUNTY
 (Hw, M&S) - See Barber County
 STAFFORD COUNTY
 (Hw, M&S) - See Barber County
 STANTON COUNTY
 (Hw, M&S) - See Barber County
 STEVENS COUNTY
 (Hw, M&S) - See Barber County
 SUMNER COUNTY
 (Hw, M&S) - See Allen County
 THOMAS COUNTY
 (Hw, M&S) - See Barber County
 TREGO COUNTY
 (Hw, M&S) - See Barber County
 WABANUSSEE COUNTY
 (Hw, M&S) - See Allen County
 WALLACE COUNTY
 (Hw, M&S) - See Barber County
 WASHINGTON COUNTY
 (Hw, M&S) - See Allen County
 WICHITA COUNTY
 (Hw, M&S) - See Barber County
 WILSON COUNTY
 (Hw, M&S) - See Allen County
 WOODSON COUNTY
 (Hw, M&S) - See Allen County
 WYANDOTTE COUNTY
 (B, H, Hw, R) - See Johnson County
 (B) - See Atchison County

KENTUCKY (Cont'd.)

- DAVIESS COUNTY
Decision #19-4122 (B)
39 FR 20281 - 6/17/74
Mod. #1 - 41 FR 19008 - 5/17/76
Mod. #2 - 41 FR 22987 - 5/28/76
Mod. #3 - 41 FR 43560 - 10/1/76
Mod. #4 - 42 FR 17441 - 4/1/77
Decision #K77-1136 (R)
41 FR 53260 - 12/3/76
(D) - See Ballard County
(H, Hw) - See Allen County
EDMONSON COUNTY
(H, Hw) - See Allen County
ELLIOTT COUNTY
(R) - See Carter County
(H, Hw) - See Anderson County
ESTILL COUNTY
(H, Hw) - See Adair County
(R) - See Clay County
FAYETTE COUNTY
Decision #K77-1010 (B)
42 FR 8941 - 2/11/77
Mod. #1 - 42 FR 11184 - 2/25/77
Mod. #2 - 42 FR 17742 - 4/1/77
Mod. #3 - 42 FR 24572 - 5/13/77
(H, Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(R) - See Carter County
(H, Hw) - See Anderson County
FLOYD COUNTY
Decision #R-4002 (B)
39 FR 24777 - 7/5/74
(H, Hw) - See Adair County
FRANKLIN COUNTY
Decision #K76-1132 (B)
41 FR 52260 - 11/26/76
Mod. #1 - 42 FR 968 - 1/4/77
Mod. #2 - 42 FR 7030 - 2/4/77
Mod. #3 - 42 FR 11186 - 2/25/77
Mod. #4 - 42 FR 17742 - 4/1/77
Mod. #5 - 42 FR 24571 - 5/13/77
(H, Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H, Hw) - See Allen County
GALLATIN COUNTY
(D) - See Ballard County
(H, Hw) - See Anderson County
GASPARD COUNTY
(B, B) - See Boone County
(H, Hw) - See Adair County
(R) - See Boyle County
GRANT COUNTY
(H, Hw) - See Anderson County
(R) - See Boone County

KENTUCKY (Cont'd.)

- GRANDES COUNTY
(H, Hw) - See Allen County
GRAYSON COUNTY
(H, Hw) - See Anderson County
GREENE COUNTY
(H, Hw, R) - See Adair County
GREENUP COUNTY
(D) - See Ballard County
(H, Hw) - See Anderson County
HARRIS COUNTY
(D) - See Ballard County
(H, Hw) - See Allen County
HARRISON COUNTY
(B) - See Jefferson County
(H, Hw) - See Anderson County
(D) - See Ballard County
(R) - See Breckinridge County
HARLAN COUNTY
(R) - See Breathitt County
(H, Hw) - See Adair County
HARRISON COUNTY
(H, Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H, Hw, R) - See Adair County
HERDERSOHN COUNTY
Decision #K76-1070 (B)
41 FR 30527 - 7/23/76
Mod. #1 - 41 FR 43560 - 10/1/76
Mod. #2 - 41 FR 45787 - 10/15/76
Mod. #3 - 41 FR 52230 - 12/3/76
Mod. #4 - 42 FR 11185 - 2/25/77
Mod. #5 - 42 FR 17741 - 4/1/77
(D) - See Ballard County
(H, Hw) - See Allen County
HENRY COUNTY
(H, Hw) - See Anderson County
HECORN COUNTY
(D) - See Ballard County
(H, Hw) - See Allen County
HOPKINS COUNTY
(H, Hw) - See Allen County
JACKSON COUNTY
(R) - See Boyle County
(H, Hw) - See Adair County
JEFFERSON COUNTY
Decision #K77-1058 (B)
42 FR 24612 - 5/13/77
Mod. #1 - 42 FR 34142 - 7/1/77
(D) - See Ballard County
(R) - See Breckinridge County
(H, Hw) - See Anderson County
JESSAMINE COUNTY
(H, Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd.)

- JOHNSON COUNTY
(H, Hw) - See Anderson County
KENTON COUNTY
(D) - See Ballard County
(B, H, Hw, R) - See Boone County
KNOTT COUNTY
(R) - See Breathitt County
(H, Hw) - See Adair County
KNOX COUNTY
(R) - See Laurel County
(H, Hw) - See Adair County
LARUE COUNTY
(R) - See Anderson County
LAUREL COUNTY
Decision #K77-1002 (R)
42 FR 1694 - 1/7/77
(H, Hw) - See Adair County
LAWRENCE COUNTY
(H, Hw) - See Anderson County
LEE COUNTY
(H, Hw) - See Adair County
(R) - See Breathitt County
LAWRENCE COUNTY
(R) - See Breathitt County
(H, Hw) - See Adair County
LETCHER COUNTY
(R) - See Breathitt County
(H, Hw) - See Adair County
LEWIS COUNTY
(D) - See Ballard County
(R) - See Carter County
LINCOLN COUNTY
(R) - See Boyle County
(H, Hw) - See Adair County
LIVINGSTON COUNTY
(D) - See Ballard County
(H, Hw) - See Allen County
LOGAN COUNTY
(H, Hw) - See Allen County
LYON COUNTY
(H, Hw) - See Allen County
MCRAKEN COUNTY
Decision #K77-1011 (B)
42 FR 8244 - 2/11/77
Mod. #1 - 42 FR 11184 - 2/25/77
Mod. #2 - 42 FR 23273 - 5/6/77
(D) - See Ballard County
(H, Hw) - See Allen County

KENTUCKY (Cont'd.)

- McCREARY COUNTY
(H, Hw) - See Adair County
(R) - See Laurel County
MCLEAN COUNTY
(H, Hw) - See Allen County
MADISON COUNTY
(H, Hw) - See Anderson County
(R) - See Bath County
MADOFFIN COUNTY
(H, Hw) - See Adair County
MARION COUNTY
(H, Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H, Hw) - See Allen County
MARTIN COUNTY
(H, Hw) - See Adair County
MASON COUNTY
(R) - See Carter County
(H, Hw) - See Anderson County
(D) - See Ballard County
MEADE COUNTY
(B) - See Jefferson County
(H, Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Ballard County
MENIFEE COUNTY
(R) - See Adair County
MERGER COUNTY
(H, Hw) - See Anderson County
METCALFE COUNTY
(H, Hw, R) - See Adair County
MONROE COUNTY
(H, Hw, R) - See Adair County
MONTGOMERY COUNTY
(H, Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H, Hw) - See Anderson County
MURLENS COUNTY
(H, Hw) - See Allen County

LOUISIANA (Cont'd.)

CALDWELL PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
CATANHOULA PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
EAST BATON ROUGE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
EAST CARROLL PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

LOUISIANA

STATEWIDE
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Mod. #1 - 42 FR 18788 - 4/8/77
Decision #LA77-4169 (B, Hw)
42 FR 38850 - 7/29/77
ACADIA PARISH
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(B, D, Hw) - See Statewide
ALLER PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
AUGELLE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
Decision #LA77-4170 (R)
42 FR 38870 - 7/29/77
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
CADDO PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
CALCASIEU PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
(R) - See Bossier County
(R) - See Bossier County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H, Hw) - See Allen County
SPENCER COUNTY
(H, Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H, Hw) - See Adair County
(R) - See Adair County
TODD COUNTY
(H, Hw) - See Allen County
TRIGG COUNTY
(H, Hw) - See Allen County
TRIMBLE COUNTY
(H, Hw) - See Anderson County
(D) - See Ballard County
UNION COUNTY
(D) - See Ballard County
WARREN COUNTY
Decision #KY77-1035 (B)
42 FR 18812 - 4/8/77
Mod. #1 - 42 FR 24572 - 5/13/77
(H, Hw) - See Allen County
WASHINGTON COUNTY
(H, Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H, Hw) - See Adair County
(R) - See Boyle County
WEBSTER COUNTY
(H, Hw) - See Allen County
WELTLEY COUNTY
(R) - See Laurel County
(H, Hw) - See Adair County
WOLFE COUNTY
(H, Hw) - See Adair County
(R) - See Clay County
WOODFORD COUNTY
(H, Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd.)

NELSON COUNTY
(H, Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(R) - See Carter County
(H, Hw) - See Anderson County
OHIO COUNTY
(H, Hw) - See Allen County
OLDHAM COUNTY
(D) - See Ballard County
(R) - See Breckinridge County
(H, Hw) - See Anderson County
OMEN COUNTY
(H, Hw) - See Anderson County
ONKLEY COUNTY
(R) - See Clay County
(H, Hw) - See Adair County
PENDLETON COUNTY
(B, H, Hw, R) - See Boone County
(D) - See Ballard County
PERRY COUNTY
(R) - See Breathitt County
(H, Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H, Hw) - See Adair County
POMELL COUNTY
(H, Hw) - See Adair County
PULASKI COUNTY
(R) - See Boyle County
(H, Hw) - See Adair County
ROBERTSON COUNTY
(R) - See Carter County
(H, Hw) - See Anderson County
ROCKCASTLE COUNTY
(R) - See Boyle County
(H, Hw) - See Adair County
ROWAN COUNTY
(R) - See Carter County
(H, Hw) - See Anderson County
RUSSELL COUNTY
(R) - See Boyle County
(H, Hw) - See Adair County
SCOTT COUNTY
(H, Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H, Hw) - See Anderson County
(R) - See Breckinridge County

LOUISIANA (Cont'd.)

- IBERVILLE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- JACKSON PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- JEFFERSON PARISH
Decision 11/17-4030 (R)
42 FR 10237 - 2/18/77
- (F) - See Acadia Parish
(B, D, Hw) - See Statewide
- JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- LAFOURCHE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- LA SALLE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- LINCOLN COUNTY
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- LIVINGSTON PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- MOUSON PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- MORHOUSE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- WATCHITOCHEES PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- ORLEANS PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- QUACHITA PARISH
Decision 11/17-4031 (R)
42 FR 10237 - 2/18/77
(B, D, Hw) - See Statewide
(F) - See Acadia Parish

LOUISIANA (Cont'd.)

- PLAQUEMINES PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- POINTE COUPEE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- RAPIDES PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- RED RIVER PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- RICHLAND COUNTY
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- SABINE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- ST. BERNARD PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- ST. CHARLES PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- ST. HELENA PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- ST. JAMES PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- ST. LANDRY PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- ST. MARTIN PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- ST. MARY PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

LOUISIANA (Cont'd.)

- ST. TANTARY PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- TANGIPAHOLA PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- TENSAS PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- TERREBOUNE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- BLON PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- VERMILION PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- WEBSTER PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- WEST CARROLL PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- WEST FELICIANA PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide
- WITNER PARISH
(F) - See Acadia Parish
(B, D, Hw) - See Statewide

MAINE

- ANDROSCOGGIN COUNTY
Decision 11E76-2159 (Hw)
41 FR 92173 - 11/26/76
- ARROOSTOOK COUNTY
Decision 11E76-2156 (Hw)
41 FR 92171 - 11/26/76
- CUMBERLAND COUNTY
Decision 11C77-5001 (D)
42 FR 999 - 1/4/77
(Hw) - See Arrostook County
FRANKLIN COUNTY
(Hw) - See Androscoggin County
- HANCOCK COUNTY
Decision 11E76-2166 (Hw)
41 FR 93227 - 12/3/76
(D) - See Cumberland County
- KENNEBEC COUNTY
(Hw) - See Androscoggin County
- KNOX COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
- LINCOLN COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
- OXFORD COUNTY
(Hw) - See Androscoggin County
- PENOBSCOT COUNTY
(Hw) - See Arrostook County
- PISCATAQUIS COUNTY
(Hw) - See Androscoggin County
- SAGadahoc COUNTY
(D) - See Cumberland County
(Hw) - See Arrostook County
- SOMERSET COUNTY
(Hw) - See Androscoggin County
- MALDEN COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
- WASHINGTON COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County
- YORK COUNTY
(D) - See Cumberland County
(Hw) - See Hancock County

MARYLAND (Cont'd.)

MARYLAND (Cont'd.)

MARYLAND (Cont'd.)

MARYLAND

ALLEGANY COUNTY
Decision #MD77-3005 (B)
42 FR 39850 - 8/5/77
Decision #MD77-3021 (H, Hw)
42 FR 3153 - 1/14/77
Mod. #1 - 42 FR 20084 - 4/22/77
Mod. #2 - 42 FR 31045 - 6/17/77
Mod. #3 - 42 FR 39855 - 8/5/77
ANNE ARUNDEL COUNTY
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
Decision #MD76-3151 (Hw)
41 FR 11742 - 3/19/76
(B, H) - See Baltimore City
BALTIMORE CITY
Decision #MD77-3000 (Hw)
42 FR 32476 - 6/24/77
Mod. #1 - 42 FR 30841 - 7/29/77
Decision #MD77-3077 (B, H)
42 FR 28760 - 6/3/77
Mod. #1 - 42 FR 34144 - 7/1/77
Mod. #2 - 42 FR 35524 - 7/8/77
Mod. #3 - 42 FR 39855 - 8/5/77
(D) - See Anne Arundel County
BALTIMORE COUNTY
Decision #MD76-3153 (Hw)
41 FR 11744 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
Mod. #2 - 42 FR 15253 - 3/18/77
(D) - See Anne Arundel County
BALTIMORE CITY
(B, H) - See Baltimore City
CALVERT COUNTY
(D) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD76-3152 (Hw)
41 FR 11743 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
(Hw) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
CHARLES COUNTY
(D, Hw) - See Anne Arundel County
BORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #MD77-3085 (R)
42 FR 34195 - 7/1/77
(Hw) - See Anne Arundel County
GEORETT COUNTY
(B, H, Hw) - See Allegany County

HARFORD COUNTY
(B, H) - See Baltimore City
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B, H) - See Baltimore City
(Hw) - See Anne Arundel County
KENT COUNTY
(D) - See Caroline County
(H) - See Anne Arundel County
MONTGOMERY COUNTY
Decision #MD77-3041 (B)
42 FR 15268 - 3/18/77
Mod. #1 - 42 FR 16794 - 4/8/77
Mod. #2 - 42 FR 20982 - 4/22/77
Mod. #3 - 42 FR 23290 - 5/5/77
Mod. #4 - 42 FR 27963 - 5/27/77
Mod. #5 - 42 FR 32456 - 6/24/77
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D, Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D, Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
(R) - See Frederick County
WICOMICO COUNTY
Decision #MD77-3036 (R)
42 FR 12613 - 3/4/77
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Anne Arundel County
(Hw) - See Caroline County
Decision #MD77-3035 (B)
42 FR 12613 - 3/4/77

BARNSTABLE COUNTY
Decision #MA77-3062 (B, H, Hw, & Marine)
42 FR 37718 - 7/22/77
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
BERKSHIRE COUNTY
Decision #MA76-2096 (B, H, Hw)
41 FR 34505 - 8/13/76
Mod. #1 - 41 FR 45788 - 10/15/76
Mod. #2 - 41 FR 54106 - 12/10/76
Mod. #3 - 42 FR 7030 - 2/4/77
Mod. #4 - 42 FR 16347 - 3/25/77
BRISTOL COUNTY
Decision #MA76-2097 (B, H, Hw, & Marine)
41 FR 34569 - 8/13/76
Mod. #1 - 41 FR 45789 - 10/15/76
Mod. #2 - 42 FR 54106 - 12/10/76
Mod. #3 - 42 FR 7030 - 2/4/77
Mod. #4 - 42 FR 16347 - 3/25/77
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA76-2098 (B, H, Hw, & Marine)
41 FR 34514 - 8/13/76
Mod. #1 - 41 FR 46811 - 10/22/76
Mod. #2 - 41 FR 51241 - 11/19/76
Mod. #3 - 41 FR 55266 - 12/17/76
Mod. #4 - 42 FR 7031 - 2/4/77
Mod. #5 - 42 FR 13717 - 3/11/77
Mod. #6 - 42 FR 23274 - 5/6/77
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA76-2059 (B, H, Hw)
41 FR 34519 - 8/13/76
Mod. #1 - 41 FR 46812 - 10/22/76
Mod. #2 - 41 FR 55266 - 12/17/76
Mod. #3 - 42 FR 7031 - 2/4/77
Mod. #4 - 42 FR 16347 - 3/25/77
HAMPDEN COUNTY
Decision #MA77-3057 (B, H, Hw)
42 FR 37723 - 7/22/77
Decision #MA75-2134 (R)
40 FR 59166 - 12/19/75
HAMPSHIRE COUNTY
Decision #MA76-2101 (B, H, Hw)
41 FR 35369 - 8/20/76
Mod. #1 - 41 FR 46813 - 10/22/76
Mod. #2 - 41 FR 55266 - 12/17/76

MASSACHUSETTS (Cont'd.)
MIDDLESEX COUNTY
Decision #MA76-2102 (B, H, Hw, R, & Marine)
41 FR 37479 - 9/3/76
Mod. #1 - 41 FR 46813 - 10/22/76
Mod. #2 - 41 FR 55267 - 12/17/76
Mod. #3 - 42 FR 7031 - 2/4/77
Mod. #4 - 42 FR 13718 - 3/11/77
Mod. #5 - 42 FR 16438 - 3/25/77
Mod. #6 - 42 FR 23274 - 5/6/77
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County
NORFOLK COUNTY
Decision #MA77-3070 (B, H, Hw, R)
42 FR 37728 - 7/22/77
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA77-3071 (B, H, Hw, R)
42 FR 37733 - 7/22/77
(D) - See Barnstable County
SUFFOLK COUNTY
Decision #MA76-2105 (B, H, Hw, D, R, & Marine)
41 FR 35377 - 8/20/76
Mod. #1 - 41 FR 46815 - 10/22/76
Mod. #2 - 41 FR 56551 - 12/28/76
Mod. #3 - 42 FR 7032 - 2/4/77
Mod. #4 - 42 FR 16349 - 3/25/77
(D) - See Barnstable County
WORCESTER COUNTY
Decision #MA76-2106 (B, H, Hw, R)
41 FR 37480 - 9/3/76
Mod. #1 - 41 FR 46816 - 10/22/76
Mod. #2 - 41 FR 56551 - 12/28/76
Mod. #3 - 42 FR 3136 - 1/14/77
Mod. #4 - 42 FR 7032 - 2/4/77
Mod. #5 - 42 FR 16349 - 3/25/77

MICHIGAN

STATENIDE

Decision #H176-2140 (Hw, MS) 41 FR 51318 - 11/19/76 Mod. #1 - 41 FR 54107 - 12/10/76 Mod. #2 - 42 FR 1681 - 7/8/77 Mod. #3 - 42 FR 35524 - 7/8/77 Mod. #4 - 42 FR 37705 - 7/22/77

ALCONA COUNTY

Decision #H177-2050 (B, H) 42 FR 23069 - 5/16/77 Mod. #1 - 42 FR 27560 - 5/27/77 Mod. #2 - 42 FR 28746 - 6/3/77 Mod. #3 - 42 FR 35524 - 7/8/77 Decision #H177-2053 (B, H) 42 FR 18802 - 4/8/77 Mod. #1 - 42 FR 22070 - 4/29/77 (Hw, MS) - See Statewide

ALGER COUNTY

Decision #H177-2051 (B, H) 42 FR 23374 - 5/16/77 Mod. #1 - 42 FR 28746 - 6/3/77 Mod. #2 - 42 FR 36841 - 7/29/77 (D) - See Alcona County

ALLEGAN COUNTY

Decision #H177-2053 (B, H) 42 FR 23374 - 5/16/77 Mod. #1 - 42 FR 22070 - 4/29/77 Mod. #2 - 42 FR 35525 - 7/8/77 Mod. #3 - 42 FR 36855 - 8/5/77 Decision #H177-2053 (B, H) 36 FR 15881 - 8/18/71 (Hw, MS) - See Statewide

ALPENA COUNTY

(D) - See Alcona County (B, H) - See Alcona County (Hw, MS) - See Statewide

ANTRIN COUNTY

(D) - See Alcona County (Hw, MS) - See Statewide

ARETHA COUNTY

(D) - See Alcona County (Hw, MS) - See Statewide

BADAGA COUNTY

(B, H) - See Alger County (D) - See Alcona County (Hw, MS) - See Statewide

BARRY COUNTY

(Hw, MS) - See Statewide Decision #H177-2054 (B, H) 42 FR 23384 - 5/16/77 Mod. #1 - 42 FR 28748 - 6/3/77 Mod. #2 - 42 FR 35525 - 7/8/77 Mod. #3 - 42 FR 36856 - 8/5/77 (D) - See Alcona County

BAY COUNTY

(Hw, MS) - See Statewide (D) - See Alcona County

MICHIGAN (Cont'd.)

BERRIEN COUNTY

(B, H) - See Allegan County Decision #H177-2041 (R) 42 FR 16355 - 3/25/77 (Hw, MS) - See Statewide

CALHOUN COUNTY

(B, H) - See Allegan County Decision #H176-2107 (R) 41 FR 35381 - 8/20/76 (Hw, MS) - See Statewide

CASS COUNTY

(Hw, MS) - See Statewide (R) - See Branch County

CHARLEVOIX COUNTY

(B, H) - See Allegan County (D) - See Alcona County (Hw, MS) - See Statewide

CHEBOYGAN COUNTY

(D) - See Alcona County (Hw, MS) - See Statewide

CHIPPEWA COUNTY

Decision #H177-2104 (R) 42 FR 37699 - 7/22/77 (B, H) - See Alger County (Hw, MS) - See Statewide

CLARE COUNTY

(Hw, MS) - See Statewide

CLINTON COUNTY

(B, H) - See Allegan County (Hw, MS) - See Statewide

CRAWFORD COUNTY

(Hw, MS) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY

(D) - See Alcona County (Hw, MS) - See Statewide

DUNELM COUNTY

(B, H) - See Statewide (Hw, MS) - See Statewide

Eaton County

(B, H) - See Alcona County (Hw, MS) - See Statewide

Genesee County

(B, H) - See Bay County Decision #H177-2055 (R) 42 FR 24019 - 5/13/77 Mod. #1 - 42 FR 20748 - 6/3/77 Mod. #2 - 42 FR 35525 - 7/8/77 Mod. #3 - 42 FR 36856 - 8/5/77 (Hw, MS) - See Statewide

GLADWIN COUNTY

(Hw, MS) - See Statewide

GAGUEN COUNTY

(B, H) - See Alger County (Hw, MS) - See Statewide

Grand Traverse County

(B, H) - See Alcona County (Hw, MS) - See Statewide

GRATIOT COUNTY

(Hw, MS) - See Statewide

HELLS LAKE COUNTY

(Hw, MS) - See Statewide

Houghton County

(B, H) - See Alger County (Hw, MS) - See Statewide

MICHIGAN (Cont'd.)

IOSCO COUNTY

(B, H) - See Bay County (Hw, MS) - See Statewide

IRON COUNTY

(D) - See Alcona County (Hw, MS) - See Statewide

ISABELLA COUNTY

(Hw, MS) - See Statewide

JACKSON COUNTY

(B, H) - See Allegan County (Hw, MS) - See Statewide

Kalamazoo County

(B, H) - See Allegan County (Hw, MS) - See Statewide

Kalamaska County

(Hw, MS) - See Statewide

Kent County

Decision #H176-2171 (B, H) 41 FR 56560 - 12/28/76 Decision #H177-2071 (B, H, R) 42 FR 28783 - 6/3/77 Mod. #1 - 42 FR 35526 - 7/8/77 Mod. #2 - 42 FR 36840 - 7/15/77 Mod. #3 - 42 FR 36856 - 8/5/77 (D) - See Alcona County (Hw, MS) - See Statewide

Keweenaw County

(D) - See Alcona County (B, H) - See Alger County (Hw, MS) - See Statewide

Lake County

(Hw, MS) - See Statewide

Lapeer County

(B, H) - See Genesee County (Hw, MS) - See Statewide

MICHIGAN (Cont'd.)

Leelanau County

(D) - See Alcona County (Hw, MS) - See Statewide

Lapeer County

(B, H) - See Genesee County (Hw, MS) - See Statewide

Leelanau County

(D) - See Alcona County (Hw, MS) - See Statewide

Lapeer County

(B, H) - See Genesee County (Hw, MS) - See Statewide

Leelanau County

(D) - See Alcona County (Hw, MS) - See Statewide

Lapeer County

(B, H) - See Genesee County (Hw, MS) - See Statewide

Leelanau County

(D) - See Alcona County (Hw, MS) - See Statewide

Lapeer County

(B, H) - See Genesee County (Hw, MS) - See Statewide

Leelanau County

(D) - See Alcona County (Hw, MS) - See Statewide

Lapeer County

(B, H) - See Genesee County (Hw, MS) - See Statewide

MINNESOTA (Cont'd.)

LYON COUNTY - See Cottonwood County
 MCLLOUD COUNTY (H, W) - See Aitkin County
 MHPORLET COUNTY (H, W) - See Beltrami County
 MRS. HILL COUNTY (H, W) - See Beltrami County
 MARTIN COUNTY (H, W) - See Aitkin County
 MEEBER COUNTY (H, W) - See Aitkin County
 MILLE LACS COUNTY (H, W) - See Aitkin County
 MORRISON COUNTY (H, W) - See Aitkin County
 MOWER COUNTY (H, W) - See Aitkin County
 MUCKER COUNTY (H, W) - See Aitkin County
 MURRAY COUNTY (H, W) - See Cottonwood County
 NICOLLET COUNTY (H, W) - See Aitkin County
 NILES COUNTY (H, W) - See Aitkin County
 NORMAN COUNTY (H, W) - See Beltrami County
 OUNSTEAU COUNTY (H, W) - See Beltrami County
 Decision #R177-2045 (B, R) 4/2 FR 23400 - 5/6/77
 Mod. #1 - 42 FR 28750 - 5/6/77
 (H, W) - See Aitkin County
 OTTER TAIL COUNTY (H, W) - See Becker County
 PENNINGTON COUNTY (H, W) - See Beltrami County
 PINE COUNTY (H, W) - See Aitkin County
 PIPESTONE COUNTY (H, W) - See Cottonwood County
 PLYMOUTH COUNTY (H, W) - See Beltrami County
 POPE COUNTY - See Big Stone County
 RABBIT COUNTY (H, W) - See Anoka County
 (B, R) - See Aitkin County
 RED LAKE COUNTY (H, W) - See Beltrami County
 REDWOOD COUNTY (H, W) - See Cottonwood County
 RENOVILLE COUNTY (H, W) - See Beltrami County
 Decision #R177-2039 (H, W) 4/2 FR 16341 - 3/25/77
 RICE COUNTY (H, W) - See Aitkin County
 ROCK COUNTY (H, W) - See Aitkin County

MINNESOTA (Cont'd.)

ROSEAU COUNTY (H, W) - See Beltrami County
 SAINT LOUIS COUNTY (H, W) - See Cook County
 (D) - See Beltrami County
 (H, W) - See Beltrami County
 Decision #R177-2047 (B, R) 4/2 FR 23412 - 5/6/77
 Mod. #1 - 42 FR 28750 - 6/3/77
 Mod. #2 - 42 FR 35526 - 7/8/77
 SCOTT COUNTY (H, W) - See Aitkin County
 (B, R) - See Anoka County
 SHERBURNE COUNTY (H, W) - See Aitkin County
 SIBLEY COUNTY (H, W) - See Aitkin County
 SIBLEY COUNTY (H, W) - See Aitkin County
 STEARNS COUNTY (H, W) - See Big Stone County
 Decision #R177-2046 (B, R) 4/2 FR 23405 - 5/6/77
 Mod. #1 - 42 FR 28750 - 6/3/77
 (D) - See Anoka County
 STEELE COUNTY (H, W) - See Aitkin County
 STEVENS COUNTY (H, W) - See Aitkin County
 SWIFT COUNTY (H, W) - See Big Stone County
 (H, W) - See Big Stone County
 TODD COUNTY (H, W) - See Becker County
 TRAVERSE COUNTY (H, W) - See Big Stone County
 (H, W) - See Big Stone County
 WABASHA COUNTY (D) - See Anoka County
 (H, W) - See Aitkin County
 WADENA COUNTY (H, W) - See Becker County
 WASCECA COUNTY (H, W) - See Aitkin County
 WASHINGTON COUNTY (B, D, R) - See Anoka County
 (H, W) - See Aitkin County
 WATOMWAN COUNTY None
 WILKIN COUNTY (H, W) - See Becker County
 WINONA COUNTY (D) - See Anoka County
 (H, W) - See Aitkin County
 WRIGHT COUNTY (D) - See Anoka County
 (H, W) - See Aitkin County
 YELLOW MEDICINE COUNTY (H, W) - See Cottonwood County

MISSISSIPPI

STATEWIDE
 Decision #AL76-5090 (D) 41 FR 44609 - 10/8/76
 Mod. #1 - 42 FR 18708 - 4/8/77
 Decision #HS76-1137 (H, W) 41 FR 55271 - 12/17/76
 Mod. #1 - 42 FR 3135 - 1/14/77
 Decision #HS76-1139 (H, W) 41 FR 58239 - 12/17/76
 ADMIS COUNTY
 Decision #A8-5041 (F) 41 FR 19017 - 5/7/76
 Mod. #1 - 41 FR 21981 - 5/28/76
 (D, W, W) - See Statewide
 ALCONR COUNTY (F) - See Adams County
 ANHIE COUNTY (D, W, W) - See Statewide
 (F) - See Adams County
 (F) - See Adams County
 ATTALA COUNTY (D, W, W) - See Statewide
 BEITON COUNTY (D, W, W) - See Statewide
 (F) - See Adams County
 BOLLIVAR COUNTY
 Decision #HS77-1069 (B) 42 FR 26094 - 5/20/77
 (D, W, W) - See Statewide
 (F) - See Adams County
 CALHOUN COUNTY (D, W, W) - See Statewide
 (F) - See Adams County
 CARROLL COUNTY (D, W, W) - See Statewide
 (F) - See Adams County
 CARROLL COUNTY (D, W, W) - See Statewide
 (F) - See Adams County
 CHICKASAW COUNTY (H, W, W) - See Statewide
 (F) - See Adams County
 CHOCTAW COUNTY (H, W, W) - See Statewide
 (F) - See Adams County
 CLARK COUNTY (D, W, W) - See Statewide
 (F) - See Statewide
 CLAY COUNTY (H, W, W) - See Statewide
 (F) - See Adams County
 COLUMBIA COUNTY
 Decision #HS76-1004 (R) 41 FR 1695 - 1/9/76
 Mod. #1 - 41 FR 40371 - 9/17/76

MISSISSIPPI (Cont'd.)

COMALWA COUNTY (CONT'D)
 (D, W, W) - See Statewide
 (F) - See Adams County
 COPLAIN COUNTY
 Decision #HS76-1074 (R) 41 FR 29550 - 7/16/76
 (D, W, W) - See Statewide
 (F) - See Adams County
 COWART COUNTY (D, W, W) - See Statewide
 (F) - See Adams County
 DE SOTO COUNTY
 Decision #MS77-1054 (B) 42 FR 23265 - 5/6/77
 (D, W, W) - See Statewide
 (F) - See Adams County
 FOLDS COUNTY
 Decision #MS75-1076 (R) 40 FR 38935 - 8/22/75
 Mod. #1 40 FR 55609 - 11/28/75
 Decision #MS76-1132 (R) 41 FR 56595 - 12/28/76
 (D, W, W) - See Statewide
 (F) - See Adams County
 FRANKLIN COUNTY (D, W, W) - See Statewide
 (F) - See Adams County
 GEORGE COUNTY (D, W, W) - See Statewide
 (F) - See Adams County
 Decision #MS75-1077 (R) 40 FR 36935 - 8/22/75
 (D, W, W) - See Statewide
 (F) - See Adams County
 GREENE COUNTY (D, W, W) - See Statewide
 (F) - See Adams County
 GRENADA COUNTY (D, W, W) - See Statewide
 (F) - See Adams County
 HANCOCK COUNTY
 Decision #MS77-1030 (B, H) 42 FR 6356 - 3/25/77
 Mod. #1 - 42 FR 18701 - 4/8/77
 Mod. #2 - 42 FR 2072 - 4/25/77
 Mod. #3 - 42 FR 3705 - 7/22/77
 (D) - See Statewide
 (F) - See Adams County
 (F) - See Adams County
 HARRISON COUNTY (B, H) - See Hancock County
 (R) - See George County
 (D, W, W) - See Statewide
 (F) - See Adams County
 HINDS COUNTY
 Decision #MS77-1032 (B) 42 FR 16359 - 3/25/77
 Mod. #1 - 42 FR 22072 - 4/29/77
 Mod. #2 - 42 FR 37706 - 7/22/77
 (D, W, W) - See Statewide
 (F) - See Adams County
 (F) - See Copiah County

MISSISSIPPI (Cont'd.)

HOLMES COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

HUNTHALLS COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

ISSAQUENA COUNTY

Decision #MS76-1076 (B)
41 FR 29651 - 7/16/76

(D, H, MS) - See Statewide
(F) - See Adams County

ITAWAMBA COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

JACKSON COUNTY

(D, H, MS) - See Statewide
(B, H) - See Hancock County

JASPER COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

JEFFERSON COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

JEFFERSON DAVIS COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

JONES COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

LAFAYETTE COUNTY

Decision #MS77-1062 (B)
42 FR 23094 - 5/26/77

(D, H, MS) - See Statewide
(F) - See Adams County

LAFOLK COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

LAUDERDALE COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

LAWRENCE COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

LEAKE COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

LEE COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

LEFLORE COUNTY

Decision #MS77-1055 (B)
42 FR 23765 - 5/16/77

(F) - See Adams County
(B, H, MS) - See Statewide

MISSISSIPPI (Cont'd.)

LINCOLN COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

LOWESS COUNTY

Decision #MS77-1078 (B)
42 FR 31644 - 6/17/77

(D, H, MS) - See Statewide
(F) - See Adams County

MADISON COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

MADISON COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

MADISON COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

MADISON COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

MADISON COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

MADISON COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

MADISON COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

MADISON COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

Decision #MS77-1057 (H)
42 FR 23266 - 5/16/77

MADISON COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

MADISON COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

MADISON COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

MADISON COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

MADISON COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

MADISON COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

RANKIN COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

SCOTT COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

SCOTT COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

SHARKEY COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

SHARKEY COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

SHARKEY COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

SHARKEY COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

SHARKEY COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

SHARKEY COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

SHARKEY COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

SHARKEY COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

SHARKEY COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

SHARKEY COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

SHARKEY COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

SHARKEY COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

SHARKEY COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

SHARKEY COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

WARDEN COUNTY

Decision #MS77-1033 (B)
42 FR 16361 - 3/25/77

Mod. #1 - 42 FR 22072 - 4/29/77
Mod. #1 - 42 FR 35527 - 7/8/77

(D, H, MS) - See Statewide
(F) - See Adams County

WASHINGTON COUNTY

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
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(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

(D, H, MS) - See Statewide
(F) - See Adams County

MISSOURI (Cont'd.)

POLASKI COUNTY (H, Hw) - See Statewide
 PUTNAM COUNTY (H, Hw) - See Statewide
 RALLS COUNTY (D) - See Cape Girardeau County
 (H, Hw) - See Statewide
 RANOLPH COUNTY (H, Hw) - See Statewide
 RAY COUNTY (H, Hw) - See Cass County
 (H, Hw) - See Statewide
 (D) - See Andrew County
 REYNOLDS COUNTY (Hw) - See Statewide
 RIPLEY COUNTY (Hw) - See Statewide
 ST. CHARLES COUNTY (D) - See Cape Girardeau County
 (H, Hw) - See Franklin County
 (H, Hw) - See Andrew County
 (D) - See Statewide
 ST. CLAIR COUNTY (H, Hw) - See Statewide
 ST. FRANCIS COUNTY (H, Hw) - See Statewide
 ST. LOUIS COUNTY (H, Hw) - See Franklin County
 (H, Hw) - See Andrew County
 (D) - See Statewide
 ST. GENEVIEVE COUNTY (D) - See Cape Girardeau County
 (H, Hw) - See Statewide
 SALINE COUNTY (D) - See Andrew County
 (H, Hw) - See Statewide
 SCHUYLER COUNTY (H, Hw) - See Statewide
 SCOTLAND COUNTY (H, Hw) - See Statewide
 SCOTT COUNTY (D) - See Cape Girardeau County
 (H, Hw) - See Statewide
 SHANNON COUNTY (Hw) - See Statewide
 SHELBY COUNTY (H, Hw) - See Statewide
 STODDARD COUNTY (Hw) - See Statewide

MISSOURI (Cont'd.)

STONE COUNTY (Hw) - See Statewide
 SULLIVAN COUNTY (H, Hw) - See Statewide
 TANEY COUNTY (H, Hw) - See Statewide
 TEXAS COUNTY (Hw) - See Statewide
 TERRY COUNTY (H, Hw) - See Statewide
 WARREN COUNTY (D) - See Andrew County
 (H, Hw) - See Statewide
 WASHINGTON COUNTY (H, Hw) - See Statewide
 WAYNE COUNTY (Hw) - See Statewide
 WEBSTER COUNTY (Hw) - See Statewide
 WORTH COUNTY (H, Hw) - See Statewide
 WRIGHT COUNTY (Hw) - See Statewide

MISSOURI

STONE COUNTY Decision #H77-5073 (D)
 42 FR 37730 - 7/22/77
 SULLIVAN COUNTY Decision #H77-5074 (H, Hw)
 42 FR 35552 - 7/18/77
 TANEY COUNTY (H, Hw) - See Statewide
 TEXAS COUNTY (D) - See Andrew County
 (H, Hw) - See Statewide
 TERRY COUNTY (H, Hw) - See Statewide
 WARREN COUNTY (D) - See Andrew County
 (H, Hw) - See Statewide
 WASHINGTON COUNTY (H, Hw) - See Statewide
 WAYNE COUNTY (H, Hw) - See Statewide
 WEBSTER COUNTY (H, Hw) - See Statewide
 WORTH COUNTY Decision #H77-5057 (R)
 42 FR 28269 - 6/3/77
 Mod. #1 - 42 FR 34145 - 7/1/77
 Mod. #2 - 42 FR 35327 - 7/8/77
 Mod. #3 - 42 FR 38741 - 7/15/77
 Mod. #4 - 42 FR 38842 - 7/25/77
 WRIGHT COUNTY (H, Hw) - See Statewide
 CHOUTEAU COUNTY (H, Hw) - See Statewide
 CUSTER COUNTY (H, Hw) - See Statewide
 DANIELS COUNTY (H, Hw) - See Statewide
 DANFORTH COUNTY (H, Hw) - See Statewide
 DANFORTH COUNTY (H, Hw) - See Statewide
 DEER LODGE COUNTY (H, Hw) - See Statewide
 (R) - See Cascade County
 FALLON COUNTY (H, Hw) - See Statewide
 FERRELL COUNTY (H, Hw) - See Statewide
 FLATHEAD COUNTY (H, Hw) - See Statewide
 GALLATIN COUNTY (H, Hw) - See Statewide
 (R) - See Cascade County
 GARFIELD COUNTY (H, Hw) - See Statewide
 GLACIER COUNTY (R) - See Cascade County
 (H, Hw) - See Statewide

MISSOURI (Cont'd.)

GOLDEN VALLEY COUNTY (B, H, Hw) - See Statewide
 GRANITE COUNTY (B, H, Hw) - See Statewide
 HILL COUNTY (B, H, Hw) - See Statewide
 BEAVERHEAD COUNTY (B, H, Hw) - See Statewide
 (R) - See Cascade County
 JEFFERSON COUNTY (B, H, Hw) - See Statewide
 JUDITH COUNTY (B, H, Hw) - See Statewide
 LAKE COUNTY (B, H, Hw) - See Statewide
 LEWIS & CLARK COUNTY (B, H, Hw) - See Statewide
 LIBERTY COUNTY (B, H, Hw) - See Statewide
 LINCOLN COUNTY (B, H, Hw) - See Statewide
 MC COME COUNTY (B, H, Hw) - See Statewide
 MADISON COUNTY (B, H, Hw) - See Statewide
 REAGHER COUNTY (B, H, Hw) - See Statewide
 MINERAL COUNTY (B, H, Hw) - See Statewide
 MISSOURI COUNTY (B, H, Hw) - See Statewide
 (R) - See Cascade County
 MUSSELSHILL COUNTY (B, H, Hw) - See Statewide
 PARK COUNTY (B, H, Hw) - See Statewide
 PETROLEUM COUNTY (B, H, Hw) - See Statewide
 PHILLIPS COUNTY (B, H, Hw) - See Statewide
 PONDEGA COUNTY (B, H, Hw) - See Statewide
 POWDER RIVER COUNTY (B, H, Hw) - See Statewide
 POWELL COUNTY (B, H, Hw) - See Statewide
 PRAIRIE COUNTY (B, H, Hw) - See Statewide
 RAVALLI COUNTY (B, H, Hw) - See Statewide
 RICHLAND COUNTY (B, H, Hw) - See Statewide
 ROOSEVELT COUNTY (B, H, Hw) - See Statewide

MONTANA (Cont'd.)

ROSEBUD COUNTY
(B, H, HW) - See Statewide
SANDERS COUNTY
(B, H, HW) - See Statewide
SHERIDAN COUNTY
(B, H, HW) - See Statewide
SILVER BOULDER COUNTY
(B, H, HW) - See Statewide
(B) - See Cascade County
STILLWATER COUNTY
(B, H, HW) - See Statewide
SWEET GRASS COUNTY
(B, H, HW) - See Statewide
TETON COUNTY
(B, H, HW) - See Statewide
TOOLE COUNTY
(B, H, HW) - See Statewide
TREASURE COUNTY
(B, H, HW) - See Statewide
VALLEY COUNTY
(B, H, HW) - See Statewide
(B, H, HW) - See Statewide
WHEATLAND COUNTY
(B, H, HW) - See Statewide
WEBB COUNTY
(B, H, HW) - See Statewide
YELLOWSTONE COUNTY
(B, H, HW) - See Statewide

NEBRASKA

ADAMS COUNTY
Decision #NE77-4001 (H, HW)
42 FR 1685 - 1/7/77
ANTELOPE COUNTY
(H, HW) - See Adams County
ARTHWOR COUNTY
(H, HW) - See Adams County
BANNER COUNTY
Decision #NE77-4040 (B)
42 FR 11223 - 2/25/77
(H, HW) - See Adams County
BLAINE COUNTY
(H, HW) - See Adams County
BOONE COUNTY
(H, HW) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(H, HW) - See Adams County
BOYD COUNTY
(H, HW) - See Adams County
Decision #NE76-4184 (Channel Stabilization)
41 FR 53259 - 12/3/76
BROWN COUNTY
(H, HW) - See Adams County
BUFFALO COUNTY
(H, HW) - See Adams County
BURT COUNTY
(H, HW) - See Adams County
(Chann. Stab.) - See Boyd County
BUTLER COUNTY
(H, HW) - See Adams County
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #NE77-4021 (H, HW)
42 FR 8946 - 2/11/77
CEDAR COUNTY
Decision #NE77-4067 (B)
42 FR 15272 - 3/18/77
(H, HW) - See Adams County
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H, HW) - See Adams County
CHERRY COUNTY
(H, HW) - See Adams County
CREYERNE COUNTY
(B) - See Banner County
(H, HW) - See Adams County
CLAY COUNTY
(H, HW) - See Adams County
COLFAX COUNTY
(H, HW) - See Adams County

NEBRASKA (Cont'd.)

CURTIS COUNTY
(B) - See Cedar County
(H, HW) - See Adams County
CUSTER COUNTY
(H, HW) - See Adams County
DARWIN COUNTY
(Chann. Stab.) - See Boyd County
(H, HW) - See Adams County
DAMES COUNTY
(B) - See Banner County
(H, HW) - See Adams County
DANFORTH COUNTY
(H, HW) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(H, HW) - See Adams County
DIXON COUNTY
(H, HW) - See Adams County
(Chann. Stab.) - See Boyd County
(H, HW) - See Adams County
DODGE COUNTY
(H, HW) - See Adams County
DOUGLAS COUNTY
Decision #NE77-4115 (B, R)
42 FR 30131 - 6/10/77
Mod. #1 - 42 FR 34145 - 7/1/77
(H, HW) - See Cass County
(Chann. Stab.) - See Boyd County
DUNSMUIR COUNTY
(H, HW) - See Adams County
FILLMORE COUNTY
(H, HW) - See Adams County
FRANKLIN COUNTY
(H, HW) - See Adams County
FRONTIER COUNTY
(H, HW) - See Adams County
FURNAS COUNTY
(H, HW) - See Adams County
GAGE COUNTY
(H, HW) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(H, HW) - See Adams County
GARFIELD COUNTY
(H, HW) - See Adams County
GOSPER COUNTY
(H, HW) - See Adams County
GRANT COUNTY
(H, HW) - See Adams County
GREELEY COUNTY
(H, HW) - See Adams County

NEBRASKA (Cont'd.)

HALL COUNTY
Decision #NE76-4107 (B)
41 FR 33158 - 8/6/76
(H, HW) - See Adams County
HAMILTON COUNTY
(B) - See Hall County
(H, HW) - See Adams County
HARLAN COUNTY
(H, HW) - See Adams County
HAYES COUNTY
(H, HW) - See Adams County
HITCHCOCK COUNTY
(H, HW) - See Adams County
HOLT COUNTY
(H, HW) - See Adams County
HOOPER COUNTY
(H, HW) - See Adams County
HOWARD COUNTY
(H, HW) - See Adams County
(B) - See Hall County
(H, HW) - See Adams County
JEFFERSON COUNTY
(H, HW) - See Adams County
JONES COUNTY
(H, HW) - See Adams County
KEARNEY COUNTY
(H, HW) - See Adams County
KEITH COUNTY
(H, HW) - See Adams County
KEYSTONE COUNTY
(H, HW) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(H, HW) - See Adams County
KNOWLTON COUNTY
(H, HW) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE77-4135 (B)
42 FR 34201 - 7/1/77
Decision #NE76-4178 (B)
41 FR 45813 - 10/15/76
(H, HW) - See Adams County
LINCOLN COUNTY
(H, HW) - See Adams County
LOGAN COUNTY
(H, HW) - See Adams County
LOUISIANA COUNTY
(H, HW) - See Adams County
MAGUIRE COUNTY
(H, HW) - See Adams County
MADISON COUNTY
(H, HW) - See Adams County
MERRICK COUNTY
(H, HW) - See Adams County
(B) - See Hall County
(H, HW) - See Adams County

NEBRASKA (Cont'd.)

MOOREHEAD COUNTY
 (B) - See Banner County
 (H, Hw) - See Adams County
 MURKIN COUNTY
 (H, Hw) - See Adams County
 MURKIN COUNTY
 (H, Hw) - See Adams County
 Decision #1075-4070 (B)
 40 FR 14225 - 3/22/75
 (H, Hw) - See Adams County
 (Chann. Stab.) - See Boyd County
 MURKOLLS COUNTY
 (H, Hw) - See Adams County
 OTICE COUNTY
 (Chann. Stab.) - See Boyd County
 (H, Hw) - See Adams County
 PAUMotu COUNTY
 (H, Hw) - See Adams County
 PEGLENS COUNTY
 (H, Hw) - See Adams County
 PHELPS COUNTY
 (H, Hw) - See Adams County
 PIERCE COUNTY
 (B) - See Cedar County
 (H, Hw) - See Adams County
 PLATTE COUNTY
 (H, Hw) - See Adams County
 POLK COUNTY
 (H, Hw) - See Adams County
 RED HILL COUNTY
 (H, Hw) - See Adams County
 RICHARDSON COUNTY
 (Chann. Stab.) - See Boyd County
 (B) - See Nisus County
 (H, Hw) - See Adams County
 ROCK COUNTY
 (H, Hw) - See Adams County
 SALLIE COUNTY
 (H, Hw) - See Adams County
 SAGEBY COUNTY
 (Chann. Stab.) - See Boyd County
 (B, R) - See Douglas County
 (H, Hw) - See Cass County
 SAUNDERS COUNTY
 (H, Hw) - See Adams County
 SCOTT'S BLUFF COUNTY
 (B) - See Banner County
 (H, Hw) - See Adams County
 SENARD COUNTY
 (H, Hw) - See Adams County
 SHERIDAN COUNTY
 (B) - See Banner County
 (H, Hw) - See Adams County
 SHERMAN COUNTY
 (H, Hw) - See Adams County
 SIDOX COUNTY
 (B) - See Banner County
 (H, Hw) - See Adams County

NEBRASKA (Cont'd.)

STANTON COUNTY
 (B) - See Cedar County
 (H, Hw) - See Adams County
 THAYER COUNTY
 (H, Hw) - See Adams County
 THOMAS COUNTY
 (H, Hw) - See Adams County
 THURSTON COUNTY
 (Chann. Stab.) - See Boyd County
 (H, Hw) - See Adams County
 VALLEY COUNTY
 (H, Hw) - See Adams County
 WASHINGTON COUNTY
 (H, Hw) - See Cass County
 (Chann. Stab.) - See Boyd County
 WAYNE COUNTY
 (B) - See Cedar County
 (H, Hw) - See Adams County
 WEBSTER COUNTY
 (H, Hw) - See Adams County
 WHEELER COUNTY
 (H, Hw) - See Adams County
 YORK COUNTY
 (H, Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada
 Test Site & Tonopah Test Range)
 Decision #W77-5146 (B, H, Hw)
 42 FR 22082 - 4/29/77
 Mod. #1 - 42 FR 24572 - 5/13/77
 Mod. #2 - 42 FR 28751 - 6/3/77
 Mod. #3 - 42 FR 31048 - 6/17/77
 Mod. #4 - 42 FR 37707 - 7/22/77
 CARSON COUNTY
 (B, H, Hw) - See Statewide
 CLARK COUNTY
 (B, H, Hw) - See Statewide
 CLARK COUNTY
 Decision #W77-5061 (R) (Excluding
 Nevada Test Site)
 42 FR 31074 - 6/17/77
 Mod. #1 - 42 FR 35528 - 7/8/77
 Mod. #2 - 42 FR 37707 - 7/22/77
 Mod. #3 - 42 FR 39857 - 8/5/77
 (B, H, Hw) - See Statewide
 Decision #W77-5072 (B, H, Hw) (Nevada Test
 Site including the Tonopah Test Range)
 42 FR 35562 - 7/8/77
 Mod. #1 - 42 FR 39857 - 8/5/77
 DOUGLAS COUNTY
 (B, H, Hw) - See Statewide
 ELKO COUNTY
 (B, H, Hw) - See Statewide
 ESPERALDA COUNTY
 (B, H, Hw) - See Statewide
 EUREKA COUNTY
 (B, H, Hw) - See Statewide
 HUMBOLDT COUNTY
 (B, H, Hw) - See Statewide
 LANGRISH COUNTY
 (B, H, Hw) - See Statewide
 LINCOLN COUNTY
 (B, H, Hw) - See Statewide
 LYON COUNTY
 (B, H, Hw) - See Statewide
 MINERAL COUNTY
 (B, H, Hw) - See Statewide
 MIKE COUNTY
 (B, H, Hw) - See Clark Co. (Nevada
 Test Site)
 (B, H, Hw) - See Statewide
 PERSHING COUNTY
 (B, H, Hw) - See Statewide
 STOREY COUNTY
 (B, H, Hw) - See Statewide
 WASHOE COUNTY
 Decision #W77-5031 (R)
 42 FR 35278 - 3/18/77
 Mod. #1 - 42 FR 18792 - 4/8/77

NEVADA (Cont'd.)

WASHOE COUNTY (CONT'D)
 Mod. #2 - 42 FR 22073 - 4/29/77
 Mod. #3 - 42 FR 31047 - 6/17/77
 WHITE PINE COUNTY
 (B, H, Hw) - See Statewide

NEW JERSEY (Cont'd.)

NEW JERSEY

NEW HAMPSHIRE

- BELKNAP COUNTY
None
- CARROLL COUNTY
None
- DRESHIRE COUNTY
None
- COOS COUNTY
None
- GRAFTON COUNTY
None
- HILLSBORO COUNTY
Decision #R77-2001 (B, H, W, R)
42 FR 4087 - 1/21/77
Mod. #1 - 42 FR 23275 - 5/6/77
Mod. #2 - 42 FR 38844 - 7/29/77
- MERRIMACK COUNTY
Decision #R77-2002 (B, H, W, & Marine)
42 FR 4080 - 1/21/77
Mod. #1 - 42 FR 23275 - 5/6/77
Mod. #2 - 42 FR 38842 - 7/29/77
- ROCKINGHAM COUNTY
Decision #C77-5001 (D)
42 FR 999 - 1/4/77
- Decision #R77-2003 (B, H, W, R, & Marine)
42 FR 5025 - 1/28/77
Mod. #1 - 42 FR 23275 - 5/6/77
Mod. #2 - 42 FR 24573 - 5/13/77
Mod. #3 - 42 FR 38843 - 7/29/77
- STRAFFORD COUNTY
Decision #R77-2004 (B, H, W, & Marine)
42 FR 5029 - 1/28/77
Mod. #1 - 42 FR 23275 - 5/6/77
Mod. #2 - 42 FR 38843 - 7/29/77
- SULLY COUNTY
None
- ATLANTIC COUNTY
Decision #HJ77-3079 (B, H, W)
42 FR 31080 - 5/17/77
Decision #C77-5001 (D)
42 FR 999 - 1/4/77
- BERGEN COUNTY
Decision #HJ76-3252 (R)
41 FR 47827 - 10/29/76
Mod. #1 - 41 FR 52182 - 11/26/76
Mod. #2 - 42 FR 7034 - 2/4/77
Mod. #3 - 42 FR 12570 - 3/4/77
Mod. #4 - 42 FR 20885 - 4/22/77
Decision #HJ77-3093 (B, H, W)
42 FR 35567 - 7/6/77
Mod. #1 - 42 FR 39558 - 8/5/77
(D) - See Atlantic County
- BURLINGTON COUNTY
Decision #HJ75-3096 (R)
40 FR 43413 - 9/19/75
Mod. #1 - 42 FR 30086 - 6/10/77
(B, H, W) - See Atlantic County
(D) - See Atlantic County
- CAMDEN COUNTY
(B, H, W) - See Atlantic County
(D) - See Atlantic County
- CAPE MAY COUNTY
Decision #HJ75-3068 (R)
40 FR 29437 - 7/11/75
(B, H, W, D) - See Atlantic County
- CUMBERLAND COUNTY
(B, H, W) - See Atlantic County
(D) - See Atlantic County
- ESSEX COUNTY
(B, H, W, R) - See Bergen County
(D) - See Atlantic County
- GLoucester County
(B, H, W) - See Atlantic County
(D) - See Atlantic County
- Hudson County
(B, H, W, R) - See Bergen County
(D) - See Atlantic County
- HUMBERSON COUNTY
(B, H, W) - See Bergen County
(D) - See Atlantic County
- MERCER COUNTY
(B, D, H, W) - See Atlantic County
- MIDDLESEX COUNTY
(B, H, W) - See Bergen County
(D) - See Atlantic County
- MONMOUTH COUNTY
(B, H, W) - See Atlantic County
(D) - See Atlantic County
- MORRIS COUNTY
(B, H, W) - See Bergen County
(D) - See Atlantic County
- OCEAN COUNTY
(B, H, W) - See Atlantic County
(D) - See Atlantic County
- PASSAIC COUNTY
(B, H, W, R) - See Bergen County
(D) - See Atlantic County
- SALEN COUNTY
(B, H, W) - See Atlantic County
(D) - See Atlantic County
- SOMERSET COUNTY
(B, H, W) - See Bergen County
(D) - See Atlantic County
- SUSSEX COUNTY
(B, H, W) - See Bergen County
(D) - See Atlantic County
- UNION COUNTY
Decision #HJ75-3097 (R)
40 FR 43414 - 9/19/75
(B, H, W) - See Bergen County
(D) - See Atlantic County
- WARREN COUNTY
(B, H, W) - See Bergen County
(D) - See Atlantic County

NEW MEXICO

STATEWIDE

Decision #M07-4103 (Streets, Highways, Utilities and Light Engineering Construction)
42 FR 25169 - 5/20/77

Decision #M07-4116 (Building including residential in McKinley, Santa Fe, San Juan, Bernalillo, Rio Arriba, Taos, Sandoval, & Valencia Cos., but not on the Navajo Indian Reservation, and heavy construction)
42 FR 31094 - 6/17/77

Mod. #1 - 42 FR 34146 - 7/1/77

Mod. #2 - 42 FR 35529 - 7/8/77

Mod. #3 - 42 FR 37710 - 7/22/77

Mod. #4 - 42 FR 39657 - 8/5/77

BERNALILLO COUNTY
(B, H, R) - See Statewide

CATRON COUNTY
(B, H, R) - See Statewide

CHAVES COUNTY
(B, H, R) - See Statewide

COLORADO COUNTY
(B, H, R) - See Statewide

CURRY COUNTY
(B, H, R) - See Statewide

DE BECK COUNTY
(B, H, R) - See Statewide

DONA ANA COUNTY
(B, H, R) - See Statewide

Decision #M07-4029 (R)
42 FR 10251 - 2/18/77

EDDY COUNTY
(B, H, R) - See Statewide

GRANT COUNTY
(B, H, R) - See Statewide

GUADALUPE COUNTY
(B, H, R) - See Statewide

HARDING COUNTY
(B, H, R) - See Statewide

HIDALGO COUNTY
(B, H, R) - See Statewide

LEA COUNTY
(B, H, R) - See Statewide

LINDSEY COUNTY
(B, H, R) - See Statewide

LOS ALAMOS COUNTY
(B, H, R) - See Statewide

LUCK COUNTY
(B, H, R) - See Statewide

McKINLEY COUNTY
(B, H, R) - See Statewide

NEW MEXICO (Cont'd.)

MORA COUNTY
(B, H, R) - See Statewide

OTERO COUNTY
(R) - See Dona Ana County
(B, H, R) - See Statewide

QUAY COUNTY
(B, H, R) - See Statewide

RIO ARriba COUNTY
(B, H, R) - See Statewide

ROOSEVELT COUNTY
(B, H, R) - See Statewide

SANCOVAL COUNTY
(B, H, R) - See Statewide

SAN JUAN COUNTY
42 FR 13774 - 3/11/77

SAN MIGUEL COUNTY
(B, H, R) - See Statewide

SANTE FE COUNTY
(B, H, R) - See Statewide

SIERRA COUNTY
(B, H, R) - See Statewide

SOCORRO COUNTY
(B, H, R) - See Statewide

TADS COUNTY
(B, H, R) - See Statewide

TORrance COUNTY
(B, H, R) - See Statewide

UNION COUNTY
(B, H, R) - See Statewide

WALencia COUNTY
(B, H, R) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NY77-3003 (B, H, R)
42 FR 22095 - 4/29/77

ALLEANY COUNTY
None

BROOK COUNTY
Decision #NY77-3025 (B, H, R)
42 FR 31105 - 6/11/77

Decision #NY77-3044 (R)
42 FR 31110 - 6/11/77

Decision #CT77-5001 (D)
42 FR 909 - 1/4/77

BROOME COUNTY
Decision #NY77-2011 (B, H, R)
42 FR 24521 - 5/13/77

CATTARAUGUS COUNTY
None

CAUYUSA COUNTY
Decision #IL77-5038 (D)
42 FR 18802 - 4/8/77

Mod. #1 - 42 FR 22070 - 4/29/77

CHAUTAUGUS COUNTY
Decision #NY77-3008 (B, H, R)
42 FR 26171 - 5/20/77

(D) - See Cayuga County

CHENING COUNTY
Decision #NY77-3001 (B)
42 FR 17766 - 4/1/77

CHENANGO COUNTY
None

CLINTON COUNTY
None

COLUMBIA COUNTY
None

CORTLAND COUNTY
None

DELAWARE COUNTY
None

NEW YORK (Cont'd.)

DUTCHESS COUNTY
Decision #NY77-3110 (B, H, R)
42 FR 38873 - 7/29/77

(D) - See Bronx County

ERIE COUNTY
Decision #NY77-3087 (B, H, R)
42 FR 35583 - 7/8/77

(D) - See Cayuga County

ESSEX COUNTY
None

FRANKLIN COUNTY
(D) - See Cayuga County

FULTON COUNTY
None

GENESEEE COUNTY
None

GREENE COUNTY
None

HAMMILTON COUNTY
None

HERKIMER COUNTY
None

JEFFERSON COUNTY
Decision #NY77-3099 (B, H, R)
42 FR 36760 - 7/15/77

(D) - See Cayuga County

KINGS COUNTY
(B, H, R, D) - See Bronx County

LEWIS COUNTY
None

LIVINGSTON COUNTY
None

MADISON COUNTY
None

NEW YORK (Cont'd.)

HUNDE COUNTY
 Decision #NY77-3004 (B, H, Hw)
 42 FR 34208 - 7/1/77
 (D) - See Cayuga County
 MONTGOMERY COUNTY
 None
 MASSACHUSETTS COUNTY
 Decision #NY77-3013 (B, H, Hw)
 42 FR 24631 - 5/13/77
 Mod. #1 - 42 FR 31049 - 6/17/77
 (D) - See Bronx County
 NEW YORK COUNTY
 (B, H, Hw, R, D) - See Bronx County
 NIAGARA COUNTY
 Decision #NY77-3003 (B, H, Hw)
 42 FR 34204 - 7/1/77
 (D) - See Cayuga County
 ONEIDA COUNTY
 Decision #NY77-3081 (B, H, Hw)
 42 FR 34215 - 7/1/77
 ONONDAGA COUNTY
 Decision #NY77-3006 (B, H, Hw)
 42 FR 8951 - 2/11/77
 ONTARIO COUNTY
 None
 ORANGE COUNTY
 Decision #NY77-3084 (B, H, Hw)
 42 FR 34220 - 7/1/77
 (D) - See Bronx County
 OSWEGO COUNTY
 (D) - See Cayuga County
 OTSEGO COUNTY
 (D) - See Cayuga County
 None
 PUTNAM COUNTY
 (D) - See Bronx County
 QUEENS COUNTY
 (B, D, H, Hw, R) - See Bronx County

NEW YORK (Cont'd.)

RENSSELAER COUNTY
 (B, H, Hw) - See Albany County
 RICHMOND COUNTY
 (B, H, Hw, R, D) - See Bronx County
 ROCKLAND COUNTY
 (D) - See Bronx County
 ST LAWRENCE COUNTY
 (D) - See Cayuga County
 SARATOGA COUNTY
 (B, H, Hw) - See Albany County
 SCHENECTADY COUNTY
 (B, H, Hw) - See Albany County
 SCHUYLER COUNTY
 None
 SCHOENBERG COUNTY
 None
 SCHRIJVER COUNTY
 None
 SENECA COUNTY
 None
 STEUBEN COUNTY
 Decision #NY77-3007 (B, H, Hw)
 42 FR 17771 - 4/1/77
 SUFFOLK COUNTY
 (B, H, Hw) - See Massau County
 (D) - See Bronx County
 SULLIVAN COUNTY
 None
 TIOGA COUNTY
 None

NEW YORK (Cont'd.)

TOMPKINS COUNTY
 None
 ULSTER COUNTY
 None
 WARREN COUNTY
 None
 WASHINGTON COUNTY
 None
 WAYNE COUNTY
 Decision #NY77-3005 (B, H, Hw)
 42 FR 28795 - 6/3/77
 (D) - See Cayuga County
 WESTCHESTER COUNTY
 Decision #NY77-3076 (B, H, Hw)
 42 FR 28801 - 6/3/77
 (D) - See Bronx County
 WYOMING COUNTY
 None
 YATES COUNTY
 None

DUIO (Cont'd.)

BUTLER COUNTY
Decision #0177-2079 (B)
42 FR 24652 - 5/13/77
Mod. #1 - 42 FR 30091 - 6/10/77
Decision #0176-2030 (R)
41 FR 9800 - 3/5/76
(H,HW) - See Statewide
CARROLL COUNTY
Decision #0177-2090 (R)
42 FR 26097 - 5/20/77
(H,HW) - See Statewide
CAMPAIGN COUNTY
Decision #0177-2057 (R)
42 FR 20045 - 4/15/77
(H,HW) - See Statewide
CLARK COUNTY
Decision #0177-2081 (B)
42 FR 24661 - 5/13/77
Mod. #1 - 42 FR 30092 - 6/10/77
Mod. #2 - 42 FR 32452 - 6/24/77
Decision #AP-694 (B)
38 FR 14049 - 5/25/73
(H,HW) - See Statewide
CLEMONT COUNTY
Decision #0176-2029 (R)
41 FR 8739 - 2/27/76
Mod. #1 - 42 FR 17744 - 4/7/77
(B) - See Butler County
(D) - See Adams County
(H,HW) - See Statewide
CLINTON COUNTY
Decision #0177-2058 (R)
42 FR 20045 - 4/15/77
(H,HW) - See Statewide
COLUMBIANA COUNTY
Decision #0177-2075 (B)
42 FR 24638 - 5/13/77
Mod. #1 - 42 FR 30089 - 6/10/77
(H,HW) - See Statewide
COSHOCK COUNTY
Decision #0177-2059 (B)
42 FR 20046 - 4/15/77
(H,HW) - See Statewide
CRAMFORD COUNTY
Decision #0177-2060 (R)
42 FR 20046 - 4/15/77
(H,HW) - See Statewide

OHIO

STATEWIDE
Decision #0177-2108 (H,HW)
42 FR 35589 - 7/8/77
ADAMS COUNTY
Decision #1177-5055 (D)
42 FR 20759 - 6/3/77
Mod. #1 - 42 FR 32447 - 6/24/77
(H,HW) - See Statewide
ALLEN COUNTY
Decision #0177-2069 (B)
42 FR 24636 - 5/13/77
Mod. #1 - 42 FR 30089 - 6/10/77
(H,HW) - See Statewide
ASHLAND COUNTY
Decision #0177-2088 (R)
42 FR 26096 - 5/20/77
(H,HW) - See Statewide
ASHTABULA COUNTY
Decision #0177-2080 (B,R)
42 FR 24655 - 5/13/77
Mod. #1 - 42 FR 30091 - 6/10/77
Mod. #2 - 42 FR 31050 - 6/17/77
(H,HW) - See Statewide
Decision #1177-5038 (D)
42 FR 18802 - 4/8/77
ATHENS COUNTY
(D) - See Adams County
(H,HW) - See Statewide
AUSABLEE COUNTY
(B) - See Allen County
(H,HW) - See Statewide
BELMONT COUNTY
Decision #0177-2086 (R)
42 FR 26095 - 5/20/77
(H,HW) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,HW) - See Statewide

NORTH INDIANA (Cont'd.)

ROLLETTE COUNTY
(HW) - See Statewide
SARGENT COUNTY
(HW) - See Statewide
SHERIDAN COUNTY
(HW) - See Statewide
SILOO COUNTY
(HW) - See Statewide
SLOPE COUNTY
(HW) - See Statewide
STABLE COUNTY
(HW) - See Statewide
STEELE COUNTY
(HW) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(HW) - See Statewide
TOWER COUNTY
(HW) - See Statewide
TRAILL COUNTY
(HW) - See Statewide
WALSH COUNTY
(HW) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(HW) - See Statewide
WILLIAMS COUNTY
(HW) - See Statewide

OKLAHOMA (cont'd)

MADDER COUNTY
 (R) - See Butler County
 (H,HW) - See Statewide
 MASHINGTON COUNTY
 (D) - See Adams County
 (H,HW) - See Statewide
 WAYNE COUNTY
 (H,HW) - See Statewide
 Decision #0077-2091 (R)
 42 FR 26097 - 5/20/77
 (H,HW) - See Statewide
 WILLIAMS COUNTY
 (H,HW) - See Statewide
 WOOD COUNTY
 (B) - See Hancock County
 (H,HW) - See Statewide
 WYANDOT COUNTY
 (R) - See Crawford County
 (H,HW) - See Statewide

STATEWIDE [Except the City of Muskogee]
 Decision #0677-4073 (Constr., Alteration,
 and/or repair of streets, highways,
 runways, erosion control structures,
 well drilling, and water, and sewer
 utilities)
 42 FR 17777 - 4/1/77
 Mod. #1 - 42 FR 23279 - 5/5/77

ADAIR COUNTY
 (B) - See Muskogee County
 (H,HW) - See Statewide

ALFALFA COUNTY
 (H,HW) - See Statewide

ATOKA COUNTY
 (H,HW) - See Statewide

BENNER COUNTY
 (H,HW) - See Statewide

BECOHNI COUNTY
 (H,HW) - See Statewide

BLAINE COUNTY
 (H,HW) - See Statewide

BRYAN COUNTY
 (H,HW) - See Statewide

Decision #0677-4036 (R)
 42 FR 10261 - 2/18/77

CADDO COUNTY
 (B) - See Canadian County
 (H,HW) - See Statewide

CANADIAN COUNTY
 Decision #0677-4038 (R)
 42 FR 10262 - 2/18/77

Decision #0677-4171 (B)
 42 FR 30007 - 7/29/77

Mod. #1 - 42 FR 39867 - 8/5/77

CARTER COUNTY
 (H,HW) - See Statewide

CHEROKEE COUNTY
 (B) - See Muskogee County
 (H,HW) - See Statewide

CHICKASAW COUNTY
 (H,HW) - See Statewide

CIMARRON COUNTY
 (H,HW) - See Statewide

CLEVELAND COUNTY
 (H,HW) - See Statewide

COAL COUNTY
 (B,R) - See Canadian County
 (H,HW) - See Statewide

COMBEE COUNTY
 (H,HW) - See Statewide

Decision #0677-4060 (R)
 42 FR 13766 - 3/11/77

Decision #0677-4150 (B)
 42 FR 34720 - 7/1/77

Mod. #1 - 42 FR 36744 - 7/15/77
 Mod. #2 - 42 FR 39860 - 8/5/77

OKLAHOMA (cont'd)

COTTON COUNTY
 (H,HW) - See Statewide

CRAGG COUNTY
 (B) - See Tulsa County
 (H,HW) - See Statewide

CREEK COUNTY
 (B) - See Tulsa County
 (H,HW) - See Statewide

CUSTER COUNTY
 (H,HW) - See Statewide

DELAWARE COUNTY
 (B) - See Tulsa County
 (H,HW) - See Statewide

DEWEY COUNTY
 (H,HW) - See Statewide

ELLIS COUNTY
 (H,HW) - See Statewide

GARFIELD COUNTY
 Decision #0677-4163 (B)
 42 FR 36764 - 7/15/77

Mod. #1 - 42 FR 39861 - 8/5/77

GARVIN COUNTY
 (H,HW) - See Statewide

GRADY COUNTY
 (H,HW) - See Statewide

(B) - See Canadian County
 (H,HW) - See Statewide

GRANT COUNTY
 (H,HW) - See Statewide

GEESE COUNTY
 (H,HW) - See Statewide

HARMON COUNTY
 (H,HW) - See Statewide

HASSELL COUNTY
 (H,HW) - See Statewide

HUGHES COUNTY
 (H,HW) - See Statewide

JACKSON COUNTY
 (H,HW) - See Statewide

JEFFERSON COUNTY
 (H,HW) - See Statewide

JOHNSTON COUNTY
 (H,HW) - See Statewide

KAY COUNTY
 (H,HW) - See Statewide

KINGFISHER COUNTY
 (B) - See Canadian County
 (H,HW) - See Statewide

OKLAHOMA (cont'd)

KIOWA COUNTY
 (H, Hw) - See Statewide
 LATIMER COUNTY
 (H, Hw) - See Statewide
 LEFLORE COUNTY
 (H, Hw) - See Statewide
 LINCOLN COUNTY
 (H, Hw) - See Statewide
 LOGAN COUNTY
 (B, R) - See Canadian County
 LONE COUNTY
 (B) - See Canadian County
 LOVE COUNTY
 (H, Hw) - See Statewide
 MCCLAIN COUNTY
 (H, Hw) - See Statewide
 MCURTAIN COUNTY
 (B) - See Canadian County
 MCURTAIN COUNTY
 (H, Hw) - See Statewide
 MCURTAIN COUNTY
 (B) - See Canadian County
 Decision #0K77-4165 (B)
 42 FR 36771 - 7/15/77
 Mod. #1 - 42 FR 35864 - 8/5/77
 (H, Hw) - See Statewide
 MAJOR COUNTY
 (H, Hw) - See Statewide
 MARSHALL COUNTY
 (H, Hw) - See Statewide
 MAYES COUNTY
 (B) - See Tulsa County
 (H, Hw) - See Statewide
 MURRAY COUNTY
 (H, Hw) - See Statewide
 MUSKOGEE COUNTY
 Decision #0K77-4164 (B, H, Hw)
 42 FR 36766 - 7/15/77
 Mod. #1 - 42 FR 35862 - 8/5/77
 (H, Hw) - See Statewide
 MOBLE COUNTY
 (H, Hw) - See Statewide
 MORTON COUNTY
 (H, Hw) - See Statewide
 MUSKOGEE COUNTY
 (B, R) - See Canadian County
 OKMULGEE COUNTY
 (H, Hw) - See Statewide
 OKMULGEE COUNTY
 (B, R) - See Canadian County
 OKMULGEE COUNTY
 (H, Hw) - See Statewide
 OSAGE COUNTY
 (H, Hw) - See Statewide
 (S) - See Tulsa County
 OTTAWA COUNTY
 (B) - See Tulsa County
 (H, Hw) - See Statewide
 PAWNEE COUNTY
 (H, Hw) - See Statewide

OKLAHOMA (Cont'd)

PAVNE COUNTY
 (H, Hw) - See Statewide
 PITTSBURG COUNTY
 Decision #0K77-4167 (B)
 42 FR 36773 - 7/15/77
 Mod. #1 - 42 FR 35865 - 8/5/77
 (H, Hw) - See Statewide
 PONTIAC COUNTY
 (H, Hw) - See Statewide
 POTTAWATOMIE COUNTY
 (H, Hw) - See Statewide
 (B, R) - See Canadian County
 PUSHMATAHA COUNTY
 (H, Hw) - See Statewide
 ROGERS COUNTY
 (B) - See Tulsa County
 (H, Hw) - See Statewide
 ROGERS COUNTY
 (H, Hw) - See Statewide
 ROGERS COUNTY
 (H, Hw) - See Statewide
 SEVIER COUNTY
 (B) - See Canadian County
 (H, Hw) - See Statewide
 SEQUOYAH COUNTY
 (H, Hw) - See Statewide
 STEPHENS COUNTY
 (H, Hw) - See Statewide
 TEXAS COUNTY
 (H, Hw) - See Statewide
 TILLAMORE COUNTY
 (H, Hw) - See Statewide
 TULSA COUNTY
 Decision #0K77-4037 (R)
 42 FR 10262 - 2/18/77
 Decision #0K77-4168 (B)
 42 FR 36864 - 7/25/77
 Mod. #1 - 42 FR 35866 - 8/5/77
 WAGONER COUNTY
 Decision #0K77-4165 (B)
 42 FR 36769 - 7/15/77
 Mod. #1 - 42 FR 35863 - 8/5/77
 WASHINGTON COUNTY
 (H, Hw) - See Statewide
 WASHINGTON COUNTY
 (H, Hw) - See Statewide
 WOODS COUNTY
 (H, Hw) - See Statewide
 WOODWARD COUNTY
 (H, Hw) - See Statewide
 WOODWARD COUNTY
 (H, Hw) - See Statewide

OREGON

STATEWIDE
 Decision #0R77-5083 (B, H, Hw, D)
 42 FR 34230 - 7/11/77
 BAKER COUNTY
 (B, H, Hw, D) - See Statewide
 BERTON COUNTY
 (B, H, Hw, D) - See Statewide
 CLATSOP COUNTY
 Decision #0R75-5042 (R)
 40 FR 15312 - 4/6/75
 Mod. #1 - 40 FR 46001 - 10/10/75
 Mod. #2 - 40 FR 52244 - 11/7/75
 (B, H, Hw, D) - See Statewide
 CLATSOP COUNTY
 (B, H, Hw, D) - See Statewide
 COLEBILLY COUNTY
 (B, H, Hw, D) - See Statewide
 COOS COUNTY
 (B, H, Hw, D) - See Statewide
 CROOK COUNTY
 (B, H, Hw, D) - See Statewide
 CURRY COUNTY
 (B, H, Hw, D) - See Statewide
 DESCHUTES COUNTY
 (B, H, Hw, D) - See Statewide
 DOUGLAS COUNTY
 (B, H, Hw, D) - See Statewide
 GILLIAM COUNTY
 (B, H, Hw, D) - See Statewide
 GRANT COUNTY
 (B, H, Hw, D) - See Statewide
 HARNEY COUNTY
 (B, H, Hw, D) - See Statewide
 HOOVER COUNTY
 (B, H, Hw, D) - See Statewide
 JACKSON COUNTY
 (B, H, Hw, D) - See Statewide
 JEFFERSON COUNTY
 (B, H, Hw, D) - See Statewide
 JOSEPHINE COUNTY
 (B, H, Hw, D) - See Statewide
 KLANATH COUNTY
 (B, H, Hw, D) - See Statewide
 LAKE COUNTY
 (B, H, Hw, D) - See Statewide
 LAINE COUNTY
 (B, H, Hw, D) - See Statewide
 Decision #0R75-5122 (R)
 40 FR 45989 - 10/3/75
 Mod. #1 - 40 FR 52244 - 11/7/75

OREGON (Cont'd)

LINCOLN COUNTY
 (B, H, Hw, D) - See Statewide
 Linn County
 (B, H, Hw, D) - See Statewide
 (R) - See Lane County
 MALHEUR COUNTY
 (B, H, Hw, D) - See Statewide
 MARION COUNTY
 (R) - See Lane County
 (B, H, Hw, D) - See Statewide
 MORGAN COUNTY
 (B, H, Hw, D) - See Statewide
 MULTNOMAH COUNTY
 (R) - See Clackamas County
 (B, H, Hw, D) - See Statewide
 POLK COUNTY
 (B, H, Hw, D) - See Statewide
 SHERRILL COUNTY
 (B, H, Hw, D) - See Statewide
 TILLAMOOK COUNTY
 (B, H, Hw, D) - See Statewide
 UMATILLA COUNTY
 (B, H, Hw, D) - See Statewide
 UNION COUNTY
 (B, H, Hw, D) - See Statewide
 WALLOWA COUNTY
 (B, H, Hw, D) - See Statewide
 WASCOCO COUNTY
 (B, H, Hw, D) - See Statewide
 WASHINGTON COUNTY
 (B, H, Hw, D) - See Statewide
 WHEELER COUNTY
 (B, H, Hw, D) - See Statewide
 YAMHILL COUNTY
 (B, H, Hw, D) - See Statewide

PENNSYLVANIA (Cont'd.)

PENNSYLVANIA (Cont'd.)

PENNSYLVANIA (Cont'd.)

PENNSYLVANIA

- ADAMS COUNTY**
Decision #PA77-3050 (H, Hw) - 5/20/77
Mod. #1 - 42 FR 32455 - 6/24/77
Mod. #2 - 42 FR 36150 - 7/1/77
Decision #PA77-3028 (B)
42 FR 20280 - 4/15/77
Mod. #1 - 42 FR 23264 - 5/6/77
Mod. #2 - 42 FR 31051 - 6/17/77
Mod. #3 - 42 FR 36745 - 7/15/77
Mod. #4 - 42 FR 38844 - 7/29/77
- ALLEGHENY COUNTY**
(B) - See Armstrong County
(H, Hw) - See Butler County
Decision #PA75-3070 (B)
40 FR 30433 - 6/18/75
Mod. #1 - 40 FR 34555 - 6/15/75
Mod. #2 - 41 FR 4738 - 1/30/76
Mod. #3 - 41 FR 26428 - 6/25/76
Mod. #4 - 42 FR 6937 - 2/1/77
- ARMSTRONG COUNTY**
(H, Hw) - See Butler County
Decision #PA77-3061 (B)
42 FR 30133 - 6/10/77
Mod. #1 - 42 FR 35534 - 7/8/77
Mod. #2 - 42 FR 38847 - 7/29/77
- BEAVER COUNTY**
(H, Hw) - See Armstrong County
(B) - See Butler County
- BELFORD COUNTY**
Decision #PA77-3054 (B)
42 FR 24677 - 5/13/77
Mod. #1 - 42 FR 30096 - 6/10/77
Mod. #2 - 42 FR 35533 - 7/8/77
Mod. #3 - 42 FR 38846 - 7/29/77
(H, Hw) - See Butler County
- BERKS COUNTY**
Decision #PA77-3029 (B)
42 FR 10263 - 2/18/77
Mod. #1 - 42 FR 16351 - 3/25/77
Mod. #2 - 42 FR 20956 - 4/22/77
Mod. #3 - 42 FR 23284 - 5/6/77
Mod. #4 - 42 FR 35529 - 7/8/77
Mod. #5 - 42 FR 38844 - 7/29/77
(H, Hw) - See Adams County
- BLAIR COUNTY**
Decision #PA76-3165 (B)
41 FR 15274 - 4/30/76
Mod. #1 - 42 FR 12574 - 3/4/77
(Hw) - See Butler County
- BOYD COUNTY**
Decision #PA77-3103 (B)
42 FR 37759 - 7/22/77
(H, Hw) - See Adams County
- BUCKS COUNTY**
Decision #PA77-3016 (B, R)
42 FR 5632 - 1/28/77
Mod. #1 - 42 FR 10218 - 2/18/77
Mod. #2 - 42 FR 20986 - 4/12/77
Mod. #3 - 42 FR 22078 - 4/29/77
Mod. #4 - 42 FR 23260 - 5/5/77
Mod. #5 - 42 FR 32454 - 6/24/77
Decision #PA76-3169 (H, Hw)
41 FR 21133 - 5/21/76
Mod. #1 - 41 FR 45797 - 6/25/76
Mod. #2 - 41 FR 45797 - 10/15/76
Mod. #3 - 41 FR 53235 - 12/3/76
Mod. #4 - 42 FR 24574 - 5/13/77
Mod. #5 - 42 FR 32453 - 6/24/77
- BUTLER COUNTY**
(B) - See Armstrong County
Decision #PA77-3023 (H, Hw)
42 FR 5640 - 1/28/77
Mod. #1 - 42 FR 10218 - 2/18/77
Mod. #2 - 42 FR 22076 - 4/29/77
Mod. #3 - 42 FR 32454 - 6/24/77
Mod. #4 - 42 FR 34149 - 7/1/77
(H, Hw) - See Butler County
(B) - See Bedford County
- CAMERON COUNTY**
(B) - See Bedford County
- CARBON COUNTY**
Decision #PA77-3043 (B)
42 FR 18783 - 4/8/77
Mod. #1 - 42 FR 26112 - 5/20/77
Mod. #2 - 42 FR 37711 - 7/22/77
Mod. #3 - 42 FR 38845 - 7/29/77
(H, Hw) - See Adams County
- CENTRE COUNTY**
(B) - See Clinton County
(H, Hw) - See Butler County
- CHESTER COUNTY**
(B, H, Hw, R) - See Bucks County
(B) - See Bedford County
(H, Hw) - See Butler County
- CLEARFIELD COUNTY**
(B) - See Bedford County
(H, Hw) - See Butler County
- CLINTON COUNTY**
Decision #PA77-3102 (B)
42 FR 37754 - 7/22/77
- COLUMBIA COUNTY**
Decision #PA77-3100 (B)
42 FR 36775 - 7/15/77
Mod. #1 - 42 FR 38847 - 7/29/77
(H, Hw) - See Adams County
- CRANFORD COUNTY**
(B) - See Bedford County
(H, Hw) - See Butler County
- CUMBERLAND COUNTY**
Decision #PA77-3030 (B)
42 FR 10266 - 2/18/77
Mod. #1 - 42 FR 22078 - 4/29/77
Mod. #2 - 42 FR 23284 - 5/6/77
Mod. #3 - 42 FR 31051 - 6/17/77
Mod. #4 - 42 FR 35530 - 7/8/77
(H, Hw) - See Adams County
- DAUPHIN COUNTY**
(B) - See Cumberland County
(H, Hw) - See Adams County
- DELAWARE COUNTY**
(B, H, Hw, R) - See Bucks County
- ELK COUNTY**
Decision #PA77-3053 (B)
42 FR 24672 - 5/13/77
Mod. #1 - 42 FR 31055 - 6/17/77
Mod. #2 - 42 FR 35532 - 7/8/77
Mod. #3 - 42 FR 38846 - 7/29/77
(H, Hw) - See Butler County
- ERIE COUNTY**
Decision #PA77-3055 (B)
42 FR 24702 - 5/13/77
Mod. #1 - 42 FR 30099 - 6/10/77
Mod. #2 - 42 FR 36745 - 7/15/77
Decision #1177-5038 (D)
42 FR 18802 - 4/8/77
Mod. #1 - 42 FR 22070 - 4/29/77
(H, Hw) - See Butler County
- FAYETTE COUNTY**
(B) - See Armstrong County
(H, Hw) - See Butler County
- FOREST COUNTY**
(B) - See Elk County
(H, Hw) - See Butler County
- FRANKLIN COUNTY**
(H, Hw) - See Butler County
- FULTON COUNTY**
(B) - See Clinton County
(H, Hw) - See Butler County
- GREENE COUNTY**
Decision #PA77-3055 (B)
42 FR 24688 - 5/13/77
Mod. #1 - 42 FR 30097 - 6/10/77
Mod. #2 - 42 FR 35533 - 7/8/77
Mod. #3 - 42 FR 38846 - 7/29/77
(H, Hw) - See Butler County
- HUNTINGDON COUNTY**
(B) - See Clinton County
(H, Hw) - See Butler County
- INDIANA COUNTY**
(B) - See Armstrong County
(H, Hw) - See Butler County
- JEFFERSON COUNTY**
(B) - See Bedford County
(H, Hw) - See Butler County
- JUNIATA COUNTY**
(B) - See Cumberland County
(H, Hw) - See Adams County
- LACKAWANNA COUNTY**
Decision #PA77-3050 (B)
42 FR 24669 - 5/13/77
Mod. #1 - 42 FR 32455 - 6/24/77
Mod. #2 - 42 FR 35532 - 7/8/77
Mod. #3 - 42 FR 38845 - 7/29/77
(H, Hw) - See Adams County
- LANCASTER COUNTY**
Decision #PA77-3104 (B)
42 FR 37762 - 7/22/77
(H, Hw) - See Adams County
- LAWRENCE COUNTY**
42 FR 32478 - 6/24/77
Mod. #1 - 42 FR 38847 - 7/29/77
(H, Hw) - See Butler County

PENNSYLVANIA (Cont'd.)

LEBANON COUNTY
Decision #PA77-3031 (B)
42 FR 1839 - 4/9/77
Mod. #1 - 42 FR 20985 - 4/22/77
Mod. #2 - 42 FR 23284 - 5/6/77
Mod. #3 - 42 FR 31052 - 6/17/77
Mod. #4 - 42 FR 35530 - 7/8/77
Mod. #5 - 42 FR 38844 - 7/29/77
(H,HW) - See Adams County

LEHIGH COUNTY
Decision #PA77-3055 (B)
42 FR 24698 - 5/13/77
Mod. #1 - 42 FR 34149 - 7/1/77
Mod. #2 - 42 FR 37712 - 7/22/77
(H,HW) - See Adams County

LUZERNE COUNTY
Decision #PA77-3059 (B)
42 FR 26176 - 5/20/77
Mod. #1 - 42 FR 36745 - 7/15/77
Mod. #2 - 42 FR 36846 - 7/29/77
(H,HW) - See Adams County

LYONING COUNTY
(H,HW) - See Adams County

MC KEAN COUNTY
Decision #PA77-3032 (B)
42 FR 15373 - 3/25/77
Mod. #1 - 42 FR 23284 - 5/6/77
Mod. #2 - 42 FR 31053 - 6/17/77
Mod. #3 - 42 FR 37711 - 7/22/77
Mod. #4 - 42 FR 38844 - 7/29/77

MERCER COUNTY
(B) - See Everett County
(H,HW) - See Butler County

MERCER COUNTY
(B) - See Lawrence County
(H,HW) - See Butler County

MEFFLIN COUNTY
(B) - See Clinton County
(H,HW) - See Butler County

MONROE COUNTY
(B) - See Carbon County
(H,HW) - See Adams County

MONTGOMERY COUNTY
(B, H, HW, R) - See Bucks County

MORTGOUR COUNTY
(B) - See Columbia County
(H,HW) - See Adams County

PENNSYLVANIA (Cont'd.)

NORTHAMPTON COUNTY
(H,HW) - See Adams County
Decision PA77-3033 (B)
42 FR 10258 - 2/16/77
Mod. #1 - 42 FR 22076 - 4/29/77
Mod. #2 - 42 FR 23285 - 5/6/77
Mod. #3 - 42 FR 34149 - 7/1/77
Mod. #4 - 42 FR 37711 - 7/22/77

NORTHHERLAND COUNTY
Decision #PA77-3049 (B)
42 FR 21043 - 4/22/77
Mod. #1 - 42 FR 23285 - 5/6/77
Mod. #2 - 42 FR 31054 - 6/17/77
Mod. #3 - 42 FR 35532 - 7/8/77
Mod. #4 - 42 FR 38845 - 7/29/77
(H,HW) - See Adams County

PERRY COUNTY
(B) - See Cumberland County
(H,HW) - See Adams County

PHILADELPHIA COUNTY
Decision #CT77-5001 (D)
42 FR 999 - 1/4/77
(B, H, HW, R) - See Bucks County

PIKE COUNTY
(B) - See Carbon County
(H,HW) - See Adams County

POTTER COUNTY
(B) - See Greene County
(H,HW) - See Butler County

SCHEFFEL COUNTY
Decision #PA77-3034 (B)
42 FR 20100 - 4/15/77
Mod. #1 - 42 FR 22078 - 4/29/77
Mod. #2 - 42 FR 23285 - 5/6/77
Mod. #3 - 42 FR 31053 - 6/17/77
Mod. #4 - 42 FR 36745 - 7/15/77
Mod. #5 - 42 FR 38845 - 7/29/77
(H,HW) - See Adams County

SNYDER COUNTY
(B) - See Columbia County
(H,HW) - See Adams County

SOMERSET COUNTY
(B) - See Greene County
(H,HW) - See Butler County

SULLIVAN COUNTY
Decision #PA77-3057 - (B)
42 FR 24700 - 5/13/77
Mod. #1 - 42 FR 35533 - 7/8/77
Mod. #2 - 42 FR 38846 - 7/29/77
(H,HW) - See Adams County

PENNSYLVANIA (Cont'd.)

SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,HW) - See Adams County

TIOGA COUNTY
(B) - See Bradford County
(H,HW) - See Adams County

UNION COUNTY
(B) - See Bradford County
(H,HW) - See Adams County

VENANGO COUNTY
(H,HW) - See Butler County
(B) - See Bedford County

WARREN COUNTY
(B) - See Elk County
(H,HW) - See Butler County

WASHINGTON COUNTY
(B) - See Armstrong County
(H,HW) - See Butler County

WAYNE COUNTY
(B) - See Lackawanna County
(H,HW) - See Adams County

WESTMORELAND COUNTY
(B) - See Armstrong County
(H,HW) - See Butler County

WYOMING COUNTY
(B) - See Lackawanna County
(H,HW) - See Adams County

YORK COUNTY
(B, H, HW) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,HW) - See Adams County (New Cumberland Depot)

PUERTO RICO

Decision #PR77-3096 (R)
42 FR 35601 - 7/8/77
Decision #PR77-3097 (B)
42 FR 35601 - 7/8/77
Decision #PR77-3098 (H, HW)
42 FR 35602 - 7/8/77

SOUTH CAROLINA (Cont'd.)

SOUTH CAROLINA (Cont'd.)

SOUTH CAROLINA

LANCASTER COUNTY
(B,R) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LARGES COUNTY
(B) - See Abbeville County
MELLANBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chester County

LANCASTER COUNTY
(B,R) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LARGES COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision FSC77-1008 (B)
42 FR 4101 - 1/21/77
Decision FSC76-1126 (R)
41 FR 47907 - 10/29/76
(Sewer & Water, H,Hw) - See Statewide
MCCOMB COUNTY
(Sewer & Water, H,Hw) - See Statewide
MERTON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MILBURN COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANBURG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SHILPA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision FSC76-1008 (B)
41 FR 1699 - 1/9/76
Mod. #1 - 41 FR 19013 - 5/8/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County

STATEWIDE
Decision FCT77-5001 (D)
42 FR 999 - 1/4/77
BRISTOL COUNTY
Decision #R176-2150 (B,H,Hw,R, & Marine)
41 FR 40996 - 11/5/76
Mod. #1 - 42 FR 20052 - 4/15/77
(D) - See Statewide
KENT COUNTY
(S,H,Hw,R, & Marine) - See Bristol Co.
(D) - See Statewide
MEMPHIS COUNTY
Decision #R176-2151 (B,H,Hw,R, & Marine)
41 FR 50106 - 11/12/76
Mod. #1 - 42 FR 20053 - 4/15/77
(D) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(S,H,Hw,R, & Marine) - See Bristol County
WASHINGTON COUNTY
Decision #R176-2152 (B,H,Hw,R, & Marine)
41 FR 51362 - 11/19/76
Mod. #1 - 42 FR 20053 - 4/15/77
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision FSC75-1031 (Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 41 FR 10825 - 3/12/76
Mod. #3 - 41 FR 51251 - 11/19/76
Decision FSC75-1079 (H, MBS)
40 FR 41380 - 9/5/75
ASHEVILLE COUNTY
Decision FSC76-1053 (B)
41 FR 20146 - 5/14/76
(Sewer & Water, H,Hw) - See Statewide
AIKER COUNTY
Decision FSC75-1029 (R)
40 FR 10500 - 3/7/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATISTIDE
Decision #SD76-5039 (H, HW)
41 FR 17330 - 4/23/76

AURORA COUNTY
(H, HW) - See Statewide

BEADLE COUNTY
(H, HW) - See Statewide

BENNETT COUNTY
(H, HW) - See Statewide

BON HOPPE COUNTY
(H, HW) - See Statewide

BROUGHTON COUNTY
(H, HW) - See Statewide

BROADBENT COUNTY
(H, HW) - See Statewide

BRULE COUNTY
(H, HW) - See Statewide

BUFFALO COUNTY
(H, HW) - See Statewide

BUTTE COUNTY
(H, HW) - See Statewide

CAMPBELL COUNTY
(H, HW) - See Statewide

CHARLES MIX COUNTY
(H, HW) - See Statewide

CLARK COUNTY
(H, HW) - See Statewide

CLAY COUNTY
(H, HW) - See Statewide

CODDINGTON COUNTY
(H, HW) - See Statewide

CORSON COUNTY
(H, HW) - See Statewide

CUSTER COUNTY
(H, HW) - See Statewide

DAVISON COUNTY
(H, HW) - See Statewide

DAY COUNTY
(H, HW) - See Statewide

DEUEL COUNTY
(H, HW) - See Statewide

DEWEY COUNTY
(H, HW) - See Statewide

DOUGLAS COUNTY
(H, HW) - See Statewide

EDWARDS COUNTY
(H, HW) - See Statewide

FALL RIVER COUNTY
(H, HW) - See Statewide

FAULK COUNTY
(H, HW) - See Statewide

GRANT COUNTY
(H, HW) - See Statewide

SOUTH DAKOTA (Cont'd.)

GREGORY COUNTY
(H, HW) - See Statewide

HAMMON COUNTY
(H, HW) - See Statewide

HARLIN COUNTY
(H, HW) - See Statewide

HAND COUNTY
(H, HW) - See Statewide

HANSON COUNTY
(H, HW) - See Statewide

HARDING COUNTY
(H, HW) - See Statewide

ROBES COUNTY
(H, HW) - See Statewide

HUTCHINSON COUNTY
(H, HW) - See Statewide

HYDE COUNTY
(H, HW) - See Statewide

JACKSON COUNTY
(H, HW) - See Statewide

JEROME COUNTY
(H, HW) - See Statewide

JONES COUNTY
(H, HW) - See Statewide

KINGSBURY COUNTY
(H, HW) - See Statewide

LAKE COUNTY
(H, HW) - See Statewide

LAURENCE COUNTY
(H, HW) - See Statewide

LEWIS AND CLARK COUNTY
(H, HW) - See Statewide

LYMAN COUNTY
(H, HW) - See Statewide

SOUTH DAKOTA (Cont'd.)

WASHALL COUNTY
(H, HW) - See Statewide

MC COOK COUNTY
(H, HW) - See Statewide

MC PHERSON COUNTY
(H, HW) - See Statewide

MEADE COUNTY
Decision #SD77-5065 (B)
42 FR 31114 - 6/17/77
Mod. #1 - 42 FR 35534 - 7/18/77
Mod. #2 - 42 FR 38947 - 7/29/77
(H, HW) - See Statewide

MELLETTE COUNTY
(H, HW) - See Statewide

MEYER COUNTY
(H, HW) - See Statewide

MINNEHAHA COUNTY
Decision #SD77-5064 (B)
42 FR 31113 - 6/17/77
(H, HW) - See Statewide

Decision #SD77-5019 (R)
42 FR 8990 - 2/11/77
MOODY COUNTY
(H, HW) - See Statewide

PENNINGTON COUNTY
(B) - See Meade County
(H, HW) - See Statewide

PERKINS COUNTY
(H, HW) - See Statewide

POTTER COUNTY
(H, HW) - See Statewide

ROBERTS COUNTY
(H, HW) - See Statewide

SABISON COUNTY
(H, HW) - See Statewide

SHAWAN COUNTY
(H, HW) - See Statewide

SPINK COUNTY
(H, HW) - See Statewide

STANLEY COUNTY
(H, HW) - See Statewide

SULLY COUNTY
(H, HW) - See Statewide

SOUTH DAKOTA (Cont'd.)

TOOD COUNTY
(H, HW) - See Statewide

TRIPP COUNTY
(H, HW) - See Statewide

TURNER COUNTY
(H, HW) - See Statewide

UNION COUNTY
(H, HW) - See Statewide

WALWORTH COUNTY
(H, HW) - See Statewide

WASHINGTON COUNTY
(H, HW) - See Statewide

YANKTON COUNTY
(H, HW) - See Statewide

ZIEBACH COUNTY
(H, HW) - See Statewide

TEXAS

ATASCOSA COUNTY
Decision #1X77-4122 (H) (Excluding tunnels and dams), (H) and paving and utilities incidental to general building construction) - 6/24/77
42 FR 32499 - 6/24/77
AUSTIN COUNTY
Decision #1X77-4125 (H) (Excluding tunnels and dams), (H) and paving and utilities incidental to general building construction) - 6/24/77
42 FR 32495 - 6/24/77

BALLER COUNTY
Decision #1X77-4119 (H) (Excluding tunnels and dams), (H) and paving and utilities incidental to general building construction) - 6/24/77
42 FR 32404 - 6/24/77
Decision #1X77-4130 (R)
42 FR 34245 - 7/1/77

BANDERA COUNTY
(H, Hw) - See Atascosa County

BASTROP COUNTY
Decision #1X77-4026 (R)
42 FR 10270 - 2/18/77

(H, Hw) - See Austin County

BAYLOR COUNTY
(H, Hw) - See Archer County

BEE COUNTY
Decision #1X77-4111 (B)
42 FR 30141 - 6/10/77

Mod. #1 - 42 FR 34151 - 7/1/77

Mod. #2 - 42 FR 38848 - 7/29/77

Mod. #3 - 42 FR 39867 - 8/5/77

Decision #1X77-4139 (R)
42 FR 34247 - 7/1/77

(H, Hw) - See Aransas County

BELL COUNTY
Decision #1X77-4126 (H) (Excluding tunnels and dams), (H) and paving and utilities incidental to general building construction) - 6/24/77

42 FR 32497 - 6/24/77

Decision #1X77-4151 (B)
42 FR 35605 - 7/8/77

Mod. #1 - 42 FR 37713 - 7/22/77

Mod. #2 - 42 FR 38848 - 7/29/77

BEAUFORT COUNTY
Decision #1X77-4172 (R)
42 FR 39883 - 8/5/77

Decision #1X77-4101 (B)
42 FR 34705 - 6/13/77

Mod. #1 - 42 FR 37562 - 5/27/77

Mod. #2 - 42 FR 32190 - 9/10/77

Mod. #3 - 42 FR 35535 - 7/8/77

Mod. #4 - 42 FR 35145 - 7/15/77

Mod. #5 - 42 FR 38848 - 7/29/77

Mod. #6 - 42 FR 39867 - 8/5/77

(H, Hw) - See Atascosa County

TEXAS (Cont'd)

BLAND COUNTY
(H, Hw) - See Austin County
(R) - See Bastrop County

BORDER COUNTY
(H, Hw) - See Bailey County

BOSQUE COUNTY
Decision #1X77-4140 (R)
42 FR 34247 - 7/1/77

(B, H, Hw) - See Bell County

BOWIE COUNTY
Decision #1X77-4070 (B)
42 FR 17785 - 4/1/77

Mod. #1 - 42 FR 23290 - 5/6/77

Mod. #2 - 42 FR 34151 - 7/1/77

Mod. #3 - 42 FR 38848 - 7/29/77

Mod. #4 - 42 FR 39867 - 8/5/77

Decision #1X77-4129 (H) (Excluding tunnels and dams), (H) and paving and utilities incidental to general building construction) - 6/24/77

42 FR 32503 - 6/24/77

BRADSHAW COUNTY
Decision #1X77-4132 (H) (Excluding tunnel and dams), (H),

Incidental shore work, and paving and utilities incidental to general building construction) - 6/24/77

42 FR 32507 - 6/24/77

42 FR 10270 - 2/18/77

(D) - See Aransas County

BRADY COUNTY
Decision #1X77-4153 (B)
42 FR 35613 - 7/8/77

Mod. #1 - 42 FR 37713 - 7/22/77

Mod. #2 - 42 FR 38848 - 7/29/77

Decision #1X77-4131 (H) (Excluding tunnels and dams), (H) and paving and utilities incidental to general building construction) - 6/24/77

42 FR 32505 - 6/24/77

Decision #1X77-4123 (H) (Excluding tunnels and dams), (H),

Incidental shore work, and paving and utilities incidental to general building construction) - 6/24/77

42 FR 32487 - 6/24/77

(H, Hw) - See Archer County

BROOKS COUNTY
Decision #1X77-4123 (H) (Excluding tunnels and dams), (H),

Incidental shore work, and paving and utilities incidental to general building construction) - 6/24/77

42 FR 32491 - 6/24/77

(H, Hw) - See Aransas County

TEXAS (Cont'd)

BROWN COUNTY
(H, Hw) - See Andrews County
(R) - See Austin County

BURNETT COUNTY
(H, Hw) - See Austin County

CALDWELL COUNTY
(H, Hw) - See Austin County

(R) - See Bastrop County

CALHOUN COUNTY
(H, Hw) - See Aransas County

(D) - See Aransas County

CALLAHAN COUNTY
(H, Hw) - See Andrews County

CAMP COUNTY
Decision #1X77-4105 (B)
42 FR 26162 - 5/29/77

Decision #1X77-4141 (R)
42 FR 34249 - 7/1/77

(H, Hw) - See Bowie County

CARSON COUNTY
(H, Hw) - See Armstrong County

(B, R) - See Archer County

CASS COUNTY
(H, Hw) - See Bowie County

(H, Hw) - See Bowie County

CASTRO COUNTY
(B, R) - See Armstrong County

(H, Hw) - See Archer County

CHADWICK COUNTY
Decision #1X77-4133 (H) (Excluding Tunnels and dams), (H),

Incidental shore work, and paving and utilities incidental to general building construction) - 6/24/77

42 FR 32509 - 6/24/77

(D) - See Aransas County

CHEROKEE COUNTY
(H, Hw, R) - See Anderson County

CHILDESS COUNTY
(B, R) - See Armstrong County

(H, Hw) - See Archer County

CLAY COUNTY
(H, Hw) - See Archer County

(H, Hw) - See Archer County

COCHRAN COUNTY
(H, Hw, R) - See Bailey County

COKE COUNTY
(H, Hw) - See Andrews County

COLORADO COUNTY
(H, Hw) - See Andrews County

COLLIN COUNTY
Decision #1X77-4028 (R)
42 FR 10271 - 2/18/77

Decision #1X77-4087 (B-excluding Fort Worth Regional Airport)
42 FR 23429 - 5/6/77

Mod. #1 - 42 FR 35535 - 7/8/77

Mod. #2 - 42 FR 37712 - 7/22/77

Mod. #3 - 42 FR 38848 - 8/5/77

TEXAS (Cont'd)

COLLIN COUNTY (Cont'd.)
Decision #1X77-4120 (H) (Excluding tunnels and dams), (H) and paving and utilities incidental to general building construction) - 6/24/77
42 FR 32501 - 6/24/77

COLLINGSWORTH COUNTY
(H, Hw) - See Armstrong County

(H, Hw) - See Archer County

COMAL COUNTY
(H, Hw) - See Austin County

COMANCHE COUNTY
(H, Hw) - See Atascosa County

COMBES COUNTY
(H, Hw) - See Andrews County

COMO COUNTY
(H, Hw) - See Andrews County

COOKE COUNTY
Decision #1X77-4127 (H) (Excluding tunnels and dams), (H) and paving and utilities incidental to general building construction) - 6/24/77

42 FR 32499 - 6/24/77

CORNELL COUNTY
(B, Hw) - See Bell County

COTTLE COUNTY
(H, Hw) - See Bailey County

CRANE COUNTY
(H, Hw) - See Andrews County

(H, Hw) - See Andrews County

Decision #1X77-4138 (R)
42 FR 34247 - 7/1/77

(H, Hw) - See Andrews County

CRISWELL COUNTY
(H, Hw) - See Andrews County

CROSSBY COUNTY
(H, Hw, R) - See Bailey County

CULBERTSON COUNTY
(H, Hw) - See Brewster County

DALLAM COUNTY
(B, R) - See Armstrong County

(H, Hw) - See Archer County

DALLAS COUNTY
(B, Hw, R) - See Collin County

DALLAS COUNTY
(H, Hw) - See Collin County

TEXAS (Cont'd)

DALLAS COUNTY
(H, Hw) - See Collin County

TEXAS

ATASCOSA COUNTY
Decision #1X77-4122 (H) (Excluding tunnels and dams), (H) and paving and utilities incidental to general building construction) - 6/24/77
42 FR 32499 - 6/24/77
AUSTIN COUNTY
Decision #1X77-4125 (H) (Excluding tunnels and dams), (H) and paving and utilities incidental to general building construction) - 6/24/77
42 FR 32495 - 6/24/77

BALLER COUNTY
Decision #1X77-4119 (H) (Excluding tunnels and dams), (H) and paving and utilities incidental to general building construction) - 6/24/77
42 FR 32404 - 6/24/77
Decision #1X77-4130 (R)
42 FR 34245 - 7/1/77

BANDERA COUNTY
(H, Hw) - See Atascosa County

BASTROP COUNTY
Decision #1X77-4026 (R)
42 FR 10270 - 2/18/77

(H, Hw) - See Austin County

BAYLOR COUNTY
(H, Hw) - See Archer County

BEE COUNTY
Decision #1X77-4111 (B)
42 FR 30141 - 6/10/77

Mod. #1 - 42 FR 34151 - 7/1/77

Mod. #2 - 42 FR 38848 - 7/29/77

Mod. #3 - 42 FR 39867 - 8/5/77

Decision #1X77-4139 (R)
42 FR 34247 - 7/1/77

(H, Hw) - See Aransas County

BELL COUNTY
Decision #1X77-4126 (H) (Excluding tunnels and dams), (H) and paving and utilities incidental to general building construction) - 6/24/77

42 FR 32497 - 6/24/77

Decision #1X77-4151 (B)
42 FR 35605 - 7/8/77

Mod. #1 - 42 FR 37713 - 7/22/77

Mod. #2 - 42 FR 38848 - 7/29/77

BEAUFORT COUNTY
Decision #1X77-4172 (R)
42 FR 39883 - 8/5/77

Decision #1X77-4101 (B)
42 FR 34705 - 6/13/77

Mod. #1 - 42 FR 37562 - 5/27/77

Mod. #2 - 42 FR 32190 - 9/10/77

Mod. #3 - 42 FR 35535 - 7/8/77

Mod. #4 - 42 FR 35145 - 7/15/77

Mod. #5 - 42 FR 38848 - 7/29/77

Mod. #6 - 42 FR 39867 - 8/5/77

(H, Hw) - See Atascosa County

TEXAS (Cont'd.)

TEXAS (Cont'd.)

TEXAS (Cont'd.)

TEXAS (Cont'd.)

- DIMIT COUNTY
 Decision FTX76-4039 (B,R)
 41 FR 7014 - 2/15/76
 (H,W) - See Atascosa County
 DOWNEY COUNTY
 (B,R) - See Armstrong County
 (H,W) - See Archer County
 DOWAL COUNTY
 (H,W) - See Brooks County
 EASTLAND COUNTY
 (H,W) - See Andrews County
 ECTOR COUNTY
 Decision FTX76-4118 (B)
 41 FR 29405 - 7/16/76
 Mod. #1 - 41 FR 33129 - 8/16/76
 Mod. #2 - 41 FR 42058 - 9/24/76
 Mod. #3 - 41 FR 56554 - 12/28/76
 Mod. #4 - 42 FR 4070 - 1/21/77
 Mod. #5 - 42 FR 12575 - 3/4/77
 (H,W) - See Andrews County
 (R) - See Crane County
 EDWARDS COUNTY
 (H,W) - See Atascosa County
 (H,W) - See Collin County
 ELLIS COUNTY
 (B,H,W,R) - See Collin County
 EL PASO COUNTY
 Decision FTX77-4071 (B)
 42 FR 17787 - 4/1/77
 Mod. #1 - 42 FR 20054 - 4/15/77
 Mod. #2 - 42 FR 20986 - 4/22/77
 Mod. #3 - 42 FR 22990 - 5/6/77
 Mod. #4 - 42 FR 34151 - 7/1/77
 Mod. #5 - 42 FR 36746 - 7/15/77
 (H,W) - See Brewster County
 ERATH COUNTY
 (H,W) - See Andrews County
 FALLS COUNTY
 (B,H,W) - See Bell County
 FANNIN COUNTY
 (R) - See Camp County
 (H,W) - See Bowie County
 FAYETTE COUNTY
 (H,W) - See Austin County
 (R) - See Bastrop County
 FISHER COUNTY
 (H,W) - See Bailey County
 FLOYD COUNTY
 (H,W,R) - See Bailey County
 FORD COUNTY
 (H,W) - See Bailey County
 FOSTER COUNTY
 (H,W) - See Brazoria County
 FRANKLIN COUNTY
 (R) - See Camp County
 (H,W) - See Bowie County
 FREDERICK COUNTY
 (R) - See Bosque County
 (H,W) - See Bell County
- FRIO COUNTY
 (H,W) - See Atascosa County
 GADSDEN COUNTY
 (H,W) - See Bailey County
 GALVESTON COUNTY
 (B) - See Aransas County
 (H,W,R) - See Brazoria County
 Decision FTX77-4102 (B)
 42 FR 24767 - 5/13/77
 Mod. #1-42 FR 27562 - 5/27/77
 Mod. #2-42 FR 28754 - 6/3/77
 Mod. #3-42 FR 31056 - 6/17/77
 Mod. #4-42 FR 34151 - 7/1/77
 Mod. #5-42 FR 36746 - 7/15/77
 1804, 40-42 FR 37712 - 7/22/77
 GARZA COUNTY
 (H,W,R) - See Bailey County
 GILLESPIE COUNTY
 (H,W) - See Austin County
 (H,W) - See Archer County
 GLASSOCK COUNTY
 (H,W) - See Andrews County
 GOLIAD COUNTY
 (H,W) - See Aransas County
 GONZALES COUNTY
 (H,W) - See Austin County
 (H,W) - See Austin County
 GRANT COUNTY
 (B,R) - See Armstrong County
 (H,W) - See Archer County
 GRAYSON COUNTY
 (B,H,W) - See Collin County
 GREENE COUNTY
 Decision FTX77-4154 (B)
 42 FR 35614 - 7/6/77
 Mod. #1-42 FR 38849 - 7/29/77
 Decision FTX77-4142 (R)
 42 FR 34251 - 7/1/77
 (H,W) - See Bowie County
 GREGG COUNTY
 (H,W) - See Brazos County
 GRIMM COUNTY
 (H,W) - See Atascosa County
 HALE COUNTY
 (H,W,R) - See Bailey County
 HALL COUNTY
 (H,W) - See Archer County
 HAMILTON COUNTY
 (H,W) - See Bell County
 HANSFORD COUNTY
 (B,R) - See Armstrong County
 (H,W) - See Archer County
 HARDEN COUNTY
 (H,W) - See Archer County
 HARDY COUNTY
 (H,W) - See Chambers County
 HARDESS COUNTY
 (B) - See Galveston County
 (H,W,R) - See Brazoria County
 (D) - See Aransas County
- HARRIS COUNTY
 (H,W) - See Brewster County
 JEFFERSON COUNTY
 Decision FTX77-4098 (B,R)
 41 FR 24533 - 5/6/77
 Mod. #1 - 42 FR 34151 - 7/1/77
 Mod. #2 - 42 FR 35535 - 7/8/77
 Mod. #3 - 42 FR 38846 - 7/29/77
 (D) - See Aransas County
 (H,W) - See Chambers County
 JIM WELLS COUNTY
 (H,W) - See Dimmit County
 (H,W) - See Brooks County
 JOHN WELLS COUNTY
 (H,W) - See Aransas County
 JOHNSON COUNTY
 (B) - See Collin County
 (H,W) - See Cooke County
 (R) - See Hood County
 JONES COUNTY
 (H,W) - See Bailey County
 KARNES COUNTY
 (H,W) - See Aransas County
 KATY COUNTY
 (B,R) - See Collin County
 (H,W) - See Bowie County
 KENDALL COUNTY
 (H,W) - See Atascosa County
 KENEDY COUNTY
 (D) - See Aransas County
 (H,W) - See Brooks County
 KENT COUNTY
 (H,W) - See Bailey County
 KERR COUNTY
 (H,W) - See Atascosa County
 KIMBLE COUNTY
 (H,W) - See Andrews County
 KING COUNTY
 (H,W) - See Bailey County
 KINNEY COUNTY
 (H,W) - See Atascosa County
 KLEBERG COUNTY
 (B) - See Camp County
 (H,W) - See Aransas County
 (R) - See Bee County
 KNOX COUNTY
 (H,W) - See Bailey County
 LAMAR COUNTY
 (R) - See Camp County
 (H,W) - See Bowie County
 LAMB COUNTY
 (H,W,R) - See Bailey County
 LARSSON COUNTY
 (H,W) - See Bell County
 LA SALLE COUNTY
 (B,R) - See Dimmit County
 (H,W) - See Atascosa County
 LAVERGNE COUNTY
 (H,W) - See Aransas County
- HARRISBURG COUNTY
 Decision FT176-4196 (B)
 41 FR 56501 - 12/28/76
 Mod. #1 - 42 FR 12575 - 3/4/77
 (H,W) - See Bowie County
 (R) - See Gregg County
 HARTLEY COUNTY
 (B) - See Armstrong County
 (H,W) - See Archer County
 HASKIN COUNTY
 (H,W) - See Bailey County
 HAWES COUNTY
 (H,W) - See Austin County
 (R) - See Bastrop County
 HEWELL COUNTY
 (B,R) - See Armstrong County
 (H,W) - See Archer County
 HENDERSON COUNTY
 (H,W,R) - See Anderson County
 HENRIE COUNTY
 (B) - See Cameron County
 (H,W) - See Brooks County
 HILL COUNTY
 (B,H,W) - See Bell County
 (R) - See Bosque County
 HOCKLEY COUNTY
 (H,W,R) - See Bailey County
 HOOD COUNTY
 (B) - See Collin County
 (H,W) - See Cooke County
 Decision FTX77-4143 (R)
 42 FR 34253 - 7/1/77
 HOPKINS COUNTY
 (B) - See Camp County
 (H,W) - See Bowie County
 HOUSTON COUNTY
 (H,W) - See Anderson County
 HOWARD COUNTY
 Decision FTX77-4144 (B,R)
 42 FR 34255 - 7/1/77
 (H,W) - See Andrews County
 HUBBARD COUNTY
 (H,W) - See Brewster County
 HUNT COUNTY
 (B,R) - See Collin County
 (H,W) - See Bowie County
 HUNTSMAN COUNTY
 (B,R) - See Armstrong County
 (H,W) - See Archer County
 IBERIA COUNTY
 (H,W) - See Andrews County
 JACK COUNTY
 (H,W) - See Cooke County
 JACKSON COUNTY
 (D,H,W) - See Aransas County
 JASPER COUNTY
 (H,W) - See Anderson County

TEXAS (Cont'd)

LEE COUNTY (H, Hw) - See Austin County
 (R) - See Tarrant County
 LEON COUNTY (H, Hw) - See Stator County
 LIBERTY COUNTY (H, Hw) - See Chambers County
 LINESBORO COUNTY (H, Hw) - See Bosque County
 (R) - See Atascosa County
 LIPSFORD COUNTY (H, Hw) - See Bell County
 (B) (R) - See Archer County
 (B) (R) - See Armstrong County
 LIVE OAK COUNTY (H, Hw) - See Aransas County
 LLANO COUNTY (H, Hw) - See Austin County
 LOWING COUNTY (H, Hw) - See Andrews County
 (R) - See Crane County
 LUBBOCK COUNTY (H, Hw, R) - See Bailey County
 Decision #1377-4155 (B)
 42 FR 35615 - 7/8/77
 Mod. #1 - 42 FR 37713 - 7/22/77
 Mod. #2 - 42 FR 38849 - 7/25/77
 LYNN COUNTY (H, Hw, R) - See Bailey County
 MCCOLLOCH COUNTY (H, Hw) - See Andrews County
 MCLENNAN COUNTY (R) - See Bosque County
 (B, H, Hw) - See Bell County
 (H, Hw) - See Stator County
 McMULLEN COUNTY (H, Hw) - See Atascosa County
 MADISON COUNTY (H, Hw) - See Brazos County
 MARION COUNTY (H, Hw) - See Bowie County
 MARTIN COUNTY (H, Hw) - See Andrews County

TEXAS (Cont'd)

MASON COUNTY (H, Hw) - See Austin County
 MATAGORDA COUNTY (H, Hw, R) - See Brazoria County
 (B) - See Aransas County
 MAVERICK COUNTY (B, R) - See Dimmit County
 (R, Hw) - See Atascosa County
 MEDINA COUNTY (H, Hw) - See Atascosa County
 MENARD COUNTY (H, Hw) - See Andrews County
 MIDLAND COUNTY (B) - See Ector County
 (H, Hw) - See Andrews County
 (R) - See Crane County
 MILAM COUNTY (H, Hw) - See Brazos County
 MILLS COUNTY (H, Hw) - See Andrews County
 MITCHELL COUNTY (H, Hw) - See Andrews County
 MONTAGUE COUNTY (H, Hw) - See Archer County
 MONTGOMERY COUNTY (H, Hw, R) - See Brazoria County
 MOORE COUNTY (R) (B) - See Armstrong County
 (H, Hw) - See Archer County
 MORRIS COUNTY (H, Hw) - See Bowie County
 MOTLEY COUNTY (H, Hw) - See Bailey County
 NACOGDOCHES COUNTY (H, Hw) - See Anderson County
 NAVARRO COUNTY (R) - See Bosque County
 (H, Hw) - See Bell County

TEXAS (Cont'd)

NEILON COUNTY (H, Hw) - See Anderson County
 NOLAN COUNTY (H, Hw) - See Andrews County
 NIECES COUNTY (B) - See Bee County
 (H, Hw) - See Aransas County
 (B, H, Hw, R) - See Bee County
 OCHILTREE COUNTY (R) (B) - See Armstrong County
 (H, Hw) - See Archer County
 OLNEY COUNTY (R) (B) - See Armstrong County
 (H, Hw) - See Archer County
 ORANGE COUNTY (H, Hw) - See Jefferson County
 (Hw) - See Chambers County
 (B) - See Aransas County
 PALO PINTO COUNTY (H, Hw) - See Collin County
 (R) - See Cooke County
 PANOLA COUNTY (R) - See Hood County
 PARKER COUNTY (H, Hw) - See Anderson County
 (H, Hw) - See Cooke County
 (R) - See Hood County
 PARRIS COUNTY (H, Hw) - See Archer County
 PECOS COUNTY (H, Hw) - See Brewster County
 (R) - See Crane County
 POLK COUNTY (H, Hw) - See Anderson County
 POTTER COUNTY (H, Hw) - See Archer County
 (B) (R) - See Armstrong County
 PRESIDIO COUNTY (H, Hw) - See Brewster County
 RAINES COUNTY (H, Hw) - See Bowie County
 RANDALL COUNTY (H, Hw) - See Archer County
 (B) (R) - See Armstrong County
 REAGAN COUNTY (H, Hw) - See Andrews County
 REAL COUNTY (H, Hw) - See Atascosa County
 RED RIVER COUNTY (H, Hw) - See Bowie County

TEXAS (Cont'd)

REEVES COUNTY (H, Hw) - See Brewster County
 (R) - See Crane County
 REFUGIO COUNTY (B, H, Hw) - See Aransas County
 ROBERTS COUNTY (H, Hw) - See Archer County
 (B) (R) - See Armstrong County
 ROBERTSON COUNTY (H, Hw) - See Brazos County
 ROCKWALL COUNTY (B, H, Hw, R) - See Collin County
 ROME COUNTY (H, Hw) - See Andrews County
 (R) - See Gregg County
 (H, Hw) - See Bowie County
 SABINE COUNTY (H, Hw) - See Anderson County
 SAN AUGUSTINE COUNTY (H, Hw) - See Anderson County
 SAN JACINTO COUNTY (H, Hw) - See Anderson County
 SAN PATRICK COUNTY (R) - See Aransas County
 SAN SABA COUNTY (H, Hw) - See Andrews County
 (H, Hw) - See Andrews County
 SCHELSHAUER COUNTY (H, Hw) - See Andrews County
 SCURRY COUNTY (H, Hw) - See Bailey County
 SHACKELFORD COUNTY (H, Hw) - See Bailey County
 SHELBY COUNTY (H, Hw) - See Anderson County
 SHERMAN COUNTY (H, Hw) - See Archer County
 (B) (R) - See Armstrong County
 SMITH COUNTY Decision #1377-4145 (R)
 42 FR 34257 - 7/1/77
 Decision #1377-4156 (B)
 42 FR 35617 - 7/8/77
 (H, Hw) - See Bowie County
 SOMERWELL COUNTY (H, Hw) - See Cooke County
 STARR COUNTY (H, Hw) - See Brooks County
 (B) - See Cameron County
 STEPHENS COUNTY (H, Hw) - See Bailey County
 STERLING COUNTY (H, Hw) - See Andrews County

TEXAS (Cont'd.)

STOREMILL COUNTY
 (H, Hw) - See Bailey County
 SUTTICE COUNTY
 (H, Hw) - See Andrews County
 SUTSIECK COUNTY
 (H, Hw) - See Archer County
 (B, R) - See Armstrong County
 TADOUSSAC COUNTY
 (B) - See Collin County
 (H, Hw) - See Cooke County
 Decision #1177-4029 (R)
 42 FR 11071 - 2/18/77
 TAYLOR COUNTY
 Decision #1177-4157 (B)
 42 FR 35617 - 7/5/77
 TERRELL COUNTY
 (H, Hw) - See Andrews County
 TERRY COUNTY
 (H, Hw) - See Brewster County
 THROCKMORTON COUNTY
 (H, Hw) - See Bailey County
 TITUS COUNTY
 (R) - See Camp County
 (H, Hw) - See Bowie County
 TOM GREEN COUNTY
 Decision #1177-4108 (B)
 42 FR 26810 - 6/3/77
 Mod. #1 - 42 FR 32456 - 6/24/77
 Mod. #2 - 42 FR 35535 - 7/18/77
 (H, Hw) - See Andrews County
 TRAVIS COUNTY
 Decision #1177-4158 (B)
 42 FR 35618 - 7/18/77
 Mod. #1 - 42 FR 37713 - 7/22/77
 Mod. #2 - 42 FR 38849 - 7/29/77
 (R) - See Bastrop County
 (H, Hw) - See Austin County
 TRINITY COUNTY
 (H, Hw) - See Anderson County
 TULLER COUNTY
 (H, Hw) - See Anderson County
 UPSHUR COUNTY
 (R) - See Gregg County
 (H, Hw) - See Bowie County
 UPTON COUNTY
 (H, Hw) - See Andrews County
 (R) - See Crane County
 WAILE COUNTY
 (H, Hw) - See Atascosa County
 WAL VERDE COUNTY
 (H, Hw) - See Atascosa County

TEXAS (Cont'd.)

VAN ZANDT COUNTY
 (R) - See Smith County
 (H, Hw) - See Bowie County
 VICTORIA COUNTY
 (B, H, Hw) - See Aransas County
 WALKER COUNTY
 (H, Hw) - See Brazos County
 (R) - See Brazoria County
 WALLER COUNTY
 (H, Hw) - See Srazoria County
 WARD COUNTY
 (H, Hw) - See Andrews County
 (R) - See Crane County
 WASHINGTON COUNTY
 (H, Hw) - See Brazos County
 WEBB COUNTY
 (B, R) - See Dimitt County
 (H, Hw) - See Brooks County
 WHEATON COUNTY
 (H, Hw) - See Brazoria County
 WHEELER COUNTY
 (B, R) - See Armstrong County
 (H, Hw) - See Archer County
 WICHITA COUNTY
 Decision #1177-4146 (R)
 42 FR 34259 - 7/1/77
 Decision #1177-4159 (B)
 42 FR 35520 - 7/5/77
 Mod. #1 - 42 FR 37714 - 7/22/77
 (H, Hw) - See Archer County
 WILBARGER COUNTY
 (H, Hw) - See Archer County
 WILLACY COUNTY
 (B) - See Cameron County
 (H, Hw) - See Brooks County
 (D) - See Arkansas County
 WILLIAMSON COUNTY
 (H, Hw) - See Austin County
 (R) - See Bastrop County
 WILSON COUNTY
 (H, Hw) - See Atascosa County
 WINDLER COUNTY
 (H, Hw) - See Andrews County
 (R) - See Crane County
 WISE COUNTY
 (B) - See Collin County
 (H, Hw) - See Cooke County
 (R) - See Hood County
 WOOD COUNTY
 (R) - See Smith County
 (H, Hw) - See Bowie County

TEXAS (Cont'd.)

YOUNG COUNTY
 (H, Hw, R) - See Bailey County
 YOUNG COUNTY
 (H, Hw) - See Bailey County
 ZAPATA COUNTY
 (B, R) - See Dimitt County
 (H, Hw) - See Brooks County
 ZAVALLA COUNTY
 (B, R) - See Dimitt County
 (H, Hw) - See Atascosa County

VIRGINIA (Cont'd)

BOYD COUNTY
(Hw) - See Bedford County

BRISTOL CITY
(Hw) - See Bland County

BURNSWICK COUNTY
(Hw) - See Amelia County

BUCHANAN COUNTY
(Hw) - See Bland County

BUCKINGHAM COUNTY
(Hw) - See Alberst County

BUENA VISTA CITY
(Hw) - See Allegheny County

CAMPBELL COUNTY
Decision #W75-3095 (B)
40 FR 43416 - 9/19/75
Mod. #1 - 41 FR 11735 - 3/19/76
Mod. #2 - 41 FR 50123 - 11/12/76
(Hw) - See Alberst County

CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73

CARROLL COUNTY
(Hw) - See Bedford County

CHARLES CITY COUNTY
(Hw) - See Amelia County

CHARLOTTE COUNTY
(Hw) - See Alberst County

CHARLOTTESVILLE CITY
(B, Hw) - See Albemarle County

CHESAPEAKE CITY
Decision #W77-3090 (B)
42 FR 34264 - 7/1/77
Mod. #1 - 42 FR 38688 - 8/5/77
Decision #W77-3082 (Hw)
42 FR 32510 - 6/24/77
Mod. #1 - 42 FR 38849 - 7/29/77
(D) - See Accomack County

CHESTERFIELD COUNTY
(Hw) - See Amelia County

CLARKE COUNTY
(Hw) - See Allegheny County

CLIFTON FORGE CITY
(Hw) - See Allegheny County

COLONIAL HEIGHTS CITY
(Hw) - See Amelia County

COVINGTON CITY
(Hw) - See Allegheny County

CRATIG COUNTY
(Hw) - See Bedford County

VIRGINIA

ACUNCKA COUNTY
Decision #AP-205 (Hw)
38 FR 13279 - 5/4/73
Mod. #1 - 39 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15254 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Mod. #4 - 41 FR 50122 - 11/12/76
Mod. #5 - 42 FR 4073 - 1/21/77
Decision #A77-5035 (D)
42 FR 13755 - 3/11/77

ALBEMARLE COUNTY
Decision #W75-3244 (Hw)
41 FR 30701 - 9/10/76
Decision #W75-3094 (B)
40 FR 43415 - 9/19/75
Mod. #1 - 40 FR 45847 - 10/17/75
Mod. #2 - 41 FR 11735 - 3/19/76

ALEXANDRIA CITY
Decision #W077-3041 (B)
42 FR 13268 - 3/18/77
Mod. #1 - 42 FR 16794 - 4/6/77
Mod. #2 - 42 FR 20887 - 4/22/77
Mod. #3 - 42 FR 23290 - 5/6/77
Mod. #4 - 42 FR 27563 - 5/27/77
Mod. #5 - 42 FR 32456 - 6/24/77

ALLEGANY COUNTY
Decision #W76-3245 (Hw)
41 FR 36749 - 9/10/75
Mod. #1 - 41 FR 40374 - 9/17/76
Mod. #2 - 41 FR 43589 - 10/1/76

AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74

AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73

APPOMATTOX COUNTY
(Hw) - See Alberst County

ARLINGTON COUNTY
(B) - See Alexandria City

(D) - See Accomack County

AUGUSTA COUNTY
(Hw) - See Allegheny County

BATH COUNTY
(Hw) - See Allegheny County

BEDFORD CITY
(Hw) - See Bedford County

BEDFORD COUNTY
Decision #AQ-2031 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 41 FR 50122 - 11/12/76

BLAND COUNTY
Decision #W76-3253 (Hw)
42 FR 42154 - 9/24/76

UTAH (Cont'd)

WAYNE COUNTY
(B, H, Hw) - See Statewide

WEBER COUNTY
(B, H, Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #V776-2170 (Hw)
41 FR 54146 - 12/10/76
Mod. #1 - 42 FR 3140 - 1/14/77

ADIRONDACK COUNTY

(Hw) - See Statewide

BENNINGTON COUNTY

(Hw) - See Statewide

CALDWELL COUNTY

(Hw) - See Statewide

CHITTENDEN COUNTY

(Hw) - See Statewide

ESSEX COUNTY

(Hw) - See Statewide

FRANKLIN COUNTY

(Hw) - See Statewide

GRAND ISLE COUNTY

(Hw) - See Statewide

LAMOILLE COUNTY

(Hw) - See Statewide

ORANGE COUNTY

(Hw) - See Statewide

ORLEANS COUNTY

(Hw) - See Statewide

RUTLAND COUNTY

None

WASHINGTON COUNTY

(Hw) - See Statewide

WINDHAM COUNTY

(Hw) - See Statewide

WINDSOR COUNTY

(Hw) - See Statewide

VIRGIN ISLANDS

ISLAND WIDE
Decision #V176-3166 (B)
41 FR 19003 - 5/7/76
Decision #V176-3167 (H, Hw)
41 FR 19003 - 5/7/76

VT

STANTON COUNTY
Decision #V777-5075 (B, H, Hw)
42 FR 20854 - 8/5/77

WEBER COUNTY

(B, H, Hw) - See Statewide

BOX ELDER COUNTY

(B, H, Hw) - See Statewide

CACHIE COUNTY

(B, H, Hw) - See Statewide

CANNON COUNTY

(B, H, Hw) - See Statewide

DAGUERRE COUNTY

(B, H, Hw) - See Statewide

DANVILLE COUNTY

(B, H, Hw) - See Statewide

DUCHECNE COUNTY

(B, H, Hw) - See Statewide

EMERY COUNTY

(B, H, Hw) - See Statewide

GARFIELD COUNTY

(B, H, Hw) - See Statewide

GRAND COUNTY

(B, H, Hw) - See Statewide

IRON COUNTY

(B, H, Hw) - See Statewide

JUNIATA COUNTY

(B, H, Hw) - See Statewide

KANE COUNTY

(B, H, Hw) - See Statewide

MILLARD COUNTY

(B, H, Hw) - See Statewide

MORGAN COUNTY

(B, H, Hw) - See Statewide

PIUTE COUNTY

(B, H, Hw) - See Statewide

RICH COUNTY

(B, H, Hw) - See Statewide

SALT LAKE COUNTY

(B, H, Hw) - See Statewide

SAN JUAN COUNTY

(B, H, Hw) - See Statewide

SHARPE COUNTY

(B, H, Hw) - See Statewide

SEVIER COUNTY

(B, H, Hw) - See Statewide

SPENCER COUNTY

(B, H, Hw) - See Statewide

TOOLE COUNTY

(B, H, Hw) - See Statewide

UPPER MERION COUNTY

(B, H, Hw) - See Statewide

UTAH COUNTY

(B, H, Hw) - See Statewide

WASKIUM COUNTY

(B, H, Hw) - See Statewide

WASHINGTON COUNTY

(B, H, Hw) - See Statewide

VIRGINIA (Cont'd)

COLPEPER COUNTY
(Hw) - See Albemarle County

CONEBLAND COUNTY
(Hw) - See Amherst County

DANVILLE CITY
(Hw) - See Amherst County

DICKEYSON COUNTY
(Hw) - See Bland County

DIMONDIE COUNTY
(Hw) - See Amelia County

EMPORIA CITY
(Hw) - See Accomack County

ESSEX COUNTY
(Hw) - See Caroline County
(B) - See Accomack County

FALLEN COUNTY
(B) - See Alexandria City

FAIRFAX COUNTY
(D) - See Accomack County

FAIRFAX CITY
(D) - See Accomack County
(B) - See Alexandria City

FALLS CHURCH CITY
(Hw) - See Albemarle County

FLOYD COUNTY
(Hw) - See Bedford County

FLUYANNA COUNTY
(Hw) - See Albemarle County

FORT MONROE CITY
(Hw) - See Chesapeake City
(B, MS) - See York County

FRANKLIN CITY
(Hw) - See Accomack County

FRANKLIN COUNTY
(Hw) - See Bedford County

FREDERICK COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County

GLAX CITY
(Hw) - See Bedford County

GILES COUNTY
(Hw) - See Bedford County

GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County

GOOCHLAND COUNTY
(Hw) - See Amelia County

GRAYSON COUNTY
(Hw) - See Bland County

GREENE COUNTY
(Hw) - See Albemarle County

GREENSVILLE COUNTY
(Hw) - See Accomack County

HALIFAX COUNTY
(Hw) - See Amherst County

HAWKTON CITY
Decision FFA76-3254 (R)
41 FR 44680 - 10/8/76
Mod. #1 - 42 FR 20054 - 4/15/77
(B, MS) - See York County

HENRICO COUNTY
(D) - See Accomack County

HANOVER COUNTY
(Hw) - See Amelia County

HARRISBURG CITY
(Hw) - See Alleghany County

HENRICO COUNTY
Decision BVA27-3069 (B)
42 FR 34261 - 7/1/77
Mod. #1 - 42 FR 33668 - 8/5/77
(Hw) - See Amelia County

VIRGINIA (Cont'd)

HENRY COUNTY
(Hw) - See Bedford County

HIGHLAND COUNTY
(Hw) - See Alleghany County

HOPEWELL CITY
(Hw) - See Amelia County

ISLE OF WIGHT COUNTY
(D, Hw) - See Accomack County

JAMES CITY COUNTY
(D, Hw) - See Accomack County

KING AND QUEEN COUNTY
(Hw) - See Caroline County

KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County

KING WILLIAM COUNTY
(Hw) - See Caroline County

LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County

LEE COUNTY
(Hw) - See Bland County

LOUISA COUNTY
(Hw) - See Albemarle County

LOUDOUN COUNTY
(Hw) - (See Albemarle County

LUNEBURG COUNTY
(Hw) - See Albemarle County

LUNEBURG COUNTY
(Hw) - See Amelia County

LYNCHBURG CITY
(Hw) - See Campbell County

MADISON COUNTY
(Hw) - See Amherst County

MARTINSVILLE CITY
(Hw) - See Albemarle County
(Hw) - See Bedford County

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County

MCDONOUGH COUNTY
(Hw) - See Amelia County

MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County

MONTGOMERY COUNTY
(Hw) - See Bedford County

MANSEFORD COUNTY
(D, Hw) - See Accomack County

NELSON COUNTY
(Hw) - See Amherst County

NEW KENT COUNTY
(B, MS) - See York County

NEWPORT NEWS CITY
(B, H, MS) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City

NORFOLK CITY
(Hw, B) - See Chesapeake City
(D) - See Accomack County

NORTHAMPTON COUNTY
(D, Hw) - See Accomack County

NORTON CITY
(Hw) - See Bland County

NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County

NOTTOWAY COUNTY
(Hw) - See Amelia County

ORANGE COUNTY
(Hw) - See Albemarle County

