AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Vol.42—No.199
10–14–77

PAGES
55189–55442

File Copy

federal register

FRIDAY, OCTOBER 14, 1977



highlights

IMPORTANT NOTICE TO FEDERAL AGENCIES
For information on new billing codes required on all documents submitted for publication in the Federal Register after October 1, 1977, see back cover of this issue.

SUNSHINE ACT MEETINGS 55355

IMPORTED ELECTRONIC PRODUCTS
HEW/FDA increases service rates for supervising compliance operations for detained products; effective 10–31–77; comments by 12–13–77 55207

AMPHETAMINES
HEW/FDA announces hearing date of 12–2–77 on medical use and abuse; written notice of appearance by 11–14–77 (Part III of this issue) 55374

PROJECT GRANTS FOR HOME HEALTH SERVICES
HEW/HSA announces grant applications to be received by 1–2–78 (Part II of this issue) 55370

OCS NORTH ATLANTIC
Interior/BLM establishes new policy relating to oil and gas lease sale notices to further and enhance consultation with the affected coastal states 55276

FOOD ADDITIVES
HEW/FDA amends regulations for general recognition of safety and prior sanction for ingredients in animal feed and pet food; effective 10–31–77 55206

ANIMAL WELFARE
USDA/APHIS proposes revision of transportation standards governing certain live warmblooded animals; comments by 10–31–77 55221

FOOD LABELING
HEW/FDA amends requirement regarding intermediate mixes containing direct human food ingredients affirmed as GRAS; effective 11–14–77 55205

EQUAL EMPLOYMENT
EEOC revises procedural regulations; effective 10–17–77 (Part IV of this issue) 55388

CANNED WHITE POTATOES
USDA/FSQS revises grading standards; effective 12–1–77 55197

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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

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

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

federal register

Area Code 202 Phone 523-5240

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

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:

Subscription orders (GPO)	202–783–3238
Subscription problems (GPO)	202–275–3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235

PUBLIC LAWS:

Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–4534

HIGHLIGHTS—Continued

ADULT INDIANS
Interior/BIA proposes employment assistance; comments by 11–14–77 ... 55229
Interior/BIA proposes procedures for filing applications and describes eligibility criteria for vocational training; comments by 11–14–77 ... 55231

EMERGENCY LOANS
USDA/FmHA authorizes reduction of interest rates for actual losses occurring on or after 7–1–76 and prior to 10–1–78 (2 documents); effective 10–14–77 ... 55193, 55194

SOIL AND WATER LOANS
USDA/FmHA accepts applications for actions stated prior to 4–7–77; effective 10–14–77 ... 55195

SPECIAL PACKAGING OF PESTICIDES
EPA sets forth guidelines to decrease the number of hazardous exposures to humans; comments by 12–13–77 ... 55235

NORMAL CROP ACREAGE AND SET-ASIDE ACREAGE
USDA/ASCS proposes revision; comments by 11–14–77 ... 55243

HELIUM
Interior/Bureau of Mines revises fee schedule ... 55208

1978 WHEAT PROGRAM
USDA/ASCS proposes determination regarding National Program acreage, program allocation factor, set-aside, diversion payments and limitation on planted acreage; comments by 11–14–77 ... 55242

NET WEIGHT LABELING
HEW/FDA announces hearing dates of 12–8 and 12–15–77 regarding foods that gain or lose moisture during good distribution practice; written notice of participation to be filed by 11–14–77 ... 55227

EMPLOYEE BENEFIT PLANS
Treasury/IRS and Labor/P&WBP issues notice of pendency of temporary class exemption to permit plans to purchase customer notes from employers maintaining plans; comments by 11–28–77 ... 55321

MANDATORY CLASS I FEDERAL AREAS
Interior/NPS invites public comments by 11–25–77 and announces meetings on identification of mandatory Class I Federal areas where visibility is an important value; meetings, 11–9 thru 11–11 and 11–14 thru 11–16–77 ... 55280

MINIMUM WAGES
Labor/ESA publishes general wage determination decisions for Federal and federally assisted construction (Part V of this issue) ... 55398

PRIVACY ACT
ICC notice on systems of records (Part VI of this issue) ... 55434

MEETINGS—
Administrative Conference of the United States: Committee on Licenses and Authorizations, 10–25–77 ... 55247
DOD/Secy: Defense Science Board Task Force on Cruise Missiles, 11–1 and 11–2–77 ... 55257
HEW/HRA: Cooperative Health Statistics Advisory Committee, 11–10 and 11–11–77 ... 55268
National Council on Health Planning and Development, 10–21 and 10–22–77 ... 55268
NIH: Committees Advisory to the National Cancer Institute (2 documents), 11–1, 11–2, 11–7 thru 11–11, 11–14 thru 11–19 and 11–28–77 ... 55268, 55271
Committee on Cancer Immunotherapy, 11–17–77 ... 55269
General Clinical Research Centers Committee, 11–14 and 11–15–77 ... 55269
National Diabetes Advisory Board, 11–16–77 ... 55269
Primate Research Centers Advisory Committee, 11–9–77 ... 55270

Recombinant DNA Molecule Program Advisory Committee, 10–31 and 11–1–77 55270
Research Manpower Review Committee, 11–11–77 55271
Twelfth Annual Joint Working Conference of the Virus Cancer Program, 11–2 thru 11–4–77 55272
Interior/BLM: Commercial Whitewater Use of the South Fork American, Merced and Stanislaus Rivers, Allocation for 1978 Use Season, 11–5–77 55274
NPS: Historic American Buildings Survey Advisory Board, 11–14 and 11–15–77 55280
NASA: Research and Technology Advisory Council, Informal Committee on Hypersonic Research and Technology, 10–31 and 11–1–77 55318
Space Science Steering Committee, Out-of-Ecliptic (OOE) Mission Ad Hoc Advisory Subcommittee, 11–2 and 11–3–77 55318
SBA: Los Angeles District Advisory Council, 11–3–77 55320
State: Advisory Committee to the U.S. National Section of the International Commission for the Conservation of Atlantic Tunas, 10–26–77 55320
Shipping Coordinating Committee, 11–15–77 55320

RESCHEDULED MEETING—
HEW/NIH: Neurology A Study Section, 11–2 thru 11–5–77 55270

AMENDED MEETING—
HEW/NIH: National Diabetes Advisory Board, 10–18 and 10–19–77 55269

CANCELLED MEETING—
HEW/NIH: Committee on Cancer Immunodiagnosis, 10–25–77 55269

HEARING—
HEW/OE: National Advisory Council on Women's Educational Programs, 10–28–77 55272

SEPARATE PARTS OF THIS ISSUE
Part II, HEW/PHS 55370
Part III, HEW/FDA 55374
Part IV, EEOC 55388
Part V, Labor/ESA 55398
Part VI, ICC 55434

contents

ADMINISTRATIVE CONFERENCE OF UNITED STATES

Notices
Meetings:
Licenses and Authorizations Committee 55247

AGRICULTURAL MARKETING SERVICE

Rules
Lemons grown in Ariz. and Calif. 55190
Tomatoes grown in Fla 55191
Tomatoes; imported 55192

Proposed Rules
Filberts grown in Calif. and Oreg. 55245

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Proposed Rules
Crop acreage, normal, and set-aside acreage 55243
Wheat, 1978 program; marketing quotas and acreage allotments 55242

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Food Safety and Quality Service; Soil Conservation Service.

AIR FORCE DEPARTMENT

Notices
Environmental statements; availability, etc.:
General Billy Mitchell Field, Wis.; KC–135 tankers 55256

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Proposed Rules
Explosives, commerce in:
Recordkeeping and storage requirements, etc.; extension of time 55233

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules
Plant quarantine, domestic:
Mexican fruit fly 55189

Proposed Rules
Animal welfare:
Transportation, handling, care, and treatment of animals; standards 55221

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Notices
Procurement list, 1977; additions and deletions 55253

CIVIL AERONAUTICS BOARD

Proposed Rules
Accounts and reports for certificated air carriers; uniform system:
Advertising costs, airline; extension of time 55226
Lobbying costs, airline; extension of time 55226

Notices
Hearings, etc.:
Ceskoslovenske Aerolinie 55247
Eastern Air Lines, Inc., et al. 55248
Rich International Airways, Inc 55249
Trans World Airlines, Inc 55250

CIVIL SERVICE COMMISSION

Rules
Excepted service:
Arms Control and Disarmament Agency 55189
Health, Education, and Welfare Department 55189
State Department 55189
U.S. Information Agency 55189

Notices
Noncareer executive assignments:
Defense Department 55252
Health, Education, and Welfare Department 55252

COMMERCE DEPARTMENT

See National Oceanic and Atmospheric Administration.

DEFENSE DEPARTMENT

See also Air Force Department.

Rules
Collective bargaining or negotiation; organizations seeking to represent members of Armed Forces 55209

Notices
Meetings:
Science Board task forces, cruise missiles 55257

CONTENTS

ECONOMIC REGULATORY ADMINISTRATION

Proposed Rules

Petroleum price regulations, mandatory:
Exchanges between refiners, resellers, and retailers; petroleum products; extension of comments period and postponement of public hearing... 55246

EDUCATION OFFICE

Notices

Meetings:
Women's Educational Programs National Advisory Council... 55272

EMPLOYMENT AND TRAINING ADMINISTRATION

Notices

Employment transfer and business competition determinations; financial assistance applications ... 55288
Indian and Native American economic stimulus program; fund allocation, 1978 FY, extension of proposal receipt deadline... 55289
Migrant and other seasonally employed farmworker programs:
Federal assistance applications; FY 1978... 55289

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions... 55398

ENERGY DEPARTMENT

See Economic Regulatory Administration; Federal Energy Regulatory Commission.

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rules

Pesticide programs:
Packaging, special; requirements and testing protocols... 55235

ENVIRONMENTAL QUALITY COUNCIL

Notices

Environmental statements; availability, etc... 55253

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Rules

Procedural regulations:
Reorganization of regulations; authority delegation amendments ... 55388

FARMERS HOME ADMINISTRATION

Rules

Drought stricken areas, special assistance; interest rate reduction authorization... 55194
Guaranteed loans:
Farmer loans; interest rates reduction authorization... 55193
Loan and grant programs (individual):
Farmer loans; soil and water loan applications... 55195
Rural housing loans and grants:
Interest rate reductions; section 8 assistance projects... 55196

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Notices

Disaster and emergency areas:
Georgia ... 55272
Kansas ... 55272
Missouri ... 55273
Montana ... 55273
North Carolina... 55274
North Dakota... 55274
South Dakota... 55274
Virginia ... 55274

FEDERAL ENERGY REGULATORY COMMISSION

Notices

Hearings, etc.:
Algonquin Gas Transmission Co. (3 documents)... 55257
Connecticut Light & Power Co... 55258
Consolidated Gas Supply Corp... 55258
East Tennessee Natural Gas Co... 55258
El Paso Electric Co... 55259
Gas Research Institute... 55261
Indiana-Kentucky Electric Co... 55259
J & J Enterprises, Inc., et al... 55259
Mississippi Power & Light Co... 55259
New England Power Pool... 55260
Northern Natural Gas Co... 55260
Northern States Power Co. (4 documents) ... 55261
Northwestern Public Service Co ... 55262
Public Service Co. of Indiana, Inc ... 55262
Public Service Electric & Gas Co. (4 documents)... 55264, 55265
Superior Water, Light & Power Co ... 55265
Texas Eastern Transmission Corp ... 55265
Texas Gas Transmission Corp... 55265
Transwestern Pipeline Co... 55266
Wisconsin Michigan Power Co... 55266

FEDERAL HOUSING COMMISSIONER—OFFICE OF ASSISTANT SECRETARY FOR HOUSING

Proposed Rules

Minimum property standards handbook; one- and two-family dwellings, multifamily dwellings and care-type housing... 55229

FEDERAL INSURANCE ADMINISTRATION

Proposed Rules

Flood Insurance Programs, National:
Flood elevation determinations, etc.; correction... 55229

FEDERAL MARITIME COMMISSION

Notices

Freight forwarder licenses:
AIT Forwarding Co., Inc., et al... 55267
Agreements filed, etc.:
Euro Pacific Joint Service... 55266

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Spitler, Marion E., et al... 55267

FEDERAL RAILROAD ADMINISTRATION

Rules

Merger and consolidation procedures; correction... 55212

FEDERAL RESERVE SYSTEM

Rules

Authority delegations:
Board Secretary; approval of changes ... 55203
Federal Reserve Banks; scope of authority ... 55203
Defense production loan guarantees; change of guaranteeing agency ... 55211

FISH AND WILDLIFE SERVICE

Rules

Fishing:
Tishomingo National Wildlife Refuge, Okla.; closing... 55219
Hunting:
Arizona, Calif., N. Mex., Okla., and Tex.; certain National Wildlife Refuges... 55216
Bear River Migratory Bird Refuge, Utah... 55214
Browns Park National Wildlife Refuge, Colo... 55215
Horicon National Wildlife Refuge, Wis... 55215
Muscatatuck National Wildlife Refuge, Ind... 55216
Oxbow National Wildlife Refuge, Mass... 55216

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products:
Animal feeds and pet food ingredients; GRAS and prior-sanctioned ... 55206
Fruit juices, canned:
Orange juice beverage, diluted; identity standards; stayed regulations revoked... 55204
GRAS or prior-sanctioned ingredients:
Mixes containing food ingredients; labeling... 55205
Mushrooms, canned; identity standards; effective date confirmed ... 55204
Radiological health:
Electronic products importation; bonding and compliance procedures; service rate changes ... 55207

Proposed Rules

Food labeling and animal drugs, feeds, and related products:
Net-weight labeling of foods that gain or lose moisture during good distribution; hearing ... 55227

Notices

Human drugs:
Amphetamines; hearing 55374

FOOD SAFETY AND QUALITY SERVICE

Rules

Potatoes, canned white; grade standards 55197

Proposed Rules

Meat and poultry products, inspection:
Tissue from ground bone; labeling and identity standards; correction 55226

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration; Health Resources Administration; Health Services Administration; National Institutes of Health.

HEALTH RESOURCES ADMINISTRATION

Notices

Meetings:
Advisory committees; October .. 55268
Advisory Committees; November 55268

HEALTH SERVICES ADMINISTRATION

Notices

Home health services; availability of project grants 55370

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Disaster Assistance Administration; Federal Housing Commissioner—Office of Assistant Secretary for Housing; Federal Insurance Administration.

INDIAN AFFAIRS BUREAU

Proposed Rules

Employment assistance for adult Indians 55229
Vocational training for adult Indians 55231

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Mines Bureau; National Park Service.

Notices

Air pollution control; visibility restoration in mandatory Class I Federal areas; meetings; inquiry 55280
Financial interest statements:
Hayden, Julian R 55280
Prekeges, Gregory P 55288
Rogers, Clifton F 55288
Swanson, Stanley M 55288
Rights-of-way applications and monitoring; cost recovery 55280

INTERNAL REVENUE SERVICE

Notices

Employee benefit plans:
Prohibitions on transactions, exemption proceedings, applications, hearings, etc 55321

INTERSTATE COMMERCE COMMISSION

Rules

Railroad car service orders:
Freight cars, distribution (3 documents) 55212–55214

Proposed Rules

Motor carriers:
For-hire carriers; substitution of single-line for joint-line operations 55239
For-hire carriers transporting "waste" products for recycling or reuse; proprietary operations applications 55241

Notices

Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications 55327
Privacy Act; systems of records; annual republication 55434
Transfer proceedings 55325

LABOR DEPARTMENT

See also Employment and Training Administration; Employment Standards Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office; Wage and Hour Division.

Notices

Adjustment assistance:
ABC Industries 55293
American Biltrite, Inc., et al ... 55314
American Motors Corp 55293
Anamax Mining Co. et al 55317
Bass Manufacturing, Inc 55296
Bethlehem Steel Corp 55296
Brown Shoe Co. et al 55314
Buckbee Mears Co. et al 55315
Cliftex Engravers, Inc 55297
Colt Tile, Terrazzo & Marble Co. Inc 55297
Columbian Cutlery Co., Inc 55298
Continental Group, Inc., et al .. 55315
Coronet Fashions 55298
Delaval Turbines, Inc 55299
D' Roma Fashions 55299
Excel IV, Inc 55300
Fort Smith Structural Steel Co. et al 55316
Gails Fashions 55300
Gossard, H. W., Co 55301
Graphic Engraving Corp 55301
Gulf Piper 55302
Imperial Textile Engraving, Inc 55302
Interlake, Inc. (2 documents) .. 55303, 55304
Jacobson Manufacturing Co., Inc 55304
Jolie'D Coats 55304
Juliet Footwear Co., Inc 55305
L. P. Sportswear, Inc 55307
Les-Co Engraving Co 55306
Lisa Manufacturing Co., Inc 55306
Lukens Steel Co 55307
Petrilli, Joseph, Co., Inc 55308
RCA Corp 55308
Sabrina Coat, Inc 55309
Titan Marble & Stone Co., Inc .. 55310
U.S. Steel Corp 55310
Wheeling-Pittsburgh Steel Corp. (2 documents) 55311
Wilshire Fashions 55312
Yeaman's, Inc 55312
Youngstown Sheet & Tube Co ... 55313

LAND MANAGEMENT BUREAU

Notices

Authority delegations:
Colorado State Office Technical Services Division, Adjudication Branch Team Leaders; correction 55275
Indian lands, jurisdiction transfer:
New Mexico 55275
Outer Continental Shelf:
Oil and gas lease sales, proposed; North Atlantic 55276
Oil and gas lease sales; restricted joint bidders, list; correction 55280
Survey plat filing:
Idaho 55275
Whitewater use, commercial; South Fork American, Merced, and Stanislaus Rivers; meeting .. 55274

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests 55319

MINES BUREAU

Rules

Helium sales and rental of containers, fee schedule 55208

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Meetings:
Research and Technology Advisory Council 55318
Space Science Steering Committee 55318

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Notices

Motor vehicle safety standards; exemption petitions, etc.:
Renault USA Inc.; acceleration control systems 55321

NATIONAL INSTITUTES OF HEALTH

Notices

Carcinogenesis bioassay of tetrachloroethylene; report availability 55270
Meetings:
Cancer Immunodiagnosis Committee; cancelled 55269
Cancer Immunotherapy Committee 55269
Cancer Institute, National; advisory committees (2 documents) 55268, 55271
Diabetes National Advisory Board (2 documents) 55269
General Clinical Research Centers Committee 55269
Primate Research Centers Advisory Committee 55270

Recombinant DNA Molecule Program Advisory Committee ---- 55270
Research Grants Division; study sections; Neurology A Study Section; date change-- 55270
Research Manpower Review Committee ---- 55271
Virus Cancer Program, Joint Working Conference---- 55272

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices
Endangered species parts or products; certificates of exemption-- 55252

NATIONAL PARK SERVICE

Proposed Rules
National Capital Parks:
Demonstrations and special events; White House sidewalk ---- 55234

Notices
Environmental statements; availability, etc:
Cedar Breaks National Monument, Utah---- 55288
Meetings:
Historic American Buildings Survey Advisory Board---- 55280

NATIONAL TRANSPORTATION SAFETY BOARD

Notices
Safety recommendations and accident reports; availability, responses, etc---- 55318

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Proposed Rules
State plans for enforcement of standards:
Colorado ---- 55234

Notices
Applications, etc.:
Frontier Hot-Dip Galvanizing, Inc ---- 55291
PDM Hydrostorage, Inc---- 55291

PENSION AND WELFARE BENEFITS PROGRAMS OFFICE

Notices
Employee benefit plans:
Prohibitions on transactions, exemption proceedings, applications, hearings, etc---- 55321

POSTAL RATE COMMISSION

Notices
Mail classification schedule; conferences rescheduled---- 55320

SECURITIES AND EXCHANGE COMMISSION

Proposed Rules
Securities Exchange Act:
Financial statement requirements exemptions for certain railroad issuers; withdrawn- 55227

SMALL BUSINESS ADMINISTRATION

Notices
Meetings, advisory councils:
Los Angeles District---- 55320

SOIL CONSERVATION SERVICE

Notices
Improvement works installation; Federal assistance authorized-- 55247

STATE DEPARTMENT

Notices
Meetings:
International Commission for Conservation of Atlantic Tuna, U.S. National Section Advisory Committee---- 55320
Shipping Coordinating Committee ---- 55320

TRANSPORTATION DEPARTMENT

See also Federal Railroad Administration, National Highway Traffic Safety Administration.

Notices
Railroad passenger experimental route, disposition of; intent to make findings and final decision ---- 55321

TREASURY DEPARTMENT

See Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service.

VETERANS ADMINISTRATION

Rules
Medical:
Emergency hospitalization; authority to furnish; time limitation for application extended ---- 55211

Notices
Meetings:
Actuarial Advisory Committee- 55324

WAGE AND HOUR DIVISION

Notices
Learners, certificates authorizing employment at special minimum wages ---- 55317

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR

213 (4 documents) 55189

7 CFR

301 55189
910 55190
966 55191
980 55192
1822 55193
1988 55194
1904 55195
1980 55196
2852 55197

PROPOSED RULES:

728 55242
792 55243
982 55245

9 CFR

PROPOSED RULES:

3 55221
317 55226
319 55226

10 CFR

PROPOSED RULES:

212 55246

12 CFR

265 (2 documents) 55203

14 CFR

PROPOSED RULES:

241 (2 documents) 55226
399 55226

17 CFR

PROPOSED RULES:

240 55227

21 CFR

146 55204
155 55204
184 55205
570 55206
1005 55207

PROPOSED RULES:

101 55227
501 55227

24 CFR

PROPOSED RULES:

200 55229
1917 55229

25 CFR

PROPOSED RULES:

33 55229
34 55231

27 CFR

PROPOSED RULES:

181 55233

29 CFR

1601 55388

PROPOSED RULES:

1952 55234

30 CFR

601 55208

32 CFR

143 55209

32A CFR

1505 55211

36 CFR

PROPOSED RULES:

50 55234

38 CFR

17 55211

40 CFR

PROPOSED RULES:

162 55235

49 CFR

268 55212
1033 (3 documents) 55212–55214

PROPOSED RULES:

1062 (2 documents) 55239–55241

50 CFR

32 (6 documents) 55214–55216
33 55219

CUMULATIVE LIST OF PARTS AFFECTED DURING OCTOBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.

1 CFR

Ch. I 53593, 53627
305 54251

3 CFR

PROCLAMATIONS:

4528 53591
4529 53893
4530 53895
4531 53897

EXECUTIVE ORDERS:

10033 (Amended by EO 12013) 54931
10253 (Amended by EO 12013) 54931
11541 (Amended by EO 12013) 54931
11951 (Amended by EO 12013) 54931
11183 (Amended by EO 12012) 54249
12011 53899
12012 54249
12013 54931

MEMORANDUMS:

September 20, 1977 55081

4 CFR

331 54254

PROPOSED RULES:

416 54296

5 CFR

213 ..... 53901, 53902, 54295, 54554, 55189
591 54554

7 CFR

2 55083
17 54397
26 54793
53 53902
301 55189
908 ..... 53593, 54793
910 ..... 53593, 53921, 54555, 54794, 55190
915 54556
927 53594
966 ..... 54935, 55191
980 55192
989 54794
1133 53595
1435 54556
1446 54559
1822 ..... 54401, 55193
1861 55090
1888 ..... 53966, 55194
1904 55195
1933 54401
1980 55196
2851 54562
2852 ..... 54561, 55197
2853 53921

PROPOSED RULES:

220 54831
722 54660
728 55242
792 55243
905 54949
929 ..... 54950, 55094
931 54566
932 55095
944 54949
982 55245
989 54423
999 54950
1049 54831
1425 54566
1427 54660

7 CFR—Continued

PROPOSED RULES—Continued

1464 54951
1487 53628
2852 54952

8 CFR

PROPOSED RULES:

242 54423

9 CFR

73 53947
350 54829
351 54829
354 54829
362 54829

PROPOSED RULES:

1 53968
3 ..... 53968, 55221
92 54834
114 53968
317 ..... 54437, 55221
319 ..... 54437, 55226

10 CFR

10 54402
Ch. II 54255
205 54255
211 ..... 54257, 54261, 54403
212 54257
430 ..... 54110, 54264
440 54268

PROPOSED RULES:

210 54423
211 ..... 54298, 54423, 54424
212 ..... 54301, 54423, 55246
791 53630

12 CFR

226 53947
265 ..... 53949, 55203
303 54407
545 55083

PROPOSED RULES:

202 54834
226 53969
338 54566

13 CFR

107 54271

14 CFR

21 54408
39 ..... 53590–53597, 54408, 54794–54796
71 ..... 53598, 54409–54413, 54796
73 ..... 53598, 54797
75 54796
97 54414
385 ..... 53599, 54798

PROPOSED RULES:

21 55176
23 54427
25 54427
36 55176
39 ..... 53631, 54428, 54429, 55102
71 ..... 53632, 54430, 54836, 55103, 55104
75 54430
91 ..... 53632, 54427, 55176
121 54427
135 54427

13 CFR—Continued

PROPOSED RULES—Continued

234 54303
241 55226
399 ..... 54431, 55226

15 CFR

17 54415
387 54529
388 54529
390 54530

16 CFR

1009 53950
1505 54273

PROPOSED RULES:

13 54573
1013 54304
1201 53798
1205 54573
1302 54836
1304 53970
1305 53970
1500 54308

17 CFR

200 54530
210 54935
230 54530
240 54531

PROPOSED RULES:

1 54837
166 54837
239 54573
240 ..... 53633, 53635, 54573, 55227
249 ..... 53633, 53635, 54573

18 CFR

2 53599
141 54935

19 CFR

1 ..... 54274, 54415, 54936
4 ..... 54274, 54936
18 ..... 54275, 54937
22 54283
24 ..... 54275, 54937
101 ..... 54275, 54937
111 54283
141 ..... 54282, 54944
148 ..... 54282, 54944
159 54799

PROPOSED RULES:

6 54310

20 CFR

416 54945

PROPOSED RULES:

416 54953

21 CFR

5 54532
73 54800
81 54800
146 55204
155 55204
177 54532
184 55205
201 53954
330 54800
436 54533

21 CFR—Continued

510 ... 54534
522 ... 53954
546 ... 54800, 54801
558 ... 54802
561 ... 53955
570 ... 55206
610 ... 54534
650 ... 54546
660 ... 54534
1005 ... 55207
1308 ... 54546
1316 ... 54945

PROPOSED RULES:

16 ... 54837
20 ... 54837
101 ... 55227
133 ... 53970, 53979
207 ... 54574
299 ... 54837
343 ... 53980
501 ... 55227
607 ... 54574
700 ... 54837
800 ... 54574
807 ... 54574
860 ... 54837

22 CFR

PROPOSED RULES:

51 ... 54838
71 ... 54838

24 CFR

280 ... 54382
1920 ... 53742–53752

PROPOSED RULES:

200 ... 55229
1917 ... 53753–53780, 54082–54107, 54360–54378, 55229
1930 ... 54432, 55105

25 CFR

PROPOSED RULES:

33 ... 55229
34 ... 55231

26 CFR

1 ... 53956, 54284, 54947

PROPOSED RULES:

1 ... 53637, 53956

27 CFR

PROPOSED RULES:

4 ... 54840
181 ... 55233

28 CFR

16 ... 54285

29 CFR

5 ... 54802
655 ... 54547
1601 ... 55388
2550 ... 54122

PROPOSED RULES:

1952 ... 55234
1990 ... 54148

30 CFR

250 ... 53956
601 ... 55208

31 CFR

214 ... 54803

32 CFR

114 ... 54547
143 ... 55209
706 ... 54947
819b ... 53958

32A CFR

1505 ... 55211

33 CFR

257 ... 54285

PROPOSED RULES:

208 ... 53637

36 CFR

67 ... 54548

PROPOSED RULES:

50 ... 55234
214 ... 54310

37 CFR

201 ... 53961

PROPOSED RULES:

201 ... 53980, 54840

38 CFR

17 ... 54804, 55211

PROPOSED RULES:

21 ... 54954

40 CFR

33 ... 53600
52 ... 53961–53968, 54416
133 ... 54664
432 ... 54417

PROPOSED RULES:

52 ... 53981
60 ... 53782
162 ... 55235
180 ... 54842
205 ... 53647
250 ... 54314
710 ... 53804

41 CFR

3–4 ... 54552
15–19 ... 54552
105–63 ... 54830

PROPOSED RULES:

60–4 ... 53982

42 CFR

121 ... 54577

43 CFR

31 ... 54806
3300 ... 53963

PROPOSED RULES:

4 ... 54434
26 ... 54314

45 CFR

100a ... 53828
100b ... 53828
100c ... 53828
104 ... 53822
105 ... 53824
250 ... 54420
1061 ... 55187
1068 ... 53600
1224 ... 54286

PROPOSED RULES:

175 ... 53982
179 ... 54926

46 CFR

502 ... 54291
531 ... 54810
543 ... 55087

47 CFR

0 ... 54822
17 ... 54823
73 ... 54420, 54826
87 ... 54421, 54552
91 ... 54827

PROPOSED RULES:

2 ... 54577
13 ... 54578
67 ... 53647
73 ... 54435, 54578, 54843, 55105–55109
83 ... 54436

49 CFR

268 ... 55212
386 ... 53764
391 ... 53764
1033 ... 53601, 54291–54294, 54828, 55212–55214
1080 ... 54552
1091 ... 53601
1102 ... 55087
1310 ... 54553
1102 ... 53602
1207 ... 53622
1249 ... 53622

PROPOSED RULES:

395 ... 55109
1003 ... 53982
1004 ... 54843
1008 ... 54579
1062 ... 54437, 54845, 55239–55241
1080 ... 53648
1127 ... 54920
1130 ... 53982
1134 ... 53982

50 CFR

20 ... 53627, 54554
32 ... 54422, 54828, 54829, 55087, 55214–55216
33 ... 53966, 55219
216 ... 54294

PROPOSED RULES:

32 ... 54581

FEDERAL REGISTER PAGES AND DATES—OCTOBER

Pages	Date	Pages	Date
53591–53891	Oct. 3	54793–54930	11
53893–54247	4	54931–55080	12
54249–54395	5	55081–55187	13
54397–54527	6	55189–55442	14
54529–54792	7		

reminders

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

Rules Going Into Effect Today

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

Rules Going Into Effect Oct. 15, 1977

Interior/FWS—Wapanocca National Wildlife Refuge; open to raccoon hunting. 38912; 8–1–77

Rules Going Into Effect Oct. 16, 1977

Labor/ETA—Disaster Unemployment Assistance Program..... 46711; 9–16–77

List of Public Laws

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

S. 213..... Pub. L. 95–125
To amend the Accounting and Auditing Act of 1950 to provide for the audit, by the Comptroller General, of the Internal Revenue Service and of the Bureau of Alcohol, Tobacco, and Firearms. (Oct. 7, 1977; 91 Stat. 1104). Price: $.50.

S. 1307..... Pub. L. 95–126
To deny entitlement to veterans' benefits to certain persons who would otherwise become so entitled solely by virtue of the administrative upgrading under temporarily revised standards of other than honorable discharges from service during the Vietnam era: to require case-by-case review under uniform, historically consistent, generally applicable standards and procedures prior to the award of veterans' benefits to persons administratively discharged under other than honorable conditions from active military, naval, or air service; and for other purposes. (Oct. 8, 1977; 91 Stat. 1106). Price: $5.50.

H.R. 6655..... Pub. L. 95–128
"Housing and Community Development Act of 1977". (Oct. 12, 1977; 91 Stat. 1111). Price: $1.40.

S. 1435..... Pub. L. 95–127
To amend the Federal Election Campaign Act of 1971 to extend the authorization of appropriations contained in such Act. (Oct. 12, 1977; 91 Stat. 1110). Price: $.50.

rules and regulations

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

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

[6325–01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

United States Information Agency

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Policy Guidance Coordinator, Office of Policy and Plans, is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: October 14, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, (202–632–4533).

Accordingly, 5 CFR 213.3328(n) is added as set out below:

§ 213.3328 U.S. Information Agency.

* * * * *

(n) One Policy Guidance Coordinator, Office of Policy and Plans.

(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.77–29760 Filed 10–13–77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The following positions are excepted under Schedule C because they are confidential in nature: One position of Deputy Director, Office of State and Community Affairs, and one position of Attorney-Advisor (Special Assistant) to the General Counsel.

EFFECTIVE DATE: October 14, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, (202–632–4533).

Accordingly, 5 CFR 213.3316(n)(18) and (p)(4) are added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(n) *Office of the Assistant Secretary for Human Development.* * * *

(18) One position of Deputy Director, Office of State and Community Affairs.

* * * * *

(p) *Office of the General Counsel.* * * *

(4) One Attorney-Advisor (Special Assistant) to the General Counsel.

* * * * *

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

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

[FR Doc.77–29914 Filed 10–13–77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Department of State

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Special Assistant to the Assistant Secretary for Inter-American Affairs is established under Schedule C because it is confidential in nature.

EFFECTIVE DATE: October 14, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202–632–4533).

Accordingly, 5 CFR 213.3304(aa)(1) is added as set out below:

§ 213.3304 Department of State.

* * * * *

(aa) *Bureau of Inter-American Affairs.* * * *

(1) One Special Assistant to the Assistant Secretary.

(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.77–29916 Filed 10–13–77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

U.S. Arms Control and Disarmament Agency

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Private Secretary to the Counselor of the Agency is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: October 14, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202–632–4533).

Accordingly, 5 CFR 213.3364(m) is added as set out below:

§ 213.3364 U.S. Arms Control and Disarmament Agency.

* * * * *

(m) One Private Secretary to the Counselor of the Agency.

(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.77–29915 Filed 10–13–77;8:45 am]

[3410–34]

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Mexican Fruit Fly

EXEMPTIONS

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document exempts from all requirements of the Mexican fruit fly quarantine and regulations the movement of any host fruits except for movements to or through specified citrus-producing areas. The restrictions on movements of host fruits not to or through citrus-producing areas are not necessary to prevent the spread of the Mexican fruit fly. Therefore, the issuance of limited permits and other restrictions with respect to the movement

of any host fruits except for movements to or through specified citrus-producing areas, will no longer be required.

FOR FURTHER INFORMATION CONTACT:

H. I. Rainwater, Regulatory Support Staff, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, U.S. Department of Agriculture, Hyattsville, Md. 20782, 301–436–8247.

SUPPLEMENTARY INFORMATION: The Mexican fruit fly is a dangerous insect that attacks citrus and other fruits. This fruit fly exists in a limited area in the Lower Rio Grande Valley, which has been designated as a regulated area. Bioclimatic studies have indicated that this fruit fly's ecological range in the United States is limited to warmer climes, i.e., citrus-producing areas. The Mexican fruit fly quarantine and regulations (7 CFR 301.64, 301.64–1 et seq.) regulate the interstate movement from infested areas of host fruits which pose a threat of spread of the insect to citrus-producing areas of the United States and specifies the host fruits and conditions under which movement of these fruits is allowed.

The quarantine and regulations have allowed noncertifiable host fruits to move interstate from regulated areas to specified destinations under limited permit. The only requirements for the movement of host fruits pursuant to a limited permit are that such permit indicates the place of destination and that the movement not be to or through a citrus-producing area.

Restrictions on the interstate movement of host fruits from a regulated area to or through citrus-producing areas are still necessary. However, interstate movements of host fruits from regulated areas which are not to or through citrus-producing areas do not require any restrictions because past experience has shown that the possibility of pest spread to citrus-producing areas by this means is negligible and the utilization of such limited permits creates unnecessary paperwork. Therefore, any interstate movement of host fruits is hereby exempted from all requirements under the quarantine and regulations, unless such movement is to or through a designated citrus-producing area.

Accordingly, § 301.64–2b of the regulations supplemental to the Mexican fruit fly quarantine (7 CFR 301.64–2b) is hereby amended to read as follows.

§ 301.64–2b Exemptions.[1]

Any movement of host fruits shall be exempt from all requirements of this subpart unless such movement is to or through the following: Arizona; California; Florida; Hawaii; Jefferson, Orleans, Plaquemines, St. Bernard, and St. Charles Parishes in Louisiana; Puerto Rico; and the Virgin Islands of the United States.

(Secs. 8, and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee).)

This amendment relieves certain restrictions heretofore imposed, and should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions that are being relieved. Also, it does not appear that additional information would be made available to the Department by public participation in rulemaking proceedings on the amendment.

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

NOTE.—The Plant Protection and Quarantine Programs, 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.

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

JAMES O. LEE, Jr.,
Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc.77–30206 Filed 10–13–77;8:45 am]

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

[3410–02]

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

[Lemon Reg. 115; Lemon Reg. 314, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period October 16–22, 1977, and increases the quantity of such lemons that may be so shipped during the period October 9–15, 1977. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective October 16, 1977, and the amendment is effective for the period October 9–15, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202–447–3545.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under 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 this marketing order, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on October 11, 1977, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is good on 140's and larger, and easing on 165's and smaller.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.415 Lemon Regulation 115.

1. *Order.* (a) The quantity of lemons grown in California and Arizona which may be handled during the period October 16, 1977, through October 22, 1977, is established at 205,000 cartons.

(b) As used in this section, "handled" and "carton(s) mean the same as defined in the marketing order.

2. The provisions of paragraph (a) in § 910.414 Lemon Regulation 314 (42 FR 54555) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period October 9, 1977, through October 15, 1977, is established at 230,000 cartons."

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

Dated: October 13, 1977.

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

[FR Doc.77–30389 Filed 10–13–77;12:24 pm]

[3410-02]

PART 966—TOMATOES GROWN IN FLORIDA

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh market shipments of tomatoes grown in certain counties in Florida to be inspected and meet minimum grade, size, pack, container and marking requirements. This should promote orderly marketing of such tomatoes by keeping less desirable sizes and qualities from being shipped to consumers.

EFFECTIVE DATE: October 17, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR 966) regulate the handling of tomatoes grown in designated counties of Florida. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Florida Tomato Committee, established under the order, is responsible for its local administration.

This regulation is based upon recommendations made by the committee at its public meeting in Palm Beach, Fla., on September 9, 1977. Notice was published in the September 21, 1977, FEDERAL REGISTER (42 FR 47560) regarding the proposals. It afforded interested persons an opportunity to file written comments not later than October 6, 1977. None was received.

The recommendations of the committee reflect its appraisal of the composition of the 1977-78 crop of Florida tomatoes and the marketing prospects for this season. The regulation is similar to those issued during past seasons. The grade and size requirements are necessary to prevent tomatoes of lower quality and undesirable sizes from being distributed in fresh market channels. Such tomatoes are usually of negligible economic value to producers. This will provide consumers with tomatoes of good quality and size throughout the season consistent with the overall quality of the crop. The requirements for containers, container net weights, and size classifications are necessary to standardize shipments in the interest of orderly marketing and to improve returns to growers.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements are inappropriate or unreasonable. Shipments are allowed to certain special purpose outlets without regard to minimum grade, size, container or inspection requirements provided that safeguards are used to prevent such tomatoes from reaching unauthorized outlets.

Tomatoes for canning are exempt under the legislative authority for this part. Since no purpose would be served by regulating tomatoes used for relief or charity purposes such shipments are also exempt. Because export requirements differ materially, on occasion, from domestic market requirements such shipments are exempt. The following types of tomatoes are exempt from these regulations: elongated types commonly referred to as pear shaped or paste tomatoes, cerasiform type tomatoes commonly referred to as cherry tomatoes, hydroponic tomatoes and greenhouse tomatoes. Such types are generally of good quality, readily identifiable either by their distinctive shapes or container markings and usually comprise a very small part of the total crop. Tomatoes marketed within the regulated area are unregulated because of an increase in the u-pick type of harvest in Florida production areas close to urban areas and resulting difficulty in obtaining compliance with regulations. The minimum quantity exemption permits persons to handle up to 60 pounds of tomatoes per day without regard to the requirements of this part. This reduces the problem of enforcement on small shipments of essentially noncommercial nature. The requirements concerning special pack shipments are intended to help handlers in the production area compete on an equal basis with those outside the area by not requiring reinspection of previously inspected and certified tomatoes when repacked in consumer size packages.

After consideration of all relevant matters presented, including the above proposal recommended by the Florida Tomato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1977-78 crop tomatoes grown in the production area will begin on or about the effective date herein and the regulation should become effective at that time to maximize the benefits to producers; (2) information regarding the provisions of the recommendation by the committee has been disseminated among the growers and handlers of tomatoes in the production area; and (3) compliance with this section should not require any special preparation on the part of handlers subject thereto which cannot be completed by such effective date.

The regulation is as follows:

§ 966.316 Handling regulation.

During the period October 17, 1977, through June 17, 1978, no person shall handle any lot of tomatoes for shipment outside the regulated area unless they meet the requirements of paragraph (a) or are exempted by paragraphs (b) or (d).

(a) *Grade, size, container and inspection requirements.*

(1) *Grade.* Tomatoes shall be graded and meet the requirements specified for U.S. No. 1, U.S. Combination, U.S. No. 2 or U.S. No. 3, of the U.S. Standards for Grades of Fresh Tomatoes. When not more than 15 percent of tomatoes in any lot fail to meet the requirements of U.S. No. 1 grade and not more than one-third of this 15 percent (or 5 percent) are comprised of defects causing very serious damage including not more than one percent of tomatoes which are soft or affected by decay, such tomatoes may be shipped and designated as at least 85 percent U.S. No. 1 grade.

(2) *Size.* (i) tomatoes shall be at least $2\frac{1}{32}$ inches in diameter and be sized in accordance with § 2851.1859 of the U.S. tomato standards.

(ii) Tomatoes of designated sizes may not be commingled unless they are over $2\frac{17}{32}$ inches in diameter and each container shall be marked to indicate the designated sizes.

(iii) Only the generic terms as defined in § 2851.1859 may be used to indicate size designations on containers of tomatoes; except that the following abbreviations may be used—SML for small, MED for medium, LG for large, EX LG for extra large, or MAX LG for maximum large.

(3) *Containers.* (i) Tomatoes shall be packed in containers of 20, 30 or 40 pounds designated net weights and comply with the requirements of § 2851.1863 of the U.S. tomato standards.

(ii) Each container shall be marked to indicate the designated net weight and must show the name and address of the shipper in letters at least one-fourth (¼) inch high.

(iii) If the container in which the tomatoes are packed is not clean and bright in appearance without marks, stains or other evidence of previous use, the lid of such container shall be marked with the words "USED BOX" in letters not less than three-fourths (¾) inch high.

(4) *Inspection.* Tomatoes shall be inspected and certified pursuant to the provisions of § 966.60. Each handler who applies for inspection shall register with the committee pursuant to § 966.113. Handlers shall pay assessments as provided in § 966.42. Evidence of inspection must accompany truck shipments.

(b) *Special purpose shipments.* The requirements of paragraph (a) of this section shall not be applicable to shipments of tomatoes for canning, relief, charity or export if the handler thereof complies with the safeguard requirements of paragraph (c) of this section. Shipments for canning are also exempt from the assessment requirements of this part.

(c) *Safeguards.* Each handler making shipments of tomatoes for canning, relief, charity or export in accordance with paragraph (b) of this section shall:

(1) Apply to the committee and obtain a Certificate of Privilege to make such shipments.

(2) Prepare on forms furnished by the committee a report in quadruplicate on such shipments authorized in paragraph (b) of this section.

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

(4) Forward one copy of such report to the committee office and two copies to the receiver for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within ten days after shipment shall be cause for cancellation of such handler's certificate and/or receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of any such certificate, the handler may appeal to the committee for reconsideration.

(d) *Exemption.*—(1) *For types.* The following types of tomatoes are exempt from these regulations: Elongated types commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top and Roma varieties; cerasiform type tomatoes commonly referred to as cherry tomatoes; hydroponic tomatoes; and greenhouse tomatoes.

(2) *For minimum quantity.* For purposes of these regulations each person subject thereto may handle up to but not to exceed 60 pounds of tomatoes per day without regard to the requirements of these regulations but this exemption shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(3) *For special packed tomatoes.* Tomatoes resorted, regarded and repacked by a handler who has been designated as a "Certified Tomato Repacker" by the committee are exempt from the tomato grade classifications of paragraph (a) (1) and the size classifications of paragraph (a) (2) except that the tomatoes shall be at least 2 4/32 inches in diameter and the container weight requirements of paragraph (a) (3) if such tomatoes comply with the inspection requirements of paragraph (a) (4).

(e) *Definitions.* "Hydroponic tomatoes" means tomatoes grown in solution without soil; "greenhouse tomatoes" means tomatoes grown indoors. A "Certified Tomato Repacker" is a repacker of tomatoes in the regulated area who has the facilities for handling, regrading, resorting and repacking tomatoes into consumer size packages and has been certified as such by the committee. "U.S. tomato standards" means the revised United States Standards for Grades of Fresh Tomatoes (7 CFR 2851.1855–2851.1877), effective December 1, 1973, as amended, or variations thereof specified in this section (Title 7, Chapter I, Part 51 was redesignated Title 7, Chapter 28, Part 2851 on June 27, 1977). Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part, and the U.S. tomato standards.

(f) *Applicability to imports.* Under section 8e of the act and section 980.212 "Import regulations" (7 CFR 980.212) tomatoes imported during the effective period of this section shall be at least U.S. No. 3 grade and at least 2 4/52 inches in diameter. Not more than 10 percent, by count, in any lot may be smaller than the minimum specified diameter.

NOTE.—It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

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

Dated: October 12, 1977, to become effective October 17, 1977.

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

[FR Doc.77-30243 Filed 10-13-77;8:45 am]

[3410–02]

PART 980—VEGETABLES: IMPORT REGULATIONS

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires imports of tomatoes to be inspected and meet minimum grade and size requirements. The regulation should promote orderly marketing of such tomatoes by keeping less desirable qualities and sizes from being imported.

EFFECTIVE DATE: October 17, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Notice of rulemaking regarding proposed requirements on the importation of tomatoes into the United States to be made effective under Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), was published in the September 21 FEDERAL REGISTER (42 FR 47561). The notice afforded interested persons an opportunity to file written data, views or arguments in regard thereto not later than October 6, 1977. None was filed.

Section 8e of the act provides that whenever a Federal marketing order is in effect for tomatoes, the importation of tomatoes shall be prohibited unless they comply with the grade, size, quality and maturity provisions of such order. The provisions hereinafter set forth comply with those which become effective under Marketing Order No. 966, as amended, for tomatoes grown in designated counties of Florida.

It is hereby found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under Section 8e of the act; (2) in fixing the effective date hereof consideration was given to the time required for transportation of the tomatoes and entry into the United States; and (3) such notice is in excess of the three day minimum required by the act.

The regulation is as follows:

§ 980.212 Import regulations; tomatoes.

(a) *Findings and determinations with respect to fresh tomatoes.* (1) Under Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby found that:

(i) Grade, size, quality and maturity regulations have been issued from time to time under Marketing Order No. 966, as amended;

(ii) The marketing of fresh tomatoes from Florida covered by Marketing Order No. 966, as amended, can reasonably be expected to occur during the months of October through June;

(2) Therefore, it is hereby determined that imports of fresh tomatoes during the months of October through June are in most direct competition with the marketing of fresh tomatoes produced in Florida covered by Marketing Order No. 966, as amended.

(b) *Grade, size, quality and maturity requirements.* On and after the effective date hereof no person may import fresh tomatoes except pear shaped, cherry, hydroponic and greenhouse tomatoes as defined herein, unless they are inspected and meet the following requirements:

(1) During the October–June period of each marketing year, whenever tomatoes grown in Florida are regulated under Marketing Order No. 966, imported tomatoes shall comply with the grade, size, quality and maturity requirements imposed under that order.

(c) *Minimum quantity exemption.* Any importation which in the aggregate does not exceed 60 pounds may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(e) *Designation of Governmental inspection service.* The Federal or the Federal-State Inspection Service, Food Safety and Quality Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of tomatoes that are imported into

the United States under the provisions of section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the tomatoes meet the United States import requirements for tomatoes under Section 8e (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specified lot is required on all imports of fresh tomatoes.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (7 CFR Part 2851). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points	Officer-in-charge, 1301 West Expressway, Alamo, Tex. 78516, phone 512-787-4091 or 6881.	1 d.
All Arizona points	Officer-in-charge, P.O. Box 1614, Nogales, Ariz. 85621, phone 602-287-2902	1 d.
All California points	Officer-in-charge, 784 South Central Ave., room 266, Los Angeles, Calif. 90021, phone 213-688-2489.	3 d.
All Hawaii points	Officer-in-charge, P.O. Box 22159 Pawaa substation Honolulu, Hawaii 96822, phone 808-941-3071.	1 d.
All Puerto Rico points	Officer-in-charge, P.O. Box 9112, Santurce, P.R. 00908, phone 809-783-2230 or 4116.	2 d.
New York City, N.Y.	Officer-in-charge, room 28A, Hunts Point Market, Bronx, N.Y. 10474, phone 212-991-7669 or 7668.	1 d.
New Orleans, La.	Officer-in-charge, 5027 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans La. 70113, phone 504-589-6741 or 6742.	1 d.
Miami, Fla.	Officer-in-charge, 1350 Northwest 12th Ave., room 530, Miami, Fla. 33136, phone 305-324-6116 or 6117.	1 d.
All other Florida points	Officer-in-charge, P.O. Box 1232, Winter Haven, Fla. 33880, phone 813-294-3511, ext. 33.	1 d.
All other points	Chief, fresh products branch, fruit and vegetable quality division, food safety and quality service, Washington, D.C. 20250, phone 202-447-5870.	3 d.

(4) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of tomatoes for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Importation" means release from custody of the United States Bureau of Customs. "Cherry tomatoes" means cerasiform types commonly referred to as "cherry tomatoes." "Pear shaped tomatoes" means elongated types, commonly referred to as pear shaped or paste tomatoes and include San Marzano, Red Top and Roma varieties.

"Hydroponic tomatoes" means tomatoes grown in solution without soil. "Greenhouse tomatoes" means tomatoes grown indoors. The terms relating to grade and size, as used herein, shall have the same meaning as when used in the U.S. Standards for Grades of Fresh Tomatoes (7 CFR 2851.1855–2851.1877; Title 7, Chapter I, Part 51 was redesignated Title 7, Chapter 28, Part 2851 on June 27, 1977).

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

Dated: October 12, 1977 to become effective October 17, 1977.

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

[FR Doc.77-30242 Filed 10-13-77;8:45 am]

[3410–07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

(FmHA Instruction 444.5)

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loan Policies, Procedures and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations concerning interest rate reductions on projects utilizing section 8 assistance and makes additional editorial changes. This action is necessary to make current FmHA regulations concerning interest credits to profit organizations consistent with the HUD—FmHA Memorandum of Understanding on sections 8/515 assistance. The effect of this action will prevent profit organizations that receive Section 8 assistance from receiving a FmHA reduction in the effective interest rate.

EFFECTIVE DATE: September 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul R. Conn, 202–447–7207.

SUPPLEMENTARY INFORMATION: Exhibits 0 and 0–1 of Subpart D Part 1822, Title 7, Code of Federal Regulations, are amended so that interest rate reductions applicable to Section 8 units will be at least one percentage point below the FmHA interest rate in effect for section 515 loans at the time of loan closing, but this interest rate reduction will not be provided to projects operated on a profit basis as defined in FmHA regulations and approved after the effective date of this amendment, Paragraphs II and IV A and B of Exhibit 0, and paragraph III A of Exhibit 0–1 are amended to make FmHA regulations consistent with changes being made simultaneously in the Memorandum of Understanding on the use of Section 8 of the United States Housing Act of 1937 and Section 515 of the Housing Act of 1949, by the Department of Housing and Urban Development (HUD) and FmHA. An editorial change is made in paragraph V C of Exhibit 0. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is being published effective on September 20, 1977. Since this action is being taken to make FmHA regulations consistent with changes being concurrently made in the HUD and FmHA Memorandum of Understanding on Section 8/515 assistance, publication for prior comment being impracticable, is not necessary. As amended, paragraphs II, IV A and B and V C of Exhibit 0, and paragraph III A of Exhibit 0–1 read as follows:

EXHIBIT 0—RRH LOANS AND THE HUD SECTION 8 HOUSING AND ASSISTANCE PAYMENTS PROGRAM (NEW CONSTRUCTION)

I. *General.* The attached Exhibit 0–1 is the Memorandum of Understanding between the Department of Housing and Urban Development (HUD) and the Department of Agriculture, Farmers Home Administration (FmHA), concerning the application processing and operation of rural rental projects involving HUD Section 8 housing assistance payments. The Memorandum provides for a set aside of contract authority under Section 8 of the U.S. Housing Act of 1937 for new construction projects financed by FmHA under Section 515. Only units charged against this set aside are eligible under these procedures. This Exhibit and HUD's regulations published in 24 CFR Part 883 Subparts G and H contain the policies and procedures that will be followed by FmHA in imple-

menting and carrying out the provisions of the Agreement.

II. *Establishment of Interest Rate for Section 8 Units.* FmHA will provide an interest reduction for all units under Section 8, except units in projects operated on a profit basis and approved after September 20, 1977. Since the advantage of this interest reduction must be passed through to the tenant in the form of lower rents, the budget for the Section 8 units should not reflect an excess of income over operating and maintenance expenses, debt repayment, reserve requirements, and for limited profit borrowers, a return on initial investment. If the borrower will operate the project on a nonprofit or limited profit basis, the payment of interest on the RRH loan will be based on at least a 1 percent interest reduction below the established interest rate for RRH loans for the units of a project under HUD's Housing Assistance Payments Contract (Contract). However, when the budget is prepared on the basis of a 1 percent reduction and the proposed Contract Rents exceed the applicable Fair Market Rents, the State Director may approve an interest reduction of 2 percent below the note rate of interest for the units utilizing the HUD Housing Assistance Payments Program. The State Director, in making this determination, must be sure that the budget is accurate and reflects reasonable and typical costs for the area and is necessary to make the project feasible. If the reduction of 2 percent below the interest rate of the note does not result in rental rates which are equal to or less than the Fair Market Rate, the State Director will submit a request including the budget, a narrative budget analysis, and other supporting data, to HUD's Field Office Director for approval of higher Contract Rents. HUD may approve increases of up to 20 percent above the Fair Market Rents. The interest rate shown on the note, however, will be in accordance with FmHA Instruction 440.1, Exhibit B. This reduction in interest or interest credit will be accomplished in the manner indicated for Plan I and Plan II in Exhibit J of this Instruction and in accordance with paragraph IV of this Exhibit.

* * * * *

IV. *Budgets and interest credit agreements.* * * *

A. *Total Project Under Section 8.* If a project is developed with all units of the project covered by Section 8, one budget will be prepared. The budget will be based on an interest rate which has been set for the project in compliance with paragraph II of this Exhibit. When applicable, an interest credit agreement will be entered into with the borrower to show the amount of interest reduction. Check Plan I of the agreement and show the amount of interest credit as the difference between the amortized payment at the note rate of interest and the amortized payment calculated at the effective interest rate. In addition to checking Plan I on the Form FmHA 444-7, "Interest Credit Agreement (RRH & RCH Loans)," type the following notation as an added paragraph until this change is incorporated into the form by revision:

"10. This interest credit agreement is submitted for a section 8/515 project. The interest credit to be applied is based on information contained in Part 1822 Subpart D Exhibit 0, paragraph IV A. The effective interest rate is (enter 1 or 2 percent) below the note rate of interest."

B. *Mixed Project for Profit.* If a mixed project is developed (a project with only a part of the units covered by Section 8 contract) and the borrower is operating on a profit basis, one budget will be prepared based on market rent. The market rent and contract rent set must be the same. If the borrower agrees to operate on a limited profit or nonprofit basis, paragraph IV C of this exhibit will apply.

* * * * *

V. *Compliance and Certification Required.*

* * *

* * * * *

C. *Site and Neighborhood Standards.* The State Director will certify that the location of each project is in compliance with paragraph VIII Q of this Instruction. Exhibit 0-4 will be used to assist in determining compliance with this requirement. Exhibit 0-5 may be used until HUD supplies an appropriate form for the certification.

* * * * *

EXHIBIT 0-1—MEMORANDUM OF UNDERSTANDING ON USE OF SECTION 8 OF THE UNITED STATES HOUSING ACT OF 1937 AND SECTION 515 OF THE HOUSING ACT OF 1949

* * * * *

III. *Contract and Fair Market Rents.*

A. FmHA agrees to provide interest credit on any newly contracted Section 515 project to be assisted by Section 8 housing assistance payments. The effective interest rate applicable to the Section 8 units will be reduced by at least one percentage point below the FmHA interest rate in effect for Section 515 loans at the time of loan closing. The requirement that an interest credit be provided shall not apply to projects approved after the effective date of this paragraph and which are operated on a profit basis as defined by FmHA regulations.

* * * * *

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

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

Dated: September 29, 1977.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.

[FR Doc.77-29982 Filed 10-13-77;8:45 am]

[3410-07]

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[FmHA Instruction 440.3]

PART 1888—SPECIAL ASSISTANCE TO DROUGHT STRICKEN AREAS

Authorization for Reduction of Interest Rates

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulation to add provisions authorizing a reduction of interest rates on Emergency (EM) loans for actual losses. This is as a result of Pub. L. 95-89, which was enacted August 4, 1977, authorizing new interest rates for EM loans for actual losses for disasters occurring on or after July 1, 1976, and prior to October 1, 1978. This action is intended to further aid disaster victims.

EFFECTIVE DATE: October 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Jesse C. Joyner, (202-447-6257).

SUPPLEMENTARY INFORMATION: Sections 1888.4 and 1888.12 of Part 1888, Chapter XVIII, Subchapter G, "Miscellaneous Regulations," Title 7, Code of Federal Regulations (42 FR 19322; 42 FR 23158) are amended. The purpose of this amendment is to comply with Pub. L. 95-89 which provides that interest rates on EM loans for actual losses be set in the following manner:

1. For repair or replacement of the primary residence and personal property, 1-percent on the first $10,000, 3-percent on the balance not to exceed $40,000, and 5-percent above $40,000.

2. For other actual loss loans, 3-percent up to $250,000 and 5-percent above $250,000.

3. For disasters occurring prior to July 1, 1976, the interest rate for actual losses will remain at 5-percent.

The law further provides that when a loan bears interest at different rates, repayment of principal and interest on the lowest interest rate portion of the loan will be scheduled for repayment before principal payments on those portions of the loan bearing higher interest rates.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the change is mandated by Pub. L. 95-89; therefore public procedure thereon is unnecessary. Accordingly, §§ 1888.4 and 1888.12 as amended, read as follows:

§ 1888.4 Areas of eligibility.

Loans and grants under this part are to be made in the following areas:

(a) Areas currently designated by the President, the Secretary of Agriculture, or the FmHA State Director as Emergency Loan (EM) areas because of drought.

(b) Areas subsequently designated because of drought in accordance with Subpart C of Part 1904 of this Chapter.

(c) Those rural communities requesting assistance under these provisions will be determined to be in an eligible area if they are in areas designated by paragraphs (a) or (b) of this section, or any other area designated by a Federal Agency administering programs of drought assistance. (This applies to water and waste disposal loan and grant programs only.)

§ 1888.5–1888.11 [Reserved]

§ 1888.12 Emergency loans.

(a) *Production losses.*—(1) *Drought production losses.* Farmers, ranchers and persons engaged in aquaculture (including private domestic corporations and partnerships) otherwise eligible may be eligible for 3-percent interest rate loss loans up to $250,000 and 5-percent interest rate loss loans above $250,000 under this provision when due to the drought. *Provided:*

(i) They are unable to plant all or a portion of their normal crops, including feed crops, or are unable to graze pastures; or

(ii) They will be unable to produce all or a portion of their normal perennial crops already growing such as fruits and nuts; or

(iii) They will be precluded from harvesting all or part of the crops they have planted.

(2) *Decrease in production.* Drought production losses must represent a decrease in production of at least 20 percent below normal in a basic farming enterprise to establish eligibility. See § 1904.170 of this Chapter.

(3) *Amount of EM loan.* The amount of the drought production loss will be calculated by determining normal income in accordance with § 1904.170 of this chapter and subtracting therefrom (i) the amount of any income that may be derived from the disaster-affected enterprise(s), plus (ii) the costs which will not be incurred because of the drought. Such costs will be derived from current crop enterprise budgets prepared by State Agricultural Extension Service economists which are based on normal farming conditions in the designated drought area.

(4) *Additional loans for actual production losses.* Additional loans for actual production losses later determined at the end of the crop season will be made at the 3-percent or 5-percent interest rate in accordance with § 1904.170 of this chapter. The amount of any drought loss loan must be deducted from any additional actual production loss loans made to borrowers based on losses from the same disaster to the same enterprise(s) for which an applicant later qualifies.

(5) *Physical loss loans.* Loans for physical losses may be made at the 1-percent, 3-percent or 5-percent interest rate in accordance with Subpart C of Part 1904 of this chapter.

(b) *Annual operating and major adjustment loans.* Farmers, ranchers, and persons engaged in aquaculture (including private domestic corporations and partnerships) found eligible for loss loans as prescribed in this regulation may be eligible for major adjustment and operating loans at the prevailing market rate of interest in accordance with § 1904.170 of this chapter.

(c) *Procedure for loan making and servicing.* Loans shall be made and serviced in accordance with § 1904.170 of this chapter, except as modified in this subpart.

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: September 30, 1977.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.

[FR Doc.77-29980 Filed 10-13-77;8:45 am]

[3410–07]

SUBCHAPTER I—LOAN AND GRANT PROGRAMS (INDIVIDUAL)

[FmHA Instruction 1904–C]

PART 1904—LOAN AND GRANT PROGRAMS (INDIVIDUAL)

Subpart C—Farmer Program Loans

SOIL AND WATER LOANS

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation to accept applications for soil and water loans for actions stated prior to April 7, 1977: *Provided,* The action was undertaken for the express purpose of mitigating losses and damage resulting from the 1976–1977 drought period. The intended effect of this amendment is to make this assistance more available. Towards this end FmHA, herein also defines eligible loan purposes; eliminates the test for credit; extends the obligation period from September 30, 1977, to November 30, 1977; and extends the period for development of work from November 30, 1977, to January 31, 1978.

EFFECTIVE DATE: October 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Denton E. Sprague, 202–447–4597.

SUPPLEMENTARY INFORMATION: Exhibit F of Subpart C of Part 1904, Chapter XVIII of Title 7, Code of Federal Regulations (42 FR 44691–44692) is amended. This amendment revises the procedure contained in FmHA's regulation including Attachment I of this Exhibit "Memorandum of Understanding Between the Bureau of Reclamation, Department of the Interior, and the Farmers Home Administration, Department of Agriculture" for making Bureau of Reclamation loans to irrigators in order to make the procedure consistent with legislation enacted by the Congress and signed by the President on August 17, 1977 (42 FR 45927). The new Pub. L. 95–107 amends the Bureau of Reclamation Emergency Drought Act of 1977 (Pub. L. 95–18 approved April 7, 1977) and provides additional time to perform certain action under the Emergency Drought Act of 1977, and releases funds from the waterbank for other purposes.

Specifically, the revision of this Exhibit relieves necessity for the applicant to explore the availability of other credit before a loan is finalized; sets forth the purposes for equipment and services, and allows for consideration of applicant's loans whose development work was started or completed prior to date of application; extends the authorities of the Act from September 30, 1977 to November 30, 1977, extends the time for accomplishment of construction activities under those authorities from November 30, 1977, to January 30, 1978, and adds as Attachment II of this Exhibit F, "Amendatory Memorandum of Understanding Between the Bureau of Reclamation, Department of the Interior, and the Farmers Home Administration, Department of Agriculture" following Attachment I published at 42 FR 44692.

Although the authorities of the Act have been extended until November 30, 1977, funds to carry out the provisions of the Act have been appropriated only for fiscal year 1977. In the absence of further action by Congress, all funds to be used under that authority must be obligated by September 30, 1977.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. However, since this amendment is being made in order to assist farmers under the provisions of the Emergency Drought Act of 1977 and the new law extending these provisions. Any delay in implementing this amendment would be contrary to public interest because of the deadline set forth in the Act on the use of funds obligated and the nature of the farmers' current need. Accordingly, as amended, Exhibit F and Attachment II of Subpart C of Part 1904 read as follows:

EXHIBIT F

BUREAU OF RECLAMATION LOANS TO IRRIGATORS AND ADMINISTERED BY FARMERS HOME ADMINISTRATION

I. *General.* This Exhibit provides additional procedures for making and servicing Soil and Water (SW) type loans to individuals located within Reclamation Projects. Attachment I is a Memorandum of Understanding Between the Bureau of Reclamation (BR) and the Farmers Home Administration (FmHA) outlining the working relationship between the agencies for these loans. Attachment II is an Amendatory Memorandum to Attachment I. The Memorandum of Understanding establishes eligibility requirements, sets loan terms, and indicates the purposes for which these loans may be made. The FmHA County Supervisors can resolve any question about project boundaries, acreage limitations, loan purposes, or eligibility requirements by contacting the BR office having jurisdiction over the project area. County Supervisors are authorized to accept applications and consider loans for applicants whose development work was started or completed prior to the date of loan application so long as the work was undertaken for the express purpose of mitigating losses and damages resulting from

drought which occurred during the 1976–1977 drought period and the applicant has not already obtained permanent financing.

II. *Objectives.* Provide BR financial assistance to irrigators as defined in Attachment 1 and for the purposes outlined therein.

III. *Purposes.* Loans may be made for:

A. Paying the cash costs for materials, supplies, equipment, and services related to water development such as:

1. Terraces, dikes, reservoirs, ponds, tanks, cisterns, wells, pipelines, pumping, and irrigation equipment, ditches and canals for irrigation and drainage, waterways, and erosion control structures.

2. Expenses incident to obtaining plans and making the loan, such as fees for legal, engineering, and other technical services which are required to be paid by the borrower and which he cannot pay from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making any planned improvements.

B. The purchase of water stock or membership in an incorporated water users association.

C. The acquisition of a water right through appropriation, agreement, permit, or decree.

D. The purchase of land or an interest therein for sites or rights-of-way upon which a water or drainage facility will be located.

IV. *Other Credit.* The applicant will not be required to explore the availability of other credit for this loan.

V. *Procedures.* This regulation and other related FmHA regulations will be used in processing and securing the BR loans. Applicable FmHA forms will be used. The following modifications will be required: Form FmHA 410–1, "Application for FmHA Services"—In section 24 and after "Type of Loan Applied for" complete "other" by inserting "SW–BR". Form FmHA 427–1, "Real Estate Mortgage"—Wherever reference is made to "the Consolidated Farm and Rural Development Act" insert "and Pub. L. 95–18".

Form FmHA 440–1, "Request for Obligation of Funds"—Loans will be identified by typing "43" in block 7 of Part I.

Form FmHA 440–2, "County Committee Certification or Recommendation"—In the block entitled "type of assistance" check the block "other" and specify "SW–BR".

Form FmHA 440–15, (State) "Security Agreement (Insured Loans to Individuals)"—Where reference is made to rates of interest, insert "zero". In the center of page 1, strike "the Consolidated Farmers Home Administration Act, 1961, or Title V of the Housing Act of 1949; and" and insert "Pub. L. 95–18 and".

Form FmHA 440–16, "Promissory Note"—In the block "Kind of Loan" and after "type" "SW–BR"; after "Pursuant to" insert "Pub. L. 95–18". Where reference is made to the percent of interest, insert "zero". In the last paragraph on page 2, delete "the Consolidated Farm and Rural Development Act or Title V of the Housing Act of 1949" and insert "Pub. L. 95–18".

Form FmHA 441–1 "Promissory Note"—In the block "Kind of Loan" insert "SW–BR". Where reference is made to the rate of interest, insert "zero". In the next to the last paragraph on page 2, delete "subtitle B or C of the Consolidated Farm and Rural Development Act" and insert "Pub. L. 95–18".

VI. *Effective Period.* 1. The Drought Emergency Act of 1977, as amended (Pub. L. 95–18 as amended by Pub. L. 95–107) provides for the loan requests to be obligated by November 30, 1977. Funds have been appropriated for Fiscal Year 1977 only and unless further action is taken by Congress, loan requests must be obligated by September 30, 1977.

2. Development financed under this authority must be completed by January 31, 1978.

VII. *Servicing.* These loans will be serviced by FmHA in accordance with servicing instructions applicable to Individual SW loans.

VIII. *Reimbursement.* BR shall pay to FmHA a charge of 5 percent of principal of each loan. The 5 percent charge shall be disbursed to FmHA by the Finance Office at the time of each loan advance.

EXHIBIT F—ATTACHMENT II

AMENDATORY MEMORANDUM OF UNDERSTANDING BETWEEN THE BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR AND THE FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

Whereas, the Bureau of Reclamation (BR) and the Farmers Home Administration (FmHA) consumated a Memorandum of Understanding on July 15, 1977, whereby BR would procure the services of FmHA pursuant to the terms of the Economy Act of 1932 (31 U.S.C. 686) to make and service loans to individual irrigators as authorized by section 8 of the 1977 Drought Emergency Act (Pub. L. 95–18); and

Whereas, item 3 of that Memorandum of Understanding provides in part that all loans shall be obligated not later than September 30, 1977, and any construction related to any loan must be completed by November 30, 1977; and

Whereas, Pub. L. 95–107, enacted on August 17, 1977, amends Pub. L. 95–18 to accomplish, among other things, an extension of the time for completing construction activities under the authorities of Pub. L. 95–18 from November 30, 1977, to January 31, 1978.

Now, therefore, the parties agree that the date November 30, 1977, in the last sentence of item 3 of the Memorandum of Understanding executed by BR on June 29, 1977, and FmHA on July 15, 1977, be revised to January 31, 1978, so that the sentence will read, "All loans shall be obligated not later than September 30, 1977, and any construction related to any loan must be completed by January 31, 1978."

Date of September 6, 1977.

BUREAU OF RECLAMATION,
DEPARTMENT OF THE INTERIOR.
R. KEITH HIGGINSON,
Commissioner.
FARMERS HOME ADMINISTRATION,
DEPARTMENT OF AGRICULTURE.
GORDON CAVANAUGH,
Administrator.
SEPTEMBER 7, 1977.

(7 U.S.C. 1989; 5 U.S.C. 301; Sec. 10 P.L. 93–357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: September 29, 1977.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.

[FR Doc.77–29984 Filed 10–13–77;8:45 am]

[3410–07]

SUBCHAPTER N—OTHER LOAN PROGRAMS

[FmHA Instruction 1980–B]

PART 1980—GUARANTEED LOAN PROGRAMS

Subpart B—Farmer Program Loans

AUTHORIZATION FOR REDUCTION OF INTEREST RATES

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulation to add provisions authorizing a reduction of interest rates on Emergency (EM) loans for actual losses. This is as a result of Pub. L. 95–89, which was enacted August 4, 1977, authorizing new interest rates for EM loans for actual losses for disasters occurring on or after July 1, 1976, and prior to October 1, 1978. This action is intended to further aid disaster victims.

EFFECTIVE DATE: October 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Jesse C. Joyner, 202–447–6257.

SUPPLEMENTARY INFORMATION: Section 1980.170 of Subpart B of Part 1980, Chapter XVIII, Subchapter N, "Other Loan Programs," Title 7, Code of Federal Regulations (42 FR 44717) is amended. Paragraph (e) of this section is amended to add a new subparagraph (2); the present paragraphs (e)(2) and (3) are redesignated (3) and (4) respectively. The purpose of this amendment is to comply with Pub. L. 95–89 which provides that interest rates on EM loans for actual losses be set in the following manner:

1. For repair or replacement of the primary residence and personal property, 1 percent on the first $10,000 3 percent on the balance not to exceed $40,000, and 5 percent above $40,000.

2. For other actual loss loans, 3-percent up to $250,000 and 5-percent above $250,000.

3. For disasters occurring prior to July 1, 1976, the interest rate for actual losses will remain at 5-percent.

The law further provides that when a loan bears interest at different rates repayment of principal and interest on the lowest interest rate portion of the loan will be scheduled for repayment before principal payments on those portions of the loan bearing higher interest rates.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the change is mandated by Pub. L. 95–89; therefore public pro-

cedure thereon is unnecessary. Accordingly, § 1980.170(e) as amended, reads as follows:

§ 1980.170 Emergency loans.

* * * * *

(e) *Interest rates and terms*—(1) *Interest rates.*—Interest will be charged only on the actual amount of loan funds borrowed and for the actual time the loan is outstanding. The interest rate initially established for each loan will remain constant during the existence of the FmHA Guarantee thereon. Interest on protective advances made by the lender to protect the security may be charged at the rate specified in the security instruments. Interest rates are as follows:

(i) Except for disasters occurring on or after July 1, 1976, and prior to October 1, 1978, EM loans for actual losses will be at 5-percent.

(ii) For disasters occurring on or after July 1, 1976, and prior to October 1, 1978, interest rates for EM loans for actual losses will be as follows:

(A) For repair or replacement of the primary residence and personal property, 1-percent on the first $10,000, 3-percent on the balance not to exceed $40,000, and 5-percent above $40,000.

(B) For other actual loss loans, 3-percent up to $250,000 and 5-percent above $250,000.

(iii) The interest rate for loans for other than actual losses will be the interest rate prevailing in the private market for similar loans as determined by the Secretary of Agriculture. The Secretary will review the interest rates periodically and may establish new rates. Lenders may ascertain the current established market rates for EM loans by telephoning any FmHA office.

(2) *Establishing repayment terms and delay of principal payments.* EM loans for actual losses where different interest rates are authorized as set forth in paragraph (e)(1)(ii) of this section will be scheduled for repayment of the principal and interest on that portion of the loan bearing the lowest interest rate before principal payments are scheduled for portions of the loan bearing higher rates. However, interest must be collected on the portion of the principal deferred during the period principal payments are not scheduled. The portion of the loan bearing the lower interest rate should be repaid as soon as possible, consistent with the applicant's repayment ability. This deferral of principal does not apply to EM loans for other than actual losses.

(3) *Terms of loan repayment.* (i) EM loans will be scheduled for repayment at such time and periods as the lender may determine, consistent with the purpose of the loan as set forth below, and in accordance with the useful life of the security and the reasonable repayment ability of the applicant as determined by his plan of operation. However, there must be at least an annual installment unless a deferment of principal and/or interest is authorized in accordance with paragraphs (e) (2) and (4) of this section.

(A) Loan terms for actual losses to crops, livestock, supplies, harvested or stored crops, livestock products on hand, and equipment; and items financed under § 1980.170(d)(3)(ii) will be for a period not to exceed 7 years.

(*1*) When conditions warrant, installments may vary in amounts. However, the final installment will not be larger than the amount which can then be financed by the lender without a guarantee or be repaid within a renewal period of not to exceed 5 years. The applicant must be advised before the loan is closed that the lender will review each case at the end of the initial loan terms and, together with FmHA will determine if a renewal is warranted. (Refer to § 1980.124.)

(2) Loans made for actual losses to crops and other property listed in paragraph (e)(3)(i)(A) of this section resulting from any disaster occurring after January 1, 1975, may be scheduled for a longer repayment period if the FmHA approval official determines that the needs of the applicant justify a longer repayment period than that scheduled for repayment within 7 years initially with a possible 5-year renewal. Such period may be approved as warranted but for not more than 20 years. Generally, real estate will be needed as security when the longer repayment period is authorized. When the longer period is used, renewal is not authorized.

(ii) The terms for actual losses to real estate and items financed under paragraph (d)(3)(i) of this section will be for a period not to exceed 40 years.

(iii) The term for loans for annual operating expenses financed under paragraph (d)(2) of this section will be as follows:

(A) Advances for annual recurring operating expenses or for paying bills incurred for such purposes for the operating or crop year being financed will be scheduled for payment when the principal income from the year's operations normally would be received.

(B) Advances to purchase or produce feed for productive livestock or livestock to be fed for the market, or to pay bills incurred for such purposes for the crop year being financed, will be scheduled for repayment when the principal income from the sale of such livestock or livestock products can be expected.

(4) *Deferment of installment.* When income sufficient to meet the scheduled installment will not be received by the borrower until the second or third year following the due date, the payment may be deferred to the second or third year as appropriate, providing any holders agree. The lender and FmHA must agree that the borrower can reasonably be expected to pay the total debt with a deferment.

* * * * *

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

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

Dated: September 30, 1977.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.

[FR Doc.77-29981 Filed 10-13-77;8:45 am]

[3410-37]

CHAPTER XXVIII—FOOD SAFETY AND QUALITY SERVICE, DEPARTMENT OF AGRICULTURE

PART 2852—PROCESSED FRUITS, VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned White Potatoes [1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This rule will revise the grading standards for canned white potatoes. This action was initiated by the USDA and in response to verbal requests by the industry. The effect of the change will be to update the standards to more accurately reflect present packing practices and to improve the U.S. Standards for Grades of Canned White Potatoes.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Dale C. Dunham, Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202-447-4693).

SUPPLEMENTARY INFORMATION: Notice of a proposal to revise the United States Standards for Grades of Canned White Potatoes was published in the FEDERAL REGISTER of December 6, 1976 (41 FR 53341). Interested persons were allowed until January 31, 1977 in which to submit written data, views, or arguments concerning the proposed revision.

Six letters were received in response to the notice. Brief summaries of the comments received along with the USDA's views and comments thereto and the reasons for such responses follow.

The Food and Drug Administration (FDA) expressed the comment that the proposed revision did not conflict with any of the FDA's rules, regulations, or standard of identity.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

A second letter was received in which the writer inquired only about the method that "was intended for measuring potato flavor."

Response: The proposed revision contains provisions for "good" and for "reasonably good" flavor and odor. The USDA acknowledges that there is a wide variation among individual taste preferences. There are no specific, distinctly measurable, objective levels as to what constitutes good or reasonably good flavor and odor in canned white potatoes set forth in the revision. Rather, general subjective detectable parameters are provided which will assure general acceptable classifications of flavor and odor while still permitting individual taste preferences.

As proposed, "good flavor" in canned white potatoes would, generally, include potatoes of acceptable raw product condition which have been properly prepared and properly processed (including seasoning and any possible effect from container condition) and which is characteristic and typical of "good potato flavor."

"Reasonably good flavor" would be assigned to containers of canned white potatoes which, for one reason or another, failed the general requirements for "good flavor," yet is not distasteful, offensive or objectionable. Examples of "reasonably good flavor" might be:

(1) Potatoes that have a slight "musty" odor and/or flavor due to prolonged storage of the raw product;

(2) Insufficient or slightly excessive salty flavor (if salt is declared on the label);

(3) Excessive tartness due to inadequate removal of acid if the potatoes have been subjected to a citric acid dip during processing;

(4) A "tinny" flavor possibly derived from tinplate deterioration of the container;

(5) Very, very slight (but detectable) "flat sour" odor and flavor; or

(6) Slightly excessive amounts of permitted additives such as calcium salts.

These descriptions and parameters are given in response to expressed consumer concerns that "flavor and odor" be given definite and important considerations in food grade standards.

A letter submitted by the Consumers Union, a nonprofit organization concerned with providing information, education, and counsel about consumer goods and services, expressed support of the proposed revision. A statement was also made that the "grades would be more meaningful if they also incorporated nutritional considerations."

Response: The USDA supports accurate and informative nutritional labeling. However, the Department cannot require nutritional labeling in its voluntary grade standards. Further, the nutritional levels of a given product would vary with the composition, amount, style and other factors. As a result, nutritional information for a certain product would best be provided by the processor who manufactures that product. This fact is being recognized more and more as shown by the increasing use, by processors or manufacturers, of labels which declare the nutritional values of the contents of a container. It is anticipated that this trend will continue.

The following issues were raised in another comment:

(1) A recommendation that "fill-in weights" as an alternative to drained weights be provided;

(2) A suggestion that the specified sample unit size of 20 ounces of drained product be modified to permit slight deviations from this required size (because of the variations in size of individual units); and

(3) A reduction in the specified drained weighted values for the different styles of the potatoes and various container sizes into which they are processed.

Response: The minimum drained weight values set forth in the proposed revision resulted from study and analyses of drained weight determinations that were made on the product after processing. No formal studies have been made on fill-weights for canned white potatoes. Therefore, in the absence of the necessary data to establish the relationship between "fill-weights" and "drained weights" for canned white potatoes, fill-weight criteria have not been set forth in the revision. Eventual accumulation of subsequent data by which accurate relationships between fill weights and drained weights can be developed could result in a future amendment of the grade standards for canned white potatoes so as to include fill weight values.

In the interim, the Department does not believe that this revision should be deferred until sufficient and necessary data are analyzed to provide the needed "fill-in" weights, particularly since such values would result in very few, if any, changes in minimum average drained weight values. Also, the time required for the collection and analyses of such data would unduly delay this revision.

The specified sample unit size of 20 ounces of drained weight of product is a means by which the quality evaluation of the product is not influenced by the size of the container. Because of the comparatively small units of the different styles of canned white potatoes, the Department believes that accurate sample unit sizes of 20 ounces of drained product can be achieved without distorting the random selection of the individual potato units which is necessary when formulating such sample units.

The average minimum drained weight values set forth in this revision are based on the weight of the white potato after the canned product has been allowed to equalize for 15 or more days after the product has been canned.

This provision was not specifically set forth in the notice of proposed rulemaking, although it is customary that drained weight limits and determinations are based upon "equalized products." Therefore, specific reference is included in this revision that the average minimum drained weights are based on those determined after the product has been allowed to reach equalization.

Review of drained weight data, inspection records, and recent drained weight determinations of commercially available samples indicate that the average minimum drained weight criteria set forth in this revision reflect practical, well-controlled processing capabilities and should not be changed at this time.

A fifth letter was received in which it was expressed that the average minimum drained weight values for all styles of canned white potatoes in No. 10 containers were too high and that the specified drained weight values for the whole style should vary with the average size of the potato units.

Response: The Department does not have data to substantiate or justify the suggested reductions in minimum drained weights. Further comments about minimum drained weights are made elsewhere in this statement.

A final letter was received in which the following issues were presented:

(1) It was again stated that some of the average minimum drained weights were too high.

(2) The concept of the standard sample unit size was supported.

(3) A suggestion that the currently effective term of "normal" flavor and odor be used rather than "good" or "reasonably good" flavor and odor as proposed in this revision.

(4) A concern as to whether the change from "fairly good color" to "reasonably good color" would result in more restrictive color criteria for Grade B canned white potatoes.

(5) An objection that the separate allowance for peel that is included in the currently effective standards had been removed, thereby making the proposed standards unduly restrictive with respect to blemished units.

(6) Opposition to "reducing the number of points to cover a given grade span."

(7) A belief "that it would have been less confusing if the second grade (or the grade below the present 'Fancy') had been retained as 'C' rather than 'B'," and that the letter "D" be used to designate "Substandard" quality.

Response: The issue concerning minimum drained weights is discussed elsewhere in this statement.

The USDA believes that the term "normal" flavor and odor is a nebulous one inasmuch as there are no standards or criteria as to what constitutes or definitely defines "normal" flavor and odor in canned white potatoes. Further, the Department believes that most individuals can judge what is "good" flavor from that which is not as good, from that which is objectionable, even though individual taste preferences may vary slightly. Such distinctions are presented in this revision as "good," "reasonably good," and "off" flavor and odor. Further discussions involving flavor and odor are presented elsewhere in this statement.

The change from the term "fairly good color" to "reasonably good color" in order to coincide with the revised grade level nomenclature does not re-

sult in more restrictive color criteria for Grade B canned white potatoes. The provisions for Grade A color are the same as in the currently effective standards. Therefore, canned white potatoes which would fail the requirements for Grade A color, but would not be considered as having objectionable (Substandard) color, would be evaluated as having "reasonably good color" which is the term most often used in describing Grade B color of processed fruits and vegetables.

Current processing methods have lessened the frequency and amounts of peel in canned white potatoes. This revision provides for the occasional presence of peel on the potato units by classifying units thus affected as either "blemished" or "seriously blemished," depending upon the amount of the peel in relation to how it affects the appearance of the unit. The allowances for such "blemished" and "seriously blemished" units, the USDA believes, is adequate to provide sufficient "peel allowances" for the different quality grades of canned white potatoes.

The restructuring of alloted score points to allow a "10-point range" in each grade does not alter previous quality levels or imply more restrictive grading criteria, but does make it possible to have 90 points as the minimum cumulative score for a U.S. Grade A product; 80 points for U.S. Grade B and so on. Such realignment conforms with the current practice in most U.S. grade standards for processed fruits and vegetables.

The revision to U.S. Grade B, rather than U.S. Grade C, as the level of quality below U.S. Grade A is in conformance with the current practice by the USDA to adopt a uniform and consistent nomenclature and quality level in their new and revised grade standards for processed fruits and vegetables. Such changes, when effected, do not alter the quality levels between the various grades.

Studies have indicated consumer preferences for single letter designations to indicate different levels of quality for most processed fruits and vegetables and the letter "A" most clearly and easily identified a product as being of the best or superior quality; the letter "B" implied the next best quality, and so on.

Therefore, in recognition of this preference and in the interest of clarity and understanding, the USDA believes that in this, and future revised grade standards, that U.S. Grade B rather than Grade C, best designates the quality below U.S. Grade A.

Also, in view of this current practice, the USDA believes that the use of a designation of U.S. Grade C would give an implication that the canned white potatoes were of two quality levels below Grade A and would lead consumers to an erroneous supposition that three levels of quality of canned white potatoes were normally processed; that is, Grade A, B, and C. This is not so.

All products which fail minimal requirements of quality or other considerations are designated as "Substandard" in order to singularly identify the product as failing some minimal requirement rather than assign a single letter designation which might imply a certain quality level or criteria to the product. This practice is customary and informative and is incorporated in many grade standards—both voluntary and mandatory.

Therefore, after careful consideration the revised standards for canned white potatoes are hereby adopted as proposed on December 6, 1976 and as set forth as follows.

Effective date: The revised U.S. Standards for Grades of Canned White Potatoes shall become effective December 1, 1977.

Sec.

2852.1811 Identity.
2852.1812 Styles.
2852.1813 Sizes of whole potatoes.
2852.1814 Grades.
2852.1815 Fill of container.
2852.1816 Minimum drained weights.
2852.1817 Sample unit size.
2852.1818 Determining the grade of a sample unit.
2852.1819 Determining the rating for the factors which are scored.
2852.1820 Color.
2852.1821 Uniformity of size and shape.
2852.1822 Defects.
2852.1823 Texture.
2852.1824 Determining the grade of a lot.
2852.1825 Determining size classification for whole potatoes.
2852.1826 Score sheet.

AUTHORITY: Agricultural Marketing Act of 1946, Sec. 203, 205, 60 Stat. 1087, as amended, 1090, as amended 7 U.S.C. 1624.

§ 2852.1811 Identity.

Canned white potatoes is the product purported to be as defined in the Definitions and Standards of Identity for Canned Vegetables (21 CFR 155.200), issued pursuant to the Federal Food, Drug and Cosmetic Act. The finished product is sufficiently processed by heat to assure its preservation in hermetically sealed containers. The procedure, or equivalent thereof, set forth in the Code of Federal Regulations, Title 21, Part 113 (21 CFR 113), issued pursuant to the Federal Food, Drug, and Cosmetic Act shall be used for such processing.

§ 2852.1812 Styles.

(a) *General.* For the purposes of this subpart, canned white potatoes shall be properly peeled prior to canning. A "unit" means an individual potato or portion thereof.

(b) *"Whole"* means that the canned white potatoes have the appearance of being essentially whole, irrespective of size.

(c) *"Slices"* or *"sliced"* means canned white potatoes that have been cut into slices of substantially uniform thickness.

(d) *"Dice" or "diced"* means canned white potatoes that have been cut into approximate cube-shaped units of substantially uniform size.

(e) *"Shoestring," "French Style,"* or *"Julienne"* means approximate rectangular canned white potato units having length measurements which are three (3) or more times the width measurements.

(f) *"Pieces"* means units of canned white potatoes of random size and/or shape or potatoes that have been cut into approximate quarters or wedge-shaped units similar to orange segments.

(g) Any combination of two or more of the foregoing styles constitutes a style and shall be considered as a mixture of the individual styles that comprise the combination.

§ 2852.1813 Sizes of whole potatoes.

The size of a whole potato is determined by measuring the greatest diameter through the center for round or nearly round potatoes. For elongated potatoes, the size is considered as the greatest diameter measured at right angles to the longitudinal axis of the unit. The word and number designations of the various sizes of canned whole potatoes are shown in Table I.

TABLE I.—*Sizes of canned whole white potatoes*

Word designation	No. designation	Diameter
Tiny	Size 1	1 in or less (25.4 mm or less).
Small	Size 2	Over 1 in to, and including, 1½ in. (Over 25.4 mm to, and including, 38.1 mm.)
Medium	Size 3	Over 1½ in to, and including, 2 in. (Over 38.1 mm to, and including, 50.8 mm.)
Large	Size 4	Over 2 in. (Over 50.8 mm.)

§ 2852.1814 Grades.

(a) *"U.S. Grade A"* is the quality of canned white potatoes that has at least the following attributes:

(1) Similar varietal characteristics;

(2) Good color;

(3) Reasonably uniform size and shape of the units;

(4) Practically free from defects;

(5) Good texture;

(6) Good flavor and odor; and

(7) Scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) *"U.S. Grade B"* is the quality of canned white potatoes that has at least the following attributes:

(1) Reasonably good color;

(2) May have considerable variation of size and shape of the units;

(3) Reasonably free from defects;

(4) Reasonably good texture;

(5) Reasonably good flavor and odor; and

(6) Scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) *"Substandard"* is the quality of canned white potatoes that fails to meet the requirements of "U.S. Grade B."

§ 2852.1815 Fill of container.

The fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. Each container shall be filled with white potatoes as full as practicable without impairment of quality and the product and packing medium shall occupy not less than 90 percent of the total capacity of the container. Total capacity of the container means the

maximum weight of distilled water, at 68 degrees Fahrenheit (20 degrees Celsius), which the sealed container will hold.

§ 2852.1816 Minimum drained weights.

(a) *General.* (1) The minimum drained weight values are given in Table II. They are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The minimum drained weights are based on the weight of the white potatoes after the canned product has been allowed to equalize for 15 or more days after the product has been canned.

(b) *Method for determining drained weight.* The drained weight of canned white potatoes is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve (or equivalent) of the proper diameter containing 8 measures to the inch (0.0937-inch (2.4 mm), ±3 percent, square openings) so as to distribute the product evenly. Without shifting the product, incline the sieve to a 17 to 20 degree angle to facilitate drainage and allow to drain for two (2) minutes. The drained weight is the weight of the sieve and white potatoes less the weight of the dry sieve. The diameter of the sieve shall be 8 inches (20.3 cm), or equivalent, if the water capacity of the container is less than 3 pounds (1.36 kg) or 12 inches (30.5 cm), or equivalent, if such capacity is 3 pounds (1.36 kg) or more.

(c) *Compliance with minimum drained weight values.* Compliance with the minimum drained weight values in Table II is determined by averaging the drained weights from all the containers in the sample which represent a specific lot. Such lot is considered as meeting the minimum drained weight values if the following criteria are met:

(1) The sample average (average of all the containers in the sample) meets the minimum average drained weight value (designated as "$\bar{X}_d$" in Table II); and

(2) The number of sample units which fail to meet the minimum drained weight value for individual containers (designated as "LL" in Table II) does not exceed the acceptance number specified in the applicable sample plan for Lot Inspection in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products.

TABLE II - MINIMUM DRAINED WEIGHTS FOR CANNED WHITE POTATOES ENGLISH (AVOIRDUPOIS) SYSTEM

CONTAINER DESIGNATION	CONTAINER DIMENSIONS Diameter (inches)	CONTAINER DIMENSIONS Height (inches)	STYLES Whole $\bar{X}_d$ 1/	Whole LL 2/	Sliced $\bar{X}_d$	Sliced LL	Diced $\bar{X}_d$	Diced LL	Julienne $\bar{X}_d$	Julienne LL	Pieces $\bar{X}_d$	Pieces LL
			ounces		ounces		ounces		ounces		ounces	
8Z Tall	2-11/16	3-4/16	5.5	4.8	5.5	5.0	5.6	5.1	5.3	4.8	5.5	4.8
No. 300	3	4-7/16	9.5	8.7	9.7	9.0	10.0	9.5	8.8	8.3	9.5	8.7
No. 303	3-3/16	4-6/16	10.2	9.3	10.2	9.4	10.5	9.8	9.3	8.6	10.2	9.3
No. 2	3-7/16	4-9/16	13.0	11.9	13.3	12.4	13.5	12.7	12.3	11.5	13.0	11.9
No. 2-1/2	4-1/16	4-11/16	19.0	17.7	19.5	18.4	20.0	19.0	18.3	17.3	19.0	17.7
No. 10	6-3/16	7	74.0	71.5	75.0	73.0	76.0	74.2	72.0	70.2	74.0	71.5

1/ "$\bar{X}_d$" means the minimum average drained weight from all the containers in the sample.
2/ "LL" means the minimum drained weight for individual sample units.

TABLE IIA - MINIMUM DRAINED WEIGHTS FOR CANNED WHITE POTATOES METRIC SYSTEM (SYSTEME INTERNATIONAL)

CONTAINER DESIGNATION	CONTAINER DIMENSIONS Diameter (millimeters)	CONTAINER DIMENSIONS Height (millimeters)	STYLES Whole $\bar{X}_d$ 1/	Whole LL 2/	Sliced $\bar{X}_d$	Sliced LL	Diced $\bar{X}_d$	Diced LL	Julienne $\bar{X}_d$	Julienne LL	Pieces $\bar{X}_d$	Pieces LL
			grams		grams		grams		grams		grams	
8Z Tall	68.3	82.6	155.9	136.1	155.9	141.7	158.8	144.6	150.3	136.1	155.9	136.1
No. 300	76.2	112.7	269.3	246.6	275.0	255.1	283.5	269.3	249.5	235.2	269.3	246.6
No. 303	81.0	111.1	289.2	263.7	289.2	266.5	297.7	277.8	263.7	243.8	289.2	263.7
No. 2	87.3	115.9	368.5	337.4	377.0	351.5	382.7	360.0	348.7	326.0	368.5	337.4
No. 2-1/2	103.2	119.1	538.6	501.8	552.8	521.6	567.0	538.6	518.8	490.4	538.6	501.8
No. 10	157.2	177.8	2097.9	2027.0	2126.2	2069.5	2154.6	2103.5	2041.2	1990.1	2097.9	2027.0

1/ "$\bar{X}_d$" means the minimum average drained weight from all the containers in the sample.
2/ "LL" means the minimum drained weight for individual sample units.

§ 2852.1817 Sample unit size.

(a) *General.* Determination of compliance with requirements for factors of quality, except harmless extraneous material, of canned white potatoes shall be based on a sample unit consisting of 20 ounces (567 grams) of drained product. A sample unit may be comprised of:

(1) The entire contents of a container;

(2) A combination of the contents of two or more containers; or

(3) A representative portion of the contents of a container; *Provided,* That not more than one (1) sample unit is derived from any one single container.

(b) *Definition of a sample.* Any number of sample units used for the evaluation of the factors of quality, except harmless extraneous material, as outlined in this subpart.

(c) *Evaluating harmless extraneous material.* Determination of compliance for harmless extraneous material will be based upon the total contents of all the containers used to comprise individual sample units.

§ 2852.1818 Determining the grade of a sample unit.

(a) *General.* The grade of a sample unit of canned white potatoes is determined by considering the factor of similar varietal characteristics, when appli-

cable, and the factor of flavor and odor which are not scored; the ratings for the factors of color, uniformity of size and shape, defects, and texture, which are scored; the total score; and the limiting rules which apply.

(b) *Definitions of flavor and odor.* (1) *"Good flavor and odor"* means a good, distinctive flavor and odor which is characteristic of properly prepared and properly processed canned white potatoes (including any permitted safe and suitable optional ingredient(s)) that are free from objectionable flavors or odors of any kind.

(2) *"Reasonably good flavor and odor"* means that the canned white potatoes (including any permitted safe and suitable optional ingredient(s)) may be lacking in good flavor and odor but are free from objectionable flavors or odors of any kind.

(c) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
Color	20
Uniformity of size and shape	20
Defects	30
Texture	30
Total score	100

§ 2852.1819 Determining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that a value may be determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 2852.1820 Color.

(a) *General.* The evaluation of color of canned white potatoes is made as quickly as possible after opening the container. The evaluation of color is based upon the degree of brightness, intensity of color, and degree of uniformity.

(b) *Grade A.* Canned white potatoes that have a good color may be given a score of 18 to 20 points. "Good color" means that the canned white potatoes, exclusive of blemished areas, are practically free from oxidation or light greenish coloration, and have a bright, practically uniform, light color, typical of canned white potatoes processed from potatoes of similar varietal characteristics.

(c) *Grade B.* Canned white potatoes that have a reasonably good color may be given a score of 16 or 17 points. Canned white potatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the following conditions, singly or in combination, may be present, but not to the degree that the appearance of the sample unit is seriously affected:

(1) Variation of color;

(2) Slight oxidation or slight discoloration(s) which would not be considered as blemished;

(3) Greenish-white, grayish-white, yellow-white, or watery-white semi-translucent) color;

(4) Dull, but not off color; or

(5) Any condition which adversely affects the color of the sample unit.

(d) *Substandard.* Canned white potatoes that fail to meet the requirements of U.S. Grade B shall be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 2852.1821 Uniformity of size and shape.

(a) *Grade A.* Canned white potatoes that are practically uniform in size and shape may be given a score of 18 to 20 points. "Practically uniform in size and shape" means that a sample unit of canned white potatoes does not exceed the allowances specified in Table III, as applicable.

(b) *Grade B.* Canned white potatoes that are reasonably uniform in size and shape may be given a score of 16 or 17 points. "Reasonably uniform in size and shape" means that a sample unit of canned white potatoes does not exceed the allowances specified in Table IV, as applicable.

(c) *Substandard.* Canned white potatoes that fail to meet the requirements of U.S. Grade B shall be given a score of 0 to 15 points and shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule).

TABLE III.—*Allowances for size and shape variations of canned white potatoes*

[Grade A classification]

Styles	Measurements and/or shape of individual unit(s)	Uniformity within sample unit of 20 oz (567g) of drained product
Whole	Essentially whole potatoes, irrespective of size.	The weight of the largest whole potato is not more than 3 times the weight of the 2d smallest intact whole potato.
Sliced or slices	Diameter is the shortest diameter of the larger of the 2 cut surfaces of the slice. Maximum thickness, measured at the thickest portion, does not exceed ¾ in (19 mm).	Diameter of largest slice does not exceed diameter of 2d smallest slice by more than 50 pct.
Diced or dice	Approximate uniform cube-shaped units	Maximum 2 oz (56.7 g) total of units which are noticeably larger or smaller than representative prevalent cube size or which are irregular in shape.
"Shoestring" or "French-style" or "Julienne".	Approximate uniformly thick rectangular units having length measurements which are 3 or more times the width measurement.	Maximum 2 oz (56.7 g) less than ½ in (12.7 mm) in length.
Pieces	"Quartered" or wedge-shaped units resembling orange segments or units of random size and/or shape.	Not more than 1 oz (28.4 g) total of units may weigh less than ¼ oz (7.1 g) and of all units ¼ oz (7.1 g) or greater, the largest unit may not be more than twice the weight of the 2d smallest unit.

TABLE IV.—*Allowances for size and shape variations of canned white potatoes*

[Grade B classification]

Styles	Measurements and/or shape of individual unit(s)	Uniformity within sample unit of 20 oz (567 g) of drained product
Whole	Essentially whole potatoes, irrespective of size.	The weight of the largest whole potato is not more than 4 times the weight of the 2d smallest intact whole potato.
Sliced or slices	Diameter is the shortest diameter of the larger of the 2 cut surfaces of the slice. Maximum thickness, measured at the thickest portion of the slice, does not exceed 1 in (25.4 mm).	Diameter of the largest slice is not more than twice the diameter of the 2d smallest slice.
Diced or dice	Approximate uniform cube-shaped units	Maximum 5 oz (141.8 g) total of units which are noticeably larger or smaller than representative prevalent cube size or which are irregular in shape.
"Shoestring" or "French-style" or "Julienne."	Approximate uniformly thick rectangular units having length measurements which are 3 or more times the width measurement.	Maximum 5 oz (141.8 g) less than ½ in (12.7 mm) in length.
Pieces	"Quartered" or wedge-shaped units resembling orange segments or units of random size and/or shape.	Not more than 2 oz (56.7 g) total of units may weigh less than ¼ oz (7.1 g) and of all units ¼ oz (7.1 g) or greater, the largest unit may not be more than 4 times the weight of the 2d smallest unit.

§ 2852.1822 Defects.

(a) *General.* The factor of defects concerns the degree of freedom from defects as defined in paragraph (b) of this section or from any other defects present which detract from the appearance of the product.

(b) *Definitions of types of defects.* (1) *"Insignificant imperfections"* refer to very slight abnormalities, scars, discolorations, or any other imperfections on the individual unit which may affect the appearance very slightly but which do not affect the edibility of the unit.

(2) *"Blemished unit"* means any unit which has any brown or black area(s) or any internal or external imperfection or discoloration which, singly or in the

aggregate, materially affect the appearance of the unit. Such units may include, but are not limited to, discolored eyes, unpeeled areas, hollow heart, or scab.

(3) *"Seriously blemished unit"* means any unit which has any black or dark brown area(s) or any internal or external imperfection or discoloration which, singly or in the aggregate, seriously affect the appearance of the unit. Such units may include, but are not limited to, those with pathological or insect injury.

(4) *"Damaged by mechanical injury"* means crushed, broken, or cracked units or units damaged by excessive trimming or gouges; or similarly damaged units.

(5) *"Harmless extraneous material"* means vegetable substances such as weeds, grass, or leaves or portions thereof which are harmless.

(6) *"Sand, grit, or silt"* means any kind of fine or coarse earthy material.

(c) *Grade* A. Canned white potatoes that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that:

(1) Any defects, whether or not specifically defined or listed herein, and including any harmless extraneous material which may be present, do not materially affect the appearance of the sample unit;

(2) The sample unit complies with the allowances specified in Table V; and

(3) A sample average of not more than one (1) piece of harmless extraneous material per 60 ounces (1.7 kg) of net weight may be present.

(d) *Grade B.* Canned white potatoes that are reasonably free from defects may be given a score of 24 to 26 points. Canned white potatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) Any defects, whether or not specifically defined or listed herein, and including any harmless extraneous material which may be present, do not seriously affect the appearance of the sample unit;

(2) The sample unit complies with the allowances specified in Table VI; and

(3) A sample average of not more than one (1) piece of harmless extraneous material per 20 ounces (567 grams) of net weight may be present.

(e) *Substandard.* Canned white potatoes that fail to meet the requirements of U.S. Grade B may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE V.—*Allowances for defects in canned white potatoes grade A classification*

[Maximum defects allowed in a sample unit of 20 oz (567 g) drained weight of product] [1]

Type of defect	Style		
	Whole	Sliced or pieces	Diced or shoestring
Insignificant imperfections (evaluated collectively in each sample unit).	Do not materially detract from the appearance of the product.		
Damaged by mechanical injury; blemished units; and seriously blemished units. Total.	4 oz (113.4 g)	3 oz (85 g)	2 oz (56.7 g).
Provided, That blemished and seriously blemished do not exceed.	2 oz (56.7 g)	2 oz (56.7 g)	0.8 oz (22.7 g).
And, further provided, That seriously blemished do not exceed.	1 oz (28.4 g)	0.5 oz (14.2 g)	0.2 oz (5.7 g).
Sand, grit, or silt	None	None	None.
Harmless extraneous material individually or in combination with other defects.	Does not materially detract from the appearance or edibility of the product.		
Total of all defects; whether or not listed herein	4 oz (113.4 g)	3 oz (85 g)	2 oz (56.7 g).
And/or	Do not materially detract from the appearance or edibility of the product.		

[1] When applicable, permit the specified weight or one (1) normally shaped unit per sample unit, whichever is greater.

Table III.—*Allowances for defects in canned white potatoes grade B classification*

[Maximum defects allowed in a sample unit of 20 ounces (567 g) drained weight of product][1]

Type of defect	Style		
	Whole	Sliced or pieces	Diced or shoestring
Insignificant imperfections (evaluated collectively in each sample unit).	Do not seriously detract from the appearance of the product.		
Damaged by mechanical injury; blemished units; and seriously blemished units. Total.	6 oz (170.1 g)	4.5 oz (127.6 g)	3 oz (85 g).
Provided, That blemished and seriously blemished do not exceed.	4 oz (113.4 g)	3 oz (85 g)	1.2 oz (34 g).
And, further provided, That seriously blemished do not exceed.	2 oz (56.7 g)	1 oz (28.4 g)	0.4 oz (11.3 g).
Sand, grit, or silt	Trace	Trace	Trace.
Harmless extraneous material individually or in combination with other defects.	Does not seriously detract from the appearance or edibility of the product.		
Total of all defects, whether or not listed herein	6 oz (170.1 g)	4.5 oz (127.6 g)	3 oz (85 g).
And/or	Do not seriously detract from the appearance or edibility of the product.		

[1] When applicable, permit the specified weight or one (1) normally shaped unit per sample unit, whichever is greater.

§ 2852.1823 Texture.

(a) *General.* The factor of texture refers to the tenderness of the canned white potatoes and to the degree of freedom from sloughing and from hard or objectionably coarse units.

(b) *Grade A.* Canned white potatoes that have a "good texture" may be given a score of 27 to 30 points. "Good texture" means that the texture of the potatoes is practically uniform and is typical of properly prepared and properly processed potatoes and that the potatoes are firm and have a fine and even grain. There may be sloughing to a degree that does not more than slightly affect the appearance of the product.

(c) *Grade B.* Canned white potatoes that have a "reasonably good texture" may be given a score of 24 to 26 points. Canned white potatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good texture" means that the potatoes are reasonably tender, and may be variable in texture, ranging from somewhat soft to firm, but are not tough or hard nor mushy. There may be a moderate amount of sloughing that does not seriously affect the appearance of the product.

(d) *Substandard.* Canned white potatoes that fail to meet the requirements of U.S. Grade B may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 2852.1824 Determining the grade of a lot.

The grade of a lot of canned white potatoes covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, and Related Products, §§ 2852.1 through 2852.83.

§ 2852.1825 Determining size classification for whole potatoes.

(a) Sample units of 20 ounces (567 g) drained weight of whole potatoes are considered a single size if the following criteria are met:

(1) At least 16 ounces (453.6 g) of the whole potatoes are within the diameter dimensions of one of the sizes for whole potatoes set forth in these standards (See § 2852.1813);

(2) Not more than 2 ounces (56.7 g) of the whole potatoes may be of the next larger size classification except for Size 1 whole potatoes where 4 ounces (113.4 g) of the whole potatoes may measure up to, and including, 1½ inches (38.1 mm);

(3) None of the whole potatoes exceed the maximum diameter of the next larger size classification;

(4) Not more than 2 ounces (56.7 g) of the whole potatoes may be of the next smaller size; and

(5) None of the whole potatoes are smaller than the next smaller size classification.

(b) A lot of whole potatoes shall be assigned a single size designation when all of the sample units representing the lot meet the requirements of one single size.

(c) A lot of whole potatoes which fails the requirements for a single size classification shall be declared in terms of the size designations present in the individual sample units.

§ 2852.1826 Score sheet.

Size and kind of container	------
Container marks or identification	------
Label	------
Net weight	------
Vacuum (in inches)	------
Drained weight	------
Style	------
Size (of whole potatoes)	------
Count (of whole potatoes)	------

Factors		Score sheet
Color	20	(A)—18-20. (B)—[1] 16-17. (SStd.)—[1] 0-15.
Uniformity of size and shape	20	(A)—18-20. (B)—16-17. (SStd.)—[2] 0-15.
Defects	30	(A)—27-30. (B)—[1] 24-26. (SStd.)—[1] 0-23.
Texture	30	(A)—27-30. (B)—[1] 24-26. (SStd.)—[1] 0-23.
Total score	100	
Flavor and odor		Good—A. Reasonably good—B. Off—Substandard.
Grade		

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

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.

Dated: October 3, 1977.

ROBERT ANGELOTTI,
Administrator, Food Safety and Quality Service.

[FR Doc.77-29815 Filed 10-12-77;8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0120]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: In order to expedite and facilitate the performance of its functions, the Board of Governors has delegated to the Secretary of the Board authority to approve certain conforming changes in the Board's outstanding rules and regulations.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT:

John L. Walker, Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2418).

SUPPLEMENTARY INFORMATION: The Board of Governors, under the authority of § 11(k) of the Federal Reserve Act (12 U.S.C. § 248(k)), has amended its Rules Regarding Delegation of Authority to delegate to the Secretary of the Board authority to conform the Board's outstanding rules and regulations with changes in the administrative structure of the United States Government and agencies thereof, and to conform citations and references in the Board's outstanding rules and regulations with other regulatory or statutory changes adopted or promulgated by the Board, the United States Government and agencies thereof.

The provisions of § 553 of Title 5, United States Code, relating to notice, public procedure, and deferred effective date are not followed in connection with this amendment because the amendment prescribes rules of agency procedure and is therefore not subject to the requirements of that section. Effective immediately, § 265.2(a)(16) is amended to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve Banks.

(a) The Secretary of the Board (or, in the Secretary's absence, the Acting Secretary) is authorized:

* * * * *

(16) Under the provisions of section 11(i) of the Federal Reserve Act (12 U.S.C. § 248(i)) to conform references to administrative positions or units in outstanding rules and regulations of the Board with changes in the administrative structure of the Board, the Government of the United States and agencies thereof, and to conform citations and references in outstanding rules and regulations of the Board with other regulatory or statutory changes adopted or promulgated by the Board, the Government of the United States and agencies thereof.

By order of the Board of Governors, October 5, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-30068 Filed 10-13-77;8:45 am]

[6210-01]

[Docket No. R-0118]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: In order to expedite and facilitate performance of certain of its functions, the Board of Governors has amended its Rules Regarding Delegation of Authority. The amendment is intended to expand the scope of authority previously delegated to the Federal Reserve Banks regarding mergers of banks.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert E. Mannion, Assistant General Counsel (202-452-3274) or Julius L. Loeser, Senior Attorney (202-452-3236), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Federal Deposit Insurance Act (12 U.S.C. § 1828(c)) generally prohibits, except with prior approval of the Board, the merger, consolidation, acquisition of assets, or assumption of liabilities of insured banks where the resulting bank would be a State-chartered bank that is a member of the Federal Reserve System. On April 23, 1973, the Board delegated authority to the Federal Reserve Banks to approve such mergers, consolidations, acquisitions of assets, and assumptions of liabilities pursuant to certain enumerated conditions including certain conditions related to competition (38 FR 10917 (1973)). The Board has now, by the instant amendment, expanded the scope of that delegated authority by excluding the applicability of the competitive criteria where the banks that are parties to a transaction are subsidiaries of the same bank holding company.

The provisions of section 553 of Title 5, United States Code, relating to notice, public participation, and deferred effective date are not followed in connection with the adoption of this amendment because the change involved is procedural in nature and does not constitute a substantive rule subject to the requirements of such section. The amendment is effective immediately.

In order to accomplish this delegation, § 265.2(f)(28) is amended to provide as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

* * * * *

(f) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district, or under paragraph f(34) as to its own facilities:

* * * * *

(28) Under the provisions of section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. § 1828(c)), to approve a merger, consolidation, acquisition of assets, or assumption of liabilities, where the resulting bank is a State member bank, if all (or, in a case in which all of the banks involved in the transaction are subsidiaries of the same bank holding company, all except conditions v, vi, and vii) of the following conditions are met:

* * * * *

By order of the Board of Governors, effective October 6, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-30069 Filed 10-13-77;8:45 am]

[4110-03]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 75P-0164]

PART 146—CANNED FRUIT JUICES

Revocation of Stayed Regulations for Standards for Diluted Orange Juice Beverages

AGENCY: Food and Drug Administration.

ACTION: Revocation of stayed regulations.

SUMMARY: This document revokes certain regulations regarding establishing standards of identity for diluted orange juice beverages and other related products, which were stayed due to the filing of objections. The Commissioner of Food and Drugs believes that certain other regulations now in effect for orange juice products have achieved the goal of the stayed regulations by providing the consumer with the necessary labeling information.

EFFECTIVE DATE: October 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Benjamin M. Gutterman, Bureau of Foods (HFF-402), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204 (202-245-1231).

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) proposed in the FEDERAL REGISTER of August 13, 1964 (29 FR 11621) to establish identity standards for diluted orange juice beverages under Part 146 (21 CFR Part 146, formerly 21 CFR Part 27). The final regulation ruling on that proposal was published in the FEDERAL REGISTER of May 7, 1968 (33 FR 6862). Objections were received which opposed every provision of the standards. Consequently, the Commissioner stayed the effective date of that final regulation pending resolution of the issues raised by the objections at a hearing. In an attempt to avoid an anticipated lengthy and costly hearing, the Commissioner granted a request by industry to postpone the scheduling of the hearing to allow representatives of the two major citrus industry associations (Florida Canners Association and the National Juice Products Association) time in which to resolve their differences at informal meetings. A number of sessions were held over a 2-year period, but the industry negotiators failed to reach full agreement. As a result, the associations submitted separate petitions proposing to amend the stayed standards for diluted orange juice beverages (21 CFR 146.155, 146.156, 146.158-146.161, 146.163-146.167) and to establish standards of identity for certain related products (21 CFR 146.168-146.172, 146.175-146.177). The two industry proposals along with one by the Commissioner were published in the FEDERAL REGISTER of September 9, 1971 (36 FR 18098). The final regulation ruling on the September 9, 1971 proposal was published in the FEDERAL REGISTER of March 11, 1972 (37 FR 5224). However, this final regulation met with essentially the same opposition as the May 7, 1968 final regulation. As a consequence, it was stayed in its entirety on March 14, 1973 (38 FR 6968). Along with the notice of stay, the Commissioner published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6968) a final regulation establishing a common or usual name for diluted orange juice beverages (21 CFR 102.32), which required that the common or usual name include a statement of the percent of orange juice contained in the product.

In 1976 the Commissioner denied a petition (Docket No. 75P-0164) submitted by industry associations to remove the stay of the effective date of the standard of identity for water-extracted soluble orange solids (21 CFR 146.168). Subsequently, the petitioners requested that FDA withdraw its denial of the petition and take no official action on the issues involved until further research is completed. The Commissioner has denied this request and so notified the petitioners. This denial is, of course, without prejudice to their submitting a new petition proposing appropriate standards whenever the research they are conducting will support such action.

CONCLUSIONS

The Commissioner is of the opinion that the establishment of the common or usual name regulation has achieved the major goal of FDA in regard to these beverages by providing consumers the means to make a value comparison of the beverages at the time of purchase and by reducing the general consumer confusion that existed in connection with their names. Therefore, he is terminating the rule making proceedings in regard to establishing standards of identity for the following diluted orange juice beverages and certain related products: orange juice drink (21 CFR 146.155), concentrate for orange juice drink (21 CFR 146.156), powdered orange juice drink (21 CFR 146.158), orange juice drink blend (21 CFR 146.159), powdered orange juice drink blend (21 CFR 146.160), orange drink (21 CFR 146.161), concentrate for orange drink (21 CFR 146.163), powdered orange drink (21 CFR 146.164), orange flavored drink (21 CFR 146.165), concentrate for orange flavored drink (21 CFR 146.166), powdered orange flavored drink (21 CFR 146.167), water-extracted soluble orange solids (21 CFR 146.168), dehydrated water-extracted soluble orange solids (21 CFR 146.169), comminuted oranges (21 CFR 146.170), dehydrated comminuted oranges (21 CFR 146.171), extract of comminuted oranges (21 CFR 146.172), dehydrated extract of comminuted oranges (21 CFR 146.175), juicy orange pulp for manufacturing (21 CFR 146.176), and dehydrated juicy orange pulp for manufacturing (21 CFR 146.177). This action is without prejudice to interested persons submitting new petitions proposing reasonable standards that, if adopted, would promote honesty and fair dealing in the interest of consumers.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under the authority delegated to the Commissioner (21 CFR 5.1), Part 146 is amended by revoking the following sections:

§§ 146.155, 146.156, 146.158, 146.159, 146.160, 146.161, 146.163, 146.164, 146.165, 146.166, 146.167, 146.168, 146.169, 146.170, 146.171, 146.172, 146.175, 146.176, and 146.177 [Revoked]

Sections 146.155 Orange juice drink, 146.156 Concentrate for orange juice drink, 146.158 Powdered orange juice drink, 146.159 Orange juice drink blend, 146.160 Powdered orange juice drink blend, 146.161 Orange drink, 146.163 Concentrate for orange drink, 146.164 Powdered orange drink, 146.165 Orange flavored drink, 146.166 Concentrate for orange flavored drink, 146.167 Powdered orange flavored drink, 146.168 Water-extracted soluble orange solids, 146.169 Dehydrated water-extracted soluble orange solids, 146.170 Comminuted oranges, 146.171 Dehydrated comminuted oranges, 146.172 Extract of comminuted oranges, 146.175 Dehydrated extract of comminuted oranges, 146.176 Juicy orange pulp for manufacturing, and 146.177 Dehydrated juicy orange pulp for manufacturing are revoked.

Effective date: October 14, 1977.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371 (e)).)

Dated: October 5, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-29869 Filed 10-13-77;8:45 am]

[4110-03]

[Docket No. 76P-0092]

PART 155—CANNED VEGETABLES

Standard of Identity for Canned Mushrooms; Confirmation of Effective Date of Amendment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date of the revised standard of identity for canned mushrooms. The revised standard was published in the FEDERAL REGISTER of June 14, 1977 (42 FR

30358) to provide for the optional use of safe and suitable organic acids in processing canned mushrooms where the inside of the container is fully enamel-lined or in glass containers with fully enamel-lined caps.

EFFECTIVE DATE: This regulation became effective August 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Prince G. Harrill, Bureau of Foods (HFF-411), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202-245-1164).

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued in the FEDERAL REGISTER of June 14, 1977 (42 FR 30358) a final regulation revising the standard of identity (21 CFR 155.200) for certain canned vegetables. A correction was published in the FEDERAL REGISTER of June 21, 1977 (42 FR 31449). No objections to the final regulation were received.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), notice is given that the revision of § 155.200(c) (12) as promulgated in the FEDERAL REGISTER of June 14, 1977 (42 FR 30358) became effective August 15, 1977.

Dated: October 5, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-29871 Filed 10-13-77;8:45 am]

[4110-03]

[Docket No. 76N-0144]

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

Labeling; Intermediate Mixes Containing Direct Human Food Ingredients Affirmed as GRAS

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This amendment eases certain labeling requirements for food ingredients affirmed as generally recognized as safe (GRAS). In response to manufacturers of intermediate food ingredients who maintain that labeling requirements create certain unecessary hardships, this amendment provides alternative means of conveying the required information to food processors. The regulations for dill and its derivatives, garlic and its derivatives, acacia (gum arabic), a guar gum, locust (carob) bean gum, karaya gum (sterculia gum), and gum tragacanth are also being revised to reflect the changes in the labeling regulation.

DATES: Effective November 14, 1977.

ADDRESSES: Written objections to Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204 (202-472-4750).

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of December 7, 1976 (41 FR 53622) a proposal was published to revise § 184.1(f) (formerly § 121.104(f) prior to recodification published March 15, 1977 (42 FR 14302)), which relates to labeling requirements for human food ingredients affirmed as GRAS. The proposal was published in response to comments submitted on the numerous human food ingredients proposed for GRAS affirmation (see the FEDERAL REGISTER of September 23, 1974 (39 FR 34194)). The comments made clear, and the Commissioner of Food and Drugs concurs, that the labeling requirements of § 184.1(f) created certain difficulties for manufacturers of intermediate food ingredient mixes. The Commissioner has therefore adopted new language that will not require individual food ingredient and concentration labeling. The new regulation does, however, require adequate instructions for use of food ingredient mixtures and sufficient information to permit a food processor independently to determine that use of the mixture will be in accordance with any limitations prescribed for the individual ingredients.

Because of the labeling regulation changes, the regulations for dill and its derivatives (21 CFR 184.1282), garlic and its derivatives (21 CFR 184.1317), acacia (gum arabic) (21 CFR 184.1330), guar gum (21 CFR 184.1339), locust (carob) bean gum (21 CFR 184.1343), Karaya gum (sterculia gum) (1 CFR 184.1349), and gum tragacanth (21 CFR 184.1351), are amended to delete the exemption from labeling requirements in § 184.1(f).

No comments were received in response to the proposal to revise § 184.1(f). The Commissioner therefore concludes that no change in the proposed revision of this section is warranted. Accordingly, it is promulgated without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended, (21 U.S.C. 321(s), 348, 371 (a))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 184 is amended as follows:

1. In §184.1 by revising paragraph (f) to read as follows:

§ 184.1 Substances added directly to human food affirmed as generally recognized as safe.

* * * * *

(f) The label and labeling of the ingredient and any intermediate mix of the ingredient for use in finished food shall bear, in addition to the other labeling required by the act:

(1) The name of the ingredient, except where exempted from such labeling in Part 101 of this chapter.

(2) A statement of concentration of the ingredient in any intermediate mix; or other information to permit a food processor independently to determine that use of the ingredients will be in accordance with any limitations and good manufacturing practice guidelines prescribed.

(3) Adequate directions for use to provide a final food product that complies with any limitations prescribed for the ingredient(s).

2. In § 184.1282, by deleting paragraph (e) and designating it "reserved."

§ 184.1282 Dill and its derivatives.

* * * * *

(e) [Reserved]

* * * * *

3. In § 184.1317, by deleting paragraph (e) and designating it "reserved."

§ 184.1317 Garlic and its derivatives.

* * * * *

(e) [Reserved]

* * * * *

4. In § 184.1330, by deleting paragraph (d) and designating it "reserved."

§ 184.1330 Acacia (gum arabic).

* * * * *

(d) [Reserved]

* * * * *

5. In § 184.1339, by deleting paragraph (d) and designating it "reserved."

§ 184.1339 Guar gum.

* * * * *

(d) [Reserved]

* * * * *

6. In § 184.1343, by deleting paragraph (d) and designating it "reserved."

§ 184.1343 Locust (carob) bean gum.

* * * * *

(d) [Reserved]

* * * * *

7. In § 184.1349, by deleting paragraph (d) and designating it "reserved."

§ 184.1349 Karaya gum (sterculia gum).

* * * * *

(d) [Reserved]

* * * * *

8. In § 184.1351, by deleting paragraph (d) and designating it "reserved."

§ 184.1351 Gum tragacanth.

* * * * *

(d) [Reserved]

* * * * *

Effective date: This regulation shall become effective November 14, 1977.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a)).)

Dated: October 4, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-29870 Filed 10-13-77;8:45 am]

[4110–03]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 77N–0241]

PART 570—FOOD ADDITIVES

General Recognition of Safety and Prior Sanction for Ingredients in Animal Feeds and Pet Food

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Commissioner of Food and Drugs is amending the provisions for general recognition of safety and prior sanction for ingredients in animal feed and pet food to add provisions that were inadvertently omitted when revised regulations were promulgated.

EFFECTIVE DATE: November 14, 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 the FEDERAL REGISTER of September 23, 1974 (39 FR 34194), the Commissioner of Food and Drugs proposed to amend the food additive regulations regarding criteria for the determination of general recognition of safety (GRAS) and prior sanction of articles intended for use in human and animal food. However, the Food and Drug Administration on September 10, 1976 (41 FR 38618), recodified the then existing regulations covering these articles for their use in animal feed and pet food products as part of its program to provide space for the orderly development of future regulations and to provide the public with regulations that are easy to find, read, and understand. When the Commissioner issued in the FEDERAL REGISTER of December 7, 1976 (41 FR 53600), the final order amending the existing regulations for general recognition of safety and prior sanction for food ingredients, he inadvertently failed to amend the correspondingly recodified regulations for animal products. This order amends the corresponding regulation in Subchapter E of Title 21 to incorporate the pertinent provisions included in the December 7, 1976, order as they relate to food additives as ingredients in animal feed and pet food.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701(a), 52 Stat. 1046–1047 as amended, 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 342, 348, 371(a)) and under the authority delegated to the Commissioner (21 CFR 5.1), Part 570 is amended as follows:

1. In § 570.3 by revising paragraphs (f), (h), (i), and (k), and by adding new paragraphs (l) and (m) to read as follows:

§ 570.3 Definitions.

* * * * *

(f) "Common use in food" means a substantial history of consumption of a substance by a significant number of animals in the United States.

* * * * *

(h) "Scientific procedures" include those human, animal, analytical, and other scientific studies, whether published or unpublished, appropriate to establish the safety of a substance.

(i) "Safe" or "safety" means that there is a reasonable certainty in the minds of competent scientists that the substance is not harmful under the intended conditions of use. It is impossible in the present state of scientific knowledge to establish with complete certainty the absolute harmlessness of the use of any substance. Safety may be determined by scientific procedures or by general recognition of safety. In determining safety, the following factors shall be considered:

(1) The probable consumption of the substance and of any substance formed in or on food because of its use.

(2) The cumulative effect of the substance in the diet, taking into account any chemically or pharmacologically related substance or substances in such diet.

(3) Safety factors which, in the opinion of experts qualified by scientific training and experience to evaluate the safety of food and food ingredients, are generally recognized as appropriate.

* * * * *

(k) "General recognition of safety" shall be determined in accordance with § 570.30.

(l) "Prior sanction" means an explicit approval granted with respect to use of a substance in food prior to September 6, 1958, by the Food and Drug Administration or the United States Department of Agriculture pursuant to the Federal Food, Drug, and Cosmetic Act, the Poultry Products Inspection Act, or the Meat Inspection Act.

(m) "Food" includes human food, substances migrating to food from food-contact articles, pet food, and animal feed.

2. By revising § 570.30 to read as follows:

§ 570.30 Eligibility for classification as generally recognized as safe (GRAS).

(a) General recognition of safety may be based only on the views of experts qualified by scientific training and experience to evaluate the safety of substances directly or indirectly added to food. The basis of such views may be either (1) scientific procedures or (2) in the case of a substance used in food prior to January 1, 1958, through experience based on common use in food. General recognition of safety requires common knowledge about the substance throughout the scientific community knowledgeable about the safety of substances directly or indirectly added to food.

(b) General recognition of safety based upon scientific procedures shall require the same quantity and quality of scientific evidence as is required to obtain approval of a food additive regulation for the ingredient. General recognition of safety through scientific procedures shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data and information.

(c) General recognition of safety through experience based on common use in food prior to January 1, 1958, may be determined without the quantity or quality of scientific procedures required for approval of a food additive regulation. General recognition of safety through experience based on common use in food prior to January 1, 1958, shall ordinarily be based upon generally available data and information. An ingredient not in common use in food prior to January 1, 1958, may achieve general recognition of safety only through scientific procedures.

(d) The food ingredients listed as GRAS in Part 582 of this chapter do not include all substances that are generally recognized as safe for their intended use in food. Because of the large number of substances the intended use of which results or may reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of food, it is impracticable to list all such substances that are GRAS. A food ingredient of natural biological origin that has been widely consumed for its nutrient properties in the United States prior to January 1, 1958, without known detrimental effects, which is subject only to conventional processing as practiced prior to January 1, 1958, and for which no known safety hazard exists, will ordinarily be regarded as GRAS without specific inclusion in Part 582 of this chapter.

(e) A food ingredient that is not GRAS or subject to a prior sanction requires a food additive regulation promulgated under section 409 of the act before it may be directly or indirectly added to food.

(f) A food ingredient that is listed as GRAS in Part 582 of this chapter shall be regarded as GRAS only if, in addition to all the requirements in the applicable regulation, it also meets all of the following requirements:

(1) It complies with any applicable specifications, or in the absence of such specifications, shall be of a purity suitable for its intended use.

(2) It performs an appropriate function in the food or food-contact article in which it is used.

(3) It is used at a level no higher than necessary to achieve its intended purpose in that food or, if used as a component of a food-contact article, at a level no higher than necessary to achieve its intended purpose in that article.

(g) New information may at any time require reconsideration of the GRAS status of a food ingredient. Any change in status shall be accomplished pursuant to § 570.38.

(h) If a substance is affirmed as GRAS pursuant to § 570.35 and listed in a reg-

ulation with no limitation other than good manufacturing practice, it shall be regarded as GRAS if its conditions of use are not significantly different from those reported in the regulation as the basis on which the GRAS status of the substance was affirmed. If the conditions of use are significantly different, such use of the substance may not be GRAS. In such a case a manufacturer may not rely on the regulation as authorizing the use but must independently establish that the use is GRAS or must use the substance in accordance with a food additive regulation.

(i) If an ingredient is affirmed as GRAS pursuant to § 570.35 and listed in a regulation with specific limitation(s), it may be used in food only within such limitation(s) (including the category of food(s), the functional use(s) of the ingredient, and the level(s) of use). Any use of such an ingredient not in full compliance with each such established limitation shall require a food additive regulation.

(j) Pursuant to § 570.35, a food ingredient may be affirmed as GRAS and listed in a regulation for a specific use(s) without a general evaluation of use of the ingredient. In addition to the use(s) specified in the regulation, other uses of such an ingredient may also be GRAS. Any affirmation of GRAS status for a specific use(s), without a general evaluation of use of the ingredient, is subject to reconsideration upon such evaluation.

3. In § 570.35 by adding new paragraph (c)(6) to read as follows:

§ 570.35 Affirmation of generally recognized as safe (GRAS) status.

* * * * *

(c) * * *

(6) The notice of filing in the FEDERAL REGISTER will request submission of proof of any applicable prior sanction for use of the ingredient under conditions different from those proposed to be determined to be GRAS. The failure of any person to come forward with proof of such an applicable prior sanction in response to the notice of filing will constitute a waiver of the right to assert or rely on such sanction at any later time. The notice of filing will also constitute a proposal to establish a regulation under this Subchapter E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to the notice of filing.

4. In § 570.38 by adding a new paragraph (d) to read as follows:

§ 570.38 Determination of food additive status.

* * * * *

(d) If the Commissioner of Food and Drugs is aware of any prior sanction for use of the substance, he will concurrently propose a separate regulation covering such use of the ingredient under this Subchapter E. If the Commissioner is unaware of any such applicable prior sanction, the proposed regulation will so state and will require any person who intends to assert or rely on such sanction to submit proof of its existence. Any regulation promulgated pursuant to this section constitutes a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to the proposal will constitute a waiver of the right to assert or rely on such sanction at any later time. The notice will also constitute a proposal to establish a regulation under this Subchapter E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to the proposal.

Effective date: These amendments shall be effective November 30, 1977.

(Secs. 201(s), 402, 409, 701(a), 52 Stat. 1046–1047 as amended, 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 342, 348, 371(a)).)

Dated: Otober 5, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-29872 Filed 10-13-77;8:45 am]

[4110-03]

SUBCHAPTER J—RADIOLOGICAL HEALTH

[Docket No. 76N-0492]

PART 1005—IMPORTATION OF ELECTRONIC PRODUCTS

Subpart C—Bonding and Compliance Procedures, Changes in Service Rates

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The agency is increasing the service rates charged for supervising the operations necessary to bring detained imported electronic products into compliance with the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968. The agency has found that the flat rates established in 1970 are inadequate today and, therefore, to update the fees and eliminate the continual revision of flat rates, the agency is amending the regulations to provide for computation of fees on a percentage of salary basis.

DATES: Effective November 14, 1977; comments by December 13, 1977.

ADDRESS: Written comments to the Heard Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Harold R. Heiser, Accounting Branch (HFA-120), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-1766).

SUPPLEMENTARY INFORMATION: Section 360 of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263h), requires that the cost of supervising the operations necessary to bring detained imported electronic products into compliance with the statute shall be paid by the owner or consignee who files an application requesting such action and executes a bond.

A study of the costs incurred by FDA in supervising such operations shows that the flat rates established in 1970 are now too low. To keep abreast of economic changes and also to eliminate the continual revision of flat rates, § 1005.24 (21 CFR 1005.24) is being amended to provide for the computation of costs as a percentage of the hourly rate of the average grade of the supervising officer (GS-11/4) or analyst (GS-12/4); the percentage includes administrative and laboratory support, as well as employee benefits paid by the government.

Since reimbursement for expenses incurred by FDA in providing these inspectional and analytical services is required by the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968, and since the amendment effected by this regulation simply estalishes rates for these services, the Commissioner finds that notice and public procedure are unnecessary for this promulgation as authorized under 5 U.S.C. 553.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (secs. 356, 360, 82 Stat. 1174–1176, 1181, 1182 (42 U.S.C. 263d, 263h)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 1005 is amended in § 1005.24 by revising paragraph (c) to read as follows:

§ 1005.24 Costs of bringing product into compliance.

* * * * *

(c) Service fees:

(1) The charge for the services of the supervising officer, which shall include administrative support, shall be computed at a rate per hour equal to 266 percent of the hourly rate of regular pay of a grade GS-11/4 employee, except that such services performed by a customs officer and subject to the provisions of the act of February 13, 1911, as amended (sec. 5, 36 Stat. 901, as amended (19 U.S.C. 267)), shall be calculated as provided in that act.

(2) The charge for the services of the analyst, which shall include administrative and laboratory support, shall be computed at a rate per hour equal to 266 percent of the hourly rate of regular pay of a grade GS-12/4 employee.

(3) The rate per hour equal to 266 percent of the equivalent hourly rate of regular pay of the supervising officer (GS-11/4) and the analyst (GS-12/4) is computed as follows:

	Hours
Gross number of working hours in 52 40-hour weeks	2,080
Less:	
Nine legal public holidays—New Years Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day	72
Annual Leave—26 days	208
Sick Leave—13 days	104
Total	384
Net number of working hours	1,696
Gross number of working hours in 52 40-hour weeks	2,080
Working hour equivalent of Government contributions for employee retirement, life insurance, and health benefits computed at 8½% pct. of annual rate of pay of employee	176
Equivalent annual working hours	2,256
Support required to equal to 1 man-year	2,256
Equivalent gross annual working hours charged to Food and Drug appropriation	4,512

NOTE.—Ratio of equivalent gross annual number of working hours charged to Food and Drug appropriation to net number of annual working hours $\frac{4512}{1696} = 226$ pct.

* * * * *

Interested persons may, on or before December 13, 1977 submit to the Hearing Clerk (HFC–20), Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this regulation. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday. Any changes in this regulation justified by such comments will be the subject of a further amendment.

Effective date: This regulation shall become effective November 14, 1977.

(Secs. 356, 360, 82 Stat. 1174–1176, 1181–1182 (42 U.S.C. 263d, 263h).)

Dated: October 4, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77–29868 Filed 10–13–77;8:45 am]

[4310–53]

Title 30—Mineral Resources

CHAPTER VI—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

SUBCHAPTER A—HELIUM AND COAL

PART 601—SALES OF HELIUM BY AND RENTAL OF CONTAINERS FROM BUREAU OF MINES

Revised Fee Schedule

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: This rule establishes a new list of the prices and charges associated with the sales of helium. The old list of prices and charges did not reflect the increase in cost for labor and materials that has occurred in the two years since the old list was established.

EFFECTIVE DATE: The effective date for the new schedule of charges and prices is the first day of the first month after 30 days from date of final publication in the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Ray D. Munnerlyn, Chief, Division of Helium, Columbia Plaza Office Building, 5th Floor, 2401 E Street NW., Washington, D.C. 20241 (202–634–4734).

SUPPLEMENTARY INFORMATION: On pages 20837 and 20838 of the FEDERAL REGISTER of Friday, April 22, 1977, there was published a notice of proposed amendment of Chapter VI, Subchapter A, Part 601 of Title 30 Code of Federal Regulations to replace the existing schedule of prices and charges which became effective April 14, 1975. Interested persons were given 30 days in which to submit comments.

Only one comment was received. The commentor objected to the minimum order each contract because of a lack of space for storing small cylinders. The commentor was advised that partial orders may be placed against the total order as needed.

Section 601.3(d) of the regulations requires that the minimum net charge under any one cylinder rental contract shall be one month's charge for 100 cylinders. The Proposed Revised Fee Schedule (30 CFR Part 601) that appeared on April 22, 1977 (42 FR 20837), failed to take into account this proviso. Thus, on page 20838 of that document, in the right hand column, line 5, the charge, "$25", should have read "$70". This also changes the initial cash advance for use of the cylinders. In line 9, the amount of the advance, "$75", should have read "$210"; and in line 12, the charge, "$0.75 each", should have read "$2.10 each". In the middle column, line 36, an error in the publication process which read "$1,00 each round trip" should have read "$1,000 each round trip".

We believe that the proposed increases in prices and charges are fully justified by the increases in the cost of labor and supplies since 1975 when the prices and charges were last changed. The objection of the one commentor does not provide sufficient grounds for revising the proposed schedule.

The primary author of this document is Billy J. King, Chief, Branch of Administration, Division of Helium, Helium Operations, Box H 4372 Herring Plaza, Amarillo, Tex. 79101, telephone FTS: 734–2608; A/C 806–376–2608, with assistance by Jerome E. Veen, Chief, Section of Finance, Helium Operations (same address), FTS: 734–2645; A/C 806 376–2645.

NOTE.—The Department of the Interior 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: October 7, 1977.

JOAN M. DAVENPORT,
Assistant Secretary of the Interior.

The proposed revised fee schedule is adopted with changes as set forth below.

APPENDIX

SCHEDULE OF PRICES AND CHARGES

Stencil special markings on cylinder:	
1st cylinder	$20.35 each.
Additional cylinders in same lot with markings	$0.70 each.
Wash and dry cylinders, includes reset valve	$2.20 each.
Special cylinder tagging	$0.20 each.
Special tagging of cylinder and port plug installed in valve	$1.50 each.
Remove labels and decals from cylinder	$0.30 each.
Seal cylinder—wire with crimped lead shipping seal	$0.35 each.
Use of tank cars:	
Round trip mileage between helium plant and destination, and	$0.11 mile.
Time at destination	$25/d 1st 30 d, $20/d 2d 30 d, $15/d over 60 d.
Initial cash advance for use of each tank car:	
Contracts specifying a definite number of round trips	$1,000 each round trip.
Contracts specifying an indefinite number of round trips	$4,000.
Cash, bond, or insurance to guarantee return of containers:	
1 tank car	$100,000.
2 or more but less than 5 tank cars	$200,000.
Each tank car in excess of 4	$20,000.
Use of semitrailers:	
Time in customer's service	$20/d 1st 30 d, $40/d 2d 30 d, $50/d over 60 d.
Initial cash advance for use of each semitrailer:	
Contracts specifying a definite number number of round trips	$150 each round trip.
Contracts specifying an indefinite number of round trips	$600.

APPENDIX—CONTINUED

Cash, bond, or insurance to guarantee return of containers:	
1 trailer	$40,000.
2 or more but less than 5 semitrailers	$100,000.
Each trailer in excess of 4	$10,000.
Use of standard type cylinders:	
Each cylinder	$0.70 a mo.
Minimum each contract	$70.00
Initial cash advance for use of cylinders:	
Contracts for 100 cylinders or less	$210.00
Contracts for more than 100 cylinders	$2.10
Cash, bond, or insurance to guarantee return of cylinders	$40 each.
Additional charge for failing to return containers with minimum residual pressure of 15 lb/in²g of uncontaminated grade A helium—	
Standard type cylinder, evacuating and purge	$2.15 each.
Tube trailer, tube banks, or tubes manifolded:	
Individual tube capacity 1,800 ft³ or less:	
Purge	$1 each tube.
Evacuate	$1.20 each tube.
Individual tube capacity greater than 1,800 ft³:	
Purge	$5.50 each tube.
Evacuate	$6.60 each tube.
Tube trailer, tube banks, or tubes not manifolded:	
Individual tube capacity 1,800 ft³ or less:	
Purge	$2 each tube.
Evacuate	$2.20 each tube.
Individual tube capacity greater than 1,800 ft³:	
Purge	$8.30 each tube.
Evacuate	$8.60 each tube.
Tank car:	
Purge	$90 each tank car.
Evacuate	$110 each tank car.
Use as storage container:	
Tank car	$10 each day.
Palletizing cylinders for shipment:	
Bureau of Mines—furnished pallet	$52 each.
Customer—furnished pallet	$13 each.

[1] The advance shall also include the estimated amount for filling charges and the full amount of estimated charges for the services to be rendered.

[FR Doc.77-30004 Filed 10-13-77;8:45 am]

[3810-70]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

[DOD Directive 1354.1]

PART 143—RELATIONSHIPS WITH ORGANIZATIONS WHICH SEEK TO REPRESENT MEMBERS OF THE ARMED FORCES IN NEGOTIATION OR COLLECTIVE BARGAINING

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule establishes departmental policies and procedures with respect to organizations whose objective is to organize or represent members of the Armed Forces on active duty, inactive duty training, or members of Reserve components serving in their military capacities, for purposes of negotiating or bargaining about terms or conditions of military service. These policies and regulations are needed to provide uniform direction and guidance to officials in the Department of Defense and members of the Armed Forces, and to ensure consistent and even-handed treatment of members of the Armed Forces and individuals, groups, organizations, and associations seeking or purporting to represent members of the Armed Forces for the purpose of such negotiating or bargaining.

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain Edward Boywid, United States Navy, 202-695-0625

SUPPLEMENTARY INFORMATION: This rule prohibits commanders and supervisors of the Department of Defense, acting on behalf of the United States, from engaging in negotiation or collective bargaining with members of the Armed Forces or with individuals, groups, organizations, or associations purporting to represent members of the Armed Forces for the purpose of resolving, bilaterally terms or conditions of military service. It also prohibits members of the Armed Forces from engaging in strikes, slowdowns, work stoppages, actions which obstruct or interfere with the performance of military assignments, and picketing for the purpose of causing any of the foregoing, when such actions are related to terms or conditions of military service. The rule proscribes efforts on military installations to recruit members of the Armed Forces into certain types of organizations and, in specific circumstances, prohibits membership by members of the Armed Forces in certain organizations. In addition to setting forth supplementary general prohibitions and enumerating activities specifically not prohibited, the rule vests responsibility for assuring compliance in the heads of the various departmental components.

Interested persons have been afforded an opportunity to participate in the making of this rule by a notice of proposed rulemaking published in the FEDERAL REGISTER on August 16, 1977 (42 FR 41306). All comments received, insofar as they relate to matters within the scope of the notice, were considered. Except for editorial changes and except as specifically discussed hereinafter, the proposed rule is adopted as final and the reasons therefor are the same as those contained in the notice.

General comments, while not specifically addressing the language or the purpose of the proposed rule, were submitted in support of or against unionization of the Armed Forces. Some were opposed to the rule in principle, others favored it and still others stated the rule was not strong enough and legislation was required.

Some comments challenged the rule as unconstitutional under the First Amendment and the equal protection and due process clauses. These comments were directed at the restrictions on membership and recruitment on military bases. Each of these comments was based on constitutional case law and scholarly commentary that had been considered by the Department of Defense prior to publishing the proposed rule for comment. The Department of Defense has concluded that applicable constitutional requirements are met.

Accordingly, 32 CFR Part 143 is revised as set forth below:

Sec.

143.1 Purpose.
143.2 Applicability and Scope.
143.3 Policy.
143.4 Prohibited Activity.
143.5 Permissible Activity.
143.6 Administrative Provisions.
143.7 Definitions.
143.8 Guidelines.

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 133, 3010, 5011, and 8010, and in accordance with 32 CRF 296.

§ 143.1 Purpose.

This part establishes policies and procedures with respect to organizations whose objective is to organize or represent members of the Armed Forces for purposes of negotiating or bargaining about terms or conditions of military service. The Part does not modify or diminish the existing authority of commanders to control access to, or maintain good order and discipline on, military installations; nor does it modify or diminish the obligations of commanders and supervisors pursuant to Executive Order 11491 with respect to organizations representing DoD civilian employees.

§ 143.2 Applicability and scope.

The provisions of this part apply to:

(a) The Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies.

(b) All military and civilian personnel of the Department of Defense.

(c) Individuals and groups entering, using, or seeking to enter or use military installations.

§ 143.3 Policy.

The mission of the Department of Defense is to safeguard the security of the United States. Discipline, obedience to lawful orders, and loyalty on the part of members of the Armed Forces are essential to the combat readiness required to accomplish this mission. The interposition of collective or concerted action by any organization in the command relationships established by law and regulation for the government of the Armed Forces would:

(a) Erode the discipline of the Armed Forces;

(b) Interfere with the power of the Congress to make rules for the government and regulation of the land, air and naval forces, and interfere with the appropriate delegation of power to the Department of Defense to provide for the national defense;

(c) Impair the authority of the President as Commander in Chief of the Armed Forces and that of officers appointed by him to command the Armed Forces; and

(d) Impair the reliability, operational readiness, and combat effectiveness of the Armed Forces so as to threaten the security of the United States.

§ 143.4 Prohibited activity.

(a) *Negotiation or Collective Bargaining.* No commander or supervisor may engage in negoiation or collective bargaining.

(b) *Strikes and Other Concerted Activity.* No member of the Armed Forces may:

(1) Engage in any strike, slowdown, work stoppage, or other collective job-related action related to terms or conditions of military service; or

(2) Picket for the purpose of causing or coercing other members of the Armed Forces to engage in any strike, slowdown, work stoppage, or other collective job-related action to terms or conditions of military service.

(c) *Recruitment Efforts on Military Installations.*

(1) No person may conduct or attempt to conduct a demonstration, meeting, march, speechmaking, protest, picketing, leafleting or other similar activity on any part of a military installation for the purposes of forming, recruiting members for or soliciting money or services for an organization (or organizations) that:

(i) Engages or is substantially likely to engage in any activity prohibited by this Part; or

(ii) Proposes or holds itself out as proposing to engage in negotiation or collective bargaining on behalf of members of the Armed Forces; or

(iii) Proposes or holds itself out as proposing to represent members of the Armed Forces to the military chain of command with respect to terms or conditions of military service when such representation would interfere with the military chain of command; or

(iv) Solicits or aids and abets a violation of this part by a member of the Armed Forces.

(2) No person may engage in any activity on any part of a military installation, including but not limited to individual contacts or the posting for public display of any poster, handbill or other writing, if that activity or the material displayed constitutes or includes an invitation to collectively engage in an act prohibited by this part.

(d) *Membership.* No member of the Armed Forces may become or remain an active member of any organization when:

(1) A determination has been made that the organization presents a clear danger to discipline, loyalty, or obedience to lawful orders because the organization, or any person on behalf of the organization:

(i) Engages in any act prohibited by this Part; or

(ii) Violates or conspires to violate, or solicits or aids and abets a violation of articles 82, 85, 86, 87, 89, 90, 91, 92, 94, 108, 109, 115, 116, 117, or 128 of the Uniform Code of Military Justice or of 18 U.S.C. 1382; and

(2) Such member of the Armed Forces knows that the organization, or any person on behalf of the organization, engages in the conduct upon which the determination in § 143.4(d)(1) is based and such member of the Armed Forces intends to promote such conduct.

(e) *General Prohibitions.*

(1) No member of the Armed Forces may solicit the commission of or conspire with or aid and abet any person or organization in the commission of any act prohibited by this Part.

(2) No member of the Armed Forces may attempt to engage in any act prohibited by this Part.

§ 143.5 Permissible activity.

This part does not prevent, among other things:

(a) Any member of the Armed Forces from presenting complaints or grievances over terms or conditions of military service through established military channels.

(b) Commanders or supervisors from giving due consideration to the views of any member of the Armed Forces presented individually or as a result of participation on command-sponsored or authorized advisory councils, committees or organizations for the purpose of improving conditions or communications at the military installation involved.

(c) Any member of the Armed Forces from petitioning Congress or communicating with any member of Congress, individually or collectively.

(d) Any member of the Armed Forces from being represented by qualified counsel, whether or not retained by an organization on his or her behalf, in any judicial or administrative proceeding with respect to which there is a right to counsel of choice.

(e) Any member of the Armed Forces from joining or being a member of any organization which engages in representational activities with respect to terms or conditions of off-duty employment.

(f) Any civilian employed at a military installation from joining or being a member of an organization that engages in representational activities with respect to terms or conditions of employment.

§ 143.6 Administrative provisions.

(a) *Responsibility.* Responsibility for assuring compliance with this Part is vested in the Heads of the DOD Components. Guidelines for this purpose are contained in § 143.8.

(b) *Application.* The Heads of the DOD Components (in the case of the Military Departments, the Secretaries of the Military Departments in consultation with their respective Chiefs of Staff) will determine on a case-by-case basis, whether § 143.4(c)(2), or § 143.4(d), or both of this Part are to be invoked in particular circumstances and will make the specific determinations required.

(c) *Reports.* The Heads of the DOD Components will report directly and expeditiously to the Secretary of Defense significant actions to be taken pursuant to this Part. The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) is the administrative point of contact in the Office of the Secretary of Defense for all matters relating to this Part.

§ 143.7 Definitions.

(a) *Aid and Abet.* To be present during the commission of any act prohibited by this Part and to assist, command, counsel, or otherwise encourage the commission of such act.

(b) *Collective Job-Related Action.* Any activity by two or more persons that is intended to and does obstruct or interfere with the performance of a military duty assignment.

(c) *Conspire.* To join or agree with one or more persons to commit any act prohibited by this Part.

(d) *DOD Components.* The Military Departments and the Defense agencies.

(e) *Member of the Armed Forces.* A person who is (1) serving on active duty or inactive duty training, or (2) a member of a Reserve component while serving in his or her military capacity, but not those members or former members who are receiving retired or retainer pay.

(f) *Military Installations.* For the purpose of this Part the term "military installation" includes installations, facilities, ships, aircraft and other property controlled by the Department of Defense.

(g) *Negotiation or Collective Bargaining.* A process whereby a commander or supervisor acting on behalf of the United States engages in discussions with a member or members of the Armed Forces (purporting to represent other such members), or with an individual, group, organization, or association purporting

to represent such members, for the purpose of resolving bilaterally terms or conditions of military service.

(h) *Solicit.* To use words or any other means to request, urge, advise, counsel, tempt, or command another to commit any act prohibited by this part.

(i) *Supervisor.* Any member of the Armed Forces or Department of Defense civilian employee responsible for directing subordinate members of the Armed Forces in the performance of their duties.

(j) *Terms or conditions of military service* means terms or conditions of military compensation or duty including but not limited to wages, rates of pay, duty hours, assignments, grievances, or disputes.

§ 143.8 Guidelines.

(a) The prohibitions in this Part will require that certain factual determinations be made by the Heads of the DOD Components (in the case of the Military Departments by the Secretaries of the Military Departments in consultation with their respective Chief of Staff) on the basis of particular facts that exist at particular installations. The guidelines for making these determinations are as follows:

(1) In making the determination that a person or an organization poses a clear danger to the discipline, loyalty or obedience of lawful orders because such person or organization engages in, solicits, or aids and abets any act prohibited in this Part (or in the statutory provisions identified in § 143.4(d)), the history and operations of the organization (including the constitution and bylaws, if any) or person in question may be evaluated along with evidence with respect to the conduct constituting a prohibited act. In addition, there must be sufficient evidence to support a conclusion that the person or organization is substantially likely to engage in a prohibited act.

(i) In determining whether commission of a prohibited act by individual members can be imputed to the organization, examples of factors which should be considered include: the frequency of such act; the position in the organization of persons committing such act; whether the commission of such act was known by the leadership of the organization; whether the commission of such act was condemned or disavowed by the leadership of the organization.

(ii) Once it is determined by the Head of the DOD Component that an organization engages in any prohibited act, and is likely to do so in the future, the Head of the DOD Component may instruct affected installations to post conspicuously notices which clearly state that:

(A) Such organization poses a clear danger to discipline, loyalty, or obedience to lawful orders, and

(B) Knowing, active membership in any such organization by a member of the Armed Forces with intent to promote such prohibited conduct is not permitted.

(2) In making the decision that a member of the Armed Forces is an "active" member of the organization in question, membership must be more than merely nominal or passive. Normally, a person can be considered an active member if he engages in certain kinds of conduct for the organization. This conduct includes solicitation or collection of dues, membership recruitment, distribution of literature, service as an officer of the organization, or frequent attendance at meetings or activities of the organization.

(3) In deciding that a member of the Armed Forces knows about the prohibited conduct engaged in by the organization, such knowledge may be inferred if the clear notice specified above has been posted conspicuously.

(b) Any information about persons and organizations not affiliated with the Department of Defense needed to make the determinations required by this Part shall be gathered in strict compliance with the provisions of DOD Directive 5200.27,[1] and in any event, shall not be acquired by counterintelligence or security investigative personnel. The organization itself will be considered a primary source of information.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

OCTOBER 11, 1977.

[FR Doc.77-30104 Filed 10-13-77;8:45 am]

[1] Filed as part of original. Single copies may be obtained, if needed, from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 301.

[6210-01]

Title 32A—National Defense, Appendix

CHAPTER XV—FEDERAL RESERVE SYSTEM

[Docket No. R-0119]

PART 1505—LOAN GUARANTEES FOR DEFENSE PRODUCTION (REG. V)

Change of Guaranteeing Agency

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: Regulation V is being amended to reflect that the Department of Energy now possesses the authority formerly held by the Energy Research and Development Administration to guarantee V-loans.

EFFECTIVE DATE: This amendment is effective October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Ralph C. Maurer, Credit Specialist, Division of Federal Reserve Bank Operations, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3174).

SUPPLEMENTARY INFORMATION: Effective October 1, 1977, the functions vested by law in the Energy Research and Development Administration will be transferred to and vested in the Department of Energy. The purpose of this amendment is to reflect this transfer of functions by deleting the reference in Regulation V to the Energy Research and Development Administration as an agency authorized to guarantee V-loans and by substituting the Department of Energy as an agency authorized to guarantee V-loans. This action is taken pursuant to the Board's authority under the Defense Production Act of 1950 and Executive Order No. 10480 of August 14, 1953, as amended.

The change made by this amendment is a technical one designed to conform Regulation V with existing statutory authority. Therefore, the Board for good cause finds that the procedures prescribed by the provisions of § 553 of Title 5 United States Code, relating to notice, public procedure, and deferred effective date are unnecessary and would serve no useful purpose.

Effective October 1, 1977, § 1 of Regulation V (Loan Guarantees for Defense Production) of the Board of Governors is amended by deleting "Energy Research and Development Administration" and substituting "the Department of Energy" after "the Department of Agriculture".

By order of the Board of Governors, October 5, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-30070 Filed 10-13-77;8:45 am]

[8320-01]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 17—MEDICAL

Authority to Furnish Emergency Hospitalization

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: This amendment provides that in the case of an emergency that existed at the time of admission to a non-Veterans Administration hospital an authorization may be deemed a prior authorization if an application is dispatched to the Veterans Administration for veterans in a noncontiguous State, territory or possession of the United States (not including Puerto Rico) within 72 hours after communication facilities become available for dispatch of such application. This amendment provides authority to extend the time limitation for filing of an application. This time limitation is extended because appropriate communication facilities are not always available outside the 48 contiguous States, territories or possessions of the United States (not including Puerto Rico).

EFFECTIVE DATE: October 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Joseph L. Erwin, Chief, Policies and Procedures, Medical Administration Service, Department of Medicine and Surgery, Veterans Administration, Washington, D.C. 20420 (202–389–3785).

SUPPLEMENTARY INFORMATION: At the present time, an authorization for hospital care at Veterans Administration expense may be deemed a prior authorization if the application for such care is dispatched within 72 hours of the hour and date of admission to the hospital. Appropriate communication facilities (telephone, telegraph, mail or other types of communication) are not always immediately available at points in a noncontiguous State, territory or possession of the United States (not including Puerto Rico). In the case of an emergency that existed at the time of admission, an authorization may be deemed a prior authorization if the application is dispatched to the Veterans Administration within 72 hours after such communications first became available to the applicant and/or his or her representative.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation. No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

NOTE.—The Veterans Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949 and OMB Circular A–107.

Approved: October 6, 1977.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

Section 17.50d is revised to read as follows:

§ 17.50d Necessity for prior authorization.

(a) The admission of a veteran to a non-Veterans Administration hospital at Veterans Administration expense must be authorized in advance. In the case of an emergency which existed at the time of admission, an authorization may be deemed a prior authorization if an application, whether formal or informal, by telephone, telegraph or other communication, made by the veteran or by others in his or her behalf is dispatched to the Veterans Administration (1) For veterans in the 48 contiguous States and Puerto Rico, within 72 hours after the hour of admission, including in the computation of time Saturday, Sunday and holidays, or (2) For veterans in a noncontiguous State, territory or possession of the United States (not including Puerto Rico) if facilities for dispatch of application as described in this section are not available within the 72-hour period, provided the application was filed within 72 hours after facilities became available.

(b) When an application for admission by a veteran in one of the 48 contiguous States in the United States or in Puerto Rico has been made more than 72 hours after admission, or more than 72 hours after facilities are available in a noncontiguous State, territory or possession of the United States, authorization for continued care at Veterans Administration expense shall be effective as of the postmark or dispatch date of the application, or the date of any telephone call constituting an informal application.

[FR Doc.77–30013 Filed 10–13–77;8:45 am]

[4910–06]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[FRA Economic Docket No. 5, Notice 4]

PART 268—MERGER AND CONSOLIDATION PROCEDURES

Final Rule; Correction

AGENCY: Federal Railroad Administration, DOT.

ACTION: Correction to final rule.

SUMMARY: This document corrects a final rule which revised Part 268 in FR Doc. 77–24550, appearing at page 43030 in the FEDERAL REGISTER for August 25, 1977.

EFFECTIVE DATE: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Sander M. Bieber (202–426–8220).

SUPPLEMENTARY INFORMATION: The following changes should be made:

1. On page 43032, right column, § 268.17, first line, delete the comma after the word "shall" and insert a comma after the word "contain".

2. On page 43033, middle column, § 268.21(b)(6), second line, which now reads "mental financial assistance involved is in", should be changed to read "mental financial assistance is involved in".

3. On page 43034, right column, § 268.31(d) insert a comma at the end of the second line of subsection (d)(1) after the number "268.29"; and at the end of the second line of subsection (d)(3) after the number "268.27".

Dated: September 30, 1977.

ROBERT E. GALLAMORE,
Deputy Administrator,
Federal Railroad Administration.

[FR Doc.77–29974 Filed 10–13–77;8:45am]

[7035–01]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[10th Rev. S.O. 1234]

PART 1033—CAR SERVICE

Distribution of Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Tenth Revised Service Order No. 1234).

SUMMARY: Tariff provisions often require the use of cars having high weight carrying or cubic capacity. Many carriers have shortages of these high capacity cars but have ample supplies of similar cars of lesser capacity. Service Order No. 1234 authorizes railroads, with the consent of the shipper, to substitute sufficient smaller cars for larger cars ordered to transport specified kinds of freight subject to the minimum quantity per shipment required by the applicable tariffs.

DATES: Effective 12:01 a.m., October 10, 1977. Expires 11:59 p.m., March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of October 1977.

There is an acute shortage of high capacity freight cars for transporting shipments of beet pellets, citrus pulp, citrus pellets, clay, fertilizer, phosphate (dried or ground, treated or untreated), fish meal, grain, grain products, salt, soybeans, soybean products, cottonseed hulls, peanut hulls, soybean hulls or sunflower seeds [1] caused by certain tariff provisions specifying the minimum quantities that must be loaded into cars offered to the carriers for transport. At the same time smaller cars, suitable except as to capacity, are available for transporting these products. The inability of the carriers and shippers to utilize the smaller capacity cars in place of the larger cars required by tariff provisions is resulting in great economic loss to both shippers and carriers. In the opinion of the Commission, an emergency exists requiring immediate action to modify existing rules, regulations and practices with respect to car service to secure maximum utilization of the available supply of freight cars and to alleviate shortages of cars. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1234 Tenth Revised Service Order No. 1234.

(a) *Distribution of freight cars.* Subject to the concurrence of the shipper, carriers may substitute a sufficient number of smaller cars for larger cars ordered to transport shipments of beet pellets, citrus pulp, citrus pellets, clay, fertilizer, phosphate (dried or ground, treated or untreated), fish meal, grain, grain products, salt, soybeans, soybean products, cottonseed hulls, peanut hulls,

soybean hulls or sunflower seeds [1] regardless of tariff requirements specifying minimum cubic or weight carrying capacity. (See paragraphs (b) and (c) of this section.)

(b) *Exception.* This order shall not apply to shipments subject to tariff provisions requiring the use of twenty-five or more cars per shipment.

(c) *Exception.* This order shall not apply to shipments subject to tariff provisions which require that cars be furnished by the shipper.

(d) *Rates and minimum weights applicable.* The rates to be applied and the minimum weights applicable to shipments for which cars smaller than those ordered have been furnished and loaded as authorized by paragraph (a) of this order shall be the rates and minimum weights applicable to the larger cars ordered.

(e) *Billing to be endorsed.* The carrier substituting smaller cars for larger cars as authorized by paragraph (a) of this order shall place the following endorsement on the bill of lading and on the waybills authorizing movement of the car:

Car of (____) cu. ft. and of (____) lbs. or greater capacity ordered. Smaller cars furnished authority Tenth Revised ICC Service Order No. 1234.

(f) *Concurrence of shipper required.* Smaller cars shall not be furnished in lieu of cars of greater capacity without the consent of the shipper.

(g) *Exceptions.* Exceptions to this order may be authorized to railroads by the Railroad Service Board, Washington, D.C. 20423. Requests for such exception must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(h) *Rules and regulations suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(j) *Effective date.* This order shall become effective at 12:01 a.m., October 11, 1977.

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

(49 U.S.C. 1 (12), (15), (16), 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-30107 Filed 10-13-77;8:45 am]

[7035-01]

[Corrected S.O. 1278]

PART 1033—CAR SERVICE

Distribution of Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Corrected Service Order No. 1278).

SUMMARY: There is a shortage of 180,000 lbs. capacity hopper cars for shipments of phosphate rock from Garrison, Montana, to Kimberly, British Columbia. The Burlington Northern Inc., the originating carrier, has secured a supply of smaller cars (140,000 lbs. capacity) which are suitable, except for capacity for transporting this traffic. Service Order No. 1278 authorizes the Burlington Northern to substitute these smaller cars for the larger cars normally required because of tariff minimum weights of 180,000 lbs. per car. The rates applicable to the larger cars ordered are to be applied to the smaller cars loaded provided the cars are loaded to capacity.

DATES: Effective 12:01 a.m., September 30, 1977. Expires 11:59 p.m., November 30, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of September 1977.

There is a regular movement of phosphate rock in bulk from Garrison (Phosphate Spur), Montana, to Kimberly, British Columbia, Canada, originating on the Burlington Northern Inc. (BN) and routed [1] BN-Sand Point-Spokane International-Kingsgate-CP Rail. These shipments are subject to tariff minimum weights of 180,000 lbs. per car. Because of heavy demands by various shippers, there is an acute shortage on the BN of open hopper cars capable of transporting shipments of these weights resulting in costly delays to the shipper and consignee because of interruptions in the regular flow of this traffic. The BN has secured an adequate supply of cars of 70-tons and greater capacity but less than 90-tons capacity and is willing to transport this traffic in fully loaded cars of at least 70-ton capacity at the rates normally subject to the higher minimum weights specified in the applicable tariffs. Use of these smaller cars in place of 90-ton cars will alleviate the economic loss to shippers caused by the inability of the BN to supply sufficient high capacity cars and will provide the BN with additional hopper cars to meet the requirements of its shippers.

In the opinion of the Commission, present regulations and practices with respect to the use and supply of hopper cars are ineffective to overcome these shortages of hopper cars and an emergency exists requiring immediate action. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1278 Corrected Service Order No. 1278.

(a) *Distribution of freight cars.* Subject to the concurrence of the shipper, the Burlington Northern Inc. (BN), may substitute open hopper cars listed in the Official Railway Equipment Register, ICC-RER No. 404, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation Class "H" and capacity of 140,000 lbs. or greater but less than 180,000 lbs. for open hoppers, Class "H" capacity 180,000 lbs. or greater ordered for transporting shipments of phosphate rock from Garrison (Phosphate Spur), Montana, to Kimberly, British Columbia, Canada, and routed [1] BN-Sand Point-Spokane International-Kingsgate-CP Rail subject to the conditions prescribed in paragraphs (b), (c), (d) and (e) of this order.

(b) *Exception.* This order shall not apply to shipments subject to tariff provisions which require that cars be furnished by the shipper.

(c) *Rates and minimum weights applicable.* The rates to be applied shall be those applicable to the size car ordered provided cars are loaded to the lesser of full visible or marked capacity.

(d) *Billing to be endorsed.* The carrier substituting smaller cars for larger cars as authorized by paragraph (a) of this order shall place the following endorsement on the bill of lading and on the waybills authorizing movement of the car:

Car of (____) lb. capacity ordered. Smaller cars furnished authority ICC Service Order No. 1278.

(e) *Concurrence of Shipper Required.* Smaller cars shall not be furnished in lieu of cars of greater capacity without the consent of the shipper.

(f) *Exceptions.* Exceptions to this order may be authorized to railroads by the Railroad Service Board, Washington, D.C., 20423. Requests for such exception

[1] Addition.

[1] Correction of route.

[1] Correction of route.

must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(g) *Rules and regulations suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order and insofar as they apply within the United States of America.

(h) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(i) *Effective date.* This order shall become effective at 12:01 a.m., September 30, 1977.

(j) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. 1(12), (15), (16), 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

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

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-30105 Filed 10-13-77;8:45 am]

[7035-01]

[S.O. 1281]

PART 1033—CAR SERVICE

Distribution of Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Service Order No. 1281)

SUMMARY: Because of a shortage of 90-ton hopper cars, the Delaware and Hudson Railway is authorized to furnish two 70-ton hopper cars for each 90-ton car ordered for shipments of iron ore tailings from North Creek, New York to Contrecoeur (Montreal), Quebec.

DATES: Effective 12:01 a.m., October 10, 1977. Expires 11:59 p.m., November 30, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of October 1977.

There is a movement of iron ore tailings from North Creek, New York, to Contrecoeur (Montreal), Quebec, Canada, for further movement via water on the St. Lawrence River, and routed via the Delaware and Hudson Railway Company (DH) thence Canadian National Railways. These shipments must be completed before the close of navigation on the river because of freezing. These shipments are subject to tariff minimum weights of 180,000 lbs. per car. Because of heavy demands by various shippers, there is an acute shortage on the DH of open hopper cars capable of transporting shipments of these weights resulting in costly delays to the shipper and consignee because of interruptions in the regular flow of this traffic. The DH has secured an adequate supply of cars of 70-tons and greater capacity but less than 90-tons capacity and is willing to transport this traffic in fully loaded cars of at least 70-ton capacity at the rates normally subject to the higher minimum weights specified in the applicable tariffs. Use of these smaller cars in place of 90-ton cars will alleviate the economic loss to shippers caused by the inability of the DH to supply sufficient high capacity cars and will provide the DH with additional hopper cars to meet the requirements of its shippers.

In the opinion of the Commission, present regulations and practices with respect to the use and supply of hopper cars are ineffective to overcome these shortages of hopper cars and an emergency exists requiring immediate action. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1281 Service Order No. 1281.

(a) *Distribution of freight cars.* Subject to the concurrence of the shipper, the Delaware and Hudson Railway Company (DH), may substitute open hopper cars listed in the Official Railway Equipment Register, ICC-RER No. 404, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation Class "H" and capacity of 140,000 lbs. or greater but less than 180,000 lbs. for open hoppers, Class "H" capacity 180,000 lbs. or greater ordered for transporting shipments of iron ore tailings from North Creek, New York to Contrecoeur (Montreal), Quebec, Canada, for further movement via water, and routed via DH-Canadian National Railways subject to the conditions prescribed in paragraphs (b), (c), (d), and (e) of this order.

(b) *Exception.* This order shall not apply to shipments subject to tariff provisions which require that cars be furnished by the shipper.

(c) *Rates and minimum weights applicable.* The rates to be applied shall be those applicable to the size car ordered provided cars are loaded to the lesser of full visible or marked capacity.

(d) *Billing to be Endorsed.* The carrier substituting smaller cars for larger cars as authorized by paragraph (a) of this order shall place the following endorsement on the bill of lading and on the waybills authorizing movement of the car:

Car of (____) lb. capacity ordered. Smaller cars furnished authority ICC Service Order No. 1281.

(e) *Concurrence of shipper required.* Smaller cars shall not be furnished in lieu of cars of greater capacity without the consent of the shipper.

(f) *Exceptions.* Exceptions to this order may be authorized to railroads by the Railroad Service Board, Washington, D.C., 20423. Requests for such exception must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(g) *Rules and regulations suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order and insofar as they apply within the United States of America.

(h) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(i) *Effective date.* This order shall become effective at 12:01 a.m. October 11, 1977.

(j) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. 1(12), (15), (16), 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-30106 Filed 10-13-77;8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Opening of Bear River Migratory Bird Refuge, Utah, to Hunting of Upland Game

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of the Bear River Migratory Bird Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreation opportunity to the public.

DATES: November 5, 1977 through December 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Ned I. Peabody, P.O. Box 459, Brigham City, Utah 84302, Telephone 801–744–2488

SUPPLEMENTARY INFORMATION:

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of pheasants is permitted on the Bear River Migratory Bird Refuge, Utah, only on the area designated by signs as being open to hunting. This area comprising 9,495 acres, is delineated "Area A" on maps available at the refuge headquarters, Brigham City, Utah and from the office of the Area Manager, Fish and Wildlife Service, Federal Building, Salt Lake City, Utah 84138. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special regulations:

(1) *Steel Shot.* The exclusive use of steel shot is required on all days in Hunting Area "A". The possession of lead shot within a refuge hunting area is prohibited, and having lead shot in one's possession will be considered prima facie evidence that the person possessing such shot is engaged in hunting with same.

(2) *Roads.* No hunting is permitted from roadways or within 100 yards of any roadway.

(3) *Hunter Check Station.* Each hunter who enters Area "A" is required to register at the checking station and check out before leaving the refuge.

(4) *Parking.* Hunters may park cars only at designated areas within the refuge.

(5) *Routes of Travel.* To reach open hunting areas, travel is permitted on foot or bicycle from refuge check station over roads between Units 1 and 2 and Units 2 and 3.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. 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.

Dated: October 3, 1977.

RODNEY F. KREY,
Acting Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

[FR Doc.77-30005 Filed 10-13-77;8:45 am]

[4310-55]

PART 32—MIGRATORY GAME BIRD HUNTING

Opening of Browns Park National Wildlife Refuge, Colorado, to Migratory Game Bird Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to migratory game bird hunting of Browns Park 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: Ducks, coots, mergansers—October 1 through October 14, 1977, inclusive, and November 5, 1977 through January 22, 1978, inclusive.

Geese—November 5, 1977, through December 11, 1977, inclusive.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Browns Park National Wildlife Refuge, Greystone Route, Maybell, Colorado 81640, telephone: 365–3695.

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game bird hunting is permitted on the Browns Park National Wildlife Refuge, Colorado, only on the areas designated by signs as being open to hunting. These areas, comprising 1,775 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, P.O. Box 25486, Denver, Colo. 80215. Migratory game bird hunting shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Vehicle travel within the refuge will be restricted to designated routes and parking areas.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. 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.

JAMES A. CREASY,
Refuge Manager, Browns Park National Wildlife Refuge, Maybell, Colo.

SEPTEMBER 15, 1977.

[FR Doc.77-30006 Filed 10-13-77;8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Horicon National Wildlife Refuge, Wisconsin, to Deer Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to deer hunting of Horicon 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: November 19, 1977 through November 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Horicon National Wildlife Refuge, R.R. No. 2, Mayville, Wis. 53050, area code 414–387–2658.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

The public hunting of deer is permitted on the Horicon National Wildlife Refuge, Wisconsin, with designated firearms only, and only on the area designated by signs as being open to hunting. This area, comprising 20,000 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Deer hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. 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.

Dated: October 3, 1977.

JOHN E. TOLL,
Refuge Manager.

[FR Doc.77-30007 Filed 10-13-77;8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Muscatatuck National Wildlife Refuge, Indiana, to Upland Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to upland game hunting of Muscatatuck National Wildlife Refuge to rabbit and quail hunting 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: November 11, 1977 through January 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles E. Scheffe, Refuge Manager, Muscatatuck National Wildlife Refuge, P.O. Box 631, Seymour, Ind. 47274, telephone 812-522-4352.

SUPPLEMENTARY INFORMATION:

§ **Special regulations; upland game; for individual wildlife refuge areas.**

Public hunting of rabbit and quail is permitted on the Muscatatuck National Wildlife Refuge, Indiana only on refuge lands lying south of Myers road, designated by signs as open to hunting. This area comprising 1,320 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting of rabbits and quail shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. 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.

Dated: October 5, 1977.

CHARLES A. HUGHLETT,
Acting Regional Director.

[RF Doc.77-30008 Filed 10-13-77;8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Oxbow National Wildlife Refuge, Massachusetts

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule adds Oxbow National Wildlife Refuge to the lists of refuge areas open for the hunting of migratory game birds, upland game and big game. The Director has determined that this action is compatible with the major purposes for which this refuge was established, with the principles of sound wildlife management and is in the public interest. Hunting, subject to annual special regulations, will provide additional public recreational opportunity.

EFFECTIVE DATE: October 14, 1977.

FOR FURTHER INFORMATION, CONTACT:

Ralph H. Town, Division of National Wildlife Refuges, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 202-343-4305.

SUPPLEMENTARY INFORMATION: Ralph H. Town is also the principal author of this final rule. On August 26, 1977, there was published (42 FR 43108) a notice of proposed rulemaking adding Oxbow National Wildlife Refuge, Massachusetts, to the list of refuge areas which are open for the hunting of migratory game birds, upland game and big game. As a general rule, most areas within the National Wildlife Refuge System are closed to hunting until officially opened by regulation.

The public was provided a 30-day comment period and was advised that an environmental assessment has been prepared on the proposal and was available for public inspection. One favorable comment was received on the proposed rulemaking.

Because of the time limitations involved to coordinate the State and Federal hunting regulations for the cooperative hunting program, and the rapid approach of the hunting seasons, the U.S. Fish and Wildlife Service has concluded that "good cause" exists within the meaning of section 553(d)(3) of the Administrative Procedure Act to expedite the implementation of this rulemaking. It was necessary to wait until the State established its 1977 hunting regulations before initiating the rulemaking process. Therefore this rulemaking will become effective October 14, 1977.

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.

Accordingly, 50 CFR Part 32 is amended by the addition of Oxbow National Wildlife Refuge as follows:

§ 32.11 **List of open areas; migratory game birds.**

MASSACHUSETTS

Oxbow National Wildlife Refuge

* * * * *

§ 32.21 **List of open areas; upland game.**

MASSACHUSETTS

Oxbow National Wildlife Refuge

* * * * *

§ 32.31 **List of open areas; big game.**

MASSACHUSETTS

Oxbow National Wildlife Refuge

Dated: October 4, 1977.

ROBERT S. COOK,
Acting Director, United States Fish and Wildlife Service.

[FR Doc.77-30009 Filed 10-13-77;8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Certain National Wildlife Refuges to Hunting of Migratory Game Birds; Arizona, California, New Mexico, Oklahoma, Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of certain national wildlife refuges in Arizona, California, New Mexico, Oklahoma and Texas, is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. The name of each affected refuge and the special regulations for each refuge are set forth below.

EFFECTIVE DATES: See the dates listed for each refuge under Supplementary Information below.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, as listed for each refuge under Supplementary Information below.

SUPPLEMENTARY INFORMATION:

CIBOLA NATIONAL WILDLIFE REFUGE

DATES: October 1, 1977 through January 22, 1978.

FOR FURTHER INFORMATION CONTACT:

George M. Constantino, Refuge Manager, Cibola National Wildlife Refuge, Box AP, Blythe, Calif. 92225, telephone 714-922-4433.

§ 32.10 **Special regulations; migratory game birds; for individual wildlife refuge areas.**

Public hunting of ducks, geese, coots and gallinules on the Cibola National

Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots and gallinules, from October 1 through November 13, 1977, and from December 5, 1977 through January 22, 1978; geese, from October 1 through November 13, 1977, and from December 5, 1977 through January 1, 1978; but only on the areas designated by signs as open to hunting. These open areas, comprising 8,900 acres, are delineated on maps available at refuge headquarters, Federal Building, Blythe, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots and gallinules subject to the following special conditions:

1. Up to 2 dogs per hunter may be used for the purpose of hunting and retrieving.

2. Pits or permanent blinds are prohibited.

3. Hunting is prohibited within one-fourth mile of any occupied dwelling or 250 yards of any farm field worker.

4. Open campfires are permitted only on the end of unvegetated jetties. Charcoal cooking fires in grills or other similar equipment are permitted in public use areas if all vegetation is cleared within a 10-foot radius of the fire. All fires must be extinguished before leaving the area.

5. Hunters may not enter closed zones to retrieve game.

6. Possession of all handguns and all .22 caliber rim-fire firearms on the refuge is prohibited.

HAVASU NATIONAL WIIDLIFE REFUGE

DATES: October 1, 1977 through January 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Tyrus W. Berry, Refuge Manager, Havasu National Wildlife Refuge, P.O. Box AP, Needles, Calif. 92363, telephone 714–326–3853.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of ducks, geese, coots, gallinules and Wilson's snipe on the Havasu National Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots, and gallinules, from October 1 through November 13, 1977, and from December 5, 1977 through January 22, 1978; geese, from October 1 through November 13, 1977, and from December 5, 1977 through January 1, 1978; Wilson's snipe, from December 5, 1977 through January 22, 1978, but only on the areas designated by signs as open to hunting. These open areas, comprising 13,200 acres, are delineated on maps available at refuge headquarers, 1406 Bailey Avenue, Needles, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, gallinules, and Wilson's snipe subject to the following special conditions:

1. Hunting on Pintail Slough Management Unit will be permitted only on Saturdays, Sundays, and Wednesdays. This Unit includes all refuge land north of the north dike.

2. An iron shot study program to evaluate field use of iron shot shells will be conducted by the U.S. Fish and Wildlife Service on Havasu National Wildlife Refuge.

3. Topock Marsh is the designated area for the iron shot hunt. The hunt area includes the Pintail Slough Management Unit and all marsh lands open to hunting north of the south dike.

4. The iron shot hunt will continue through the waterfowl season.

5. Use of lead shot shells for waterfowl hunting is prohibited in the Topock Marsh iron shot hunt area.

6. Hunters must use a 12-gauge shotgun while hunting in the iron shot hunt area, as iron shot shells are available only in 12 gauge.

7. All hunters may be required to fill out a post-hunt questionnaire at the end of each hunt. Questionnaires will be available at each of the hunt area entry points.

8. Hunters are required to enter the hunt areas by way of designated parking areas only.

9. Up to 2 dogs may be used in the hunt area for the purpose of hunting and retrieving.

10. The construction or use of pits or permanent blinds is prohibited.

11. Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

IMPERIAL NATIONAL WILDLIFE REFUGE

DATES: October 1, 1977 through January 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerald E. Duncan, Refuge Manager, Imperial National Wildlife Refuge, P.O. Box 2217, Martinez Lake, Ariz. 85364, telephone 602–783–3400.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of ducks, geese, coots and gallinules on the Imperial National Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots and gallinules, from October 1 through November 13, 1977, and from December 5, 1977 through January 22, 1978; geese, from October 1 through November 13, 1977, and from December 5, 1977 through January 1, 1978; but only on the area designated by signs as open to hunting. This open area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, near Meers Point, Ariz., and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots and gallinules subject to the following special condition:

1. The construction or use of permanent blinds or pits is prohibited.

BITTER LAKE NATIONAL WILDLIFE REFUGE

DATES: October 22, 1977 through January 29, 1978.

FOR FURTHER INFORMATION CONTACT:

LeMoyne B. Marlatt, Refuge Manager, Bitter Lake National Wildlife Refuge, Box 7, Roswell, N. Mex. 88201. Telephone 505–622–6755.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of ducks, geese, coots, Wilson's snipe and lesser sandhill cranes on the Bitter Lake National Wildlife Refuge is permitted as follows: Ducks, coots and snipe, from November 1, 1977 through January 22, 1978; geese, from October 22, 1977 through January 22, 1978; lesser sandhill cranes, from October 29, 1977 through January 29, 1978; but only on the areas designated by signs as open to hunting. These areas consist of 1,600 acres on the North Refuge Unit (Area B) and 1,800 acres on the South Refuge Unit (Area C). Hunting areas are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, snipe and lesser sandhill cranes subject to the following special condition:

1. Steel (iron) shot shotgun ammunition only may be used for the taking of ducks, geese, coots, snipe and lesser sandhill cranes on the South Refuge Unit (Area C) during the duck season, which is from November 1, 1977 through January 22, 1978. Steel (iron) shot shotgun ammunition is available from two commercial outlets in Roswell, N. Mex.

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

DATES: November 19 through December 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard W. Rigby, Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, N. Mex. 87801. Telephone 505–835–1828.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting only of snow, blue and Ross's geese on the Bosque del Apache National Wildlife Refuge is permitted from November 19 through December 14, 1977, but only on the area designated by signs as open to hunting. This open area (Units 9, 13 and 14), comprising 656 acres, is delineated on maps available at

refuge headquarters, 5 miles south of San Antonio, N. Mex., and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese subject to the following special conditions:

1. An experimental program to evaluate field use of steel (iron) shot shells will be conducted this season by the U.S. Fish and Wildlife Service. Steel shot shells are available commercially only in 12 gauge.

2. Hunters are encouraged to obtain steel shot shells from commercial sources. The refuge will have a limited supply of steel shot shells for emergency purchase only. Hunters will be limited to the use of no more than 8 steel shot shells for each day's hunt. It will be illegal within the hunt area to possess any shells other than the 8 steel shot shells.

3. Hunters will be required to apply (by pre-season application) for hunting dates. Applications are available from the New Mexico Department of Game and Fish, Bosque del Apache National Wildlife Refuge, and the U.S. Fish and Wildlife Service's Regional Office, Albuquerque, N. Mex.

4. Hunters may apply as a party of 1, 2, or 3 persons. If the application is for a party of less than 3 persons, the vacancies may be filled from other applications or by a daily drawing. No substitutions for the original applicant will be allowed.

5. A hunter's name may appear on only one application each season. If an applicant's name appears on more than one application, all applications containing this name are void.

6. Applicants may indicate up to 4 choices of hunting days. The deadline for accepting applications will be 10 a.m., October 1, 1977.

7. All successful applicants and those wishing to participate on a stand-by basis will be required to attend a snow goose hunter training program, to be given by U.S. Fish and Wildlife Service personnel during October and early November in various locations throughout the state.

8. Blind spaces not filled by reservations resulting from applications may be filled by hunters on a stand-by basis.

9. Hunters selected to participate in each day's hunt will be assigned their blind by lot.

10. Hunting is permitted only from the assigned blind, with no more than 3 hunters per blind. Switching of blinds is prohibited.

11. Each hunter will pay a special hunter service recreation fee of $3.00 on the day of the hunt. Holders of "Golden Age Passports" are entitled to a 50% discount on this $3.00 fee.

12. The daily bag limit will be 4 of the permitted species, except that no more than one Ross's goose will be permitted in the daily bag.

13. Shooting hours will be from sunrise until 10 a.m.

14. Hunters will be permitted to use only snow geese decoys.

15. Hunters must check in through the middle refuge gate on N.M. Highway 1, 1½ miles south of the north refuge boundary, no later than 5 a.m. of the day they are to hunt and must check out through the hunter check station by 11 a.m. of that same day.

16. Dogs are prohibited.

SEVILLETA NATIONAL WILDLIFE REFUGE

DATES: October 22, 1977 through January 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard W. Rigby, Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, N. Mex. 87801. Telephone 505–835–1828.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of ducks, geese and coots on the Sevilleta National Wildlife Refuge, San Acacia, N. Mex. is permitted as follows: Ducks and coots, from November 1, 1977 through January 22, 1978; geese of the dard species (Canadas and white-fronts), from November 1, 1977 through January 22, 1978; geese of the light variety (snows, blues and Ross's), from October 22, 1977 through January 22, 1978, but only on the area designated by signs as open to hunting. This open area, comprising 1,992 acres, are delineated on maps available at refuge headquarters of the Bosque del Apache National Wildlife Refuge, 5 miles south of San Antonio, N. Mex., and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following special conditions:

1. No camping will be permitted.

2. Vehicle entry and parking will be restricted to areas as posted and designated on hunt map.

3. Entry to the hunt area will be no earlier than 2 hours before sunrise.

4. All hunters must be out of the hunt area by one-half hour after shooting hours.

5. Up to 2 dogs per hunter may be used for the purpose of hunting and retrieving.

6. Hunters may not enter closed areas to retrieve birds.

7. Hunting during the general waterfowl season will be permitted on Tuesdays, Thursdays, and Sundays, from 30 minutes before sunrise until 1 p.m. local time.

8. Construction of temporary blinds is permitted. Pits and permanent blinds are prohibited.

SEQUOYAH NATIONAL WILDLIFE REFUGE

DATES: October 17, 1977 through January 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert H. Stratton, Refuge Manager, Sequoyah National Wildlife Refuge, P.O. Box 398, Sallisaw, Okla. 74955. Telephone 918–775–4931.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of ducks, geese, coots, snipe and woodcock on the Sequoyah National Wildlife Refuge is permitted on three areas designated by signs as open to hunting. These open areas, comprising 10,500 acres, are delineated on maps available at refuge headquarters, 412 N. Maple Street, Sallisaw, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Ducks and coots, from October 22 through November 13, 1977, and from December 3, 1977 through January 3, 1978. Geese (snows and blues), from October 17 through November 20, 1977, and from December 3, 1977 through January 22, 1978 (Canadas and white-fronts), from October 17 through November 20, 1977, and from December 3, 1977 through January 8, 1978. Snipe, from October 22, 1977 through January 22, 1978. Woodcock, from November 20, 1977 through January 22, 1978. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, snipe and woodcock subject to the following special conditions:

1. Hunting weapons of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where weapons must be cased or broken down.

2. Camping or possession of firearms on the refuge at night is prohibited.

TISHOMINGO NATIONAL WILDLIFE REFUGE

DATES: November 5, 1977 through January 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Ernest S. Jemison, Refuge Manager, Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Okla. 73460. Telephone 405–371–2402.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of ducks, geese and coots on the Wildlife Management Unit of the Tishomingo National Wildlife Refuge is permitted but only on the area designated by signs as open to hunting. These open areas, comprising 3,170 acres, are delineated on maps available at refuge headquarters, 6 miles southeast of Tishomingo, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following special conditions:

1. All waterfowl hunting on the Wildlife Management Unit of the Tishomingo National Wildlife Refuge during the 1977–78 waterfowl hunting season will be

conducted as part of an experimental program to evaluate use of steel (iron) shot shells for waterfowl hunting. Steel (iron) shot shells are available in 12 gauge only; therefore, 12-gauge shotguns will be the only legal firearm permitted within the hunting areas. It will be illegal for waterfowl hunters to possess shot gun ammunition other than steel (iron) shot shells within the refuge waterfowl hunting areas during the waterfowl seasons, except shells furnished by the refuge for special experiments.

2. Ducks and coots may be hunted only in Management Unit Zones 1 and 2. Duck and coot hunting is restricted to the period of one-half hour before sunrise to 11:45 a.m. on Tuesdays, Thursdays, Saturdays, Sundays and national holidays, from November 5 through November 20, 1977, and from December 3, 1977 through January 3, 1978. Duck and coot hunting in Zone 2 will be restricted to hunters using retrieving dogs.

Eight duck blinds are provided in Zone 1, and hunters will be assigned to these blinds on a first-come-first-choice basis. Construction of temporary blinds is permitted in the "pothole" area of Zone 1. These blinds may be placed where desired after giving due consideration to safety and hunting opportunities of hunters already in the area. Blinds may not be constructed or used within 80 yards of a blind already in use.

3. Geese may be hunted in Zone 3 only. Goose hunting is restricted to the period of one-half hour before sunrise to 11:45 a.m. on Tuesdays, Thursdays, Saturdays, Sundays and national holidays, from November 5 through November 20, 1977, and from December 3, 1977 through January 8, 1978.

Thirty-five goose blinds are provided in Zone 3; all goose hunting must be from these blinds. Hunters must apply in writing to the Refuge Manager at the above address for blind reservations. Reservation requests for 5 dates may be submitted.

Hunt applications for specific dates will be processed in the order in which they are received at the refuge until available blind spaces are filled. Confirmations and rejections of applications will be made by mail if time permits.

Blind assignments to those whose applications have been accepted will be determined by a punchboard procedure just prior to each day's hunt.

Each hunter in Zone 3 will be limited to the possession of 6 shotgun shells.

4. The Management Unit will be closed to waterfowl hunting on November 15, 1977 for public safety due to a control deer hunt.

5. Hunters in Zones 1 and 3 must remain in blinds to which they have been assigned during the hunt except to place or adjust decoys and retrieve birds. Further, hunters may leave their blinds to pick up decoys and return to the check stations only at 9:30 a.m. and after 11:30 a.m.

6. All hunters in all Zones, upon entering or leaving the area, shall report at designated checking stations for the purpose of purchasing legal steel (iron) shot shells (locally available only through the refuge), blind assignment, and to furnish information on their hunting activities.

7. Sky-busting; i.e., firing at birds in excess of 45 yards from the hunter, is prohibited in all hunt Zones.

BRAZORIA NATIONAL WILDLIFE REFUGE

DATES: November 5, 1977 through January 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Jim E. Neaville, Acting Refuge Manager, Brazoria National Wildlife Refuge, Box 1088, Angleton, Tex. 77515. Telephone (713–849–6062).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of ducks, geese and coots on the Brazoria National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,300 acres of Rattlesnake Island on the southeast side of the Intracoastal Waterway and adjacent to Bastrop, Christmas and Drum Bays, is delineated on maps available at refuge headquarters, 1014 N. Velasco Street, Angleton, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following special conditions:

1. The open season for hunting ducks and coots on the refuge extends from November 5 through November 27, 1977, and from December 22, 1977 through January 22, 1978.

2. The open season for hunting snow geese on the refuge extends from November 5, 1977 through January 22, 1978; and for Canada and white-fronted geese, from November 5 through December 14, 1977, and from December 22, 1977 through January 22, 1978.

3. Access to the hunting area must be entirely over public water routes. Travel across the refuge mainland will not be permitted to and from the area open to hunting.

4. Only temporary blinds may be constructed or used on the hunting area. Natural materials may be used for blind construction.

LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE

DATES: Closed to migratory game bird hunting for the 1977–78 hunting season.

FOR FURTHER INFORMATION CONTACT:

Arthur R. Rauch, Acting Refuge Manager, Laguna Atascosa National Wildlife Refuge, P.O. Box 2683, Harlingen, Tex. 78550. Telephone (512–423–8328).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

The hunting of migratory game birds on the Laguna Atascosa National Wildlife Refuge is suspended for the 1977–78 hunting season. It has been determined that the entire refuge area is required for resource protection, especially in that the redhead, a bird in short supply, is a major wintering species.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. 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.

W. O. NELSON, Jr.,
Regional Director,
Albuquerque, New Mexico.

OCTOBER 7, 1977.

[FR Doc.77–30010 Filed 10–13–77;8:45 am]

[4310–55]

PART 33—SPORT FISHING

Closing of Tishomingo National Wildlife Refuge, Oklahoma, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the closing of specific parts of the Tishomingo National Wildlife is necessary to protect the waterfowl resource from disturbance on the loafing and roosting area.

DATES: October 1, 1977 through December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Ernest S. Jemison, Refuge Manager, Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Okla. 73460. Telephone: 405–371–2402.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations, sport fishing; for individual wildlife refuge areas.

Sport fishing on the Washita Arm of Lake Texoma within the Tishomingo National Wildlife Refuge will be closed during the fall and winter waterfowl use period for the following reason:

Recent years have seen increasing siltation of the western portion of the Washita Arm of Lake Texoma (Cumberland Pool). The western portion of this body of water has been closed to sport fishing during the waterfowl and winter use periods for a number of years to give protection to the waterfowl resource. Accelerated siltation of this portion of the lake has made it less attrac-

tive for waterfowl loafing and roosting to the point that the deeper portion of the water area is now needed for this purpose.

1. The Washita Arm of Lake Texoma (Cumberland Pool) within the Tishomingo National Wildlife Refuge is closed to sport fishing and all public boating during the period from October 1 through December 31, 1977.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33. 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.

W. O. NELSON, JR.,
Regional Director,
Albuquerque, New Mexico.

OCTOBER 7, 1977.

[FR Doc.77–30011 Filed 10–13–77;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.

[3410-34]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 3]

ANIMAL WELFARE

Proposed Revision of Standards for Transportation, Handling, Care, and Treatment in Connection Therewith, of Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Certain Other Warmblooded Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes revisions of the transportation standards governing certain live warblooded animals under the Animal Welfare Act published in the FEDERAL REGISTER on June 21, 1977 (42 FR 31556-31571). The revisions concern compliance with standards for primary enclosures used to transport certain animals in commerce by carriers and intermediate handlers, the use of certain primary enclosures to transport animals with ventilation openings on three walls, and the standards for the animal holding area of terminal facilities. These revisions of the transportation standards are proposed as a result of various petitions for reconsideration which were received by the Department after publication of the final transportation standards in the FEDERAL REGISTER on June 21, 1977, which made new facts and evidence available to the Department that appear to warrant such action.

DATE: Comments on or before October 31, 1977.

ADDRESSES: Comments to Deputy Administrator, USDA, APHIS, VS, Room 703, Federal Building, 6505 Belcrest Rd., Hyattsville, Md. 20782. Comments available for inspection at the above address during regular hours of business (8:00 a.m. to 4:30 p.m. Monday through Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Dr. Dale F. Schwindaman, Senior Staff Veterinarian, Animal Care Staff, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 703, Federal Building, 6505 Belcreast Rd., Hyattsville, Md. 20782, (301-436-8271).

SUPPLEMENTARY INFORMATION: Present transportation standards (§§ 3.11, 3.112, 3.35, 3.36, 3.60, 3.61, 3.85, 3.86, 3.111 and 3.112) require that no carrier or intermediate handler accept for transportation or transport, in commerce, and that no dealer, research facility, exhibitor, or operator of an auction sale offer for transportation or transport, in commerce, any animal in a primary enclosure that does not conform to the requirements set forth in the standards. Section 14 of the Animal Welfare Act requires departments, agencies, and instrumentalities of the United States having laboratory animal facilities or exhibiting animals to comply with the standards promulgated under section 13 of the Act. In order for carriers and intermediate handlers to be sure that they are not violating the regulations and standards when they accept for transportation or transport any animal, they may have to open the primary enclosures containing all such animals in order to determine whether or not the primary enclosures meet the requirements of the standards for such animals. The Air Transport Association (TAT), which represents most of the major domestic airlines, and various airlines themselves, as well as the Pet Industry Joint Advisory Council (PIJAC), have filed petitions for reconsideration requesting that APHIS reconsider this requirement concerning carriers and intermediate handlers.

The air carriers believe that the obligation to affirm the adequacy of a shipping container or primary enclosure used for the transportation of live animals should be the responsibility of the consignor. The carriers' belief that the consignor should bear this responsibility is based on the carriers' alleged lack of personnel qualified to effect the inspection and verification procedures required for animal shipping containers. The carriers contend that serious disruption of the normal flow of passengers traveling with pet animals through airport facilities, as well as delayed processing of animal shipments which are not accompanied by an owner or consignor, will result from the required inspection of animal shipping containers. As the result of such delays in processing animals presented for transportation at airports, the animals will be required to spend additional time in their shipping containers. Such added time in transit subjects the transported animal to greater physical stress which lowers his resistance to various diseases.

The additional assurance of humane treatment to animals offered for transportation and transported by carriers and intermediate handlers afforded by the actual inspection of primary enclosures, by such carriers and intermediate handlers as well as other persons and entities subject to the Act, prior to shipment does not appear to be warranted if it results in prolonging the time such animals are in transit or within their primary enclosures. Therefore, APHIS proposes to revise the transportation standards to allow carriers and intermediate handlers to accept for transportation and transport in commerce, any animal in a primary enclosure consigned by any licensed or registered dealer, research facility, exhibitor, operator of an auction sale or consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals, if such person or department, agency or instrumentality of the United States certifies that the primary enclosure meets the requirements of the standards for such animal. However, carriers and intermediate handlers would still be responsible for inspecting and assuring that primary enclosures for all other animals accepted for transportation or transported, in commerce, meet the requirements of the standards. It is proposed that such certification of primary enclosures be limited to departments, agencies or instrumentalities of the United States and to licensed or registered dealers, research facilities, exhibitors and operators of auction sales for ease of identification of such persons or entities by carriers and intermediate handlers and to prevent carriers and intermediate handlers from having to determine if, in fact, a consignor of an animal does not meet the definition of a dealer, research facility, exhibitor, or operator of an auction sale.

The present standards (§§ 3.12, 3.36, 3.61, 3.86 and 3.112) require that primary enclosures used to transport animals shall be constructed in such a manner that there are ventilation openings located on two opposite walls of the primary enclosure and such ventilation openings on each such wall are at least 16 percent of the total surface area of each such wall or there are ventilation openings located on all four walls of the primary enclosure and such ventilation openings are at least 8 percent of the total surface area of each such wall. APHIS did not propose a standard of ventilation with respect to ventilation openings located on three sides of such a primary enclosure and when such proposal was published in the FEDERAL REGISTER for public

comment, no comments were received indicating that there was any need for such a standard. Therefore, APHIS did not promulgate and publish such a standard in the FEDERAL REGISTER. However, it has been pointed out by the petitioners that many of the primary enclosures presently used to transport dogs and cats, in commerce, which appear to provide adequate ventilation for the dog or cat contained therein have ventilation openings on three sides, and these enclosures do not meet the requirements of the standards.

Such primary enclosures have ventilation openings of approximately 10 percent of the surface area of each of two opposite walls and approximately 50 percent of a third wall. Information from petitioners indicates that approximately 700,000 of such primary enclosures with ventilation openings on three sides have been successfully used by consignors of animals to transport live dogs and cats in commerce. Information from such petitioners also indicates that after extensive use, no documented case or even a complaint of injury or death of a dog or cat occurred as the result of transporting such animals in such primary enclosures with ventilation openings on three walls. Therefore, APHIS is proposing to amend § 3.12 of the standards to allow the usage of primary enclosures for transporting live dogs and cats that have ventilation openings on two opposite walls that are at least 8 percent of the total surface area of each such wall and a ventilation opening on a third wall that is at least 50 percent of the total surface area of such third wall.

It has been noted by APHIS field personnel that some primary enclosures used to transport live animals in commerce are made of welded wire mesh and a solid bottom. In order to contain the bedding and excreta within the confines of such a primary enclosure, a partial wall extends part way up the sides of such primary enclosure. The present standards for providing ventilation in primary enclosures used to transport live animals requires that at least one-third of the total area providing ventilation for the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total area providing the ventilation for the primary enclosure shall be located on the upper one-half of the primary enclosure. Some persons have pointed out that such primary enclosure cannot meet the standards and contain excreta and bedding through the use of a partial wall on the lower one-half of such shipping container. Therefore, APHIS proposes that the standards be amended to provide that at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total minimum are required for the ventilation of the primary enclosure shall be located on the upper one-half of the primary enclosure.

Present standards require that carriers designate an indoor animal holding area within terminal facilities which shall not be used for general cargo, but may be located within the general cargo area. Petitioners point out that this requirement prohibits the utilization of such an indoor animal holding area for stowage of other cargo when animals are not present. They also contend that in temperate climates it is unnecessarily restrictive to require that such an animal holding area be indoors as long as there is compliance with the other standards. Because space is limited in many airport cargo areas, it appears that a restriction of the number of animal shipments would occur if minimal space would be designated as an indoor animal holding area to efficiently utilize the premium priced cargo storage space. Such result would not be an improved situation for the animals in transit, but rather would add restrictions which hinder the expeditious handling of the animals. Limiting the number of animals which may be transported by air carriers could force the consignors of animal shipments to use slower surface transportation methods resulting in additional stress and trauma to the animals because of long periods of confinement in their primary enclosures used for transportation. It could also delay shipments en route because there would not be sufficient space in the animal holding area at a down-line terminal facility for such animals even though there would be sufficient space for such animals on the next available flight. Such delays are not in the best interest of the animals so shipped.

Therefore, APHIS proposes in lieu of the present standards that carriers and intermediate handlers shall maintain all animal shipments in the same animal holding area of a terminal facility at any one time and animal shipments shall not be commingled with inanimate cargo at any terminal facility.

APHIS is also proposing that present paragraph (b) of §§ 3.16, 3.40, 3.65, 3.90 and 3.116 of the standards concerning shelter from sunlight, rain or snow and cold when animals are moved from primary conveyances to terminal facilities and from terminal facilities to primary conveyances be placed under "Handling" in §§ 3.17, 3.41, 3.66, 3.91 and 3.117 of the standards respectively for clarity and association of related topics; and that such standards concerning shelter from sunlight, when sunlight is likely to cause overheating or discomfort, and shelter from rain or snow be made applicable to all animal holding areas as a basic requirement whether such areas are indoors or outdoors.

The present standards require animal holding areas in terminal facilities to be cleaned and sanitized in a manner prescribed in the standards often enough to prevent an accumulation of debris or excreta, minimize vermin infestation and to prevent a disease hazard. While cleaning and sanitizing the animal holding area will reduce its attraction of various vermin and places for them to live and breed, it will not effectively control all insects, ectoparasites, and avian and mammalian pests. Therefore, to clarify what is considered a vermin infestation and to effectively control insects, ectoparasites and avian and mammalian pests in animal holding areas, APHIS is proposing to require that an effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained for all animal holding areas.

Present transportation standards require that the ambient temperature in any animal holding area at any terminal facility of any carrier or intermediate handler not be allowed to fall below a minimum of 7.2°C. (45°F.) nor be allowed to exceed 29.5°C. (85°F.) for more than 4 hours and never exceed a maximum of 35°C. (95°F.), except in the case of guinea pigs, hamsters, and rabbits which cannot tolerate such warm temperatures. However, a question has been raised as to whether these standards are more restrictive than necessary to assure the humane treatment of animals during the course of their transportation. APHIS's primary concern is the welfare of the animal and the ambient temperatures to which it is subjected. Writing the standards in relation to the temperature in the animal holding area and requiring that such temperature not exceed 29.5°C. (85°F.) for more than 4 hours achieved that purpose, but, in cases where the temperature could not be controlled, it meant that no animals could be accepted after the animal holding area had exceeded 29.5°C. (85°F.) for 4 hours, even though it had not reached 35°C. (95°F.) and no animals were confined therein. This could needlessly delay the shipment of some animals with a consequent increase in the stress and trauma to which they were subjected.

Therefore, APHIS is proposing that the ambient temperature within an animal holding area for live dogs, cats, nonhuman primates, and other warmblooded animals covered by the Act, other than rabbits, hamsters, and guinea pigs, shall not be allowed to fall below 7.2° C. (45° F.) at any time, provided that no such live animals are subjected to an ambient temperature in such animal holding area in excess of 24.5° C. (85° F.) for more than 4 hours. APHIS is also proposing that auxiliary ventilation, such as exhaust fans and vents or fans or blowers or air conditioning shall be provided and used when the atmospheric temperature within the animal holding area is 29.5° C. (85° F.) or higher to increase the flow of air which will minimize the debilitating effect of high temperature as it approaches the critical temperature of 35° C. (95° F.).

Accordingly, the standards (9 CFR 3.11 et seq.) would be amended in the following respects:

PART 3—STANDARDS

1. Section 3.11(b) of the standards (9 CFR 3.11(b)) is amended to read as follows:

§ 3.11 Consignments to carriers and intermediate handlers.

* * * * *

(b) Any carrier or intermediate handler shall only accept for transportation

or transport in commerce, any live dog or cat in a primary enclosure which conforms to the requirements set forth in § 3.12 of the standards: *Provided, however,* That any carrier or intermediate handler may accept for transportation or transport, in commerce, any live dog or cat consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals or any licensed or registered dealer, research facility, exhibitor, or operator of an auction sale if the consignor furnishes to the carrier or intermediate handler a certificate, signed by the consignor, stating that the primary enclosure complies with § 3.12 of the standards. A copy of the certificate shall accompany the shipment to destination.

* * * * *

2. Section 3.12(a)(4) of the standards (9 CFR 3.12(a)(4)) would be amended to read as follows:

§ 3.12 Primary enclosures used to transport live dogs and cats.

* * * * *

(a) * * * (4) except as provided in paragraph (h) of this section, there are ventilation openings located on two opposite walls of the primary enclosure and the ventilation opening on each such wall shall be at least 16 percent of the total surface area of each such wall, or there are ventilation openings on three walls of the primary enclosure and the ventilation openings on two opposite walls of the primary enclosure shall be at least 8 percent of the total surface area of each such wall and the ventilation openings on the third wall of the primary enclosure shall be at least 50 percent of the total surface area of such wall, or there are ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each such wall shall be at least 8 percent of the total surface area of each such wall: *Provided, however,* That at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the upper one-half of the primary enclosure; * * *

* * * * *

3. Section 3.16 of the standards (9 CFR 3.16) would be amended to read as follows:

§ 3.16 Terminal facilities.

Carriers and intermediate handlers shall not commingle live animal shipments with inanimate cargo. All live animal shipments shall be maintained in the same animal holding area of a terminal facility of any carrier or intermediate handler at any one time. All animal holding areas shall be cleaned and sanitized in a manner prescribed in § 3.7 of the standards often enough to prevent an accumulation of debris or excreta, minimize vermin infestation and to prevent a disease hazard. An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained for all animal holding areas. Any animal holding area containing live dogs or cats shall be provided with fresh air by means of windows, doors, vents, or air conditioning and shall be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or fans or blowers or air conditioning shall be provided for any animal holding area containing live dogs and cats and shall be used when the atmospheric temperature within such animal holding area is 29.5° C. (85° F.) or higher. The ambient temperature around any live dog or cat in any animal holding area shall not be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 35° C. (95° F.) at any time: *Provided, however,* That no live dog or cat shall be subjected to ambient temperatures in excess of 29.5° C. (85° F.) for more than 4 hours at any time.

4. Section 3.17 of the standards (9 CFR 3.17) would be amended to read as follows:

§ 3.17 Handling.

(a) Carriers and intermediate handlers shall move live dogs and cats from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility as expeditiously as possible. Carriers and intermediate handlers holding any live dog or cat in an animal holding area of a terminal facility or in transporting any live dog or cat from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(1) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live dogs and cats from the direct rays of the sun.

(2) *Shelter from rain or snow.* Live dogs and cats shall be provided protection to allow them to remain dry during rain or snow.

(3) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live dogs and cats when the atmospheric temperature falls below 10° C. (50° F.).

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live dog or cat contained therein.

(c) Primary enclosures used to transport any live dog or cat shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

5. Section 3.35(b) of the standards (9 CFR 3.35(b) is amended to read as follows:

§ 3.35 Consignments to carriers and intermediate handlers.

* * * * *

(b) Any carrier or intermediate handler shall only accept for transportation or transport, in commerce, any live guinea pig or hamster in a primary enclosure which conforms to the requirements set forth in § 3.36 of the standards: *Provided, however,* That any carrier or intermediate handler may accept for transportation or transport, in commerce, any live guinea pig or hamster consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals or any licensed or registered dealer, research facility, exhibitor, or operator or an auction sale if the consignor furnishes to the carrier or intermediate handler a certificate, signed by the consignor, stating that the primary enclosure complies with § 3.36 of the standards. A copy of the certificate shall accompany the shipment to destination.

* * * * *

6. Section 3.36(a)(5) of the standards (9 CFR 3.36(a)(5) would be amended to read as follows:

§ 3.36 Primary enclosures used to transport live guinea pigs and hamsters.

* * * * *

(a) * * * (5) except as provided in paragraph (i) of this section, there are ventilation openings located on two opposite walls of the primary enclosure and the ventilation openings on each such wall shall be at least 16 percent of the total surface area of each such wall, or there are ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each such wall shall be at least 8 percent of the total surface area of each such wall: *Provided, however,* That at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the upper one-half of the primary enclosure;

* * * * *

7. Section 3.40 of the standards (9 CFR 3.40) would be amended to read as follows:

§ 3.40 Terminal facilities.

Carriers and intermediate handlers shall not comingle live animal shipments with inanimate cargo. All live animal shipments shall be maintained in the same animal holding area of a terminal facility of any carrier or intermediate handler at any one time. All animal holding areas shall be cleaned and sanitized in a manner prescribed in § 3.31 of the standards often enough to prevent an accumulation of debris or excreta, minimize vermin infestation and to prevent a disease hazard. An effective program for the control of insects, ectoparasites, and

avian and mammalian pests shall be established and maintained for all animal holding areas. Any animal holding area containing live guinea pigs or hamsters shall be provided with fresh air by means of windows, doors, vents, or air conditioning and shall be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. The ambient temperature around any live guinea pig or hamster shall not be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 29.5° C. (85° F.) at any time.

8. Section 3.41 of the standards (9 CFR 3.41 would be amended to read as follows:

§ 3.41 Handling.

(a) Carriers and intermediate handlers shall move live guinea pigs and hamsters from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility as expeditiously as possible. Carriers and intermediate handlers holding any live guinea pig or hamster in an animal holding area of a terminal facility or in transporting any live guinea pig or hamster from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(1) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live guinea pigs and hamsters from the direct rays of the sun.

(2) *Shelter from rain or snow.* Live guinea pigs and hamsters shall be provided protection to allow them to remain dry during rain or snow.

(3) *Shelter from cold weather.* Transporting devices shall be covered to provide protection from live guinea pigs and hamsters when the atmospheric temperature falls below 10° C. (50° F.).

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live guinea pig or hamster contained therein.

(c) Primary enclosures used to transport any live guinea pig or hamster shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

9. Section 3.60(b) of the standards (9 CFR 3.60(b)) is amended to read as follows:

§ 3.60 Consignments to carriers and intermediate handlers.

* * * * *

(b) Any carrier or intermediate handlers shall only accept for transportation or transport, in commerce, any live rabbit in the primary enclosure which conforms to the requirements set forth in § 3.61 of the standards: *Provided, however,* That carriers or intermediate handlers may accept for transportation or transport, in commerce, any live rabbit consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals or any licensed or registered dealer, research facility, exhibitor or operator of an auction sale if the consignor furnishes to the carrier or intermediate handler a certificate, signed by the consignor, stating that the primary enclosure complies with section 3.61 of the standards. A copy of the certificate shall accompany the shipment to destination.

* * * * *

10. Section 3.61(a)(4) of the standards (9 CFR 3.61(a)(4)) would be amended to read as follows:

§ 3.61 Primary enclosures used to transport live rabbits.

* * * * *

(a) * * * (4) except as provided in paragraph (h) of this section, there are ventilation openings located on two opposite walls of the primary enclosure and the ventilation openings on each such wall shall be at least 16 percent of the total surface area of each such wall, or there are ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each such wall shall be at least 8 percent of the total surface area of each such wall: *Provided, however,* That at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the upper one-half of the primary enclosure; * * *

* * * * *

11. Section 3.65 of the standards (9 CFR 3.65) would be amended to read as follows:

§ 3.65 Terminal facilities.

Carriers and intermediate handlers shall not commingle live animal shipments with inanimate cargo. All live animal shipments shall be maintained in the same holding area of the terminal facility of any carrier or intermediate handler at any one time. All animal holding areas shall be cleaned and sanitized in a manner prescribed in § 3.56 of the standards often enough to prevent an accumulation of debris or excreta, minimize vermin infestation and to prevent a disease hazard. An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained for all animal holding areas. Any animal holding area containing live rabbits shall be provided with fresh air by means of windows, doors, vents, or air conditioning and shall be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. The ambient temperature around any live rabbit in any animal holding area shall not be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 29.5° C. (85° F.) at any time.

12. Section 3.66 of the standards (9 CFR 3.66) would be amended to read as follows:

§ 3.66 Handling.

(a) Carriers and handlers shall move live rabbits from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility as expeditiously as possible. Carriers and intermediate handlers holding any live rabbit in an animal holding area of a terminal facility or in transporting any live rabbit from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(1) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live rabbits from the sun.

(2) *Shelter from rain or snow.* Live rabbits shall be provided protection to allow them to remain dry during rain or snow.

(3) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live rabbits when the atmospheric temperature falls below 10° C. (50° F.).

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live rabbit contained therein.

(c) Primary enclosures used to transport any live rabbit shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

13. Section 3.85(b) of the standards (9 CFR 3.85(b)) is amended to read as follows:

§ 3.85 Consignment to carriers and intermediate handlers.

* * * * *

(b) Any carrier or intermediate handler shall only accept for transportation or transport, in commerce, any live nonhuman primate in a primary enclosure which conforms to the requirements set forth in § 3.86 of the standards: *Provided, however,* That carriers or intermediate handlers may accept for transportation or transport, in commerce, any live nonhuman primate consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals or any licensed or registered dealer, research facility, exhibitor, or operator of an auction sale if the consignor furnishes to the carrier or intermediate handler a certificate, signed by the consignor, stating that the primary enclosure complies with § 3.86 of the standards. A copy

of the certificate shall accompany the shipment to destination.

14. Section 3.86(a)(6) of the standards (9 CFR 3.86 (a)(6)) would be amended to read as follows:

§ 3.86 Primary enclosures used to transport live nonhuman primates.

* * * * *

(a) * * * (6) except as provided in paragraph (h) of this section, there are ventilation openings located on two opposite walls of the primary enclosure and the ventilation openings on each such wall shall be at least 16 percent of the total surface area of each such wall, or there are ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each such wall shall be at least 8 percent of the total surface area of each such wall: *Provided, however,* That at least one-third of the total minimum area required for ventiliation of the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the upper one-half of the primary enclosure; * * *

* * * * *

15. Section 3.90 of the standards (9 CFR 3.90) would be amended to read as follows:

§ 3.90 Terminal facilities.

Carriers and intermediate handlers shall not commingle live animal shipments with inanimate cargo. All live animal shipments shall be maintained in the same animal holding area of a terminal facility of any carrier or intermediate handler at any one time. All animal holding areas shall be cleaned and sanitized in a manner prescribed in § 3.81 of the standards often enough to prevent an accumulation of debris or excreta, minimize vermin infestation and to prevent a disease hazard. An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be establised and maintained for all animal holding areas. Any animal holding area containing live nonhuman primates shall be provided with fresh air by means of windows, door, vents, or air conditioning and shall be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhause fans and vents or fans or blowers or air conditioning shall be provided for any animal holding area containing live nonhuman primates and shall be used when the atmospheric temperature within such animal holding area is 29.5° C. (85° F.) or higher. The ambient temperature around any live nonhuman primate in any animal holding area shall not be allowed to fall below 7.2° C. (45° F.) nor be allowed to exced 35° C. (95° F.) at any time: *Provided, however,* That live nonhuman primate shall be subjected to ambient temperatures in excess of 29.5° C. (85° F.) for more than 4 hours at any time.

16. Section 3.91 of the standards (9 CFR 3.91) would be amended to read as follows:

§ 3.91 Handling.

(a) Carriers and intermediate handlers shall move live nonhuman primates from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility as expeditiously as possible. Carriers and intermediate handlers holding any live nonhuman primate in an animal holding area of a terminal facility or in transporting any live nonhuman primate from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(1) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live nonhuman primates from the direct rays of the sun.

(2) *Shelter from rain or snow.* Live nonhuman primates shall be provided protection to allow them to remain dry during rain or snow.

(3) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live nonhuman primates when the atmospheric temperature falls below 10° C. (50° F.).

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live nonhuman primate contained therein.

(c) Primary enclosures used to transport any live nonhuman primate shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

17. Section 3.111(b) of the standards (9 CFR 3.111(b)) is amended to read as follows:

§ 3.111 Consignments to carriers and intermediate handlers.

* * * * *

(b) Any carrier or intermediate handler shall only accept for transportation or transport, in commerce, any live animals in a primary enclosure which conforms to the requirements set forth in § 3.112 of the standards: *Provided, however,* That carriers or intermediate handlers may accept for transportation or transport, in commerce, any live animal consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals or any licensed or registered dealer, research facility, exhibitor, or operator of an auction sale if the consignor furnishes to the carrier or intermediate handler a certificate, signed by the consignor, stating that the primary enclosure complies with § 3.112 of the standards. A copy of the certificate shall accompany the shipment to destination.

* * * * *

18. Section 3.112(a)(4) of the standards (9 CFR 3.112(a)(4)) would be amended to read as follows:

§ 3.112 Primary enclosures used to transport live animals.

* * * * *

(a) * * * (4) except as provided in paragraph (g) of this section, there are ventilation openings located on two opposite walls of the primary enclosure and the ventilation openings on each such wall shall be at least 16 percent of the total surface area of each such wall, or there are ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each such wall shall be at least 8 percent of the total surface area of each such wall: *Provided, however,* That at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the upper one-half of the primary enclosure; * * *

* * * * *

19. Section 3.116 of the standards (9 CFR 3.116) would be amended to read as follows:

§ 3.116 Terminal facilities.

Carriers and intermediate handlers shall not commingle live animal shipments with inanimate cargo. All live animal shipments shall be maintained in the same animal holding area of a terminal facility of any carrier or intermediate handler at any one time. All animal holding areas shall be cleaned and sanitized in a manner prescribed in § 3.106 of the standards often enough to prevent an accumulation of debris or excreta, minimize vermin infestation and to prevent a disease hazard. An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained for all animal holding areas. Any animal holding area containing live animals shall be provided with fresh air by means of windows, doors, vents, or air conditioning and shall be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or fans or blowers or air conditioning shall be provided for any animal holding area containing live animals and shall be used when the atmospheric temperature within such animal holding area is 29.5° C. (85° F.) or higher. The ambient temperature shall not be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 35° C. (95° F.) at any time: *Provided, however,* That no live animal shall be subjected to ambient temperatures in excess of 29.5° C. (85° F.) for more than 4 hours at any time.

20. Section 3.117 of the standards (9 CFR 3.117) would be amended to read as follows:

§ 3.117 Handling.

(a) Carriers and intermediate handlers shall move live animals from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility as expeditiously as possible. Carriers and intermediate handlers holding any live animal in an animal holding area of a terminal facility or in transporting any live animal from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(1) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live animals from the direct rays of the sun.

(2) *Shelter from rain or snow.* Live animals shall be provided protection to allow them to remain dry during rain or snow.

(3) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live animals when the atmospheric temperature falls below 10° C. (50° F.).

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live animal contained therein.

(c) Primary enclosures used to transport any live animal shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 703, Hyattsville, Md., during regular hours of business (8 a.m. to 4:30 p.m., Monday through Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of October 1977.

NOTE.—The Animal and Plant Health Inspection Services has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

However, an economic impact statement has been drafted and a copy of said draft statement may be obtained by writing to the Deputy Administrator, USDA, APHIS, VS, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782.

E. A. SCHILF,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77-30065 Filed 10-13-77;8:45 am]

[1505-01]

Food Safety and Quality Service

[9 CFR Parts 317 and 319]

STANDARDS AND LABELING REQUIREMENTS FOR TISSUE FROM GROUND BONE

In FR Doc. 77-29508 appearing at page 54437 in the issue for Thursday, October 6, 1977, in the summary of the Panel's recommendations on page 54439, in the third column, the last sentence of paragraph N should read: "The Panel further agreed that there was no need for health or safety reasons to make nutrition labeling mandatory for products containing MDM, although nutrition labeling of all food products should be encouraged."

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[EDR-335A; Docket No. 30240; dated October 11, 1977]

AIRLINE LOBBYING COSTS

Accounting and Reporting Requirements; Supplemental Notice of Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental Notice of Proposed Rulemaking.

SUMMARY: This notice extends for 30 days the filing date for comments in a rulemaking proceeding concerning the accounting and reporting requirements for airline lobbying costs. The extension of the comment due date was requested by the Air Transport Association of America (ATA).

DATES: Comments by November 14, 1977.

ADDRESSSES: Comments should be sent to: Docket 30240, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Richard Juhnke, Rates and Agreements Division, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Ave. NW., Washington, D.C. 20428 (202-673-5436).

By Notice of Proposed Rulemaking EDR-335, 42 FR 46339, September 15, 1977, the Board proposed a rule which would require the carriers to report lobbying expenses in a separate non-operating account, thereby excluding these expenses from the costs allowable for ratemaking purposes.

On September 29, 1977 ATA filed a motion requesting a thirty-day extension for the filing of comments. In support, ATA advises that the additional time will enable ATA and the carriers to conduct a thorough analysis of the proposal, and will permit the coordination and formulation of an industry response to certain issues.

Upon consideration of the foregoing, I find that good cause has been shown for the granting of the requested extension. Moreover, it does not appear that this extension will prejudice any party to the proceeding.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the time for filing comments is extended to November 14, 1977.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, (49 U.S.C. 1324).)

SIMON J. EILENBERG,
Associate General Counsel Rules Division.

[FR Doc.77-30156 Filed 10-13-77;8:45 am]

[6320-01]

[14 CFR Parts 241, 399]

[EDR-336A, PSDR-50A; Docket No. 31333; dated October 11, 1977]

ACCOUNTING AND REPORTING REQUIREMENTS REGARDING AIRLINE ADVERTISING COSTS

Supplemental Advance Notice of Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental Advance Notice of Proposed Rulemaking.

SUMMARY: This notice extends for 30 days the filing date for comments in a rulemaking proceeding concerning the accounting and reporting requirements for airline advertisting costs. The extension of the comment due date was requested by the Air Transport Association of America (ATA).

DATES: Comments by November 14, 1977.

ADDRESSES: Comments should be sent to: Docket 31333, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Richard Juhnke, Rates and Agreements Division, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202-673-5436).

SUPPLEMENTARY INFORMATION: By Advance Notice of Proposed Rulemaking EDR-336/PSDR-50, 42 F.R. 46345, September 15, 1977, the Board asked interested parties to discuss: (1) An appropriate definition of institutional advertisting; (2) whether institutional advertising should be treated as a non-operating expense and thus excluded

from costs for ratemaking purposes; (3) the merits of establishing a ratemaking standard for advertising expenses; and (4) the problems involved in deciding how much advertising is desirable in the air transportation industry.

On September 29, 1977, ATA filed a motion requesting a thirty-day extension for the filing of comments. In support, ATA advises that the additional time is required to formulate and coordinate an industry response to the complex and significant issues raised by the advance notice of proposed rulemaking.

Upon consideration of the foregoing, I find that good cause has been shown for the granting of the requested extension. Moreover, it does not appear that this extension will prejudice any party to the proceeding.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20 (d)), the time for filing comments is extended to November 14, 1977.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, (49 U.S.C. 1324).)

SIMON J. EILENBERG,
Associate General Counsel, Rules Division.

[FR Doc.77-30157 Filed 10-13-77;8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-14032]

CERTAIN RAILROAD ISSUERS

Withdrawal of Notice of Proposed Rulemaking Concerning Exemptions From Financial Statement Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: The Commission announces that it no longer is considering the formulation of rules concerning a permanent exemption for lessor, switching and terminal company railroads from the financial reporting requirements of certain Commission forms. The Commission believes that exemptions from the reporting requirements are best considered in the context of applications filed under the provision of the Exchange Act permitting exemptions therefrom rather than through the adoption of a rule of general application.

EFFECTIVE DATE: October 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Paul A. Belvin, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol St., Washington, D.C. 20549, (202-755-1750).

SUPPLEMENTARY INFORMATION: In April, 1977, the Commission announced [1] that it was considering the formulation of rules to provide a permanent exemption for lessor, switching and terminal railroad companies from the financial statement requirements of the Commission's periodic reporting forms under the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)). That notice of proposed rulemaking and invitation for public comments stemmed from another Commission action which involved the repeal of Form 12-K under the Exchange Act and the adoption of related amendments; [2] the effect of these actions was to require certain registrants, including railroads, to file periodic reports with the Commission containing all the information specified by Forms 10-K and 10-Q, rather than to allow them to delete certain such information and file instead similar data prepared for other federal regulatory agencies.

Public comments received by the Commission in connection with the proposals to repeal Form 12-K suggested that certain lessor railroads and switching and terminal companies should be the subject of a broad exemption from the financial statement requirements of Form 10-K and Form 10-Q.[3] In response to those comments the Commission published Release No. 34-13478, and invited interested persons to comment on the appropriateness of providing a permanent exemption from the financial statements requirements of Forms 10-K and 10-Q, and the proper form and content of any such exemptions.

Based on the comments received, and on its own review of lessor, switching and terminal railroad companies, the Commission believes that exemptions from the reporting requirements are best considered in the context of applications filed under Section 12(h)[4] of the Exchange Act, rather than through the adoption of a rule of general application. It appears that relatively few issuers could be within the scope of any exemptive rule of the general type contemplated by the Commission, and it further appears that the types of information which should be disclosed in reports filed with the Commission by such persons may vary considerably from case to case.

Accordingly, the Commission hereby announces that it no longer is considering the formulation of rules to provide a permanent exemption from the periodic reporting requirements of Commission forms under the Exchange Act for lessor, switching and terminal railroad companies.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 7, 1977.

[FR Doc.77-30189 Filed 10-13-77;8:45 am]

[1] Securities Exchange Act Release No. 13478 (April 28, 1977) (42 FR 24071).

[2] Securities Exchange Act Release No. 13477 (April 28, 1977) (42 FR 24062).

[3] Lessor railroads are substantially or wholly-owned subsidiaries of operating railroads whose facilities or trackbeds are operated under lease pursuant to which the parent railroad is the lessee. Generally, the income of the lessor subsidiary is determined pursuant to the lease arrangement based on the interest incurred, plus a fixed dividend, on the outstanding securities of the lessor. Switching and terminal companies are owned by operating railroads which share the expenses of operation on a user basis.

[4] Under Section 12(h), the Commission, upon application and after notice and opportunity for hearing, may exempt in whole or in part any issuer from the provisions of Sections 12(g), 13, 14 or 15(d), if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such action is not inconsistent with the public interest or the protection of investors.

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 101 and 501]

[Docket No. 77N-0292]

NET-WEIGHT LABELING OF FOOD

Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice of Public Hearing.

SUMMARY: The Commissioner of Food and Drugs announces that public hearings will be held in San Francisco, California on December 8, 1977 and in Atlanta, Georgia on December 15, 1977. The hearings are for interested persons to give information and views about the need to modify current regulations on net-weight labeling of products, such as prepackaged flour, that may gain on lose moisture during good distribution practice.

DATES: The public hearings will be held on December 8 and 15, 1977 at 10 a.m. Written notice of participation must be filed by November 14, 1977.

ADDRESSES: Written notice of participation should be sent to the Hearing Clerk (HFC-20), Food and Drug Administration, Room. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Heinz G. Wilms, Federal State Relations (HFO-310), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, (301-443-6200).

SUPPLEMENTARY INFORMATION: Under section 403(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(e)), a food is deemed to be misbranded:

* * * * *

(e) If in package form unless it bears a label containing * * * (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under clause (2) of this paragraph reasonable variations shall

be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary.

* * * * *

Under section 403(e) of the act, § 101.105(q) (21 CFR 101.105(q)) was adopted to describe the "reasonable variations" mentioned in the proviso:

§ 101.105 *Declaration of net quantity of contents when exempt.*

* * * * *

(q) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviation in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

* * * * *

The U.S. Department of Agriculture has a comparable regulation (9 CFR 317.2(h)(2)) to implement its authority under the Wholesome Meat Act of 1967 (21 U.S.C. 601(N)(5)), pertaining to net-weight statements on meat products. Both FDA and USDA monitor compliance with this requirement at the time of packaging. The States, however, check for compliance at the retail level.

Both FDA and USDA regulations permit two types of reasonable variations from the statement of net weight on packaged food:

(1) Those attributable to unavoidable deviations in good manufacturing practice; and

(2) Those attributable to loss or gain of moisture during good distribution practice.

Thus, for example, packaged flour that ordinarily contains 13 to 14 percent moisture at the time of packaging may lose or gain moisture during the distribution process. Flour distributed to a dry climate will lose moisture; flour distributed to a humid climate may gain moisture. The package of flour will contain equivalent amounts of flour, but the net weight of the package when weighed at the retail level may vary slightly depending on whether the product has gained or lost moisture.

Gains or loss of moisture during good distribution practice may cause an entire lot of packaged flour to be increased or reduced because the gain or loss of moisture will tend to affect each package. For example, a lot of flour with 13 percent moisture at the time of packaging that is distributed to a dry climate may weigh slightly less when the packages are at the retail level than the total of the stated net weight on each package.

Deviations during good manufacturing process—slight overfills or underfills of a package—will cluster around an average weight for a lot, and this average weight should equal the stated net weight of each package. Because overfills should balance out underfills during good manuafcturing practice the total weight of the lot should not be reduced or increased.

The weights and measures laws of many States, including California, embody an interpretation of the word "accurate" that differs from the Federal requirement. California law, for example, establishes a minimum weight requirement that makes no allowance for gain or loss of moisture during good distribution practice. Thus, when packages are checked by California inspectors at the retail level, the average weight of the packages must be at least the stated weight, or the packages will be ordered removed from the shelves.

In 1973, after the California County of Riverside Department of Weights and Measures, acting under California law, ordered "off-sale" flour packages it determined to be unlawfully underweight, three flour manufacturers sued the director of the department. The milling companies sought a declaratory judgment that the imposition of the State weight law on their products was unlawful and an injunction restraining the county officials from enforcing the State law against their products.

The case, *Jones* v. *The Rath Packing Co., et al.* (97 S. Ct. 1305), which involved the application of California law to both prepackaged bacon and flour and thus involved both FDA and USDA regulations, eventually reached the U.S. Supreme Court. The Supreme Court held that the California law as applied to bacon was preempted by the Wholesome Meat Act because it was "different than" the Federal requirement as reflected in USDA's regulations. The State and Federal law conflicted because California law makes no allowance for loss of weight due to moisture loss during good distribution practice, while the Federal regulations do.

The Supreme Court also held that FDA's regulations must prevail over the California system. The Court concluded that consumer value comparisons are facilitated by the Federal scheme of regulating flour because all flour when packaged will contain the same amount of flour solids and 13 to 14 percent moisture. Losses or gains of moisture will not, therefore, affect the quantity/price comparison.

Under the California system, however, the Court concluded that millers who distributed their products nationally would have to overpack their packages to ensure that any loss of moisture did not reduce the actual weight below the stated weight. Thus, under the California system, packages of flour would contain different amounts of flour solids. Since the consumer is interested in the amount of flour solids at a given price, and not the moisture content, value comparisons would be inhibited by the State system.

Since the Supreme Court's decision in *Rath*, many State and local agencies and a consumer group have written to FDA requesting that FDA reconsider its regulations regarding net-weight declarations. The States have also requested that USDA do the same. Copies of this correspondence are on file with, and available to the public from, the Hearing Clerk (HFC–20), Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Md. 20857. The writers believe that FDA (and USDA) should amend their regulations to require accuracy on a lot average basis at the time of retail sale.

The Commissioner has considered these requests and concludes that this matter is appropriate for discussion at an informal, legislative-type, public hearing held in accordance with Part 15 of the FDA procedural regulations (21 CFR Part 15). The public hearing will provide an opportunity for all interested persons to present oral information and views on the alternative systems for ensuring the accuracy of net weight statements on packaged food subject to variation caused by unavoidable deviation in good manufacturing practice or by loss or gain of moisture during good distribution practice.

Persons who wish to submit information or views for the hearing record but who are unable to appear in person may submit information by sending their comments to the Hearing Clerk, Food and Drug Administration at the address below. Written comments should contain the docket number listed in the heading of this notice and be submitted by January 3, 1978.

The hearing in San Francisco, California will be held on December 8, 1977 starting at 10 a.m. in Rm. 1194, San Francisco State Building, 455 Golden Gate Ave. The hearing in Atlanta, Georgia will be held on December 15, 1977 and will begin at 10 a.m. in the Sheraton "C" Conference Room, Sheraton—Biltmore Hotel, 817 W. Peachtree St., NE. The presiding officer will be Donald Kennedy, Commissioner of Food and Drugs.

A written notice of participation should be filed with the Hearing Clerk (HFC–20), Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Md. 20857, no later than November 14, 1977. The envelope containing the notice of participation should be prominently marked "NET WEIGHT HEARING." The notice of participation itself should be identified with Docket No. 77N–0292, contain 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 time requested for the presentation. A schedule of presentations for the hearing will be mailed to each person who files a notice of participation and will also be available from the Hearing Clerk. Individuals and organizations with common interests are urged to consolidate their presentations. Formal written statements (preferably four copies) may be presented to the presiding officer on the day of the hearing for inclusion in the hearing record of this proceeding.

The hearing will be open to the public. Any interested person who files a written notice of participation may be heard on relevant matters.

Dated: October 11, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77–30158 Filed 10–13–77;8:45 am]

[4210–01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 200]

[Docket No. R–77–467]

MINIMUM PROPERTY STANDARDS

Proposed Revisions

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: HUD Minimum Property Standards are published in handbooks and incorporated by reference into the Code of Federal Regulations. This rule proposes a number of technical changes to the Minimum Property Standards for One- and Two-Family Dwellings, Multifamily Dwellings and Care-Type Housing and are required to be published in the FEDERAL REGISTER. The purpose or intended effect of the changes are shown below in the Supplementary Information.

DATES: Comments must be received on or before November 11, 1977.

ADDRESS: Comments should be addressed to the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. Copies of any comments received will be available for examination during business hours at this address.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard A. Gray, Acting Chief, Standards Branch, Office of Housing, Department of Housing and Urban Development, Washington, D.C. 20410, telephone 202–755–6590.

SUPPLEMENTARY INFORMATION: HUD Minimum Property Standards are published in handbooks. Minimum Property Standards for One- and Two-Family Dwellings in Handbook 4900.1, Multifamily Dwellings in Handbook 4910.1, and Care-Type Housing in Handbook 4920.1. The Minimum Property Standards are incorporated by reference into 24 CFR 200.929. All changes in the Minimum Property Standards are required by 24 CFR 200.933 to be published in the FEDERAL REGISTER using the same procedure as for the publication of regulations. The Minimum Property Standards for which these changes are proposed are available for examination in all HUD Field Offices and in Room 6170 of the HUD Central Office at the above address during business hours.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

NOTE.—It is hereby certified that the economic and inflationary effects of 24 CFR Part 200 Subpart S, have been carefully evaluated in accordance with Executive Order No. 11821.

For greater clarity, the Handbook section will be cited followed by the revised language, followed by a brief description of the nature of the change.

Accordingly, it is proposed to amend Handbooks 4900.1, 4910.1 and 4920.1 as follows:

Section 508–5.1 is changed to read:

General. In areas where experience indicates that condensation on windows is a problem, windows with insulating frames shall be used. Windows conforming to the recommendations of AAMA 1502.6 for the climatic conditions in the area, are considered as meeting this requirement. Where wood is used as the insulator, it shall be water repellent preservative treated.

This change incorporates a newly developed Architectural Aluminum Manufacturers Association Standard for thermally improved metal windows.

Section 515–3.1 is amended as shown below:

Duct Insulation. When supply and return air ducts used for heating, cooling, or both are installed in unconditioned spaces, they shall have the longitudinal and transverse seams taped to reduce air leakage and shall be insulated with or have thermal characteristics equivalent to: * * *.

This is for the purpose of energy conservation.

Section 509–2 Rigid PVC (polyvinyl chloride) plastic siding
Appendix C PS–55 is added.

Reference to product standards is normal policy.
Recognition of this one in the Minimum Property.
Standards cancels several Materials Releases.

Section 509–4 Ceramic tile standard TCA 137 replaces ANSI 137.1.

Section 509–5
Appendix C

This is substitution of a current performance standard for a discontinued specification type standard.

The following proposed technical changes apply to the Minimum Property Standards for Multifamily Dwellings, 4910.1 and Care-Type Housing, 4920.1.

Section 615–5.3i is amended as shown below:

Cold water piping installed in locations of the building subject to freezing temperatures, or where pipe sweating may create a problem shall be insulated and covered with a vapor barrier. All circulating domestic hot water piping shall be insulated with a material having a minimum C value of 0.45.

These changes are to prevent moisture condensation problems and to provide clarification.

The following proposed changes apply to the Minimum Property Standards for One- and Two-Family Dwellings, 4900.1 and Multifamily Dwellings, 4910.1.

Section 401–4.2a is amended as follows:

Each dwelling unit shall have one bathroom containing a bathtub with a minimum outside width of 30 in., a lavatory and water closet. In other bathrooms showers may be substituted for bathtubs. Bathrooms shall provide for comfortable access to, and use of, each fixture. Bathrooms shall be convenient to the bedrooms.

This requirement reestablishes a standard minimum bathtub width which currently does not exist in Federal or industry standards.

The following proposed changes apply to the Minimum Property Standards for One- and Two-Family Dwellings 4900.1.

Section 403–3 Requirements for minimum natural light glazed area and natural ventilation opening as a perecntage of room floor area in living units are changed from 10% to 8% and 5% to 4% respectively.

This is an energy conservation measure.

Section 615–5.3i is amended to read as follows:

Cold water piping installed in locations of the building subject to freezing temperatures, or where pipe sweating may create a problem shall be insulated and covered with a vapor barrier.

This change is to prevent moisture condensation problems.

Section 615–9.6 Added requirement for 3 ft minimum from bottom of subsurface absorption field to water table.

This change established a minimum and clarifies a point previously lacking explicit information.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))).

Issued at Washington, D.C., September 30, 1977.

MORTON A. BARUCH,
Deputy Assistant Secretary for Housing — Deputy Federal Housing Commissioner.

[FR Doc.77–30175 Filed 10–13–77;8:45 am]

[1505–01]

Federal Insurance Administration

[24 CFR Part 1917]

[Docket Nos. FI–3416, 3417]

Correction

In FR Docs. 77–28449 and 77–28450 appearing at page 53764 in the issue of Monday, October 3, 1977 the flood elevation maps appearing in the second column on page 53764 and the first column on page 53765 should be interchanged.

[4310–02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 33]

EMPLOYMENT ASSISTANCE FOR ADULT INDIANS

Establishment of New Part

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The purpose of this new part is to describe a program to assist adult Indians to obtain employment. This program contains support service options which may include vocational and employment counseling, housing and community adjustment assistance, job referrals, and assistance in moving to an urban or nonurban labor market or job site. It may also include financial assistance for transportation to the place of anticipated employment, subsistence until receipt of a full paycheck from employment, and medical and dental care for an initial adjustment period. This program has been in existence in some form since 1949 but has never been described in the CFR.

Another purpose is the elimination of grant expenditures for home purchase in off-reservation locations. This feature of the program is proposed to be eliminated because of the need to spend available funds for items of greater priority, and because the home purchase feature was more in harmony with the previous program emphasis on off-reservation relocation than with present trends to emphasize services on and near reservation areas.

DATE: Written comments, suggestions, or objections regarding the proposed revision must be received on or before November 14, 1977.

ADDRESS: Written comments, suggestions, or objections should be directed to: Assistant Secretary of the Interior for Indian Affairs, Attention: Division of Job Placement and Training, 1951 Constitution Avenue NW., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT:

Mr. John Jollie, Division of Job Placement and Training, telephone 202–343–7408.

SUPPLEMENTARY INFORMATION: It is proposed to add a new Part 33 to Subchapter E, Chapter I of Title 25 of the Code of Federal Regulations to read as follows:

PART 33—EMPLOYMENT ASSISTANCE FOR ADULT INDIANS

Subpart A—Definitions and Scope of the Employment Assistance Program

Sec.
33.1 Definitions.
33.2 Scope of the Employment Assistance Program.

Subpart B—Administrative Procedures

33.3 Filing applications.
33.4 Selection of applicants.
33.5 Program services and client participation.
33.6 Financial assistance for program participants.

Subpart C—Appeals

33.7 Appeals.

AUTHORITY: 42 Stat. 208; 25 U.S.C. 13.

Subpart A—Definitions and Scope of the Employment Assistance Program

§ 33.1 Definitions.

(a) "Appeal" means a written request for correction of an action or decision claimed to violate a person's legal rights or privileges as provided in Part 2 of this chapter.

(b) "Applicant" means an individual applying under this part.

(c) "Application" means the process through which a request is made for assistance or services.

(d) "Area Director" means the Bureau official in charge of an Area Office.

(e) "Assistant Secreary" means the Assistant Secretary of the Interior for Indian Affairs.

(f) "Indian" means an enrolled member of a federally recognibed tribe.

(g) "Near reservation" means those areas or communities adjacent or contiguous to reservations which are designated by the Commissioner upon recommendation of the local Bureau Superintendent, which recomendation shall be based upon agreement with the tribal governing body of those reservations, as locales appropriate for the extension of financial assistance and/or social services, on the basis of such general criteria as: (1) Number of Indian people native to the reservation residing in the area, (2) a written designation by the tribal governing body that members of their tribe and family members who are Indian residing in th area, are socially, culturally and economically affiliated with their tribe and reservation, (3) geographical proximity of the area to the reservation, (4) administrative feasibility of providing an adequate level of services to the area. The Assistant Secretary shall designate each area and publish the designations in the FEDERAL REGISTER.

(h) "Reservation" means any federally recognized Indian tribe's reservation, Pueblo, or Colony, including former reservations in Oklahoma, Alaska Native regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), and Indian allotments.

(i) "Secretary" means the Secretary of the Interior.

(j) "Tribal governing body" means the recognized governing body of an Indian tribe.

§ 33.2 Scope of the Employment Assistance Program.

The employment Assistance program services to eligible Indians, as provided in § 33.4, vocational counseling and employment services on reservations and at other home areas, in communities near reservations, and in off reservation areas. Support services designed to enable individuals to obtain and retain employment are also included, as provided in § 33.4.

Subpart B—Administrative Procedures

§ 33.3 Filing application.

Application for Employment services must be filed at Bureau of Indian Affairs agency offices. Agency offices are located on or near reservations or other geographic areas of eligibility. Applications are approved by the Agency Superintendent. An eligible applicant need not apply at the office serving primarily his original home area or tribal group, but may apply at the servicing office closest to his residence at the time of application. The applicant must be approved and funded, however, by the applicant's home agency, unless the originating agency is willing and able to provide funding. For clarity and uniformity, identical application forms, as prescribed by the Bureau of Indian Affairs, will be used by offices operated by the Bureau of Indian Affairs, and offices operated under contract with the Bureau.

§ 33.4 Selection of applicants.

(a) Applicants must be adult Indian enrolled members of Federally recognized tribes. They must be residing on or near Indian reservations under the jurisdiction of the Bureau of Indian Affairs.

(b) An applicant must be unemployed or substantially underemployed in order to receive employment services.

(c) Male and female applicants shall receive equal priority for services.

(d) Only those applicants who declare a desire and intent to accept and retain full time permanent employment at the employment location chosen shall be selected, with the exception of those individuals participating in the temporary summer placement program as provided in §33.4.

(e) Normally eligible individuals shall be at least 18 years of age.

(f) Employment services involving no expenditure of financial grants shall be extended to eligible clients as often as requested and considered appropriate. However, repeat services involving expenditure of grant funds are to be determined on an individual basis, considering ability, prior performance, need and motivation. No client shall automatically be entitled to funded repeat services, but no specific limitation is placed upon the number of funded services, which can be provided. Approval of requests for repeat services within a six month period from the ending date of the last funded service shall be based upon special needs.

§ 33.5 Program services and client participation.

(a) When a request is made for employment services, the applicant shall be offered assistance to assess his or her job skills and work experience and to relate these to available employment opportunities. In many cases, applicants for placement services will already pos-

sess training, skills, and/or experience sufficient for entry into job placement. In other cases, applicants may be encouraged to consider further education or training options as a preliminary to permanent employment. In any case, vocational counseling appropriate to the individual situation shall be made available.

(b) Services may be provided either with or without the expenditure of financial grants depending upon the type of service requested and the need for financial assistance. Funds shall not be provided to finance temporary employment except for the following:

(1) High school or college students participating in summer placement programs to gain work experience and temporary income may receive limited funding assistance as needed to enable such persons to secure and hold summer jobs.

(2) Persons who have moved to an off reservation area for permanent employment may at times be required to accept temporary employment until permanent employment is available. Such persons shall receive funds as needed within established limitations until permanent employment can be secured.

(c) Permanent employment shall normally be defined as employment which is generally known to be of one year or more in duration. Employment in the construction or other trades where moving from one job to another is generally required or persons engaged in such occupations shall be considered as permanent employment.

(d) In those cases where applicants apply and are selected for employment services in off-reservation urban locations where Bureau of Indian Affairs Employment Assistance offices are maintained, a variety of services may be provided, based upon individual client needs and requests for assistance. These may include advice in housing, shopping, money management, community adjustment, counseling, job placement and financial assistance, as well as health care and dental coverage for up to six months from the date of arrival if Indian Health Services are not available locally. For maternity benefits, health coverage may be provided up to fifteen months after arrival, if not otherwise covered. Continuing non-financial assistance as needed, particularly with repeat job placements and counseling, shall remain indefinitely available.

(e) Assistance as needed may be provided to enable clients who move for employment to an off-reservation urban or nonurban area to accept a specific job offer. In such cases, however, transportation or financial assistance may be provided only after confirmation has been obtained from the employer, giving details of employment, including the following: Job title, beginning wage, date to start work, first payday, first full payday, and a statement that the job is anticipated to be of a permanent nature. Financial assistance may be provided for transportation to interviews when such interviews are verified as required for job placement.

§ 33.6 Financial assistance for program participants.

Individuals or families with a family member participating in the employment assistance program may be granted financial assistance as needed, based upon rates established by the Area Directors for the respective areas or jurisdictions within those areas. Financial assistance may be provided for the following: Medical examination; transportation to the place of employment; job interviews; subsistence while seeking employment until the date of the first full paycheck from employment; personal appearance; housewares; furniture; health care; dental care; outpatient services related to mental health; tools needed for employment; special financial assistance for large family and solo parent clients; and emergency assistance, in accordance with the schedules and amounts established by the area offices. Marital status of applicants is not a consideration for determining eligibility for services, but this factor is a consideration in determining appropriate subsistence grants. Proof of a legal relationship requiring support shall be required as a basis for application of family subsistence rates. In the case of married persons, proof of marriage shall be required to satisfy this requirement. Emergency assistance is allowed in cases where verified emergencies justify such grants. Circumstances to be considered in determining emergencies shall include situations which seriously disrupt the progress of program goals for permanent employment and satisfactory social and community adjustment, or matters relating to illness or death.

Subpart C—Appeals

§ 33.7 Appeals.

The decision of any Bureau official under this part can be appealed pursuant to the procedures in Part 2 of this chapter.

This new part is proposed pursuant to the authority contained in the Act of November 2, 1921 (42 Stat. 208, 25 U.S.C. 13).

The primary author of this document is John Jollie, Chief, Division of Job Placement and Training, Office of Tribal Resources Development, Bureau of Indian Affairs, 202–343–7408.

(Catalog of Federal Domestic Assistance Program No. 15.108 Indian Employment Assistance.)

FORREST J. GERARD,
Assistant Secretary of the Interior for Indian Affairs.

[FR Doc.77–30018 Filed 10–13–77;8:45 am]

[4310–02]

[25 CFR Part 34]

VOCATIONAL TRAINING FOR ADULT INDIANS

Proposed Revision of Program Description

SEPTEMBER 26, 1977.

AGENCY: Bureau of Indian Affairs.

ACTION: Proposed rule.

SUMMARY: The purpose of this revision is to update the authority statement for Part 34. Another purpose is to fully describe the eligibility criteria required for participation in the Bureau's program of Vocational Training for Adult Indians and to explain procedures for filing application for this program. Such information is not fully provided in the present edition of Part 34. In addition, certain changes in eligibility criteria are proposed, removing all practices of sex discrimination, defining the term "near reservation" as it shall apply to eligibility, replacing a blood quantum requirement with membership in a tribe, and regarding repeat services. Other program changes include provision of expenditures for dental health, mental health and emergency situations where necessary, a requirement for proof of dependent relationships to justify family subsistence rates, provisions for part time training, and elimination of grant expenditures for home purchase. Expenditures for home purchase were never reflected in the previous 25 CFR Part 34, but were for a time included in possible client benefits. This feature of the program is proposed to be eliminated because of the need to spend available funds for items of greater priority, and because the home purchase feature was more in harmony with the previous program emphasis on off-reservation relocation than with present trends to emphasize services on and near reservation areas where feasible.

DATE: Written comments, suggestions, or objections regarding the proposed revision must be received on or before November 14, 1977.

ADDRESS: Written comments, suggestions, or objections should be directed to: Assistant Secretary of the Interior for Indian Affairs, Attention: Division of Job Placement and Training, 1951 Constitution Ave. NW., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT:

Mr. John Jollie, Division of Job Placement and Training, telephone 202–343–7408.

SUPPLEMENTARY INFORMATION: It is proposed to revise Part 34, Subchapter E, Chapter I, of Title 25 of the Code of Federal Regulations to read as follows:

PART 34—VOCATIONAL TRAINING FOR ADULT INDIANS

Subpart A—Definitions and Scope of the Vocational Training Program

Sec.
34.1 Definitions.
34.2 Scope of the vocational training program.

Subpart B—Administrative Procedures

34.3 Filing application.
34.4 Selection of applicants.
34.5 Satisfactory progress during training.
34.6 Approval of courses for vocational training at institutions.
34.7 Approval of apprenticeship training.
34.8 Approval of on-the-job training.
34.9 Financial assistance for trainees.
34.10 Contracts and agreements.

Subpart C—Appeals

34.11 Appeals.

AUTHORITY: Sec. 1, Pub. L. 84-959, 70 Stat. 986 (25 U.S.C. 309) as amended by Pub. L. 88-230, 77 Stat. 471 (25 U.S.C. 309).

Subpart A—Definitions and Scope of the Vocational Training Program

§ 34.1 Definitions.

(a) "Appeal" means a written request for correction of an action or decision claimed to violate a person's legal rights or privileges as provided in Part 2 of this chapter.

(b) "Applicant" means an individual applying under this part.

(c) "Application" means the process through which a request is made for assistance or services.

(d) "Full time" institutional training is an institutional trade or technical course requiring attendance of a minimum of 30 hours a week or an institutional undergraduate vocational course offered by a college or university or a quarter or semester hour basis requiring attendance of a minimum of 12 credit hours or its equivalent.

(e) "Area Director" means the Bureau official in charge of an Area Office.

(f) "Assistant Secretary" means the Assistant Secretary of the Interior for Indian Affairs.

(g) "Indian" means an enrolled member of a Federally recognized tribe.

(h) "Near reservation" means those areas or communities adjacent or contiguous to reservations which are designated by the Assistant Secretary upon recommendation of the local Bureau Superintendent, which recommendation shall be based upon agreement with the tribal governing body of those reservations, as locales appropriate for the extension of financial assistance and/or social services, on the basis of such general criteria as: (1) Number of Indian people native to the reservation residing in the area, (2) a written designation by the tribal governing body that members of their tribe and family members who are Indian residing in the area, are socially, culturally and economically affiliated with their tribe and reservation, (3) geographical proximity of the area to the reservation, and (4) administrative feasibility of providing an adequate level of services to the area. The Assistant Secretary shall designate each area and publish the designations in the FEDERAL REGISTER.

(i) "Reservation" means any Federally recognized Indian tribe's reservation, Pueblo, or Colony, including former reservations in Oklahoma, Alaska Native regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), and Indian allotments.

(j) "Secretary" means the Secretary of the Interior.

(k) "Tribal governing body" means the recognized governing body of an Indian tribe.

§ 34.2 Scope of the Vocational Training Program.

(a) The purpose of the vocational training program is to assist Indian people to acquire the job skills necessary for full time satisfactory employment. Within that framework, the program provides testing, vocational information and counseling services to assist program participants to make career choices relating personal assets to training options and availability of jobs in the labor market. The program provides for institutional training in business, vocational or trade schools, or other institutions offering vocational programs, as provided in § 34.6. Apprenticeship and on-the-job training are also provided. For the full time participant, institutional or on-the-job training courses shall not exceed twenty-four months in length, with the exception that Registered Nurses training may be for periods not to exceed thirty-six months.

(b) Individual program recipients may not receive more than twenty-four months of full time institutional training, except that Registered Nursing students may receive not more than thirty-six months of institutional training. Part time participants shall receive no more than the full time equivalent of 24 months of institutional training.

Subpart B—Administrative Procedures

§ 34.3 Filing application.

(a) Applications for adult vocational training services must be filed at Bureau of Indian Affairs agency offices. Applications are approved by Agency Superintendents. Agency offices are located on or near reservations or other geographic areas of eligibility. An eligible applicant need not apply at the office serving primarily his or her original home area or tribal group, but may apply at the servicing office closest to his or her residence at the time of application. Applicant must be approved and funded, however, by the applicant's home agency unless the originating agency is willing and able to provide funding.

(b) For clarity and uniformity, identical application forms, as prescribed by the Bureau of Indian Affairs, will be used by offices operated by the Bureau and offices operated under contract with the Bureau.

§ 34.4 Selection of applicants.

Applicants are selected to participate in the vocational training program based on the following criteria:

(a) Applicants must be adult Indian enrolled members of Federally recognized tribes. They must be residing on or near Indian reservations under the jurisdiction of the Bureau of Indian Affairs.

(b) Normally eligible individuals shall be at least least 18 years of age, except that Indian high school graduates or married Indians shall be eligible at the age of 17 years. Also, while the program is designed primarily for persons between the ages of 18 and 35, persons over the age of 35 shall be eligible, assuming training and permanent employment to be otherwise feasible in terms of health and physical capability.

(c) An applicant must be in need of training in order to obtain reasonable and satisfactory employment or to advance in employment already held, and in need of financial assistance in order to obtain such training. It must also be feasible for the applicant to pursue training.

(d) Selection of applicants shall be made without regard to sex.

(e) Only one partner of a marriage shall receive first priority for training services. Such person shall be selected by the couple as the individual to receive first priority. Second priority for training, based upon availability of funds, shall be extended to the other spouse. Non-Indian spouses shall not be eligible for training.

(f) Repeat training services will be on a lower priority than the initial service and will be determined on an individual basis, considering need, ability, prior performance and present motivation of the applicant. In order to be in need of repeat institutional training, applicant must be unemployed or underemployed. Also, the previous training skill must be substantially below the skill acquisition potential of the applicant, or it must be considered unmarketable. Time spent on on-the-job training programs will be deducted from the possible maximum of institutional training eligibility.

(g) Only those applicants who willingly declare intent to accept full time employment as soon as possible after completion of training shall be selected. Plans may subsequently change, but the intent of the training program is preparation for employment, and this must be the initial intent of program participants. The program is not meant to serve as a preliminary to immediate further education.

§ 34.5 Satisfactory progress during training.

An individual who enters training pursuant to the provisions of this part is required to make satisfactory progress in training. Individuals in institutional vocational training courses are required to give evidence of progress by authorizing the institution attended to provide grade and/or progress reports to the appropriate Bureau of Indian Affairs office. Program participants shall maintain a reasonable standard of conduct. Failure to meet these requirements due to reasons within the trainee's control may result in termination of training benefits.

§ 34.6 Approval of courses for vocational training at institutions.

(a) A course of vocational training at any institution, public or private, offering vocational training may be approved by the Assistant Secretary; *Provided*,

(1) The institution is accredited by a recognized national or regional accrediting association; or

(2) The institution is approved for training by a state agency authorized to make such approvals; and

(3) It is determined that there is reasonable certainty of employment for graduates of the institution in their respective fields of training.

(b) Part-time practical work experiences included in the school curriculum during training time in many vocational courses are considered as valuable learning experiences. They shall be specifically allowed and encouraged.

(c) Vocational training courses offered through Indian tribal governments, need not be accredited but must show reasonable expectation of employment and be approved by the agency office.

§ 34.7 Approval of apprenticeship training.

A program of apprenticeship training may be approved when such training: (a) Is offered by a corporation or association which has furnished such training to bona fide apprentices for at least one year preceding participation in this program; and

(b) Is under the supervision of a State apprenticeship agency, a State Apprenticeship Council, or the Federal Apprenticeship Training Services; and

(c) Leads to an occupation which requires the use of skills that normally are learned through training on the job and employment which is based upon training on the job rather than upon such elements as length of service, normal turnover, personality, and other personal characteristics; and

(d) Is identified expressly as apprenticeship training by the establishment offering it.

§ 34.8 Approval of on-the-job training.

(a) On-the-job training may be approved when such training is offered by a corporation, small business, association, tribe, or tribal enterprise which provides an on-the-job training program offering definite potential for skilled permanent employment. Skilled employment shall be construed to be a job skill outlined by a contractual agreement between the Bureau and the contractor and based upon recognized occupational standards such as, but not limited to, the Dictionary of Occupational Titles.

(b) Yearly on-the-job training contractual agreements with a specific contractor shall not be renewed beyond the second year without review and written approval from the Central Office. Extension of contracts exceeding two years will be based upon a contractors demonstrated expansion of the enterprise, need for additional trainees and placement of trainees completing the program.

§ 34.9 Financial asssitance for trainees.

(a) Individuals or families with a family member entering full-time training under this part may be granted financial assistance as needed, based upon rates established by the Area Directors for the respective Areas, or jurisdictions within those areas. Persons in training on a part-time basis may receive financial assistance only for necessary tuition, books, tools, supplies, transportation and child care. Trainees may be assisted to secure educational grants from other sources for which they qualify, and such income shall be considered in computing amounts of financial assistance to be provided by the Bureau of Indian Affairs. Marital status of trainees is not a consideration for determining eligibility for training, but this factor is a consideration in determining appropriate subsistence grants. Proof of a legal relationship requiring support shall be required as a basis for application of family subsistence rates. In the case of married persons, proof of marriage shall be required to satisfy this requirement. Financial assistance may in some cases be provided for transportation to interviews when such interviews are absolutely required for acceptance for training. Financial assistance may further be provided for the following: Transportation to the place of training; medical examination; subsistence after training until the first full paycheck from employment has been received; personal appearance; housewares; furniture; health care; dental care; outpatient services related to mental health will be provided on an emergency basis only, for all other health services the Indian Health Service may be contacted; payments for required books; tools and supplies for training; child care; payment of tuition; related costs; shipment of household goods; security deposits; and other required expenses as deemed necessary; and emergency assistance in accordance with the schedules and amounts established. Emergency assistance is allowed in certain cases where verified emergencies justify such grants. Factors or circumstances to be considered in determining emergencies shall include situations which seriously disrupt the progress of program goals, or matters relating to illness or death.

§ 34.10 Contracts and Agreements.

Training facilities and servces required for programs of vocational training may be arranged through contracts or agreements with agencies, establishments or organizations. These may include:

(a) Indian tribal governing bodies, or

(b) Appropriate Federal, State or local government agencies, or

(c) Public or private schools which have a recognized reputation in vocational education as successfully obtaining employment for graduates in the fields of training approved by the Assistant Secretary or his authorized representatives for purposes of the program, or

(d) Educational firms to operate residential training centers, or

(e) Corporations and associations or small business establishements with apprenticeship or on-the-job training programs leading to skilled employment.

Regular and standard reports, as determined by the Bureau of Indian Affairs, must be a part of any contractual agreement.

Subpart C—Appeals

§ 34.11 Appeals.

The decision of any Bureau official under this part can be appealed pursuant to the procedures in Part 2 of this chapter.

This revision is proposed pursuant to the authority contained in the Act of August 3, 1956, Pub. L. 84–959 (70 Stat. 986, 25 U.S.C. 309) as amended by Act of December 23, 1963, Pub. L. 88–230 (77 Stat. 471, 25 U.S.C. 309).

The primary author of this document is John Jollie, Chief, Division of Job Placement and Training, Office of Tribal Resources Development, Bureau of Indian Affairs, 202–343–7408.

(Catalog of Federal Domestic Assistance Program No. 15.108 Indian Employment Association.)

FOREST J. GERARD,
Assistant Secretary of the Interior for Indian Affairs.

[FR Doc.77–30019 Filed 10–13–77;8:45 am]

[4810–31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 181]

[Ref. Notice No. 309]

EXPLOSIVES MATERIALS REGULATIONS

Extension of Comment Period

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Extension of comment period.

SUMMARY: Due to the technical nature and scope of the proposed regulations published in the FEDERAL REGISTER on August 3, 1977 (42 FR 39316), the Bureau is extending the comment period on the notice of proposed rulemaking for 60 days. This will give interested persons a better opportunity to respond to the proposals.

DATE: Comments must be received on or before December 2, 1977.

ADDRESS: Written data, comments, or suggestions should be submitted, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Ave., NW., Washington, D.C. 20226, attention: Regulations and Procedures Division.

FOR FURTHER INFORMATION CONTACT:

Dorene F. Erhard, Research and Regulations Branch, (202–566–7626).

Signed: October 7, 1977.

REX D. DAVIS,
Director.

[FR Doc.77–30002 Filed 10–13–77;8:45 am]

[4510–26]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

COLORADO

Approved State Plan

AGENCY: Occupational Safety and Health Administration.

ACTION: Proposed rule.

SUMMARY: This notice invites comments on a Supplement to the Colorado Occupational Safety and Health Plan involving legislation exempting small agricultural employers with 10 or fewer employees from coverage under the State Occupational Safety and Health Act. In addition, State standards promulgated for agriculture shall be no more stringent than those promulgated by the Occupational Safety and Health Administration (hereinafter referred to as OSHA).

DATES: Comments and requests for hearing should be submitted by November 14, 1977.

ADDRESS: Written comments and requests for hearing should be submitted to the Director, Federal Compliance and State Programs, Occupational Safety and Health Administration, Department of Labor, Room N–3112, 200 Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Charles Boyd, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N–3112, Washington, D.C. 20210.

A copy of the plan and its supplement may be inspected and copied during normal business hours at the following locations: Technical Data Center, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N–3620, Washington, D.C. 20210; Office of the Regional Administrator, Room 15010, Federal Building, 1961 Stout St., Denver, Colo. 80202; Department of Labor and Employment, 200 East Ninth Avenue, Denver, Colo. 90203.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Colorado Occupational Safety and Health plan was approved under Section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter called the Act) and Part 1902 of this Chapter on September 12, 1973 (38 FR 25172). On July 20, 1977, the State of Colorado submitted a supplement to the plan involving a State initiated change. Part 1953 of this Chapter provides procedures for the review and approval of State initiated change supplements by the Assistant Secretary of Labor for OSHA.

DESCRIPTION OF THE SUPPLEMENT

Colorado amended its Occupational Safety and Health Act on June 19, 1977 to exempt small agricultural employers with 10 or fewer employees from the requirements of the law at such time and under such conditions as any agricultural employers are exempted from coverage under the provisions of the Federal Occupational Safety and Health Act of 1970. In addition, State standards for agriculture shall be no more stringent than those promulgated by OSHA.

PUBLIC PARTICIPATION

Interested persons are given until November 14, 1977 to submit written data, views and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Director, Office of Federal Compliance and State Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplement by filing particularized written objections within the time allotted for comments specified above. If in the opinion of the Assistant Secretary of Labor for OSHA substantial objections are filed which warrant public discussion, a formal or informal hearing on the subjects and issues involved may be held.

DECISION

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue her decision as to approval or disapproval.

Signed at Washington, D.C. this 7th day of October 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77–30066 Filed 10–13–77;8:45 am]

[4310–70]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 50]

NATIONAL CAPITAL PARK REGULATIONS

Demonstrations and Special Events

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposal would provide for waiver of the limitation on the number of people permitted to conduct a demonstration on the White House sidewalk. This is being proposed as a result of a decision by the National Park Service that an extension of the waiver procedures found in the current regulation is practicable.

DATES: Written comments, suggestions, or objections regarding this proposal will be accepted until November 14, 1977.

ADDRESSES: All comments should be addressed to Regional Director, National Capital Region, 1100 Ohio Drive SW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Page H. Jackson, Attorney-Advisor, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240 (202–343–4338).

SUPPLEMENTARY INFORMATION: This rule is proposed pursuant to an Order on Mandate filed in *A Quaker Action Group* v. *Andrus*, No. 668–69 (D.D.C., July 15, 1977) which relates to demonstrations conducted on the White House sidewalk (south Pennsylvania Avenue sidewalk between East and West Executive Avenues NW.). It will extend the numerical limitation waiver procedures now applicable in Lafayette Park, to demonstrations on the White House sidewalk and will thereby permit under certain circumstances in excess of 750 persons to demonstrate there.

By its Order, the United States District Court for the District of Columbia held that the waiver procedure established for Lafayette Park (36 CFR 50.19(e)(2)) had been in effect for a reasonable time and, ordered the Department of the Interior to publish within 90 days a proposed amendment to 36 CFR 50.19 to extend the waiver procedure to the White House sidewalk, or proffer to the Court facts showing that such an extension is impractical. The Department of the Interior, after consultation with the United States Secret Service, believes such an extension is practical and is initiating this rulemaking process in accordance with the Court's Order on Mandate.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they desire to have the Regional Director consider before the proposed amendment set forth below is issued in final form. All written comments received by the Regional Director on or before November 14, 1977, will be considered before the Director, National Park Service takes final action. The current proposed amendment may be changed in light of comments received.

All comments submitted will be available, both before and after the closing date, for examination in the Regional Director's office.

AUTHORITY

This action is being proposed under the authority of Section 3 of the Act of August 25, 1916, 39 Stat. 535, as amended (16 U.S.C. 3); the Act of July 1, 1898, 30 Stat. 570 (8 D.C. Code 108 et seq.); and 245 DM–1 (42 FR 12931).

NOTE.—The National Park Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107.

WILLIAM J. WHALEN,
Director,
National Park Service.

It is proposed to amend 36 CFR 50.19 (e) by revising the introductory text and paragraphs (e) (1) and (2), redesignating paragraphs (e) (3) through (10) as (e) (4) through (11) and adding a new paragraph (e) (3), to read as follows:

§ 50.19 Demonstrations and special events.

* * * * *

(e) Issuance of permits shall be subject to the following limitations:

(1) No more than 750 persons shall be permitted to conduct a demonstration on the White House sidewalk at any one time.

(2) No more than 3,000 persons shall be permitted to conduct a demonstration in Lafayette Park at any one time.

(3) The Director may waive the 750 person and 3,000 person limitations upon a showing by the applicant that the proposed demonstration has been planned and will be patrolled in such a fashion as to render unlikely any substantial risk to legitimate public interests in the area. In making a waiver determination the Director shall consider and the applicant shall furnish the following information at least 15 days in advance of the proposed demonstration:

(i) Number of marshals to be furnished.

(ii) The training these marshals have received including a brief summary of that training.

(iii) The experience of these marshals in crowd situations including a brief summary of those experiences.

(iv) The equipment to be furnished marshals including number of portable radios, power and frequency.

(v) The means by which marshals shall be identified.

(vi) A summary of proposed marshal functions including emergency contingency plans.

(vii) List of emergency facilities to be provided including first aid and sanitary facilities.

* * * * *

[FR Doc.77-29978 Filed 10-13-77;8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 162]

[FRL 784-4]

SPECIAL PACKAGING OF PESTICIDES

Proposed Guidelines

AGENCY: Environmental Protection Agency, Office of Pesticide Programs.

ACTION: Proposed rule.

SUMMARY: This proposed rule would require the special packaging of certain pesticides and would set forth guidelines concerning the testing protocols to be followed in evaluating this packaging. The intent of this proposed rule is to decrease the number of hazardous exposures of a pesticide product to humans.

DATES: Comments must be received on or before December 13, 1977. Proposed effective date: One year after publication of final rule.

ADDRESSES: Interested persons may participate in this proposed rulemaking by submitting written comments to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Comments should be filed in triplicate. The comments should bear the identifying notation "OPP-_____." All written comments filed will be available for public inspection at the Office of the Federal Register Section from 8:00 a.m. to 4 p.m. Monday through Friday. The proposal may be changed in light of the comments received.

FOR FURTHER INFORMATION CONTACT:

Maureen J. Grimmer, Project Leader, (WH-566), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, (202-755-8030).

SUPPLEMENTARY INFORMATION: These rules are designated § 162.16 and the guidelines are designated § 162.94 of Title 40 and are being written under the authority of Section 25(c) (3) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972 and 1975 (Pub. L 92-516, 86 Stat. 983; Pub. L. 94-140, 89 Stat. 755; 7 U.S.C. 136 et seq.; hereinafter referred to as FIFRA).

Final regulations for the registration, reregistration and classification of pesticides were published in the FEDERAL REGISTER July 3, 1975, 40 FR 28242. Proposed Guidelines for registering pesticides were published in the FEDERAL REGISTER June 25, 1975, 40 FR 26802. These documents reserved sections concerning the pesticides requiring special packaging and the testing protocols for special packaging. The requirement of special packaging for certain pesticide products shall be incorporated into the pesticide registration process.

BACKGROUND

Since enactment of the Poison Prevention Packaging Act of 1970, the authority to administer the special packaging of pesticides has shifted among the Department of Health, Education, and Welfare (DHEW), the Consumer Product Safety Commission (CPSC), and the Environmental Protection Agency (EPA).[1] Presently, section 25(c) (3) of amended FIFRA authorizes the Administrator of EPA to:

> Establish standards (which shall be consistent with those established under the authority of the Poison Prevention Packaging Act (Pub. L. 91-601)) with respect to the package, container, or wrapper in which a pesticide or device is enclosed for use or consumption, in order to protect children and adults from serious injury or illness resulting from accidental ingestion or contact with pesticides or devices regulated by this Act as well as to accomplish the other purposes of this Act.

Section 2(q) (1) (B) of the amended FIFRA, states that a pesticide is misbranded if "it is contained in a package or other container or wrapping which does not conform to the standards established by the Administrator pursuant to section 25(c) (3)."

These proposed regulations were prepared after considering the comments to a September 14, 1972 DHEW proposal (37 FR 18629) for the special packaging of pesticides, reviewing the available accident statistics and scientific literature, and meeting with representatives of affected pesticide and packaging industries, concerned members of the general public, and officials of CPSC.

DISCUSSION OF MAJOR PROVISIONS AND ISSUES

GENERAL

These regulations are intended to complement the registration and classification scheme of FIFRA section 3. Classification will take place over an extended period of time either by regulation or at the time of reregistration of a particular pesticide product. When a pesticide product is classified for restricted use, it may only be applied by or under the direct supervision of a certified applicator or pursuant to another regulatory restriction imposed by the Administrator under section 3(d) (1) (C) (ii) of FIFRA. Where use is by a certified applicator, his training, supplemented by the label of the specific pesticide product, should assure proper application, storage and disposal techniques. Where use is pursuant to any other regulatory restriction, the need for special packaging will be considered. These safeguards should significantly reduce the risk that any pesticide which is a candidate for restricted use is the cause of serious injury to children, adults or the environment.

These regulations provide that pesticide products intended for residential use must be specially packaged to protect children and adults (1) if the formulation of the product meets or exceeds certain criteria, or (2) if the Administrator determines there is a serious hazard based upon human toxicological data, use history, accident data or other available evidence.

At the time a pesticide product is classified, if it falls within the criteria for special packaging as set forth in this regulation and is specially packaged, generaly the product will not be classified for restricted use. However, if EPA determines that special packaging will not sufficiently decrease exposure to the hazards associated with the product, the product will be classified for restricted use, and may or may not be required to be specially packaged. Alternatively, if the hazards indicated by the criteria of

[1] As of May 11, 1976, EPA has been vested with sole jurisdiction of the special packaging of pesticides under the executive authority of section 25(c)(3), FIFRA (Consumer Product Safety Commission Improvements Act of 1976, Pub. L. 94-284, 90 Stat. 503).

§ 162.16(c)(2) are not indicative of the hazards to man, it may be possible that special packaging would not be required for the product even if the product exceeds the criterion. For example, certain rodenticides that are highly toxic to rodents have a low toxicity in humans.

RESIDENTIAL APPLICATION

These regulations are primarily directed at safeguarding children and adults from accidental exposure to highly toxic pesticides intended for residential application. They do not apply to pesticides registered for agricultural or commercial application.

EPA estimates that most pesticide-related accidents occur in and around the home as a result of domestic use. For example, figures obtained from an EPA study [2] reveal that less than 30 percent of all pesticide-related hospital admissions between 1971 and 1973 were in the areas of agricultural or commercial pesticide application, in the formulating or manufacturing plant, or affected the farmer, commercial applicator, skilled or unskilled laborer, professional or semi-professional pest control operator, and the like. Approximately 70 percent of all pesticide incidents requiring some sort of hospital care occurred to persons applying pesticides in residential situations. Accordingly, the special packaging of certain pesticides intended for residential use should offer protection from most pesticide accidents.

The term "residential application" is defined at § 162.16(b)(2) and is new to this Section. The section 3 regulations speak in terms of domestic or nondomestic application. The term "domestic application," as defined at 40 CFR 162.3(m), includes application of a pesticide in, on or around all structures associated with the household or homelife as well as patient care areas of health related institutions and areas where children spend time. The scope of the term "residential application" is included within the meaning of "domestic application," except that residential application does not include patient care areas of health related institutions, which is within the term "domestic application," because other adequate safeguards, including supervision and security of store-room areas, exist in these areas.

These regulations are directed at safeguarding children and adults from accidential exposure to pesticides through the use of special packaging. EPA believes that the purpose of special packaging is twofold, first, to prevent children from gaining access to the contents of a package, and second, to make adults *aware* that the contents of a package may be hazardous. Special packaging discourages adults from carelessly exposing themselves to toxic pesticides.

The fact that a product has non-residential, as well as residential, uses on the label will not exempt it from the special packaging requirement, if the residential uses require special packaging. EPA hopes to encourage the separate packaging of the more toxic pesticides for residential and non-residential application.

CRITERIA FOR SPECIAL PACKAGING

The proposed regulations of the DHEW would have required special packaging only for those pesticides with an acute oral toxicity in EPA toxicity categories 1 or 2. EPA's proposed regulations expand the class of pesticides that may require special packaging. In addition, they reserve to the Administrator the discretion to regulate pesticides on a product by product basis. Although the acute oral toxicity of a pesticide is certainly important in determining whether or not special packaging should be required, it is not the only important criterion. The dermal and inhalation toxicity of the pesticide, as well as the skin and eye effects that can be anticipated from exposure, are also important considerations. Therefore, EPA is proposing that special packaging be required for any domestic use pesticide approved for residential application which falls within the criteria of § 162.16(c)(2). These criteria are in large part identical to the criteria of 40 CFR 162.11(c)(1)(i) which set forth indices to determine whether a domestic use product is a candidate for restricted use classification. The only differences from these criteria are that whereas 40 CFR 162.11(c)(1)(i)(E) sets forth an acute oral LD50 criterion greater than 1.5 for the formulation as diluted for use, § 162.16(c)(2)(v) applies the same criterion to the pesticide formulation.

In addition, § 162.16(c)(2)(vi) of these regulations provides for consideration of other data in addition to toxicological data in cases where these data are not truly indicative of human hazard. Pesticides which do not meet the criteria of § 162.16(c)(2) will require special packaging if human toxicological data, use history, accident data or any other evidence indicates the existence of a serious threat of accidental injury or illness to children. Pesticides meeting the criteria of § 162.16(c)(2) will not require special packaging if the toxicity is not indicative of a serious hazard to man. By not requiring special packaging for those pesticides which represent a significantly lesser hazard to man, the Agency hopes to encourage the development of relatively safer pesticides.

TESTING PROTOCOLS AND EFFECTIVENESS SPECIFICATIONS

The testing protocols set out in § 162.16(d)(3) and § 162.94 are directly intended to prevent children under the age of five years from opening the package. EPA chose this protocol for two reasons. First, EPA's Pesticide Episode Review System (PERS) reveals that 40 percent of all human pesticide related accidents (excluding accidents relating to misuse of a product) occur to children under the age of five years. By comparison, children between the ages of five and seventeen are involved in approximately 5 percent of these accidents. Of these pesticide-related accidents involving children under five years, almost 70 percent may be directly related to the packaging of the pesticide product.[3]

Also, the Department of Health, Education, and Welfare reports that, of all accidents reported to Poison Control Centers from 1972–1974, between 82 percent and 86 percent involved children under five years.[4]

Secondly, section 25(c)(3) of the FIFRA provides that any special packaging standards for pesticides must be consistent with standards established under the authority of the Poison Prevention Packaging Act. Congress and EPA recognize the expertise of the Consumer Product Safety Commission in evaluating the effectiveness of safety packaging and in assessing the capabilities of the packaging industry. Accordingly, EPA has adopted the standards of the Consumer Product Safety Commission. (15 CFR 1700.15, 1700.20.) Duplicative effectiveness testing of packages intended for pesticidal and non-pesticidal purposes can thereby be avoided.

BENEFITS OF SAFETY PACKAGING

The prime benefits of special packaging is its record of effectiveness. The Consumer Product Safety Commission initiated safety packaging regulations with aspirin products, then the substance most frequently ingested by children according to the National Clearinghouse of Poison Control Statistics. The special packaging regulation for aspirin products became effective in 1973. In the three year period following the promulgation of this regulation, accidental aspirin ingestions decreased by 41 percent and aspirin-induced deaths of preschool children declined by 63 percent. The fact that poisonings from antifreeze ingestions has declined by 70 percent since instituting special packaging requirements provides additional proof of the effectiveness of special packaging regulations in reducing pediatric poisonings. Similar results were recorded when regulations encompassed all petroleum products. Those products that have not yet been required to utilize safety packaging (e.g., pesticides, perfumes, colognes) all

[2] National Study of Hospital Admitted Pesticide Poisonings. Epidemiologic Studies Program, Human Effects Monitoring Branch, Technical Services Division, Office of Pesticide Programs, U.S. Environmental Protection Agency, pp. 28–30, 76, 98, 120 (April, 1976). EPA assumes that any admission not included in the listed categories resulted from residential situations.

[3] "Distribution by Region of Pesticide Episodes Involving Children Under Five and Applicable to Childproof Packaging as Reported to PERS (1967 through September, 1976)." Pesticide Episode Response Branch, Operations Division, Office of Pesticide Programs, U.S. Environmental Protection Agency.

[4] National Clearinghouse for Poison Control Centers Bulletin, September, 1976, U.S. Department of Health, Education, and Welfare, Public Health Service, Food and Drug Administration.

show annual increases in the number of accidental poisonings.

PACKAGE SIZE AND TECHNOLOGY

The regulation proposed by the DHEW provided that the size of the pesticide container was to be a criterion in determining whether or not special packaging would be required. The almost unanimous comment to this provision was that package size would not necessarily be determinative of use and that such regulations would therefore impact heavily on pesticides intended for commercial use. There is no persuasive evidence that special packaging is not feasible for larger containers, per se, nor is there persuasive evidence that a slightly larger package is inherently protective of children. There is, however, evidence that child protective packaging is not presently feasible for certain sizes and types of pesticide containers. These situations will be dealt with on a case-by-case basis during the registration process.

EPA would specifically like to receive comments from persons who manufacture special packaging and pesticide registrants who will have to comply with these rules regarding both the technology available for special packaging and, specifically, the compatability of the package and closures now available with pesticide formulations that will have to be so packaged.

The regulations, as proposed below, make no specific reference to the size of the pesticide container. The use(s) for which a product is sold, the channels of trade through which it moves, the labeling of the product and the promotional effort in marketing are all factors of considerable importance in distinguishing a pesticide approved for domestic residential application from a pesticide approved for domestic non-residential or non-domestic application. EPA believes that by placing the emphasis on product use, it better serves the purpose and intent of FIFRA.

However, the size of the pesticide container cannot be entirely disregarded. EPA has taken into account the variety of forms that special packaging might take and does not desire to limit in any way the development of new forms of special packaging. Therefore, the definition of special packaging encompasses not only child resistant closures, but also unit or such size packaging which would permit only non-harmful amounts of the pesticide to be obtained at one time. (See §§ 162.16(b)(3) and 162.16(b)(4)).

Although this regulation is primarily concerned with how easy or difficult it is to gain access to the contents of a package, neither the protocol nor this regulation is intended to cover the range of problems that may be associated with packaging, such as the capacity of the package to break or be punctured. These problems will be dealt with in detail at a later time in a separate regulation. However, under this regulation it is intended that the entire package be tested. Containers which, for example, use safety closures which are not compatible with the container body are not acceptable.

NON-COMPLYING PACKAGING

The Poison Prevention Packaging Act makes provision for non-complying packaging for the benefit of elderly and hadicapped persons if the manufacturer or packer also supplies the substance in packages which comply with the special packaging standard. The Environmental Protection Agency recognizes the worthy purposes for allowing this non-complying packaging. Unfortunately, the marketing of non-complying packages could seriously deter efforts under the FIFRA to reduce the incidence of accidental pesticide poisoning in young children. The legislative history of the Poison Prevention Packaging Act makes clear that Congress intended special packaging to be the rule rather than the exception. Furthermore, those pesticide products which do not exceed the criteria for special packaging will continue to be available for use in regular packaging. Therefore, EPA has decided that all pesticides that fall within these criteria for special packaging must be specially packaged.

DEVICES

On November 30, 1976, the Agency published in the FEDERAL REGISTER a notice consolidating and clarifying requirements of the FIFRA applicable to pest control devices (40 FR 51065). In discussing the misbranding provisions of the Act, the notice provides that a device will be subject to enforcement action if its packaging or wrapping fails to conform with standards established pursuant to section 25(c)(3). The notice goes on to say "Such standards have not, as of this date, been issued by the Administrator; at such time as they are, the question of their applicability to devices will be addressed."

EPA does not now have sufficient information regarding the kinds of devices which should require special packaging. When EPA has sufficient cause to address a packaging requirement for devices, it will add such a provision to this regulation.

STATUTORY REVIEW

EPA received comments from the U.S. Department of Agriculture (Attachment I) which are published following the regulation together with EPA's response (Attachment II) according to Section 25(a)(2)(A) of FIFRA. The FIFRA Scientific Advisory Panel reviewed the proposed regulation at a meeting on February 17, 1977 and unanimously concurs with the proposal. The SAP comments are published in Attachment III according to Section 25(d) of FIFRA.

EFFECTIVE DATE

The Consumer Product Safety Commission has available upon request a list entitled "Manufacturers of Safety Packaging Who Have Indicated That One or More Designs Have Passed the Testing Protocol." The list is not intended to indicate approval or endorsement of the listed firms. Some of these packages may be satisfactory for the packaging of many pesticides. EPA proposes a lead time of one year after publication of the final regulations. Only products released for shipment by the producers after that date (regardless of the date manufactured) will be subject to these regulations. Products already in commerce on that date will not be recalled in order to comply with these regulations. EPA specifically solicits comments regarding the appropriate lead time for full effectiveness of these regulations. Applicants for new registrations must submit the information required under § 162.16(e) as part of the application. The required information for presently registered products must be submitted as an application for amended registration. We will be working closely with the Consumer Product Safety Commission in evaluating the feasibility, appropriateness and availability of special packaging for pesticides.

INFLATION IMPACT STATEMENT

The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

Dated: October 6, 1977.

DOUGLAS M. COSTLE,
Administrator.

It is proposed that Part 162, Chapter I, Title 40 of the Code of Federal Regulations be amended by adding §§ 162.16 and 162.94 to be effective 12 months after publication of the final rule and to read as follows:

Sec.
162.16 Pesticides requiring special packaging.
162.94 Guidelines for special packaging of pesticides.

AUTHORITY.—Secs. 3, 25(c)(3), Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92-516, 86 Stat. 973; Pub. L. 94-140, 89 Stat. 755; 7 U.S.C. 136 et seq.).

§ 162.16 Pesticides requiring special packaging.

(a) *General.* Section 25(c)(3) of the Act authorizes the Administrator to establish standards with respect to the package container or wrapping in which a pesticide or device is enclosed for use or consumption in order to protect children and adults from serious injury or illness resulting from accidental ingestion or contact with pesticides or devices regulated by this Act.

(b) *Definitions.* Terms used in this section shall have the same meaning set forth in the Act and in § 162.3. In addition, as used in this section:

(1) The term "package" means the immediate container or wrapping in which any pesticide is contained for consumption use or storage. Package does not include:

(i) Any shipping container or wrapping used solely for the transportation of any pesticide in bulk or in quantity to manufacturers, packers or processors, or to wholesale or retail distributors thereof; or

(ii) Any shipping container or other wrapping used by retailers to ship or

deliver any pesticide to consumers unless it is the only such container or wrapping.

(2) The term "residential application" means application of a pesticide directly to humans or pets or application of a pesticide in, on, or around all structures, vehicles or areas associated with the household or homelife or areas where children spend time including, but not limited to:

(i) Gardens, non-commercial greenhouses, yards, patios, houses, pleasure marine craft, mobile homes, campers and recreational vehicles, non-commercial campsites, home swimming pools and kennels;

(ii) Articles, objects, devices or surfaces handled or contacted by humans or pets in all structures, vehicles or areas listed above; and

(iii) Educational, lounging and recreational areas of preschools, nurseries and day camps.

(3) The term "special packaging" means packaging that is designed and constructed to be significantly difficult for children under five years of age to open or to obtain a toxic or harmful amount of the substance contained therein within a reasonable time and that is not difficult for normal adults to use properly.

(4) The term "unit package" means a package that is labeled with directions to use the contents in a single application or which consists of individually packaged dosage units.

(c) *Pesticides requiring special packaging*—(1) *General.* In order to protect children from accidental handling, contact or ingestion, special packaging is required for pesticide products approved for residential application falling within the criteria set forth in subparagraph (2) of this paragraph: *Provided however,* That special packaging is not required for those pesticides for which the hazards indicated by the criteria in subparagraph (2) of this paragraph are not indicative of the hazards to man. Generally, at the time of classification a pesticide product which falls within the criteria set forth in subparagraph (2) of this paragraph and is specially packaged will not be classified for restricted use. The Agency may, on a case-by-case basis, classify a pesticide product which falls within the criteria set forth in subparagraph (2) of this paragraph and is specially packaged for restricted use.

(2) *Criteria for special packaging.* A pesticide product approved for residential application will require special packaging if the tests conducted for the pesticide formulation (as specified in the Registration Guidelines) on the appropriate test animals and pursuant to the test standards set forth in the Registration Guidelines indicate that the pesticide formulation:

(i) Has an acute dermal LD_{50} of 2,000 mg/kg or less;

(ii) Has an inhalation LC_{50} of 2 mg/liter or less;

(iii) Is corrosive to the eye or causes corneal opacity or irritation persisting for 7 days or more;

(iv) Is corrosive to the skin or causes severe skin irritation at 72 hours;

(v) Has an acute oral LD_{50} of 1.5 g/kg or less; or

(vi) Has such characteristics that, based upon human toxicological data, use history, accident data or such other evidence as is available, the Administrator determines that there is a serious hazard of accidental injury or illness to children which special packaging could reduce.

(d) *Standards for special packaging*—(1) *General requirements.* (i) The special packaging must continue to function with the effectiveness specifications set forth in subparagraph (2) of this paragraph when in actual contact with the substance contained therein. This requirement may be satisfied by appropriate scientific evaluation of the compatibility of the substance with the special packaging to determine that the chemical and physical characteristics of the substance will not compromise or interfere with the proper functioning of the special packaging and that the packaging will not be detrimental to the integrity of the product during storage and use.

(ii) The special packaging must continue to function with the effectiveness specifications set forth in subparagraph (2) of this paragraph for the number of times the package is opened and closed that is customary for its size and contents and throughout the reasonably expected lifetime of the package. This requirement may be satisfied by appropriate technical evaluation based on physical wear and stress factors, force required for activation and other such relevant factors which establish that, for the duration or normal use, the effectiveness specifications of the packaging would not be expected to lessen.

(2) *Effectiveness specifications.* The special packaging tested by the method referred to in subparagraph (3) of this paragraph, shall meet the following specfications:

(i) Child-resistant effectiveness of not less than 85 percent without a demonstration and not less than 80 percent after a demonstration of the proper means of opening such special packaging. In the case of unit packaging, child-resistant effectiveness of not less than 80 percent.

(ii) Adult-use effectiveness of not less than 90 percent without a demonstration.

(3) *Testing procedures.* Standards for special packaging shall be evaluated pursuant to the protocols specified in the Registration Guidelines (40 CFR 162.94).

(e) *Submission.* The registrant of a pesticide which requires special packaging shall submit the following information as an application for amended registration. An applicant for a new registration shall submit the following information at the time of his application for registration. The registrant or applicant is responsible for the accuracy and completeness of all the information submitted.

The registrant shall submit:

(1) A full description of the package including:

(i) A full description of the container including:

(A) Its dimensions; and

(B) Its material; and

(ii) A full description of the closure, if appropriate, including:

(A) The name of its manufacturer; and

(B) The manufacturers' designation (title) for the special packaging closure or, the physical working of the special packaging mechanism; and

(C) The explicit directions for proper use of the closure and the placement of these directions on the package;

(2) A report of the data resulting from the tests conducted in accordance with §§ 162.16(d) and 162.94 or proof that the closure has been previously tested with satisfactory results; and

(3) Data in support of the compatibility of the pesticide formulation with the entire package to determine that the chemical and physical characteristic of the substances will not compromise or interfere with the efficacy of the pesticide and the functioning of the pesticide product container and/or closure.

§ 162.94 Guidelines for special packaging.

The protocol for testing special packaging shall be as follows:

(a) Use 200 children between the ages of 42 and 51 months inclusive, evenly distributed by age and sex, to test the ability of the special packaging to resist opening by children. The even age distribution shall be determined by having 20 children (plus or minus 10 percent) whose nearest age is 42 months, 20 whose nearest age is 43 months, 20 at 44 months, etc., up to and including 20 at 51 months of age. There should be no more than 10 percent preponderance of either sex in each age group. The children selected should be healthy and normal and should have no obvious or overt physical or mental handicap.

(b) The children shall be divided into groups of two each. The testing shall be done in a location that is familiar to the children; for example their customary nursery school or regular kindergarten. No child shall test more than two special packages, and each package shall be of a different type. For each test, the paired children shall receive the same package simultaneously. When more than one special package is being tested, the designs tested shall be presented to the paired children in random order, and this order shall be recorded. The special package, each test unit of which, if appropriate, has previously been opened, and properly resecured by the tester, shall be given to each of the two children with a request for them to open it. (In the case of unit packaging, it shall be presented exposed so that the individual unit is immediately available to the child.) Each child shall be allowed up to 5 minutes to open the special package. For those children unable to open the special package after the first 5 min-

utes, a single visual demonstration, without verbal explanation, shall be given by the demonstrator. A second 5 minutes shall then be allowed for opening the special package. (In the case of unit packaging, a single visual demonstration, without verbal explanation, will be provided at the end of the first 5 minutes only for those test subjects who have not opened at least one unit package, and a second 5 minutes allowed for all subjects.) If a child fails to use his teeth to open the special package during the first 5 minutes, the demonstrator shall instruct him, before the start of the second 5-minute period, that he is permitted to use his teeth if he wishes.

(c) Records shall be kept on the number of children who were not able to open the special package, with and without demonstration. (In the case of unit packaging, records shall be kept on the number of individual units opened or gained access to by each child). The percent of child-resistant effectiveness shall be the number of children tested, less the test failures, divided by two. A test failure shall be any child who opens the special package or gains access to its contents. In the case of unit packaging, however, a test failure shall be any child who opens or gains access to the number of individual units which constitute the amount that may produce serious personal injury or serious illness, or a child who opens or gains access to more than 8 individual units, whichever number is lower, during the full 10 minutes of testing. The determination of the amount of a substance that may produce serious personal injury or serious illness shall be based on a 25 pound child.

(d) In the testing of unit packaging to be opened by use of a tool, it is not necessary to provide the children with the tool needed to open the container unless the tool accompanies the container when offered for sale to consumers. In the adult phase of the test, where a tool is needed to open a special package, but does not accompany the container, the adult test subjects may be provided with the required tool, in addition to the instructions concerning the proper method of opening which are printed on the packaging.

(e) One hundred adults, age 18 to 45 years inclusive, with no overt physical or mental handicaps, and 70 percent of whom are female, shall comprise the test panel for normal adults. The adults shall be tested individually, rather than in groups of two or more. The adults shall receive only such printed instructions on how to open and properly resecure the special packaging as will appear on the package as it is delivered to the consumer. Five minutes shall be allowed to complete the opening and, if appropriate, the resecuring process.

(f) Records shall be kept on the number of adults unable to open and the number of other adults tested who fail to properly resecure the special packaging. The number of adults who successfully open and properly resecure the special package (if resecuring is appropriate) is the percent of adult-use effectiveness of the special packaging. In the case of unit packaging, the percent of adult-use effectiveness shall be the number of adults who successfully open a single package. The unit package shall not be subject to the resecuring provision above.

[FR Doc.77-30063 Filed 10-13-77;8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1062]

[Ex Parte No. MC-109]

MOTOR CARRIERS; SPECIAL APPLICATION PROCEDURES FOR FOR-HIRE MOTOR CARRIERS

Applications Seeking Substitution of Single-Line Service for Existing Joint-Line Operations

AGENCY: Interstate Commerce Commission.

ACTION: Proposed regulations.

SUMMARY: The Interstate Commerce Commission is proposing to establish regulations which would govern application proceedings for operating rights where the applicant is a motor common carrier seeking authority to conduct a single-line service in lieu of an existing joint-line service. Under the proposed regulations an applicant would be required to identify clearly its proposal as one seeking authority to substitute a single-line service for its existing joint-line operations. Secondly, in addition to submitting that information which is presently required in operating rights applications proceedings, the applicant will be required to submit evidence demonstrating that it has been participating in the supporting shipper(s)' involved traffic in joint-line operations. This proposed rule is an outgrowth of recommendations contained in a Staff Task Force report suggesting improvements in the motor carrier regulation.

DATES: Written comments should be filed with the Commission on or before November 14, 1977.

ADDRESSES: Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Office of Proceedings, Washington, D.C. 20423, phone 202-275-7292.

SUPPLEMENTARY INFORMATION: The Interstate Commerce Commission is proposing to establish regulations which would govern application proceedings for operating rights where the applicant is a motor common carrier seeking authority to conduct a single-line service in lieu of an existing joint-line service. Under the proposed regulations an applicant would be required to identify clearly its proposal as one seeking authority to substitute a single-line service for its existing joint-line operations. Secondly, in addition to submitting that information which is presently required in operating rights applications proceedings, the applicant will be required to submit evidence demonstrating that it has been participating in the supporting shipper(s)' involved traffic in joint-line operations. As has always been the case, opposing evidence of carriers participating in the existing joint-line service would be considered in reaching a determination of public convenience and necessity. However, if (1) the application was not opposed by any carrier which is a participant in the existing joint-line service, and (2) the applicant complied with the requirements discussed above, then the application would be granted. Accordingly, the parties not participating with applicant in the joint-line service would not have standing to oppose the application on the ground that the proposed service is not needed, and they could only oppose the application on the ground of applicant's fitness to conduct the proposed service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.

On June 2, 1977, a Staff Task Force was established for the purpose of recommending to the Commission possible areas for improvement in motor carrier entry regulation. On July 6, 1977, the Staff Task Force issued a report containing 39 specific recommendations for improving motor carrier regulation. This proposed rule is an outgrowth of Recommendation No. 11 contained in the Staff Task Force report.

In acting upon this recommendation the Commission recognizes that there are certain types of applications for operating authority which normally are or should be granted notwithstanding the nature or scope of the opposition. It is the duty of this Commission to identify these cases, and, in a manner consistent with justice and fairness, to take responsive action to assure that transportation requirements of our society are adequately and expeditiously met.

The Commission is currently considering a number of proposals for modifying motor carrier entry regulation, including a number of recommendations advanced by the staff task force. Interested persons participating in, and wishing to advance similar arguments in, more than one of these proceedings need not file duplicative statements. Instead, they may incorporate by reference all or any part of a statement filed in one of these proceedings in this or any other of these proceedings.

Discussion of the Issues

Benefits of Single-Line Service

In determining whether a proposed service is required by the public convenience and necessity, this Commission has traditionally examined applications for operating authority in light of the criteria enunciated in "Pan-American Bus Lines Operation," 1 M.C.C. 190

(1936). The question to be resolved is whether the proposed operations will serve a useful public purpose, responsive to a public demand or need; whether this purpose can or will be served as well by existing lines or carriers; and whether the new services can be instituted without endangering or impairing the operations of existing carriers contrary to the public interest and the national transportation policy.

The proposed regulations pertain to applications in which a motor common carrier seeks to institute a single-line service in lieu of an existing joint-line operation. The Commission has reviewed a substantial number of such applications and found that, in many instances, the benefits accruing to the public from granting such proposals are both plentiful and significant.[1]

Initially it is important to note that this proposal would benefit only those applicants already participating, through interline arrangements, in the available traffic so that they cannot be considered new entrants in the involved transportation market. Often the filing of applications of this kind is prompted by one carrier's desire to continue participating in a particular shipper's traffic where it is suddenly faced with the loss of access to a given origin or destination point due to the deterioration or cancellation of an interline connection. The applicant will frequently have invested capital in terminal facilities and equipment.

The loss of the interline service will obviously have an adverse impact upon the shippers which have come to rely upon it to meet their transportation requirements. In addition, the replacement of joint-line service by single-line service often engenders significant savings in mileage, fuel, time, and paperwork. Moreover, the Commission has, upon occasion, taken note of the competitive disadvantages of shippers which do not have single-line services available to meet their transportation requirements. It has recognized that joint-line service entails a higher risk of loss, damage, and delay than does single-line service.

It is fundamental that public convenience and necessity may be found in operating economies and in contributions to expedition and efficiency. These not only accrue to the affected carrier and shipper, but ultimately are passed onto the consuming public. Thus, the Commission in recognition of these factors has often authorized proposed service even where the services of existing carrier appear to be adequate.

Who May Protest an Application

In administering the Act, the Commission has not found that shippers are entitled to a single-line service merely as a matter of preference, nor would they be under the proposed regulations. The Commission has always sought to encourage the use of joint-line services in those instances where such operations are shown to be adequate to meet the transportation requirements of the shipping public. Just as the applicant which is seeking to institute the single-line service has an interest to protect, so do those carriers which have been participating with applicant in the joint-line service. As noted above, "substitution applications" are ordinarily premised on the grounds that the joint-line service is in a state of deterioration or subject to cancellation. Whether in fact such is the case is an issue upon which the participating carriers may validly comment. In determining whether a public need exists for a proposed single-line service then, the Commission would consider the opposing evidence of these participating carriers and weigh the effect of a grant upon them since it is the traffic which they have been handling in conjunction with applicant which would be subject to diversion. In many instances, however, applications seeking "substituted service" are unopposed by those carriers which are, or have been, participating in the joint-line service. The failure of those carriers to appear in opposition can only be construed as probative of the applicant's contentions that the joint-line operations are in a state of deterioration.

At the outset of this discussion, it was pointed out that the applicant in these cases is not a new entrant into the involved transportation market but rather is an established competitor seeking to preserve its interest in the shipper's traffic. The effect, if any, of a grant of authority upon existing (non-participating) carriers then would be minimal. Accordingly, on the issue of public convenience and necessity, under the proposed regulations, the Commission would consider only the supporting evidence of the applicant and the opposing evidence only of carriers which are, or have been, participating in the joint-line operations with the applicant. "However, any interested person would be permitted to file a protest challenging an applicant's fitness to perform the proposed service."

In certain limited instances, any interested carrier would be permitted to file a protest to an application for "substituted service". The protest of any non-interlining carrier would be directed at relevant issues other than the need for service. For example, any protestant could challenge an applicant's fitness to perform the proposed service. Additionally, a protestant could challenge applicant's allegations that it has been engaged in joint-line operations for the supporting shipper.

The Application and Notice Requirements

Implementation of the proposed regulations would entail minor modifications in the way operating rights applications are processed and reviewed under existing Commission regulations.

An applicant, under the rules, would be required to identify clearly its proposal as one seeking substitution of single-line service for its existing joint-line operations. Since applicants are required, under existing Commission regulations, to prepare a FEDERAL REGISTER caption, affected applicants would need only to submit an additional sentence stating that "the purpose of the application is to substitute a single-line service for applicant's existing joint-line operations."

Notice of the applicant's proposal, and its purpose, would be published in the FEDERAL REGISTER in a manner consistent with prevailing Commission procedures. Additionally, protests would be filed in accordance with existing regulations subject to the considerations described in the preceding section of this notice of proposed rulemaking.

Environmental Impact

It is not anticipated that the proposed regulations will constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. The number of carriers, and vehicles operated in any given transportation market would remain relatively stable whether or not applications of this kind were granted.

As noted previously, the probable effect of these regulations will be to enhance operating efficiencies. The authorization of single-line services could eliminate circuitous mileage and lead to savings in fuel.

Redesignation of 49 CFR 1062

Part 1062 of Title 49 of the Code of Federal Regulations is presently entitled "Special Regulations for For-Hire Motor Carriers Engaged in the Transportation for Recycling or Reuse of 'Waste' Products in Furtherance of Recognized Pollution Control Programs", and sets forth rules pertaining to the processing of applications for Special Certificates of Public Convenience and Necessity, in a unique transportation field.

The regulations proposed in this rulemaking also embrace special procedures for acquiring a certificate of public convenience and necessity. It is likely that additional regulations of the same nature will be proposed in the future. Accordingly, the Commission will redesignate Part 1062 as follows: "Regulations Governing Special Application Procedures for For-Hire Motor Carriers". Section 1062.2 would be added to this part if the proposed regulations are adopted.

Accordingly, it is proposed (1) that Part 1062 of Title 49 of the Code of Federal Regulations be re-entitled "Regulations Governing Special Application Procedures for For-Hire Motor Carriers" and (2) that § 1062.2 be added to this part to read as follows:

§ 1062.2 Special procedures governing applications in which applicants seek operating authority to provide a single-line service in lieu of their existing joint-line operations.

(a) *Scope of special rules.* These special rules govern the filing and handling

[1] See, for example, "Knox Motor Service, Inc., Ext.—Transformers," 126 M.C.C. 413 (1977), and "Tanksley Trucking, Inc., Ext.—Louisville, Ky.", 120 M.C.C. 793 (1974).

of applications in which an applicant is seeking to acquire a certificate of public convenience and necessity authorizing it to provide a single-line service from and to points it serves in conjunction with connecting carriers in joint-line operations.

(b) *Filing of applications.* A motor common carrier seeking to acquire a certificate of public convenience and necessity under this section shall, in addition to submitting that information otherwise required under existing Commission rules and regulations, include in its caption summary of the authority sought (prepared for publication in the FEDERAL REGISTER), a sentence indicating clearly that "the sole purpose of its application is to substitute a single-line service for its existing joint-line operations."

(c) *Notice.* Notice of a proposed service will be published in the FEDERAL REGISTER. This notice will indicate applicant's intention to substitute a single-line service for its existing joint-line operations.

(d) *Protests.* Protests may be filed (1) respecting the issue of the need for the proposed service only by those carriers which are, or have been, participating in the joint-line service for which applicant is seeking by its proposal to substitute in single-line service, and (2) by any interested carrier respecting applicant's fitness to provide the proposed service.

This notice of proposed rulemaking is promulgated under the authority contained in 49 U.S.C. 304 and 307 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 21st day of September 1977.

By the Commission.

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

[FR Doc.77-29817 Filed 10-13-77;8:45 am]

[7035-01]

[49 CFR Part 1062]

[Ex Parter No. MC-109 (Sub. No. 1)]

SPECIAL APPLICATION PROCEDURES FOR FOR-HIRE MOTOR CARRIERS

Applications Seeking Substitution of For-Hire Service for Proprietary Operations

AGENCY: Interstate Commerce Commission.

ACTION: Proposed regulations.

SUMMARY: The Interstate Commerce Commission is proposing to establish regulations which would govern application proceedings for operating rights where the applicant is a motor common or contract carrier seeking authority to conduct a for-hire transportation service for a shipper that currently uses its own private transportation service (proprietary operations). Under the proposed regulations an applicant would be required to identify clearly the purpose of its proposal, and to submit that information which is presently required in operating rights application proceedings. In addition, evidence concerning the extent of shipper's proprietary operations and the extent to which they would be replaced by applicant's for-hire service would be required. The proposed regulations stem from a Staff Task Force's recommenadtion to improve motor carrier resgulations.

DATE: Written comments should be filed with the Commission on or before November 14, 1977.

ADDRESSES: Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Office of Proceedings, Washington, D.C. 20423, Phone 202-275-7292.

SUPPLEMENTARY INFORMATION: The Interstate Commerce Commission is proposing to establish regulations which would govern application proceedings for operating rights where the applicant is a motor common or contract carrier seeking authority to conduct a for-hire transportation service for a shipper that currently uses its own private transportation service (proprietary operations). Under the proposed regulations an applicant would be required to identify clearly the purpose of its proposal, and to submit that information which is presently required in operating rights application proceedings.

In addition, evidence concerning the extent of shipper's proprietary operations and the extent to which they would be replaced by applicant's for-hire service would be required, In determining whether a proposed service should be authorized under applicable statutory standards, the Commission would continue to consider the opposing evidence and arguments of those for-hire carriers which are, or have been transporting traffic from the shipper's pertinent facilities, (i.e., in those instances where the shipper relies upon both proprietary and for-hire transportation services). However, if (1) the application is not opposed by any participating carrier and (2) the applicant complies with the requirements discussed above, then the application will be granted. Accordingly, parties not participating in the supporting shipper's traffic, which applicant sought authority to transport, would not have standing to oppose the application on the ground that the new service is not needed. They could oppose the application on the ground that applicant is not fit to provide the proposed service or to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.

Recommendations concerning application proceedings in which a for-hire service is sought to replace a shipper's existing proprietary operations have recently been under consideration by the Commission, in Ex Parte No. MC-103, Procedures In Motor Carrier Application Proceedings Where For-Hire Carriage Is Substituted For Proprietary Operations. Ex Parte No. MC 103 was instituted in response to a petition seeking the initiation of a rulemaking, filed July 6, 1976, by Herman Bros., Inc., a motor common carrier. In its petition, Herman Bros. suggested specific procedures for the processing of applications of the nature discussed in this Notice.

Recognizing that this area of transportation is one worthy of serious consideration, the Commission received written representations and heard oral argument in No. MC 103. The Commission determined that the issues involved required additional analysis and further consideration in light of the July 6, 1977, recommendations of the Commission's Staff Task Force on improving motor carrier entry regulations. The proposed regulations stem from the Staff Task Force's recommendation. When the Commission ultimately determines what modifications to its procedures, if any, are necessary in this area, it will do so in light of the views already expressed in Ex Parte No. MC 103, and any additional information which may be submitted in response to this notice.

The Commission is currently considering a number of proposals for modifying motor carrier entry regulation, including a number of recommendations advanced by the staff task force. Interested persons participating in, and wishing to advance similar arguments in, more than one of these proceedings need not file duplicative statements. Instead, they may incorporate by reference all or any part of a statement filed in one of these proceedings in this or any other of these proceedings.

DISCUSSION OF THE ISSUES

BENEFITS STEMMING FROM FOR-HIRE CARRIAGE

Proprietary operations are exempt from economic regulation under the Interstate Commerce Act. In particular circumstances the benefits stemming from the using of private carriage outweigh attendant disadvantages. Often, however, shippers engaged in private operations find that such operations lack efficiency and cannot be cost justified. An example of this occurs where a shipper requires the transportation of its commodities in lengthy one-way movements, and is faced with extensive empty backhauls. For this and or other reasons, shippers engaged in proprietary operations may seek to acquire the services of for-hire motor carriers to meet their transportation requirements in whole or in part.

The efficient marketing of any shipper's commodities constitutes an integral part of its business' success. A shipper, having reached a decision to replace or augment its proprietary opera-

tions, will seek out the service of a for hire carrier capable of rendering a transportation service at least as efficient and flexible as that which it has chosen to forego. Of no less importance to the shipper is whether the carrier it supports will acquire promptly the permanent authority sought from this Commission. The decision to replace or augment private operations ordinarily entails considerations of contractual obligations, personnel reassignments, and disposing of equipment.

The benefits stemming from the proposed regulations appear to be both significant and plentiful. The Commission has traditionally encouraged the use of for-hire motor carriage in lieu of proprietary operations, since it is the for-hire motor carriage industry which the American public has come to rely upon to meet its transportation needs. Regulated carriers which hav einvested substantial capital in their operations ordinarily undertake far greater risks than do shippers engaged in proprietary operations. Thus, the influx of additional traffic, previously transported in private operations, into the regulated trucking industry would presumably promote that industry's stability. It is also likely that substantial savings in fuel would result since empty backhauls attendant to many private operations could be largely eliminated and regulated motor carriers would be afforded an opportunity to balance their existing operations. As a consequence of these added efficiencies. As a consequence of these added efficiencies, transportation costs could be reduced and ultimately these benefits would inure to the consuming public.

Clearly the regulations proposed would benefit shippers desiring to supplant proprietary operations with for-hire services. As noted above, shippers often cannot afford to leave their transportation requirements to chance. They want to acquire the service of a carrier capable of providing a dependable, "quality" service. Since the proposed regulations would allow for more expeditious handling of applications and would limit the scope of the opposition respecting the issue of need, it is likely that shippers would be more inclined to support regulated carrier proposals.

WHO MAY PROTEST AN APPLICATION

Under the proposed regulations, the Commission would continue to consider the opposing evidence of carriers which are or have been participating in the supporting shipper's involved traffic, in determining whether the proposed service is required by the public convenience and necessity, or, in the case of contract proposals, if it is consistent with the public interest and the National Transportation Policy. Shippers engaged in proprietary operations at given origin facilities occasionally rely upon for-hire carriers to transport their involved traffic. Should a shipper support the proposed service of an applicant to supplant its proprietary operations, the traffic otherwise handled by participating motor carriers could certainly be subject to diversion. The Commission would consider whether a grant of authority would unjustifiably deprive these carriers of traffic they are handling or could handle in an adequate manner.

The proposed regulations would, however, preclude carriers from submitting protests regarding the issue of need for a proposed service if they are not, or have not been, participating in traffic of the supporting shipper which applicant seeks authority to transport. Since the purpose of the applicant's proposal is to transport traffic previously transported in private operations, a grant of authority could not result in any diversion of traffic transported by nonparticipating carriers. Thus, a grant of authority would not result in any material adverse effect upon the operations of such carriers.

However, any interested person may file a protest challenging applicant's fitness to provide the proposed service.

NOTICE REQUIREMENT

Implementation of the proposed regulations would entail minor modifications in the way operating rights applications are processed and reviewed under existing Commission regulations. An applicant would be required to indicate clearly the purpose of its proposal. This would be accomplished by adding a sentence to the FEDERAL REGISTER caption stating that "the purpose of the application is to substitute for-hire service for the shipper's existing proprietary operations."

Notice of the proposal and purpose therefor, would be published in the FEDERAL REGISTER in a manner consistent with prevailing Commission procedures. Protests would be filed in accordance with existing regulations subject to the considerations described above.

ENVIRONMENTAL IMPACT

It is not anticipated that the proposed regulations would constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. Traffic which would be transported by an applicant would be that moving in a shipper's private operations. The probable effect of these regulations would be to enhance operating efficiencies since empty backhaul movements should be substantially eliminated.

Accordingly, it is proposed that Part 1062 of Title 49 of the Code of Federal Regulations be amended by adding § 1062.3 as follows:

§ 1062.3 Special procedures governing applications in which applicants seek operating authority to provide a for-hire service in lieu of the supporting shippers' existing proprietary operations.

(a) *Scope of special rules.* These special rules govern the filing of applications in which an applicant is seeking to acquire a certificate or permit authorizing it to provide a for-hire service from and to points presently served by the supporting shipper in proprietary operations.

(b) *Filing of applications.* A motor carrier seeking to acquire a certificate or permit under this section shall in addition to submitting that information otherwise required under existing Commission rules and regulations, include in its caption summary of the authority sought (prepared for publication in the FEDERAL REGISTER), a sentence indicating clearly that "the sole purpose of its application is to substitute a for-hire service for the supporting shipper's proprietary operations". The territorial description should be appropriately limited to originate at or be destined to the facilities of the supporting shipper.

(c) *Notice.* Notice of a proposed service will be published in the FEDERAL REGISTER. This notice will indicate applicant's intention to substitute a for-hire service for the supporting shipper's proprietary operations.

(d) *Protests.* Protests may be filed (1) respecting the issue of need for the proposed service only by those carriers which are, or have been, participating in the supporting shipper's traffic at the involved origin facilities (i.e., conducting operations supplemental to shipper's proprietary carriage), and (2) by any interested carrier respecting applicant's fitness to provide the proposed service.

This notice of proposed rulemaking is promulgated under the authority in 49 U.S.C. 304, 303(a)(15), 309(b), and 307 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 21st day of September 1977.

By the Commission.

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

[FR Doc.77-29816 Filed 10-13-77;8:45 am]

[3410-05]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 728]

1978 WHEAT PROGRAM

Proposed Determinations Regarding National Program Acreage, Program Allocation Factor, Set-Aside, Diversion Payments, and Limitation on Planted Acreage

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture proposes to make the following determinations with respect to the 1978 crop of wheat:

a. *National Program Acreage.* The Department is currently estimating wheat demand for the 1978-crop marketing year at 815 million bushels for domestic

use and 1,000 million bushels for export. Based on these estimates, less imports of 2 million bushels, divided by a proposed national weighted average farm program payment yield of 30.9 bushels the preliminary national program acreage would be 58.7 million acres. The national program acreage will be subject to revision as more information becomes available on expected utilization and establishment of farm program payment yields. The Department does not propose to adjust the national program acreage because of excessive carryover stocks.

b. *Program Allocation Factor.* This decision cannot be made until after the 1978-crop plantings have been determined. The Department proposes to make this determination following the August 1978 Crope Production Report.

c. *Whether there should be a set-aside requirement and if so, the extent of such requirements.* USDA press release 2444-77 issued August 29 announced the Department's intention for a 20 percent set-aside on the 1978 crop of wheat.

d. *Whether there should be provisions for land diversion payments and if so, the extent of such diversion and the payment therefor.* The Department proposes not to authorize land diversion payments under the 1978 program.

e. *Whether there should be a limitation on planted acreage and if so, the extent of such limitation.* The Department proposes not to place a limitation on the planted acreage of wheat for the 1978 program.

The above determinations are required to be made by the Secretary in accordance with provisions of the Agricultural Act of 1949, as amended.

DATES: This notice invites written comments on the proposed determinations. Comments must be received on or before November 14, 1977.

ADDRESSES: Acting Director, Production Adjustment Division, ASCS, USDA, Room 3630 South Building, P.O. Box 2415, Washington, D.C. 20013. Comments will be made available for public inspection at the Office of the Acting Director during regular business hours (8:15 a.m. to 4:45 p.m.).

FOR FURTHER INFORMATION CONTACT:

Bruce R. Weber, (ASCS), 202-447-4351.

SUPPLEMENTARY INFORMATION: The following determinations with respect to the 1978 crop of wheat are to be made pursuant to the Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977 (Pub. L. 95-113).

a. *National Program Acreage.* Section 107A(d)(1) of the Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977, requires that the Secretary proclaim a national program acreage for wheat for each of the 1978 through 1981 crops not later than August 15 of each calendar year for the crop harvested in the next succeeding calendar year, except that in the case of the 1978 crop, the proclamation shall be made as soon as practicable after enactment of the Food and Agriculture Act of 1977. Such national program acreage may, however, subsequently be revised for purposes of determining the allocation factor if the Secretary determines it necessary based on the latest information. Any revision shall be announced as soon as it has been made. The national program acreage shall be the number of harvested acres the Seretary determines (on the basis of the weighted national average farm program payment yield) will produce the quantity (less imports) that he estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stock, are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the national program acreage by the amount he determines will accomplish the desired decrease or increase in carryover stocks.

b. *Program Allocation Factor.* Section 107A(d)(2) requires the Secretary to determine a program allocation factor for each crop of wheat. The allocation factor shall be determined by dividing the national program acreage by the number of acres which the Secretary estimates will be harvested for such crop. The allocation cannot be more than 100 percent nor less than 80 percent.

c. *Whether there should be a set-aside requirement and if so, the extent of such requirement.* Section 107A(f)(1) requires the Secretary to provide for a set-aside of cropland if he determines that the total supply of wheat will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. The Secretary is required to announce any such set-aside not later than August 15, except that in the case of the 1978 crop, the announcement shall be made as soon as practicable after enactment of the Food and Agriculture Act of 1977. If a set-aside of cropland is in effect, then as a condition of eligibility for loans, purchases, and payments, the producers on a farm must set aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the acreage of wheat planted for harvest for the crop year for which the set-aside is in effect.

d. *Whether there should be provisions for land diversion payments and if so, the extent of such diversion for payment and the payment therefor.* Section 107A(f)(2) provides that the Secretary may make land diversion payments to producers of wheat, whether or not a set-aside for wheat is in effect, if he determines that such land diversion payments are necessary to assist in adjusting the total national acreage of wheat to desirable goals. Land diversion payments shall be made to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm on the basis of land diversion contracts. Amounts payable to producers under land diversion contracts may be determined through submission of bids for such contracts by producers in such manner as prescribed by the Secretary or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under contracts in any county or local community so as not to affect adversely the economy of the county or local community.

e. *Whether there should be a limitation on planted acreage and if so, the extent of such limitation.* Section 107A(f)(1) also provides that the Secretary may limit the acreage planted to wheat. Such limitation shall be applied on a uniform basis to all wheat producing farms.

Prior to determining the 1978 national program acreage and allocation factor, consideration will be given to any data, views, and recommendations relative to the national average farm program yield, estimated domestic utilization of wheat, estimated exports, estimated carryover, estimated harvested acreage, and other data pertinent to the above determinations. Environmental and Economic Impact Statements are being prepared and will be available for public review and comment shortly.

Signed at Washington, D.C. on October 12, 1977.

STEWART N. SMITH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-30274 Filed 10-13-77;8:45 am]

[3410-05]

[7 CFR Part 792]

FEED GRAIN, RICE, WHEAT AND UPLAND COTTON PROGRAMS

Normal Crop Acreage and Set-Aside Acreage

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the normal crop acreage and set-aside acreage regulations to read as set below, requiring that normal crop acreages be established for farms instead of conserving bases. It would also require that the set-aside normally be land that was recently tilled, that the set-aside be protected by vegetative cover, and that harvesting or grazing of the cover be prohibited. These changes are proposed to make the set-aside more effective in controlling production and to assure that the set-aside is protected

from wind and water erosion. The material previously appearing under conserving base and designated set-aside acreage regulations would remain in effect for the programs to which they apply.

DATES: Comments must be received by November 14, 1977.

ADDRESSES: Send written comments to the Director, Production Adjustment Division, ASCS, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Ernest Stevens (ASCS), 202–447–7633.

SUPPLEMENTARY INFORMATION: The Secretary is authorized by the Food and Agriculture Act of 1977 (Pub. L. 95–113) to require as a condition of eligibility for loans, purchases, and payments under the feed grain, rice, wheat, and upland cotton programs that cropland be set aside and devoted to conservation uses. He may also require, as a condition of eligibility for loans, purchases, and payments for any crop, that the acreage normally planted crops which he designates shall be reduced by the acreage of set-aside. The public is invited to submit written comments, suggestions, or objections regarding these proposed regulations. Each person writing shall include his name and address and should give reasons for any suggested changes. Copies of all written communications received will be available for examination by interested parties during regular business hours in Room 3617 South Building, U.S. Department of Agriculture, Washington, D.C.

It is proposed that 7 CFR Part 792 be revised to read as follows:

PART 792—NORMAL CROP ACREAGE AND SET-ASIDE ACREAGE

Sec.

792.1 Applicability.
792.2 Normal crop acreage.
792.3 Designation of set-aside acreage.
792.4 Care of set-aside acreage.
792.5 Use of set-aside acreage.
792.6 Cross compliance on the farm.
792.7 Offsetting compliance between farms.

AUTHORITY: Secs. 101(h), 103(f), 105A, 107A, Agricultural Act of 1949, as added by Pub. L. 95–113.

§ 792.1 Applicability.

This part provides the rules for determining the farm normal crop acreage and for designation, care and use of acreage set aside under the 1978–81 Feed Grain Program, Part 775 of this chapter, as amended; the 1978–81 Rice Program, Part 730 of this chapter, as amended; the 1978–81 Wheat Program, Part 728 of this chapter, as amended; the 1978–81 Upland Cotton Program, Part 722 of this chapter, as amended; and all other programs to which this part is made applicable by individual program regulations. The number of acres to be set aside for each program will be stated in the individual program regulations. In this part and in all instructions, forms and documents in connection with it, the words and phrases used shall, unless the context or subject matter otherwise requires, have the meanings assigned to them in the regulations governing reconstitution of farms and allotments, Part 719 of this chapter, as amended, and in the regulations governing the programs to which this part is applicable.

§ 792.2 Normal crop acreage.

The normal crop acreage (herein called NCA) shall be acreage devoted in 1977 to the following crops for harvest, which for small grains shall be the acreage planted for harvest as grain and any volunteer acreage harvested for grain: barley, field corn, grain sorghum, rice, wheat, upland cotton, oats, rye, soybeans, flax, dry edible beans, sunflower, sugar beets, sugar cane, and any other major field crop significant acreage which is recommended by the State committee and approved by the Deputy Administrator, State and County Operations, ASCS. The 1977 acreage shall be determined, and adjusted when abnormal, in accordance with instructions issued by the Deputy Administrator.

§ 792.3 Designation of set-aside acreage.

(a) *Land eligible for designation.* Subject to the provisions of paragraph (b) of this section, the land eligible for designation as set-aside acreage must be cropland that was tilled within the previous three years in the production of a crop for other than hay or pasture, unless the county committee determines that the cropland was devoted in all of the previous three years to a hay crop that was in a normal rotation pattern with a small grain or row crop, or the corpland was designated as set-aside in any one year for which a set-aside program was in effect and was eligible when designated.

(b) *Land not eligible for designation.* Land will not be eligible for designation if it is:

(1) Land which is designated as set-aside under any other program for the calendar year (year in which the set-aside is in effect).

(2) Land for which a prevented planting or low yield payment is made for the calendar year.

(3) Land which is harvested or grazed in the calendar year except as provided in § 792.5.

(4) Land that is summer fallowed or clean tilled in the current year.

(5) Turn rows, drainage ditches, wet low-flying areas, droughty knobs or banks, areas rejected by the county committee because of their small size or shape, or land in an orchard or vineyard and strips in skiprow planting patterns.

(6) Land which at the time the set-aside acreage is designated is expected to be used in the current year or a later year for industrial development, housing, highway construction, or other nonfarm use, and the land would not, in the absence of the program, be devoted in the current year to a crop for harvest.

(7) Land devoted to nonagricultural use on or before September 30 of the current year, unless such land is acquired by eminent domain and a representative of the State committee determines that it would not have been anticipated at the time of designation that the land would be devoted to nonagricultural use before the end of the current year.

(8) Land devoted to or considered devoted to a nonconserving use in the current year.

(9) Land from a receding lake or areas bordering a lake which the producer does not have title to or otherwise have authority to use for crops.

(10) Land planted to produce grain for wildlife on a State or National wildlife refuge.

(11) Land owned and operated by a State, county or local government unless the owner establishes to the satisfaction of the county committee that it has adequate equipment and other facilities readily available for the successful production of crops under a set-aside program and that the production of such crops is a normal practice for such land.

§ 792.4 Care of set-aside acreage.

(a) *Approved cover and practices.* The set-aside shal be devoted by the normal period for planting spring crops to one or more of the following approved covers:

(1) Annual, biennial, or perennial grasses and legumes, including volunteer stands other than weeds which meet the criteria set forth by the State committee, but excluding field and canning beans or peas, soybeans, and sweet sorghums.

(2) Small grains, including volunteer stands other than weeds which meet the criteria set forth by the State committee. They must be clipped to prevent seed formation except when approved for wildlife cover.

(3) Trees or shrubs planted for erosion control, shelterbelts, or other forestry purposes or for wildlife habitat during the current year or the fall of the preceding year, provided these practices are on designated set-aside acreage otherwise eligible under § 792.3.

(4) Terraces and sod waterways developed in the current year or the fall of the preceding year, provided these practices are on designated set-aside acreage otherwise eligible under § 792.3.

(5) Water storage developed for any purpose, including fish or wildlife habitat, during the current year or the fall of the preceding year, provided this practice is on designated set-aside acreage otherwise eligible under § 792.3.

(b) *Control of erosion, insects, weeds, and rodents.* The farm operator shall carry out such measures as are needed for the control of erosion, insects, weeds, and rodents on the set-aside acreage.

(c) *Land preparation for fall seeded crops.* Crops may be seeded on the set-aside acreage in the fall for harvest the next year. The land can be prepared in the fall and left bare only when recommended by the State Committee and approved by the Deputy Administrator.

§ 792.5 Use of set-aside acreage.

(a) *Restriction on harvesting.* No crop shall be harvested from the set-aside acreage in the current year, or after December 31 of the current year if the crop would normally mature and be harvested in the current year, except when approved under emergency situations in accordance with instructions issued by the Deputy Administrator. A crop may be harvested if the crop is one which matured in the year preceding the current year on land which was not designated as set-aside in such year and the harvesting was delayed because of adverse weather or other conditions beyond the control of the farm operator.

(b) *Restriction on grazing.* Grazing of set-aside acreage shall be prohibited except when approved under emergency situations in accordance with instructions issued by the Deputy Administrator.

§ 792.6 Cross compliance on the farm.

To qualify on the farm for loans, purchases, and payments authorized for crops included in the NCA, producers on a farm that produces one or more crops for which a set-aside requirement is in effect shall:

(a) Set aside the acreage required for each crop, and

(b) Limit the acreage of crops in the NCA to the NCA less the amount of the acreage which is required to be set aside.

§ 792.7 Offsetting compliance between farms.

(a) To qualify on any farm for loans, purchases, and payments authorized for crops included in the NCA, a landowner, landlord, or operator of a farm that produces one or more crops for which a set-aside is in effect shall assure that on each farm for which he is a landowner, landlord, or operator:

(1) The required acreage, if any, is set aside for each crop, and

(2) The acreage of crops in the NCA are limited to the NCA less the amount of the acreage which is required to be set aside.

(b) A landowner or landlord cannot escape responsibility for complying with paragraph (a) of this section by leasing for cash or other consideration all or part of a farm: *Provided,* That the landowner or landlord may be exempted from complying with paragraph (a) of this section if the county committee determines that a lease executed prior to October 3, 1977 prevents compliance.

(c) Any executor, trust officer, or farm manager responsible for the management of a farm shall be considered as the operator of the farm for purposes of paragraph (a) of this section when he receives a percentage of the farm income exceeding 10 percent of the crops or proceeds thereof for such management service.

(d) For purposes of paragraph (a) of this section, all persons or entities in each category listed below shall be considered as the same producer and fully responsible for the actions of any person or entity in that category:

(1) Husband and wife, except that the husband and wife may be considered as separate producers if the spouse receiving benefits does not share to any degree in crops or proceeds thereof from the other farm, ownership or managerial control of the other farm is not shared by such spouse, and there have been no changes in the ownership, operation, or managerial control of the other farm which would tend to defeat the purposes of paragraph (a) of this section;

(2) Minor children and the parent, guardian, or other person legally responsible for the minor unless the person legally responsible for the minor does not occupy the same household as the minor and shares no interest in the farming operations of the minor;

(3) A partnership and any member of the partnership;

(4) A corporation and the majority stockholders of such corporation (in applying this rule, consider as the same producer a corporation and two or more stockholders with a combined majority interest in the corporation who do not comply with paragraph (a) of this section);

(5) An estate and heirs of the estate with over 50 percent interest in the estate (in applying this rule, consider as the same producer an estate and two or more heirs with a combined interest in the estate of over 50 percent who do not comply with paragraph (a) of this section);

(6) A trust and beneficiaries of the trust with over a 50 percent interest in the trust (in applying this rule, consider as the same producer a trust and two or more beneficiaries with a combined interest in the trust of over 50 percent who do not comply with paragraph (a) of this section);

(7) Different corporations, trusts or estates having common stockholders or beneficiaries with a combined majority interest.

(e) Notwithstanding the foregoing:

(1) Any person who places land in a trust the beneficiary of which is such person's parent, brother, sister, spouse, child or grandchild shall be considered the same producer as the trust for purposes of paragraph (a) of this section if he acts as the trustee or trust officer for the trust or in any other way retains management responsibility for the trust land even though he does not receive any share of the crops or proceeds thereof from the trust land;

(2) When the State committee, or the county committee with the approval of the State committee, determines that a corporation or trust was formed, modified, or used for the purposes of circumventing paragraph (a) of this section, the corporation and any stockholder of the corporation, or the trust and any beneficiary of the trust, shall be considered as the same producer and fully responsible for the actions of the corporation or trust or of any stockholder or beneficiary of the corporation or trust.

Issued at Washington, D.C., this 5th day of October 1977.

RAY FITZGERALD,
Administrator, Agricultural Stabilization and Conservation Service.

OCTOBER 5, 1977.

[FR Doc.77-29977 Filed 10-13-77;8:45 am]

[3410-02]

Agricultural Marketing Service

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Proposed Free and Restricted Percentages for 1977-78 Marketing Policy Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would establish free and restricted percentages of 58 percent and 42 percent, respectively, for inshell filberts for the marketing policy year beginning August 1, 1977. The action is taken under the marketing order for filberts grown in Oregon and Washington to promote orderly marketing conditions.

DATES: Written comments to this proposal must be received by November 18, 1977.

ADDRESSES: Written comments should be submitted in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions 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, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202-447-3345).

SUPPLEMENTARY INFORMATION: This proposal was recommended by the Filbert Control Board. The Board is established under the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed percentages are based upon the following estimates by the Filbert Control Board for the 1977-78 marketing policy year:

Inshell supply:	*Tons*
(1) Total production	11,000
(2) Less substandard, etc	1,650
(3) Available supply	9,350
(4) Carryover August 1, 1977, of merchantable filberts	722

Inshell supply—Con.	Tons
(5) Total available supply (Item 3 plus Item 4)	10,072
Inshell requirements:	
(6) Trade demand	5,400
(7) Carryover July 31, 1978	700
(8) Total	6,100
(9) Less carryover August 1, 1977 not subect to 1977–78 regulation	722
(10) Inshell requirement	5,378
Percentages:	
(11) Free percentage (Item 10 divided by Item (3))	58
(12) Restricted percentage (100 percent minus 58 percent)	42

The free percentage prescribes that portion of the total merchantable supply which may be handled as inshell filberts. The restricted percentage prescribes that portion of the total merchantable supply which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption), exported, or disposed of in outlets determined by the Filbert Control Board to be noncompetitive with normal market outlets for inshell filberts.

The proposal is as follows:

§ 989.227 Free and restricted percentages for merchantable filberts during the 1977–78 marketing policy year.

The following percentages are established for merchantable filberts for the marketing policy year beginning August 1, 1977:

	Tons
Free percentage	58
Restricted percentage	42

Dated: October 7, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.77-29976 Filed 10-13-77;8:45 am]

[6170-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Part 212]

AMENDMENTS TO THE MANDATORY PETROLEUM PRICE REGULATIONS—EXCHANGES

Extension of Public Hearing and Comment Period

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice to extend public hearing and comment period.

SUMMARY: On September 14, 1977, the Federal Energy Administration issued a Notice of Proposed Rulemaking and Public Hearing regarding refiner and reseller exchanges. A public hearing was scheduled in Washington, D.C. for October 13, 1977, 9:30 a.m.; and written comments were requested by October 11, 1977, 4:30 p.m. (42 FR 48342, September 23, 1977.)

The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") has received several requests to extend the date for receipt of written comments and to reschedule the public hearing in order to give interested persons sufficient time to address the complex issues raised in the rulemaking. The ERA believes that there is merit to these requests. Accordingly, ERA has determined to extend the hearing date, the comment period, and other related dates to provide additional time for interested persons to prepare comments. All dates as originally scheduled in the September 14 Notice are changed as set forth in the "DATES" Section of this Notice.

Each person selected to be heard will be so notified before 4:30 p.m., October 19, 1977 and must submit 100 copies of his or her statement to Regulations Management, Room 2214, 2000 M Street, NW., Washington, D.C., before 4:30 p.m., October 27, 1977. Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, DOE, before 4:30 p.m., October 27, 1977.

DATES: Comments by October 28, 1977, 4:30 p.m., Requests to speak by October 17, 1977, 4:30 p.m.; Hearing date: October 31, 1977, 9:30 a.m.

ADDRESSES: Comments and requests to speak to: Executive Communications, Room 3317, Economic Regulatory Administration, Box PD, 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 2214 B, Washington, D.C. 20461, 202–254–5201.

Issued in Washington, D.C. October 7, 1977.

DAVID J. BARDIN,
Acting Administrator, Economic Regulatory Administration, Department of Energy.

[FR Doc.77-30280 Filed 10-13-77;10:27 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.

[6110-01]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON LICENSES AND AUTHORIZATIONS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Licenses and Authorizations of the Administrative Conference of the United States, to be held at 11 a.m., October 25, 1977, in the offices of O'Melveny & Myers, 1800 M Street NW., Washington, D.C.

The Committee will meet to consider Professor Robert Hamilton's project on the regulatory use of consensus standards, and the status of Professor Marshall Breger's project of procedures for waivers and exemptions.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit mebers of the public to present oral stateents at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Joseph L. Scott, 202-254-7020. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

OCTOBER 11, 1977.

[FR Doc.77-30067 Filed 10-13-77;8:45 am]

[3410-16]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

AUTHORIZATION OF FEDERAL ASSISTANCE IN THE INSTALLATION OF WORKS OF IMPROVEMENT

Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 USC 1001-1008) has been authorized for the following watershed: 1. Avery Brook, Connecticut.

Date: September 29, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 USC 1001-1008.)

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc.77-29985 Filed 10-13-77;8:45 am]

[6320-01]

[Order 77-10-35; Docket 30257]

CIVIL AERONAUTICS BOARD

CESKOSLOVENSKE AEROLINIE

Rewenal of Foreign Air Carrier Permit; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of October, 1977.

Pursuant to Order 75-11-85 approved by the President on November 20, 1975, the foreign air carrier permit held by Ceskoslovenske Aerolinie (CSA) [1] authorizing the carrier to engage in foreign air transportation of persons, property, and mail between a point or points in Czechoslovakia and New York, via intermediate points, was extended with a termination date of December 31, 1976, which coincided with the expiration date of the United States-Czechoslovakia Air Transport Agreement of February 28, 1969, modified by Protocol dated May 24, 1972, and extended by Exchanges of Notes dated May 28, 1974, and July 29, 1975.

By Exchange of Notes dated August 12, 1977, the Agreement was extended to December 31, 1978. Before the expiration of its permit on December 31, 1976, CSA applied for permit renewal pursuant to terms that might be agreed in the extension of the Agreement. No person has filed an answer to the application. The Board finds that it is in the public interest to direct interested persons to show cause why applicant's foreign air carrier permit should not be renewed without hearing for a period terminating on December 31, 1978.

Since May 1970 CSA has continuously served the Prague-New York market with 1 or 2 weekly one-stop round-trip flights utilizing Russian-made IL-62 jet aircraft. The flights are usually routed over Amsterdam. On the basis of this history of successful operations, the Agreement extended by Note dated August 12, 1977, and the Board's findings in Orders 73-2-12, 75-5-105 and 75-11-85 with respect to the public interest and the carrier's fitness, we tentatively find and conclude that:

(a) Ceskoslovenske Aerolinie is fit, willing, and able properly to perform the foreign air transportation authorized by the specimen permit attached here and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder;

(b) Ceskoslovenske Aerolinie is substantially owned and effectively controlled by nationals of the Czechoslovak Socialist Republic;

(c) It is in the public interest to renew the foreign air carrier permit of Ceskoslovenske Aerolinie for a period terminating on December 31, 1978;

(d) The public interest requires that the exercise of the privileges granted by this permit be subject to the terms, conditions, and limitations contained in the specimen permit attached here and to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board;

(e) A hearing on the application of Ceskoslovenske Aerolinie is not required by the public interest; and

(f) The renewal of Seskoslovenske Aerolinie's foreign air carrier permit is not a "major federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Quality Act of 1969, and will not be inconsistent with the policy objectives of the Energy Policy and Conservation Act of 1975 (EPACA).[2]

All interested persons will be given 21 days following the adoption of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific issues and to support such objections with detailed analyses. If an evidentiary hearing is requested, each objector should name the specific markets or other issues with respect to which a hearing is requested and should state, in detail, why such a hearing is necessary and what relevant and material facts he would ex-

[1] The permit was originally issued pursuant to Order 70-1-62, approved January 12, 1970. The specimen permit was filed as a part of the original document.

[2] Since the permit does not provide for any change in existing service, there will be no negative impact on either the environment or fuel utilization.

pect to establish through such a hearing. Vague, general, or unsupported objections will not be entertained.

Accordingly, it is ordered that:

1. All interested persons be directed to show cause why the Board should not make final the tentative findings and conclusions here and why an order should not be issued, subject to approval by the President pursuant to section 801 of the Act, issuing a renewed foreign air carrier permit to Ceskoslovenske Aerolinie in the specimen form attached;

2. Any interested persons having objecions to the issuance of an order making final the tentative findings and conclusions here or to the issuance of the proposed renewed foreign air carrier permit shall, within 21 days after adoption of this order, file with the Board and serve on the persons named in paragraph 5 a statement of objections specifying the part or parts of the tentative findings or conclusions objected to, together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the statement of objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board: *Provided*, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions here if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;[3]

4. In the event no objections are filed to this order, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions here; and

5. This order shall be served upon Ceskoslovenske Aerolinie, Pan American World Airways, Inc., the Ambassador of the Czechoslovak Socialist Republic, and the Department of State.

This order shall be published in the FEDERAL REGISTER and transmitted to the President.

By the Civil Aeronautics Board.[4]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-30074 Filed 10-13-77;8:45 am]

[6320-01]

[Order 77-10-26; Docket Nos. 30487, 30673, 31491]

EASTERN AIR LINES, INC., ET AL.

Order Instituting an Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of October, 1977.

Application of Eastern Air Lines, Inc., for an amended certicate of public convenience and necessity for Routes 5 and 10, petition of the Louisville and Jefferson County Air Board, for institution of an investigation St. Louis-San Francisco/Oakland/San Jose nonstop route proceeding.

On February 14, 1977, Eastern Air Lines filed an application (Docket 30487) for nonstop authority in the St. Louis-San Francisco/Oakland/San Jose markets. On March 11, 1977, Eastern, filed a motion for hearing on its application in Docket 30487. Louisville and the Jefferson County Air Board Louisville) filed a petition for an investigation of the air service needs of the Louisville-St. Louis and Louisville-San Francisco markets, including the issue of deleting the authority of Eastern and Trans World Airlines in the Louisville-St. Louis market. Contemporaneously, Louisville filed a motion to consolidate its petition with Eastern's application in Docket 30487.

In support of its motion, Eastern states that the St. Louis-San Francisco market, which had over 142,000 true O&D and interline connecting passengers or an average of 390 passengers per day in 1975, requires competitive service.[1] Eastern contends that TWA, the incumbent, is unable to handle the traffic demand of the market and cites several monthly nonstop load factors for the 12-month period ending June 30, 1976, which reached as high as 79 percent in December 1975. Eastern also contends that a large number of St. Louis-San Francisco passengers are forced to use one-stop service as a result of the limited nonstop seats available in the market. Eastern concludes that the market has a substantial potential for further growth and can support profitable competitive service.

Answers in support of Eastern's motion were filed by American Airlines, Louisville, and the St. Louis Authority-City of St. Louis, American urged the Board to consider removal of its one-stop restriction in the St. Louis-San Francisco market, alleging that it has already applied for such authority as part of its route realignment application, amended October 15, 1976, in Docket 28874.

An answer in support of the petition of Louisville was filed by Frontier Airlines, and an answer in opposition to Louisville's motion to consolidate was filed by TWA. Eastern, in a consolidated answer to Louisville's petition and motion to consolidate, urged dismissal of the petition and denial of the motion.

Answers in opposition to Eastern's motion were filed by Delta Air Lines, TWA, and the Port of Oakland. Delta argues that granting Eastern's request for St. Louis-San Francisco nonstop authority would divert a large amount of revenues from other carriers and that serious questions of third and fourth carrier competition are raised in the San Francisco-Atlanta/ Jacksonville/ Miami/ Ft. Lauderdale/Orlando/Tampa markets.[2] TWA contends, that its load factors for the year ended December 1976 averaged 61 percent, that it will institute an additional nonstop round trip which will operate into San Jose and be extended into Oakland,[3] that Eastern has no historic stake in the St. Louis-San Francisco market so that most of the revenue generated is diverted from incumbents, and that the diversion suffered by carriers such as TWA would not be offset by service benefits since Eastern's proposed service would duplicate service presently offered by TWA. Finally, Oakland opposes Eastern's motion because it believes, on the basis of Eastern's service proposal, that Eastern will serve only San Francisco and not Oakland if it receives the authority requested in the form of Oakland as one of a triple hyphenated point (San Francisco-Oakland-San Jose).

Upon consideration, we have decided to institute an investigation to consider the need for additional nonstop service in the St. Louis-San Francisco/Oakland/San Jose market.[4] The market generated 142,140 true O&D and interline connecting passengers in 1975 and is one of the largest markets without competitive nonstop service. We believe that it offers the prospect of economic competitive nonstop service sufficient to require a priority hearing.

We will defer action on Louisville's petition for new or improved air service in the Louisville-St. Louis/San Francisco markets until after we reach a decision on priority of hearing standards.

If American files a timely application, we will consider removal of its one-stop restriction in the St. Louis-San Francisco market. We shall not, however, consolidate any portion of its realignment application in Docket 28874 into this proceeding.[5] To ask the Board to extract single markets from route realignment requests whenever a particular route in the realignment application becomes the subject of a hearing would result in

---

[3] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[4] All members concurred.

[1] TWA offers four daily nonstop round trips, 2½ daily one-stop round trips, and 1½ daily three-stop round trips in the market. American, subject to a one-stop restriction, provides three daily one-stop round trips. OAG, June 1, 1977.

[2] Delta's additional argument that Eastern's application should not be considered for hearing before the Daytona Beach and Sarasota/Bradenton petitions in Dockets 29113 and 29125, respectively, is moot. By Order 77-3-167, March 30, 1977, the Board instituted the *Atlanta-Daytona Beach/Sarasota-Bradenton Nonstop Proceeding* which consolidated both petitions.

[3] TWA added this nonstop round trip which appears as flight 123 in the June 1, 1977, OAG.

[4] The issues will include the question of whether the designation in the San Francisco area should include only one or more of the hyphenated cities.

[5] Contrary to the carriers' assertion, it has not filed for removal of its one-stop restriction in Docket 28874. The St. Louis-San Francisco market is listed in Appendix F, page 8, of American's application in Docket 28874 as one of the "nonminor markets in which American is presently restricted and in which no improved authority is requested based on number of stops and circuity."

unnecessary complications and confusion. In any event, if we were to consolidate part of Docket 28874 into this proceeding, we would be required by our rules to dismiss the remaining portion of the realignment application. See 302.12(d).

Finally, we will require all applicants who have not already done so to file information set forth in Part 312 of the Board's Procedural Regulations.[6] All applicants will have 30 days from the date of adoption of this order to file their environmental evaluations.

Accordingly, IT IS ORDERED THAT:

1. The petition of the Louisville and Jefferson County Air Board in Docket 30673 be deferred;

2. The motion of Louisville and Jefferson County Air Board to consolidate its petition in Docket 30673 with Eastern's application in Docket 30487 be deferred;

3. The motion of Eastern Air Lines for hearing of its application in Docket 30487 be granted;

4. A proceeding to be known as the *St. Louis-San Francisco/Oakland/San Jose Nonstop Route Proceeding*, Docket 31491, be instituted and be set down for hearing before an administrative law judge of the Board at a time and place to be designated, as the orderly administration of the Board's docket permits;

5. The proceeding set for hearing in paragraph 4, above, shall include consideartion of the following issues:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in additional nonstop air transportation between St. Louis, Missouri, and San Francisco/Oakland/San Jose, California; [7]

(b) If the answer to (a) is in the affirmative, which carrier(s) should be authorized to engage in such transporlation; and

(c) What terms, conditions, and limitations, if any, should be placed upon the operation of such carrier(s)?

6. Any authority awarded in this proceeding shall be granted without eligibility for subsidy;

7. American Airlines, Delta Air Lines, Eastern Air Lines, Frontier Airlines, Trans World Airlines, Louisville and Jefferson County Air Board, the Port of Oakland, and the St. Louis Authority-City of St. Louis be made parties to this proceedings;

8. All carriers filing applications in this proceeding shall file environmental evaluations pursuant to section 312.12 of the Board's Procedural Regulations within 30 days from the date of adoption of this order; and

9. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed within twenty (20) days from the service date of this order and answers thereto shall be filed no later than fifteen (15) days thereafter.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-30073 Filed 10-13-77;8:45 am]

[6320-01]

[Order 77-10-21; Docket 30948]

RICH INTERNATIONAL AIRWAYS, INC.

Order Granting Exemption and To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of October, 1977.

By application filed June 1, 1977, as amended July 27, 1977, Rich International Airways, Inc. (Rich), which holds a certificate of public convenience and necessity as a supplemental air carrier, requests an exemption from section 401 of the Federal Aviation Act of 1958, as amended (the Act), and from section 298.3 of the Board's Economic Regulations in order to permit it to operate one Cessna 402 aircraft (N-11RP) [1] as an air taxi operator under Part 298 of the Economic Regulations.[2]

In support of its application Rich observes that before it obtained its supplemental certificate, it was registered as a Part 298 air taxi operator, that the aircraft proposed for use here has a maximum passenger capacity of seven seats and a maximum payload capacity of 1,400 pounds; that use of this aircraft (or a comparably sized substitute aircraft) in on-demand air taxi services will add to the variety of services Rich offers as a fixed-base operator,[3] that it occasionally receives requests by small groups for service to Ocean Reef, the Bahamas or other nearby locations for which the Cessna aircraft is ideally suited; that it anticipates that shippers will also occasionally use its on-demand service to ship small quantities of cargo; that the air taxi service will be insignificant in relation to Rich's supplemental cargo operations but will provide it an additional source of revenue; and that the air taxi service will be sufficiently distinct from its certificated operations to avoid any conflict between the two classes of operations.[4] Rich states that grant of this application will not have any of the results set forth in section 312.9(a)(2) of the Procedural Regulations.

No answers to the application have been filed.

We have considered Rich's application and have decided to grant the requested exemption for a two-year period, subject to conditions.

Rich's application is similar to applications granted by the Board in the past to supplemental air carriers. The Board has generally been willing to grant such exemptions when the scope of the air taxi authority has not exceeded the scope of the applicant's supplemental authority.[5] This application seeks authority broader than generally authorized i.e., Rich's proposed air taxi authority is broader in scope than it supplemental certificate authority.[6] Specifically, Rich desires to carry passengers in its air taxi service while its supplemental certificate restricts it to the carriage of property only. Also Rich has not limited its request for air taxi passenger and cargo authority to the same geographic area it is certificated to serve. The Board's concern in cases such as this has been that the holding of two different operating authorizations by the same person may create opportunities to circumvent the limitations contained in either authorization. However, in view of the limited extent of the air taxi operations contemplated, confined to the use of the a single aircraft with a maximum capacity of seven passengers or a 1,400 pound payload, and the great disparity between the payloads of the air taxi and the aircraft used by Rich in its certificated service, we believe that Rich's holding dual operating authority will not give rise to such problems. Nor do we believe that the holding of such authority would be adverse to the public interest. On the contrary, we believe that grant of the authority requested by Rich will enable that carrier to meet a limited public need by groups of 7 or less for air taxi charter service, or for the carriage of small loads of freight not readily suitable for carriage on certificated carrier charter services. The air taxi authorization will also be of benefit to Rich by generating additional operating revenues. Furthermore, grant of the authority would not be likely to have a harmful effect on

[6] Eastern filed an environmental evaluation along with its motion for hearing.

[7] This issue will include a consideration of whether the designation in the San Francisco area should include only one or more of the hyphenated cities.

[8] All members concurred.

[1] Or to operate a substitute aircraft of similar size and operating characteristics.

[2] Section 298.3 classifies an air taxi operator as a carrier that does not hold a certificate of public convenience and necessity.

[3] Rich indicates that its fixed-base operations began in November 1976 and are currently limited to fueling aircraft, cleaning and waxing; packing and car rentals.

[4] Rich states that in order to avoid the appearance of conflict it will qualify any air taxi advertising as "Services Provided with Light Twin Aircraft."

[5] See, for example, *Modern Air Transport, Inc.*, Order E-20833, May 18, 1964, *Capitol Airways, Inc.*, Order 68-12-74, December 13, 1968, and *Evergreen Helicopters, Inc.*, Orders 75-10-23/24, September 26, 1975.

[6] There have been several exceptions to the Board's general policy in this area. For example, by Order No. E-15485, dated June 30, 1960, Johnson Flying Service, Inc., was granted an exemption to conduct air taxi passenger service, on an infrequent and irregular basis, to Canada, although it was not certificated to engage in supplemental passenger air transportation to Canada. Also, by Order 71-2-32, dated February 5, 1971, McCulloch International Airlines, Inc., was granted an exemption to conduct a limited individually ticketed service.

the operations of other air carriers, as is indicated by the absence of objections to the application. We note that Rich requested authority to perform only on-demand air taxi service. In order to clarify the nature of this service, and, further, in order to prevent any possible conflict between Rich's air taxi and supplemental operations, we will impose a condition restricting Rich's air taxi operations to charter trips, and we will require that any substitute aircraft used by Rich in its air taxi service have a maximum payload and passenger capacity no greater than that of the Cessna 402.[7] We will also limit the authority granted here to a two-year period.[8]

In view of the above, the Board finds that enforcement of section 401 of the Act and section 298.3 of the Economic Regulations, insofar as they would otherwise prevent Rich from performing the air taxi operations authorized here, would be an undue burden on Rich because of the limited extent of, and unusual circumstances affecting, its operations, and would not be in the public interest.[9] The Board further finds that this action is not a major Federal action within the meaning of the National Environmental Policy Act of 1969.

This action is not an endorsement by the Board that the proposed operation is a hardship which qualifies Rich for additional fuel allocation under the Mandatory Aviation Fuel Allocation Program administered by the Federal Energy Administration.

As a final matter, in reviewing the issues presented here by Rich's request for air taxi authority, we also reviewed an exemption which the Board granted Rich, prior to its becoming a certificated carrier, to conduct air taxi operations under Part 298 with C–46 aircraft in certain markets (Order 76–7–75, dated July 21, 1976). We have carefully considered the full extent of Rich's operating authority, and have tentatively concluded that the authority granted Rich by Order 76–7–75 became moot when Rich's supplemental certificate became effective, and should be revoked.

In support of our conclusions, we note that section 298.3 of the Economic Regulations defines an air taxi operator as a carrier that does not hold a certificate of public convenience and necessity or other economic authority from the Board. Thus, the blanket exemption granted to air taxis under Part 298 of the Economic Regulations does not extend to a certificated carrier, such as Rich, unless the Board has specifically exempted that carrier from the requirements of Part 298. The Board did not so exempt Rich either in Order 76–7–75 or in the order awarding Rich a supplemental certificate (Order 77–1–100). Therefore, we tentatively find that Rich, as a certificated carrier, cannot conduct operations as an air taxi under the exemption to use C–46 aircraft conferred by Order 76–7–75; that, therefore, it is no longer in the public interest to continue the exemption authorization in Order 76–7–5; and that the exemption should be revoked.

However, before taking final action we will give interested persons 30 days from the date of service of this order to show cause why the tentative findings and conclusions set forth above should not be made final. We shall expect such persons to support any objections fully with detailed arguments of fact or law. General, vague, or unsupported pleadings will not be entertained.

Accordingly, *it is ordered*, That: 1. Rich be exempted from section 401 of the Act and section 298.3 of the Economic Regulations to permit Rich to perform charter trips as an air taxi operator, using one Cessna 402 aircraft (or a substitute aircraft that is not larger than the Cessna 402 in terms of maximum passenger or payload capacity);

2. In the conduct of this service Rich shall be deemed an "Air Taxi Operator" within the meaning of Part 298 of the Economic Regulations and shall comply with and be subject to all the provisions of that Part, including but not limited to, the registration, insurance and reporting requirements for air taxi operators;

3. These operations shall be conducted under the applicable safety requirements prescribed by the Administrator of the Federal Aviation Administration pursuant to an operating certificate and specifications issued by the Administration;

4. Rich shall submit any data requested of it by the Board's Bureau of Accounts and Statistics in accordance with the requirements of Part 241 for its air taxi operations;

5. The exemption granted in this order shall expire two years from the date of this order;

6. To the extent not granted in this order, the application of Rich in Docket 30948 be denied;

7. The authority conferred by this order may be amended or revoked at any time in the discretion of the Board without hearing;

8. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here which would result in revocation of authority granted in Order 76–7–75;

9. Any interested person having objections to the issuance of an order making final such tentative findings and conclusions shall, within 30 days after the date of service of this order, file with the Board a statement of objections;

10. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues related before further action is taken by the Board; and

11. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[10]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-30072 Filed 10-13-77;8:45 am]

[7] We note Rich's intent to advertise its air taxi as "Service Provided with Light Twin Aircraft," which will further serve to distinguish its air taxi operations from its certificated service.

[8] Like all air taxi operators, Rich will have to report its air taxi operations on Form 298–D. Our Bureau of Accounts and Statistics will advise Rich how it should reflect its air taxi operations on any reports required under Part 241.

[9] In the circumstances presented here, it would be an undue burden to require Rich to bear the cost of certification proceedings for the extremely limited Beach Baron operations proposed.

[10] All members concurred.

[6320–01]

[Order 77–10–16; Docket 30976]

TRANS WORLD AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of October, 1977.

On June 9, 1976, Trans World Airlines (TWA) filed an application for an amendment of its certificate of public convenience and necessity for Route 147 for fill-up authority between the domestic coterminals of Boston and New York, Detroit and New York, and New York and Washington/Baltimore on flights operated in foreign or overseas air transportation. Contemporaneously, TWA filed a petition for issuance of an order to show cause.

In support of its petition, TWA states that its application meets the criteria for fill-up rights as enumerated in Order 77–4–153, April 29, 1977, in which it was tentatively concluded that Braniff, Northwest, and Pan American should receive fill-up authority between several domestic coterminals. The conditions set forth in Order 77–4–153 which TWA claims it fulfills are that: (1) It provides passenger service in the markets in issue; (2) it has provided service for a sustained period of time; (3) these markets are not under consideration in another proceeding; (4) TWA is operating with a high percentage of its capacity unfilled, and grant of fill-up authority will benefit it; (5) the grant of fill-up rights will not impose any substantial burden on the incumbent carriers in the markets involved because of the number of nonstop carriers, daily frequencies, and O&D plus interline connecting passengers in each market; and (6) it does not propose to add new services if it received the authority requested.

American Airlines filed an answer in opposition to TWA's petition. American claims that grant of fill-up rights to TWA will permit it to operate domestic service superior to what it can provide under its existing domestic authority, resulting in an important improvement

in its ability to compete in the markets in issue. In addition, American contends that fill-up authority will provide, by means of tacking, with many additional domestic routings not now available. As a result of gaining such valuable domestic traffic rights, TWA will have every incentive to exploit these flights, American argues, at the expense of its international service obligations. Finally, American questions whether the Detroit-New York market is appropriate for grant of fill-up authority because it is a medium rather than short-haul market and has only two carriers providing nonstop service.

TWA filed a timely reply to American's answer, which we will deny. We are becoming increasingly concerned about the number of unauthorized replies being filed by applicants merely because they want to have the last word. In this period of intensive route activity, these replies only increase the Board's workload; and where, as here, adequate justification for receiving the reply has not been shown (for example, TWA has not demonstrated that the answer contained new material which it could not have anticipated), we will not accept it.

We tentatively conclude that it is in the public interest to grant TWA fill-up authority in the New York-Boston/Detroit/Washington/Baltimore markets. In reaching this decision, we rely on the guidelines established in Order 77-4-153. We tentatively find that TWA is now providing service in each of the markets and has done so for at least three years.[1] Furthermore, we tentatively find that in light of TWA's load factors in each of the markets in issue, the grant of fill-up rights will benefit the carrier and the public.[2]

Also, we tentatively find that this grant will impose no substantial burden on the incumbent carriers. There are many of them, providing many nonstop frequencies in each of the markets, all of which are very large in terms of true O&D and interline connecting passengers. (O.A.G., North American Edition, July 15, 1977):

Market	BOS-NYC	DTW-NYC	NYC-WAS/BAL
Number of nonstop carriers.	5	[3]2	11
Daily nonstop round trips.	50	22	65
1975 true O&D plus interline connecting passengers.	1,874,960	749,850	1,783,280

[3] United Air Lines holds dormant unrestricted authority.

[1] TWA providees two nonstop round trips per week in the New York-Boston market and one daily nonstop round trip in the New York-Detroit/Washington/Baltimore markets. O.A.G., North American Edition, July 15, 1977; O.A.G., International Edition, July 1977.

[2] Total coach load factors for CY 1976 in each market were: 33.5 percent (New York-Boston), 48.13 percent (New York-Detroit), and 36.56 percent (New York-Washington/Baltimore).

TWA is unlikely to divert any significant amount of traffic from them, because it will serve Kennedy Airport in New York and Dulles Airport in its Washington/Baltimore services, and will have its flights tied to European points—in effect a long-haul restriction—which greatly reduces its ability to schedule increased frequencies as a result of obtaining fill-up rights. Finally, TWA will not be a new entrant in the three markets in issue because it is already authorized to provide service in those markets as part of its domestic authority (Route 2). Grant of fill-up rights will merely substitute long-haul restrictions to Europe for long-haul restrictions on its domestic authority.[4]

We disagree with American's assertion that TWA will gain a significant improvement in its ability to provide nonstop service between the cities in issue, that TWA will substantially improve its domestic authority, or that the Detroit-New York City market is unsuitable for fill-up authority. As we have already observed, TWA is unlikely to be able to increase its nonstop service between the cities involved because it must serve transatlantic points at least 2,895 miles east of New York. Nor will TWA significantly improve its domestic authority by tacking the fill-up rights with domestic routings. Although TWA will in theory be able to tack, in practice it will not be able to improve its domestic authority substantially. For example, even though it may be able to offer St. Louis-Detroit-New York service, its service would be tied to European services which significantly reduce its ability to offer more than a daily round trip in the market, and it can serve only Kennedy Airport, which lessens its appeal to the local traffic. The same rationale applies to any other tacking of domestic authority with the fill-up rights in issue. Finally, we find Detroit-New York is a suitable market for fill-up rights. The length of haul and the number of incumbent carriers offering nonstop service are not the only considerations in this decision.[5] These are only two elements considered by the Board in assessing the impact that fill-up authority will have on the incumbent carriers. In this case, we have tentatively concluded that the amount of diversion in each of the three markets concerned will be minimal because service between the domestic coterminals will be tied to service to European points, and will be via Kennedy Airport in New York and Dulles Airport in Washington/Baltimore.

[4] TWA's authority (Route 2) in the three domestic routes is subject to the following restrictions: in the Boston-New York market, TWA's flights must originate or terminate at Dayton, Ohio, or a point west of Dayton; in the Detroit-New York market, TWA's flights must originate or terminate at Kansas City, Missouri, or a point west of Kansas City; and in the Baltimore/Washington-New York market, TWA's flights must also serve Tulsa or Oklahoma City, Oklahoma, or originate or terminate at Dayton, Ohio, or a point west of Dayton.

[5] See Order 77-6-84, June 16, 1977, where the Board tentatively concludes that Pan American should receive fill-up authority in the New York-Dallas/Fort Worth market which is 1,391 miles compared to the New York-Detroit market which is 509 miles, C.A.B., Airport-to-Airport Mileages (26th ed.). Also, the New York-Dallas/Fort Worth market, like the New York-Detroit market, is served by only two unrestricted incumbent carriers.

Consequently, we tentatively find and conclude that the public convenience and necessity require that TWA be authorized to transport persons, property, and mail in interstate air transportation between New York, on the one hand, and Boston, Detroit, and Washington/Baltimore, on the other hand, on flights operated to overseas or foreign points pursuant to its certificate for Route 147.[6]

We also tentatively find that grant of fill-up rights to TWA in the three markets in issue will not be a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969. The environmental evaluation accompanying TWA's petition stated that TWA does not intend to operate additional flights at Detroit Metropolitan Airport, Dulles Airport, Kennedy Airport, or Logan Airport if granted the fill-up authority it requests.

Interested persons will be given 30 days following adoption of this order to show cause why the tentative findings and conclusions set forth should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevent and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, *it is ordered*, That: 1. Trans World Airlines motion for leave to file an unauthorized reply be denied;

2. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and authorizing Trans World Airlines, Inc., to transport persons, property, and mail in interstate air transportation in the New York-Boston/Detroit/Washington/Baltimore markets on flights operated in foreign and/or overseas air transportation pursuant to its certificate for Route 147;

3. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set

[6] We further find that TWA is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

forth here shall, within 30 days after the date of adoption of this order, file with the Board a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers may be filed 15 days thereafter;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; [7]

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

6. A copy of this order shall be served upon Trans World Airlines, Inc., and American Airlines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[8]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-30071 Filed 10-13-77;8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Grant 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 authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (General Purpose Programs), Immediate Office, ODASD (General Purpose Programs), OASD (Program Analysis and Evaluation), Office of the Secretary of Defense.

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

[FR Doc.77-29866 Filed 10-13-77;8:45 am]

[6325-01]

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Notice of Revocation 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 revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Consumer Affairs, Office of the Secretary.

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

[FR Doc.77-29867 Filed 10-13-77;8:45 am]

[3510-12]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RECEIPT OF APPLICATIONS FOR CERTIFICATES OF EXEMPTION

Notice is hereby given that the folowing applicants have applied in due and timely form for Certificates of Exemption under Pub. L. 94-359, and the regulations issued thereunder (50 CFR Part 222, Subpart B), to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

Applicants:

1. Mr. and Mrs. Tucker Lindquist, 7 Granite Street, Peabody, Mass. 01960.

Period of Exemption. The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted. (i) The prohibitions, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity any such species part;

(ii) The prohibitions, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted. Finished scrimshaw products to be made from 30 sperm whale teeth.

2. Keith A. Henry, 310 Bayview Trailer Park, Middletown, R.I. 02840.

Period of Exemption. The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted. (i) The prohibitions, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity any such species part;

(ii) The prohibitions, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted. Finished scrimshaw products consisting of 65 jewelry items and three etched whale teeth. Finished scrimshaw products to be made from three whale teeth.

3. James F. O'Connell & Beverly J. O'Connell, d/b/a The Scrimshaw Shop, Main Street, Box 613, Dennisport, Mass. 02639.

Period of Exemption. The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted. (i) The prohibition, as set forth in section 9(a)(1)(A) of the Act, to export any such species part from the United States;

(ii) The prohibitions, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity any such species part;

(iii) The prohibitions, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted. Finished scrimshaw products consisting of 162 finished jewelry items, 61 pieces of carved whale tooth and bone. Finished scrimshaw products to be made from 206 blanks and bits, 44 whale teeth and one whale jawbone containing 40 teeth.

4. Lucille Irene Barringer, 217 2nd Isle North, Port Richey, Fla. 33568.

Period of Exemption. The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted. (i) The prohibition, as set forth in section 9(a)(1)(A) of the Act, to export any such species part from the United States;

(ii) The prohibitions, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate of foreign commerce, by any means whatsoever and in the course of a commercial activity any such species part;

(iii) The prohibitions, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted. Finished scrimshaw products to be made from approximately 3,987 whale teeth.

5. Collector's World, Inc., Box 823, Route 6, Eastham, Mass. 02642.

Period of Exemption. The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted. (i) The prohibition, as set forth in section 9(a)(1)(A) of the Act, to export any such species part from the United States;

(ii) The prohibitions, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity any such species part;

[7] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[8] All members concurred.

(iii) The prohibitions, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted. Finished scrimshaw products consisting of approximately 174 jewelry items and pieces of art, and 35 etched whale teeth. Finished scrimshawed products to be made from approximately 43 whale teeth.

6. Christos P. Alex, 44 Sugar Hill Drive, East Harwich, Mass. 02645.

Period of Exemption. The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted. (i) The prohibition, as set forth in section 9(a)(1)(A) of the Act, to export any such species part from the United States;

(ii) The prohibitions, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity any such species part;

(iii) The prohibitions, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted. Finished scrimshaw products of approximately 29 etched whale teeth, and 2 items carved from whale jawbone.

7. William C. Mahoney, III, P.O. Box 1617, St. Augustine, Fla. 32084.

Period of Exemption. The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted. (i) The prohibition, as set forth in section 9(a)(1)(A) of the Act, to export any such species part from the United States;

(ii) The prohibitions, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity any such species part;

(iii) The prohibitions, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted. Finished scrimshaw products to be made from 24 sperm whale teeth.

8. William F. Feeney, Tara Road, Mattapoisett, Mass. 02739.

Period of Exemption. The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted. (i) The prohibition, as set forth in section 9(a)(1)(A) of the Act, to export any such species part from the United States;

(ii) The prohibitions, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity any such species part; (iii) The prohibitions, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted. Finished scrimshaw products to be made from 50 pounds of whale teeth and 10 pounds of cross-cuts and scrap pieces of whale teeth.

Written comments on these applications may be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before November 14, 1977.

Dated: October 11, 1977.

MORRIS M. PALLOZZI,
Acting Assistant Director for Fisheries Management.

[FR Doc.77-30021 Filed 10-13-77;8:45 am]

[6820-33]

COMMITTEE FOR THE PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

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 1977 a commodity to be produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: November 17, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. If the Committee approves the proposed 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. It is proposed to add the following commodity to Procurement List 1977, November 18, 1976 (41 F.R. 50975):

Class 7210

Pillow, Bed, 7210-00-205-3205. For Supply Distribution Facilities in GSA Regions 1, 2, 3, 4, 5, 6, and 7 only.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-29986 Filed 10-13-77;8:45 am]

[3125-01]

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 October 3 through October 7, 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. (November 28, 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.

Draft

Hiawatha National Forest Timber Plan, several counties, October 4: Proposed is a Timber Resource Plan for the Hiawatha National Forest for the period June, 1977 to June, 1987. The plan develops a potential yield of 1382 MCCF; the initial programmed yield will be 53 percent of the planned potential yield. The plan also provides for the planting of 13,000 acres, seeding 12,200 acres, site preparation on 70,000 acres, TSI on 17,900 acres, and estimated 350 miles of road construction or reconstruction in the 10-year plan period. The Hiawatha National Forest is located in the state of Michigan and in the counties of Alger, Delta, Schoolcraft, Chippewa, and Mackinac. (ELR Order No. 71244.)

Gila National Forest Geothermal Leasing, Grant and Catron Counties, October 5, proposed is the leasing under the Geothermal Act of 1970 of two Known Geothermal Resource Areas (8030 acres or 3251 hectares), and an area of noncompetitive leasing interest outside the KGRA (24,335 acres or 9852 hectares). This statement also covers a larger area (about 855,256 gross acres or 346,257 hectares) known as an area prospectively valuable for geothermal resources which includes both the Known Geothermal Resource Area and noncompetitive area. The major impacts on National Forest resources would involve volve soils, timber, outdoor recreation, natural beauty, water, forage, wilderness, and wildlife. (ELR Order No. 71253.)

Supplement

Teton-Jackson 115-kV Transmission Line (S-2), Teton County, October 4: This statement supplements a final EIS filed with CEQ in March of 1977 and a draft supplement filed in April of 1977. This final supplement provides additional discussion of the alternate Teton to Jackson transmission line routings that were covered in the Final EIS. The Rural Electrification Administration intends to provide loan funds to Lower Valley Power and Light for an alternate route if the pro-

posed route remains unavailable due to the lack of permits from the U.S. Department of the Interior. (ELR Order No. 71251.)

FOREST SERVICE

Draft

Upper Cispus Unit Plan, Gifford Pinchot National Forest, Lewis, Skamania, and Yakima Counties, Wash. October 5: Proposed is the implementation of a comprehensive land use plan for the Upper Cispus Planning Unit, Gifford Pinchot National Forest. The Unit covers 183,960 acres of land, of which 114,630 acres lie in Lewis County, 64,930 acres lie in Skamania County, and 4,400 acres lie in Yakima County. Primary land allotments are for purposes of timber management, Wilderness study, dispersed recreation, and allocation to key wildlife habitat. Adverse effects include those caused by additional people in the area. (ELR Order No. 71254.)

Final

Vernon Unit Plan, Kisatchie National Forest, Vernon County, La., October 5: Proposed is a 10-year management plan for the Vernon Unit, Kisatchie National Forest. The 84,874-acre unit is divided into 2 zones according to the degree of military use, ranging from "Intensive" to "Limited Use." This statement proposes timber management on 573 acres, site preparation on 437 acres, thinning on 2,500 acres, prescribed burning on 14,500 acres, and development of range facilities and trails. Adverse impacts include soil movement, stream siltation, and effects caused by timber harvesting. Comments made by: EPA, DOD, DOI, State and local agencies, and concerned individuals. (ELR Order No. 71259.)

Huston Park Sub-Unit, Medicine Bow National Forest, Carbon County, Wyo., October 5: Proposed is a revised land management plan for the 63,560 acre Huston Park Sub-Unit, Medicine Bow National Forest. The area has been divided into three management units with the primary resource values being a function of natural capability, managed suitability, resource availability and relative public needs. Adverse effects include the potential loss of wilderness characteristics within the 13,240 acres that could be developed for a variety of other resources and uses. Comments made by: AHP, DOI, USDA, State and local agencies, and concerned groups and individuals. (ELR Order No. 71261.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-4335.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Massachusetts Coastal Zone Management Program, several counties, October 7: Proposed is the approval of the Coastal Management Program of the state of Massachusetts. Approval would permit implementation grants to be awarded to the state, and require that Federal actions be consistent with the program. The program will allow the state to better coordinate and more effectively implement existing state authorities for management of its coastal zone. Each coastal municipality will retain primary responsibility for managing land use along its coast. The program will entail irreversible commitment of some coastal resources. (ELR Order No. 71265.)

Final

Deletion of Exemption for Harvest of Bowhead Whale, October 7: Proposed is a recommendation by the International Whaling Commission which would delete the native exemption from the Commission's ban on the killing of bowhead whales. Bowhead whales have been completely protected from commercial whaling by the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and Convention on International Trade in Endangered Species of Wild Fauna and Flora. Conventions and Acts have allowed for native harvest of these whales. Deletion of this native exemption was recommended at the 29th Annual Meeting of the commission. This action will allow for the recovery of the species, if recovery is possible. Comments made by: DOC, SEQ, State and local agencies, and concerned groups and individuals. (ELR Order No. 71266.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Arkansas-Red R. Basin Chloride Control, October 3: The proposed project calls for construction of a low-flow collection dam at river mile 25.3 on Salt Creek, a reinforced concrete pump-house structure, 2.3 miles of conveyance pipeline, access roads, and an off-stream evaporation pond system with 3 ponds. The project will reduce the natural pollution in Salt Creek by removing 150 tons of chloride per day, 10 tons of sulfates per day, and 6 tons of calcium per day. A total of 253 acres will be needed in fee and 112.5 will be needed in easement for the project. (Tulsa District.) (ELR Order No. 71233.)

St. Joseph Harbor Maintenance Operations, Michigan, October 4: Proposed are three maintenance activities for St. Joseph Harbor, Michigan: (1) maintenance dredging of the harbor and harbor entrance channel, (2) disposal of the dredged material, and (3) maintenance (rehabilitation) of the Federal structures. The proposed central disposal facility site would be located along the side of the Paw Paw River east of the North Shore Road and north of Klock Road. Maintenance dredging of sediments unsuitable for open water disposal would commence upon completion of the proposed disposal facility. Adverse effects include construction-related pollution and the long term suppression of benthic diversity. (Detroit District.) (ELR Order No. 71247.)

Frankfurt Harbor Operation & Maintenance, Benzie County, Mich., October 4: This statement proposes continued operation and maintenance of Frankfurt Harbor, Michigan, including dredging disposal of dredged material, and renovation of existing structures. It is also proposed that confined diked disposal facilities be constructed for containing 100,000 cubic yards of contaminated material from the commercial turning basin and the recreational anchorage area. Three sites are proposed for this purpose, two on the northern shore of Lake Betsie and the third on an upland site in the Fife Lake State Forest. (Detroit District.) (ELR Order No. 71248.)

Port Austin Harbor Operation & Maintenance, Michigan, October 4: Proposed is a project for dredging, facility maintenance operations, and structural repairs for Port Austin Harbor, Michigan. The proposed activities consist, specifically, of (1) maintenance dredging of the harbor and harbor entrance channel, (2) the disposal of the dredged material, and (3) rehabilitation of the Federal structures. The proposed new island contained disposal facility would be located on the east side of the existing harbor, approximately 1,000 feet from the shoreline. Unavoidable adverse impacts of construction would include interference with road traffic and the attending safety hazard to residents, along with attendant noise and exhaust odors. (Detroit District.) (ELR Order No. 71249.)

Les Cheneaux Islands, Maintenance Dredging, Michigan, October 4: The proposed action is the construction of a confined disposal facility for contaminated dredged materials, and maintenance dredging of the Les Cheneaux Island channels. The disposal facility would be located inland, approximately two miles by road from the new village of Cedarville Marina. The channels to be maintained are approximately 40,000 feet in length and have previously been deepened to 7 feet and widened to 100 feet with additional enlargement where required. Adverse impacts include construction-related noise and air pollution, interference with recreational boating, and temporary loss of aquatic habitat. (Detroit District.) (ELR Order No. 71250.)

ENVIRONMENTAL PROTECTION AGENCY

Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

Draft

Wheel & Crawler Tractor Noise Emission Regulation, October 3: Proposed are the establishment of noise emission standards for newly manufactured wheel and crawler tractors and enforcement procedures to ensure that this equipment complies with the standard. The proposed regulation is intended to reduce the level of noise emissions from wheel and crawler tractors used in construction activities for loading and dozing operations. The regulation is also intended to establish a uniform national standard for this equipment distributed in commerce, thereby eliminating inconsistent state and local noise source emission regulations that may impose an undue burden on wheel and crawler tractor manufacturers. (ELR Order No. 71231.)

Truck-Mounted Solid Waste Compactors, Regulation, October 3: Proposed are the establishment of noise emission standards for newly manufactured compactors and procedures to ensure that this equipment complies with the standard. The proposed regulation is intended to reduce the level of noise emitted from truck mounted solid waste compactors used in collecting solid wastes. The regulation is also intended to establish a uniform national standard for this equipment distributed in commerce, thereby eliminating inconsistent state and local noise source emission regulations that may impose an undue burden on the truck solid waste compactor industry. (ELR Order No. 71232.)

Three Lakes Wastewater Treatment, October 4: The proposed project calls for the protection of the water quality of Grand Lake, Shadow Mountain Lake, Lake Granby, and their tributaries by the provision of wastewater collection and treatment facilities and the control of nonpoint pollution. The objective is also to provide these water quality controls while, at the same time, avoiding undesirable secondary impacts on area growth patterns, the Shadow Mountain National Recreation Area, water rights, and other aspects of the local environment. Six alternative wastewater treatment systems are analyzed, with one preferred system. (Region VIII.) (ELR Order No. 71243.)

Draft

Taunton R. Drainage Basin, 208 Plan, several counties in Massachusetts, October 3: This statement consists of the EPA Southeastern Regional Planning and Economic Development District's Section 208 Water Quality Management Plan for the Taunton River Drainage Basin area. It includes a discussion of the technical and management alternatives which have been considered to deal with water quality problems of the Taunton River Basin and Mt. Hope Bay from now through the next 20 years. (Region I.) (ELR Order No. 71236.)

Ten Mile R. Drainage Basin, 208 Plan, several counties in Massachusetts, October 3: This statement consists of the EPA Southeastern Regional Planning and Economic Development District's Section 208 Water Quality Management Plan for the Ten Mile River Drainage Basin. It includes a discussion of the technical and management alternatives which have been considered to deal with water quality problems of the Ten Mile River Basin from now through the next 20 years (Region I.) (ELR Order No. 71237.)

Coastal Drainage Areas, 208 Wastewater Plan, several counties in Massachusetts, October 3: This statement consists of the EPA Southeastern Regional Planning and Economic Development District's Section 208 Water Quality Management Plan for the Coastal Drainage Areas. It includes a discussion of the technical and management alternatives which have been considered to deal with water quality problems of the Coastal Basin System from now through the next 20 years. (Region I.) (ELR Order No. 71238.)

Bus Noise Emission Regulation, October 4: Proposed are the establishment of noise emission standards for newly manufactured buses and enforcement procedures to ensure that these vehicles comply with the standard. The proposed regulation is intended to reduce the level of noise emitted from intercity, school, and urban transit buses. The regulation is also intended to establish a uniform national standard for such vehicles distributed in commerce, thereby eliminating inconsistent state and local noise emission regulations that may impose an undue burden on the bus manufacturing industry. (ELR Order No. 71246.)

Final

Upper Eagle Valley & Vail Wastewater Plan, Eagle County, Colo., October 4: Proposed is a 201 Wastewater Facilities Plan for the Upper Eagle Valley and Vail Region, Colorado. The plan has two component parts, one for 1985 and one for 1995. This statement relates to funding of the 1985 plan, which involves the following actions: upgrade of the Vail Treatment Plant and provision of flow equalization; enlargement of the Vail plant from 1.5 to 3.0 mgd capacity; upgrade of the Avon Plant (UEVSD); enlargement of the Avon Plant (UEVSD) from 1.65 to 3.5 mgd capacity; and replacement of interceptors. Construction impacts include minor disturbance and/or destruction of vegetation and wildlife. (Region VIII.) Comments made by: USDA, FEA, DOI, HEW, DOT, and State and local agencies. (ELR Order No. 71245.)

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

Federal Building, 1114 Commerce St., Dallas, Dallas County, Tex., October 6: The proposed project provides for major repair and improvement of 1114 Commerce Street in Dallas, Texas, which must be undertaken for its continued use as a Federal Building. Plans include: improvement of existing air conditioning and heating systems, elevator replacement, modernization of office space, exterior repair work, replacement of windows, and installation of facilities for handicapped persons on all floors. The project will provide 220,000 occupiable square feet of improved office space for an estimated 1,500 persons. Short terms construction-associated inconveniences are anticipated. Comments made by: FPC, AHP, USDA, HEW, EPA, COE, DOI, DOD, State and local agencies, and concerned individuals. (ELR Order No. 71263.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Larchmont Natomas Development, Sacramento County, Calif., October 3: Proposed is the development of a residential development incorporating public and commercial land uses, containing 240 acres, 1,295 dwelling units, and an ultimate population estimated at 4,250. The project is located in the community of Rancho Cordova, Calif. The development of the project will have adverse impacts on air quality, transportation, noise, and energy consumption. (ELR Order No. 71241.)

The Meadows/Foothill Green, Jefferson County, Colo., October 5: Proposed is the acceptance for HUD/FHA mortgage insurance purposes of The Meadows and Foothill Green Developments in Jefferson County, Colo. The developers of The Meadows and Foothill Green are proposing to build 199 single family detached units, respectively, in their first filings in the southwest Denver Metropolitan area. The construction of both will adversely impact the Regions air quality in both the primary effect of increased fugitive dust and the secondary effects of transportation, commercial development, and industrial and utility services. (ELR Order No. 71255.)

Fairmont Park Subdivision, Harris County, Tex., October 5: Proposed is the acceptance for HUD/FHA mortgage insurance purposes of the Fairmont Park Subdivision in the city of La Porte, Tex. Approximately 470 acres remain to be developed in the existing planned community, totalling 1,179 acres; the project will provide housing for approximately 4,845 persons in single family homes. Adverse effects resulting from project implementation include increased groundwater consumption and increased demand for fossil fuels through dependence on the automobile for transportation. (ELR Order No. 71260.)

Bear Creek Village Subdivision, Harris County, Tex., October 5: The proposed action is for the Department of HUD to accept for HUD/FHA mortgage insurance purposes the 662-acre Bear Creek Village Subdivision located in Harris County, Texas. When completed in approximately five years, the subdivision will contain approximately 1,846 single-family homes plus some attached single-family and multi-family housing, and shopping and recreational facilities. Adverse impacts include the loss of agricultural land and in increased demand for fossil fuels through heavy dependence on the automobile for transportation. (ELR Order No. 71262.)

Final

The Oaks at Glenwood, Middlesex County, N.J., October 5: Proposed is the issuance of FHA mortgage insurance pursuant to Section 221d4 of the U.S. Housing and Urban Development Act of 1965 for the development of a 1,224 unit garden apartment development, to include on-site recreation facilities and parking for 2,065 automobiles, located in Madison Township. Adverse effects include degradation of air and water quality. Thirty percent clearance of existing vegetation in the project area will result, with subsequent partial replacement by landscaping. Comments made by: DOI, USDA, DOT, NRC, COE, GSA, VA, AHP, ERDA, HUD, FPC, State and local agencies. (ELR Order No. 71252.)

Parkway Forest Subdivision, Harris County, Tex., October 3: Proposed is the approval, for mortgage insurance purposes, of the 543.42-acre Parkway Forest Subdivision in eastern Harris County, Tex. The development plan calls for construction of 2,680 housing units with additional acreage reserved for commercial, open space, and recreational uses. Plant and animal communities currently existing on the site will be disrupted. The action will also result in increases in automobile traffic, vehicle emissions, and noise levels. Comments made by: AHP, DOT, EPA, COE, USDA, DOI, State agencies, concerned groups. (ELR Order No. 71239.)

Atascocita Subdivision, Harris County, Tex., October 5: Proposed is the granting of HUD/FHA approval for the proposed Atascocita Subdivision for home mortgage insurance purposes. Johnson-Loggins, Inc. is developing the approximately 5,234 acre subdivision, and envisions the construction of approximately 16,255 dwelling units with additional acreage reserved for commercial, school, open space, and recreational use. Adverse effects include localized increases in air and noies pollution, and alternation of plant and animal communities in Atascocita. Comments made by: AHP, EPA, COE, DOI, State and local agencies, interest groups. (ELR Order No. 71258.)

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.)

Final

Yonkers, N.Y.—South Westchester Executive Park, Westchester County, N.Y., October 3: The proposed action is the construction of a new east-west vehicular thoroughfare in northwest Yonkers, N.Y. The new road will begin at Nepperhan Avenue, run parallel to and north of King Street, through the South Westchester Executive Park, and terminate at North Broadway. The 4-lane facility will replace Odell Avenue as the east-west truck route between Nepperhan Avenue and North Broadway and will serve as the major access route to Executive Park. Completion of the project will result in loss of vegetation, alteration of topography, and other construction related impacts. Comments made by: FPC, COE, DOT, DLAB, USDA, EPA, DOI, State and local agencies, concerned groups and individuals. (ELR Order No. 71230.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Department of the Interior, Room 4256, Interior Bldg., Washington, D.C. 20240, 202-343-3891.

BUREAU OF RECLAMATION

Draft

New Melones 230-kV Transmission Line, several California counties, October 3: The

proposed project entails construction of about 23 miles of 230-kV electric transmission line from the New Melones Switchyard to the P.G. & E. Co. Bellot-Herndon No. 2 line near Oakdale, Calif. The line would be constructed in conformity with an agreement between the Bureau of Reclamation and the power company. It will deliver power into the P.G. & E. grid and on to the Bureau of Reclamation load center at Tracy Switchyard over power company facilities, crossing lands in Calaveras, Tuolumne, and Stanislaus Counties. About 285 acres of land will be devoted to transmission line right-of-way. (ELR Order No. 71234.)

DEPARTMENT OF LABOR

Contact: Mr. David R. Bell, Chief, Office of Environmental and Economic Impact Assessment, Occupational Safety and Health Administration, Room N-3673, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Draft

Toxic Substances I.D., Class., and Reg., October 6: Proposed is a new general regulation of toxic substances in American workplaces that may pose a carcinogenic risk to workers. This broad rule-making proceeding is intended to establish: new procedures and a regulatory frame work for regulating exposures to potential occupational carinogens; OSHA's scientifically based policies concerning the identification and classification of potential occupational carcinogens; and three model standards for use in specific rulemakings involving such substances. (ELR Order No. 71264.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Howard Shapor, Office of General Counsel, Nuclear Regulatory Commission, Washington, D.C. 20555, 301-492-7308.

Supplement

Koshkonong Nuclear Plant, 1 and 2 (S-1), October 5: This statement supplements a draft EIS for the Koshkonong Nuclear Plant, Unit Nos. 1 and 2. On August 4, 1977, the Wisconsin Electric Power Co. advised the presiding Atomic Safety and Licensing Board that a decision had been made to relocate the proposed plant from the Koshkonong site to a site designated as Haven located in Sheboygan County, Wis. As a result, the NRC staff has ceased all review activity associated with the Koshkonong project. This document presents the comments received by the NRC on the draft EIS. (ELR Order No. 71257.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4357.

Draft

T.H. 101 Shakopee By-Pass, Scott County, Minn. October 3: Proposed is the construction of relocated Minnesota Highway 101 (T.H. 101) in Scott County, Minn. The project begins at U.S. 169 in Jackson Township southeast of the city of Shakopee, proceeds easterly through Shakopee for 8.5 miles and ends on T.H. 101 at the west edge of the city of Savage. The action will provide a four-lane divided freeway with full access control, constructed to rural design standards. Of the 550 acres of additional right-of-way, 300 acres are agricultural an 8 acres are wetlands. (Region 5.) (ELR Order No. 71242.)

FEDERAL HIGHWAY ADMINISTRATION

Final

Project U160-2(14) Through Alamosa, Alamosa County, Colo., October 3: Proposed is the design and staged construction of a highway facility or facilities from a point 2.5 miles west of the intersection of U.S. Highways 160 and 285 in the City of Alamosa, to a point approximately 2.5 miles east of the intersection of U.S. 160 and State Highway 17 east of Alamosa. The selected proposed alternate is a 4-lane rural primary highway facility with a proposed alignment of 8.2 miles. General impacts include the disturbance of the Rio Grande River during construction of bridges, and the temporary disturbance or destruction of vegetation. (Region 8.) Comments made by: EPA, DOI, HUD, USDA, HEW, COE, State and local agencies. (ELR Order No. 71240.)

Southern Tier Expressway, Hinsdale-Erie, Cattaraugus and Chautauqua Counties, N.Y., October 3: Proposed is the completion of a 4-lane limited access highway within 12 alternate corridors between the termini of Hinsdale, N.Y., and Erie, Pa. This action would complete the Development Highway originally proposed by the Appalachian Regional Commission as Corridor T, which extends from Binghamton, N.Y., to Erie, Pa., and which is commonly referred to as the Southern Tier Expressway. Construction sites for the recommended route lie in a 16-mile section between Allehany and Salamanca, and a 28-mile section between Benus Point and Interstate 90. Adverse effects include increased air, noise, and water pollution. Comments made by: EPA, USDA, HEW, AHP, COE, DOT, State and local agencies. (ELR Order No. 71235.)

Seventeenth St. Extension, Altoona, Blair County, Pa., October 5: The statement concerns the relocation of Seventeenth Street to provide a 4-lane free access facility approximately one mile in length to serve as an artery into the downtown area from existing U.S. Route 220. The project will displace between 57 and 100 families, depending upon the alternate selected, and will subject another 13 to 33 residences to interior noise levels. Comments made by: USDA, DOI, EPA, ARC, State and local agencies. (ELR Order No. 71256.)

NICHOLAS C. YOST,
Acting General Counsel.

[FR Doc.77-30203 Filed 10-13-77;8:45 am]

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

ENVIRONMENTAL DETERMINATION

OCTOBER 7, 1977.

On April 19, 1976 the Department of the Air Force announced in the FEDERAL REGISTER (page 15038) its intent to prepare Environmental Impact Statements (EISs) on certain proposed management actions announced by Secretary of the Air Force Thomas C. Reed on March 11, 1976.

Among the actions for which an EIS was to be prepared was the transfer of KC-135 tankers to the Air Reserve Forces at General Billy Mitchell Field, Wis. After careful review of the Environmental Impact Assessment (EIA) it was determined that the proposed action was not a major Federal action significantly affecting the quality of the human environment nor was it likely to be highly controversial with regard to its environmental impacts. This conclusion is based on the following:

a. The proposed action would result in an increase of approximately 190 guardsmen including 40 air technicians who are full-time civilian employees of the unit. The personnel increase, being largely recruited from area residents, would not create any significant environmental impact. Construction and alterations to support the proposed action would amount to approximately $2.2 million and would be confined to airport areas that have already been developed. There would be no significant impacts associated with the proposed construction and alterations.

b. KC-97Ls of the 128th ARG presently contribute less than 3.2% of the daily jet takeoffs and landings at General Mitchell Field. Military aircraft operations would decrease from approximately 3.5 KC-97 sorties/day to 2.3 KC-135 sorties/day or 2.9% of the present jet traffic at General Mitchell Field.

c. Analysis of the proposed new noise patterns, using worst case assumptions, indicates an increase of 649 acres impacted by noise levels of L_{dn} 75 or greater. Of this acreage, 496 acres is on airport property or adjacent highways. Thirty-five acres are classified as conditionally compatible. Only 118 acres of the increased impacted area contains uses considered incompatible. This consists of 21 acres of low density and 81 acres of medium density residential development and 16 acres of the Clement Avenue School athletic field. These areas, currently falling within the 72-74 L_{dn} contours, would lie within the 75-77 L_{dn} contours as a result of the proposed action.

d. Under normal conditions, aircraft operations would be conducted during daytime hours (0730 to 2200 hours). Nighttime or Sunday flying would only occur very infrequently. At least half of the proposed 3.2 flights/day would be expected to occur before or after school hours, with no flights expected on Mondays. It is expected that a majority of the 128th ARG sorties departing Milwaukee would have a gross weight of 200,000 pounds or less. The noise calculations, (see para c above) being based on the worst case assumptions, used much heavier takeoff weight. The lighter weights would result in an increased rate of climb and a reduction in the actual noise impact on the ground.

e. The City of Milwaukee and General Mitchell Field lie within the Illinois-Indiana-Wisconsin Interstate Air Quality Maintenance Area for suspended particulates, photo-chemical oxidants and sulfur dioxide. Air pollutant emissions data from the Southeastern Wisconsin Regional Planning Commission shows General Mitchell Field to be a minor contributor to the Milwaukee County pollution emission levels. The Air Force Civil Engineering Center estimates that the proposed conversion would result in a decrease in emissions for all pollutants except SO_x, and visible smoke. SO_x emissions from National Guard aircraft would increase by 0.1 metric tons/year from 2.35 metric tons/year to 2.45 metric tons/year. Visible emission would increase; however, particulate emission levels

would decrease. Total hydrocarbons, precursors of photo-chemical oxidants would also decrease.

f. The proposed action has been widely publicized in the local area and has been discussed by Wisconsin Air National Guard officials, National Guard Bureau and Air Staff representatives with local authorities and civilian groups. No opposition or adverse concern has surfaced from these activities.

For the reasons outlined above, the United States Air Force has decided not to file a Draft Environmental Impact Statement with the Council on Environmental Quality (CEQ) but has prepared an Environmental Determination.

Inquiries or requests for copies of the Environmental Determination and the supporting documentation should be submitted to Dr. Carlos Stern, Deputy for Environment and Safety, (SAF/MIQ), Office of the Secretary, Department of the Air Force, Pentagon, Washington, D.C. 20330.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-29987 Filed 10-13-77;8:45 am]

[3810-70]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON CRUISE MISSILES

Advisory Committee Meeting

The Defense Science Task Force on Cruise Missiles will meet in closed session on November 1 and 2, 1977 at the National Security Agency, Fort Meade, Md.

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 (Comptroller).

OCTOBER 8, 1977.

[FR Doc.77-29988 Filed 10-13-77;8:45 am]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION

[Docket Nos. RP73-112, RP74-92 and RP75-88]

ALGONQUIN GAS TRANSMISSION CO.

Filing of Stipulation and Agreement in Settlement of Rate Proceeding

OCTOBER 6, 1977.

Take notice that on September 26, 1977, Algonquin Gas Transmission Corporation (Algonquin) and its "regular resale customers", Bay State Gas Company, et al., jointly filed a proposed Stipulation and Agreement "in settlement of all outstanding issues in the above-captioned proceedings." Algonquin requests that the Stipulation and Agreement be approved by the Commission as a basis for resolving and terminating these rate proceedings which are now pending before the Commission following issuance of initial decisions in each docket.

Any person desiring to be heard or comment upon the proposed Stipulation and Agreement should file initial comments on or before October 28, 1977. Reply comments, if any, should be filed on or before November 21, 1977. Such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30076 Filed 10-13-77;8:45 am]

[6740-02]

[Docket Nos. RP73-112, RP74-92 and RP75-88]

ALGONQUIN GAS TRANSMISSION CO.

Filing of Revised Service Agreements Under Rate Schedule SNG-1 Extending Term of Agreement

OCTOBER 6, 1977.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on September 26, 1977, tendered for filing revised executed service agreements for service under Rate Schedule SNG-1. Such revised service agreements are filed to implement a proposed Stipulation and Agreement, filed September 26, 1977, which if adopted will resolve all issues in Algonquin Gas' rate proceedings at Docket Nos. RP73-112, RP74-92, and RP75-88.

Algoquin Gas states that its Stipulation and Agreement in Docket Nos. RP73-112, *et al.*, among other things, provides for a reduction of the basic depreciation rate for the SNG plant, conditioned upon execution of new service agreements extending the term from the presently effective 10-year period to 14 years. The revised service agreements are substantively the same as the presently effective service agreements with each SNG customer, except for the extension of term of agreement.

The proposed effective date for the revised service agreements is as of the effective date of the Stipulation and Agreement in Docket Nos. RP73-112, *et al.*

Any person desiring to be heard or to make any protest with reference to said revised service agreement filing should on or before October 28, 1977, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing thereon must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30077 Filed 10-13-77;8:45 am]

[6740-02]

[Docket No. RP76-98]

ALGONQUIN GAS TRANSMISSION CO.

Rate Schedule SNG-1 Cost of Service Report

OCTOBER 7, 1977.

Take notice that on September 30, 1977, Algonquin Gas Transmission Co. ("Algonquin Gas") submitted its cost of service report ("Report") related to Rate Schedule SNG-1 for the 12 months of October 1, 1976 through September 30, 1977. This Report is filed pursuant to the provisions of Algonquin Gas' Purchased Feedstock Adjustment Clause ("PFAC") contained in Section 10.8 of Rate Schedule SNG-1 and the Commission's Order, issued May 23, 1977, in Docket Nos. RP76-15 and RP76-98, "Approving Settlement Agreement and Extending Purchased Feedstock Adjustment Clause for One Year".

The Report is based upon and conforms to a Stipulation and Agreement in settlement of Algonquin Gas' rate cases in Docket Nos. RP73-112, RP74-92, and RP75-88. Such Stipulation and Agreement was filed with the Commission on September 26, 1977.

The Report shows that the revenues exceed cost by $219,702 under Rate Schedule SNG–1 during the 1976–1977 winter season.

Algonquin Gas states that a copy of this filing has been served on all affected customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 21, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–30078 Filed 10–13–77;8:45 am]

[6740–02]

[Docket No. ER77–620]

CONNECTICUT LIGHT AND POWER CO.

Transmission Agreement

OCTOBER 6, 1977.

Take notice that on September 28, 1977, The Connecticut Light and Power Co. (CL&P) tendered for filing a proposed rate schedule with respect to the Transmission Agreement dated June 29, 1977 between (1) CL&P, The Hartford Electric Light Co. (HELCO) and Western Massachusetts Electric Co. (WMECO) and (2) Holden Municipal Light Department (HMLD).

CL&P states that the Transmission Agreement provides for a transmission service to HMLD during the period from July 1, 1977 to October 31, 1977.

CL&P furthmer states that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the NU system determined in accordance with Section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which HMLD is entitled to receive.

CL&P requests an effective date of July 1, 1977 for the Transmission Agreement, and therefore requests waiver of the Commission's notice requirements.

CL&P indicates that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Conn.; WMECO, West Sprinfield, Mass. and HMLD, Holden, Mass.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–30079 Filed 10–13–77;8:45 am]

[6740–02]

[Docket No. RP77–140]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in Rates and Charges

OCTOBER 7, 1977.

Take notice that Consolidated Gas Supply Corp. (Consolidated), pursuant to Section 4 of the Natural Gas Act and Section 154.63 of the Commission's Regulations thereunder, tendered for filing on September 30, 1977, proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2 to become effective on November 1, 1977.

The proposed rate changes would increase Consolidated's revenues from jurisdictional sales and services by $79.5 million based on the twelve months ended June 30, 1977, adjusted for known changes for a nine-month period through March 31, 1978. The total increase reflects $4.2 million of decreased gas supply costs from conventional suppliers. In addition the changed rates reflect costs of liquefied natural gas (LNG) not previously reflected in Consolidated's rates.

In addition to the costs of LNG, Consolidated states that the increased rates are required to recoup, inter alia, increased costs of transportation of gas by others, increased depreciation rates, increased rate base, and increased operating expenses. The rates proposed include an overall rate of return of 11.25 percent. In addition Consolidated proposes to change for billing and operating purposes from a volumetric (Mcf) to an energy basis expressed in dekatherms (dt). Consolidated has adopted full cost accounting for unsuccessful wells for the period January 1, 1973 through April 30, 1977 and provided for the normalization of intangible drilling costs incurred for the period January 1, 1973 through October 31, 1975 on leases acquired prior to October 8, 1969. Depreciation rates for certain production facilities located in Appalachian-West Virginia and Virginia are proposed to be changed from the present rate of 2.41 percent to a unit of production rate.

In addition, Consolidated submits detailed studies to demonstrate that special circumstances exist which justify cost-of-service treatment for Consolidated's Appalachian production from leases acquired after October 8, 1969 and from wells connected after January 1, 1973 on leases acquired prior to October 7, 1969.

Finally, Consolidated states that Statement P will be filed within fifteen days of this filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 21, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–30080 Filed 10–13–77;8:45 am]

[Docket No. RP78–1]

[6740–02]

EAST TENNESSEE NATURAL GAS CO.

Petition for Advance Approval of Flow-Through of Emergency Gas Supply and Transportation Costs

OCTOBER 7, 1977.

Take notice that on October 3, 1977, East Tennessee Natural Gas Co. (East Tennessee) tendered for filing a petition for advance approval to flow-through under its PGA provision the purchased gas cost and transportation cost associated with an emergency purchase to be made pursuant to Section 2.68 of the Commission's General Policy and Interpretations.

East Tennessee states that it has contracted with an intrastate pipeline for an emergency purchase which will provide the East Tennessee system with gas volumes in the amount of up to 35,000 Mcf per day for the 60-day period beginning January 1, 1978 at a purchased gas price of $2.35 per Mcf plus a transportation rate of 34 cents per Mcf.

East Tennessee requests that the Commission grant its petition by November 1, 1977 because the winter season is fast approaching and for planning purposes, it is necessary for East Tennessee and its customers to know whether these emergency volumes will be available.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 21, 1977, file with the Federal Energy Regu-

latory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30081 Filed 10-13-77;8:45 am]

[6740-02]

[Docket No. ES77-62]

EL PASO ELECTRIC CO.

Application

OCTOBER 7, 1977.

Take notice that on September 29, 1977, El Paso Electric Co. (Applicant), filed an application with the Federal Power Commission (the "Commission") seeking authority pursuant to section 204 of the Federal Power Act to guarantee $5,000,000 principal amount of Pollution Control Revenue Bonds to be issued by the City of Farmington, N. Mex., an incorporated municipality, and body politic and corporate, existing under the Constitution and laws of the State of New Mexico.

The Applicant is incorporated under the laws of Texas with its principal business office at El Paso, Tex., and is engaged in the electric utility business in Texas and New Mexico in an area in the Rio Grande Valley extending approximately 110 miles northwesterly from El Paso to the Caballo Dam in New Mexico and approximately 120 miles southeasterly from El Paso to Van Horn, Tex., with a population of approximately 480,000 of whom 365,000 reside in metropolitan El Paso.

It is proposed that the City of Farmington, N. Mex., will issue the $5,000,000 principal amount Pollution Control Revenue Bonds, 1977 Series A (El Paso Electric Company Four Corners Project) in a private placement to defray Applicant's share of the cost of acquisition, construction and installation of certain air pollution control systems and facilities relating to Units 4 and 5 at the Four Corners Power Station located approximately twelve miles southwest of the City of Farmington, in San Juan County, N. Mex., an undivided 7% interest in which is owned by Applicant. Pursuant to an Installment Sale Agreement (the "Agreement") to be entered into between Applicant and the City of Farmington, the Applicant's 7% interest in the pollution control facilities will be purchased by the City from, and then sold by the City to, the Applicant.

According to the Applicant the Pollution Control Bonds will not constitute an indebtedness or obligation to which the full faith and credit of the City of Farmington will be pledged and shall never constitute or give rise to a pecuniary liability of the City of Farmington or a charge against its general credit or taxing powers. The City of Farmington shall be obligated to pay the principal of and premium, if any, and interest on the Pollution Control Bonds only out of the receipts and revenues of the City of Farmington from the Applicant under the Sale Agreement. The payments to be made by the Applicant pursuant to the Sale Agreement are to be sufficient, together with other funds available for such purpose, to pay the principal of and premium, if any, and interest on the Pollution Control Bonds. Pursuant to a separate Contingent Purchase Agreement, to be entered into between the Applicant and the purchaser of the Pollution Control Bonds, Applicant will unconditionally agree to repurchase the Pollution Control Bonds from the purchaser upon the happening of certain specified events.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before October 17, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). The Application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30082 Filed 10-13-77;8:45 am]

[6740-02]

[Docket No. ER77-632]

INDIANA-KENTUCKY ELECTRIC CO.

Proposed Tariff Change

Take notice that Indiana-Kentucky Electric Corp. (IKEC), a wholly-owned subsidiary of Ohio Valley Electric Corp. (OVEC), on September 30, 1977, tendered for filing a proposed Modification No. 1 dated as of February 1, 1977 to the Power Agreement dated July 10, 1953 between OVEC and IKEC (the "IKEC Power Agreement").

IKEC indicates that the Proposed Modificaion No. 1 would extend the term of the IKEC Power Agreement until the later of (a) the satisfaction and discharge of OVEC's Mortgage and Deed of Trust dated as of July 1, 1953, as amended (the OVEC Mortgage) (which is scheduled to occur no later than January 1, 1982) or (b) the first to occur of (i) the sale or other disposition of all of the facilities of the generating stations of OVEC and IKEC; or (ii) the permanent cessation of operation of such facilities; or (iii) March 12, 2006. IKEC further indicates that the IKEC Power Agreement currently provides that it will terminate upon the satisfaction and discharge of the OVEC Mortgage. An effective date of February 1, 1977 has been requested for the proposed Modification. Waiver of notice requirements is requested by IKEC.

A copy of the filing has been mailed to OVEC.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30083 Filed 10-14-77;8:45 am]

[6740-02]

[Docket No. RI77-26, Docket No. RI77-100]

J & J ENTERPRISES, INC., ET AL. AND INDEPENDENT OIL & GAS ASSOCIATION OF WEST VIRGINIA

Conference

OCTOBER 7, 1977.

Take notice that on October 14, 1977, Staff is convening an informal conference of all interested persons to discuss the possibility of settling the issues in the above-captioned proceedings. The conference will be held in Room 8402 of the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, at 9:30 A.M.

All interested persons will be permitted to attend, but if such person have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in these proceedings.

This conference will be for discussion purposes only without commitments.

Letters concerning this conference are being mailed to all parties to these proceedings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30084 Filed 10-13-77;8:45 am]

[6740-02]

[Docket No. ER77-624]

MISSISSIPPI POWER & LIGHT CO.

Cancellation

OCTOBER 6, 1977.

Take notice that on September 28, 1977, Mississippi Power & Light Company

(MP&L) tendered for filing a notice of cancellation of its Rate Schedule FPC No. 184, which provides for sales of electric power to Magnolia Electric Power Association at Fernwood, Miss. MP&L states that the load has been transferred to the Association's East McComb Substation.

MP&L requests that the cancellation be made effective as of October 31, 1977.

MP&L further states that copies of this filing have been sent to the City of McComb, Mississippi.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30085 Filed 10-14-77;8:45 am]

[6740-02]

[Docket No. ER78-8]

NEW ENGLAND POWER POOL

Filing of Amendment to the New England Power Pool Agreement

OCTOBER 7, 1977.

Take notice that on October 3, 1977, the New England Power Pool (NEPOOL) filed an Agreement Amending the NE POOL Power Pool Agreement (Amendment), dated August 1, 1977, which modifies the provisions of the New England Power Pool Agreement, dated as of September 1, 1971.

NEPOOL indicates that the amendment provides for revision of Section 9.4 (d) of the NEPOOL Agreement to provide for continued suspension of pool Capability Responsibility deficiency charges during the period from November 1, 1977, through October 31, 1978.

NEPOOL requests that the Commission waive its notice requirements to permit the Amendment to become effective as of November 1, 1977, the date upon which the current suspension of Section 9.4(d) would otherwise expire by its terms.

Any person desiring to be heard or to make any protest with reference to the Amendment should on or before October 25, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30086 Filed 10-13-77;8:45 am]

[6740-02]

[Docket No. CP77-649]

NORTHERN NATURAL GAS CO.

Application

OCTOBER 7, 1977.

Take notice that on September 29, 1977, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed with the Federal Power Commission in Docket No. CP77-649 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the tarnsportation of natural gas for a limited term for and exchange of natural gas with Columbia Gas Transmission Corp. (Columbia Gas) (all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to trans-port natural gas for Columbia Gas pursuant to a gas transportation agreement dated September 23, 1977, between the two parties and to exchange natural gas with Columbia Gas pursuant to a letter agreement dated September 16, 1977, among Applicant Columbia Gas and Columbia Gulf Transmission Co. (Columbia Gulf).

Applicant indicates that within the provisions of the gas transportation agreement, it would, on a best efforts basis, receive from Delhi Gas Pipeline Corp. (Delhi) for Columbia Gas' account up to 60,000 Mcf of gas per day during the period October 1, 1977, through November 1, 1979. The gas delivered by Delhi to Applicant would be at an existing point of interconnection of the facilities of Applicant and Delhi located in Pecos County, Tex., it is indicated. Applicant states that it would transport and redeliver up to 28,000 Mcf of such gas per day, less 4.0 percent to be retained for compressor fuel to Panhandle Eastern Pipe Line Co. (Panhandle) for the account of Columbia Gas at an existing point of interconnection between the pipelines of Applicant and Panhandle near Mullinville, Kans. Applicant indicates that Columbia Gas would pay Applicant a transportation charge of 22.50 cents per Mcf for all gas transported and redelivered to Panhandle by Applicant.

Applicant states that it has acquired the right to purchase gas volumes produced in the offshore Gulf Coast area and is negotiation with producers for additional offshore volumes. Applicant further states that such gas acquisitions are remote from its system and, therefore, necessitate various transportation and exchange arrangements with other pipeline companies in order to cause delivery of Applicant's offshore gas to its system.

Applicant indicates that the volumes of gas received by it from Delhi for Columbia Gas' account that are not transported and redelivered to Panhandle would be exchanged with Columbia gas. Applicant states that it would cause delivery of natural gas volumes, equivalent to the exchange volumes received in Pecos County, to Columbia Gulf for the account of Columbia Gas at the northern terminus of Sea Robin Pipeline Co.'s (Sea Robin) offshore pipeline system near Erath, Louisiana, and at the northern terminus of the Blue Water offshore pipeline near Egan, Louisiana.

Applicant indicates that if Columbia Gas does not have gas available in Pecos County, Tex., to exchange for Applicant's offshore gas, Columbia Gulf would receive for Columbia Gas' account Applicant's gas available at Erath, La., and Columbia Gas would cause Columbia Gulf to deliver equivalent volumes to Trunkline Gas Co. (Trunkline) for Applicant's account at a point of interconnection to be constructed between the facilities of Columbia Gulf and Trunkline near Egan, La. Applicant would make the necessary arrangements for the further transportation or exchange of such gas to its system, it is said.

Applicant states that the proposed exchange would be on an Mcf for Mcf basis and that there is no monetary consideration given by either party.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 25, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the

public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30087 Filed 10-13-77;8:45 am]

[6740-02]

[Docket No. ER77-633]

NORTHERN STATES POWER CO.

Proposed Municipal Resale and Transmission Service Agreement

OCTOBER 7, 1977.

Take notice that Northern States Power Co. (Northern States), on September 30, 1977, tendered for filing a Municipal Resale and Transmission Service Agreement, dated September 27, 1977, with the City of Olivia, Minn.

Northern States indicates that the Agreement provides for Northern States to furnish the City's requirements in excess of Bureau of Reclamation power and energy as Load Pattern Power. Northern States also indicates that the Agreement changes the wheeling rate from 2.3 mills per KWH to $11.88 per KW per year.

Northern States requests waiver of the Commission's notice requirements to allow for an effective date of October 21, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before October 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30088 Filed 10-13-77;8:45 am]

[6740-02]

[Docket No. ER77-626]

NORTHERN STATES POWER CO.

Municipal Resale and Transmission Service Agreement

OCTOBER 7, 1977.

Take notice that Northern States Power Co. (NSPC) on September 30, 1977, tendered for filing a Municipal Resale and Transmission Service Agreement, dated September 27, 1977, with the City of East Grand Forks, Minn.

NSPC indicates that the agreement provides that NSPC furnish the City's requirements in excess of Bureau of Reclamation power and energy as Load Pattern Power. NSPC further indicates that the Agreement proposes to change the wheeling rate from $533.33 plus 1.3 mills per KWH to $2.70 per KW per year.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before October 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.30089 Filed 10-13-77;8:45 am]

[6740-02]

[Docket No. RM77-14]

GAS RESEARCH INSTITUTE

Filing of Stipulation and Agreement

OCTOBER 7, 1977.

Take notice that on September 30, 1977, Gas Research Institute (GRI) tendered for filing a proposed Stipulation and Agreement with a Motion for Expedited Approval of Initial Application. A revision of the Stipulation and Agreement was filed on October 3, 1977.

GRI states that based upon the negotiations conducted and the understandings reached during the informal conference sessions, all active parties to this proceedinh, including the Commission Staff and the California, Michigan, and New York state commissions, with the sole exception of a group of small municipal distributors, either support, or offer no objection to, the terms and conditions of the Stipulation and Agreement.

GRI states that the Stipulation and Agreement is submitted as a vehicle for expedited consideration and disposition of this proceeding. GRI requests in its Motion that, upon receipt of initial and reply comments filed in response to this notice, the Commission consider and approve without hearing GRI's application as filed on March 22, 1977.

Any person desiring to be heard or to protest said Stipulation and Agreement or to answer or object to said Motion should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before October 18, 1977. Reply comments should be filed on or before November 1, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of Gas Research Institute's filings are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30103 Filed 10-13-77;8:45 am]

[6740-02]

[Docket No. ER77-625]

NORTHERN STATES POWER CO.

Interconnection and Interchange Agreement

OCTOBER 7, 1977.

Take notice that Northern States Power Co. (NSPC) on September 30, 1977, tendered for filing an Interconnection and Interchange Agreement and a Supplement No. 1, both dated September 23, 1977, with the City of Redwood Falls, Minn.

NSPC indicates that the Interconnection and Interchange Agreement includes Service Schedules providing for transactions between the parties similar to those contained in Service Schedules under the Mid-Continent Area Power Pool Agreement. NSPC further indicates that Supplement No. 1 provides for the delivery of the City's Bureau of Reclamation power allocation.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions and protests should be filed on or before October 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30090 Filed 10-13-77;8:45 am]

[6740-02]

[Docket No. ER77-634]

NORTHERN STATES POWER CO.

Proposed Municipal Resale Transmission and Transformation Service Agreement

OCTOBER 7, 1977.

Take notice that Northern States Power Co. (Northern States), on September 30, 1977, tendered for filing a Municipal Resale Transmission and Transformation Service Agreement,

dated September 28, 1977, with the City of Sauk Centre, Minn.

Northern States indicates that the Agreement provides for Northern States to furnish Sauk Centre's requirements in excess of Bureau of Reclamation power and energy as Load Pattern Power. Northern States further indicates that the Agreement provides a transformation charge of 0.7 mill per KWH (the same as in the previous Agreement) and changes the wheeling rate from 2.3 mills per KWH to $11.88 per KW per year.

Any person desiring to be heard or to protect said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before October 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30091 Filed 10-13-77;8:45 am]

[6740-02]

[Docket No. ER77-631]

NORTHWESTERN PUBLIC SERVICE CO.

Initial Rate Filing

OCTOBER 7, 1977.

Take notice that on September 30, 1977, Northwestern Public Service Co. (NWPS) tendered for filing, in accordance with § 35.12 of the Commission's regulations, an initial rate schedule for supplemental sales to certain municipal and government operated systems within the State of South Dakota.

NWPS indicates that pursuant to the rate schedule NWPS will provide capacity and energy that applicable customers cannot obtain from their principal supplier, the United States Bureau of Reclamation (Bureau) due to certain load restrictions imposed by the Bureau to be effective November 1, 1977.

NWPS proposes an effective date of November 1, 1977.

NWPS states that it has served copies of the filing upon the State of South Dakota, the South Dakota Public Utilities Commission, and the participating municipalities.

Any person desiring to be heard or to make application with reference to said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30092 Filed 10-13-77;8:45 am]

[6740-02]

[Docket Nos. ER76-149; E-9537]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Order Requiring Filing of Revised Tariff Sheets and Requiring Refunds

SEPTEMBER 30, 1977.

On March 2, 1977, the Commission Staff (Staff) filed a motion for summary dismissal of that portion of Public Service Company of Indiana, Inc.'s (PSI's) proposed rate of return of 9.75% which Staff claims allows PSI to earn a return on construction work in progress (CWIP). Responses to Staff's motion were filed on April 4, 1977, by PSI, the Intervenor Cooperatives and the Intervenor IMEA Cities.

On April 29, 1977, the Commission issued an Order Denying Without Prejudice Motion For Summary Dismissal and Requiring Limited Reopening of the Record. In its order the Commission concluded that the information in the record, as well as that provided in PSI's answer to Staff's motion, was insufficient for a proper determination of the amount of CWIP which may be associated with its overall rate of return. The Commission therefore required the Presiding Administrative Law Judge to reopen the record of the proceedings for the limited purpose of receiving evidence and conducting an investigation to determine how much, if any, CWIP is related to PSI's overall rate of return. Upon the close of the record the Presiding Judge was directed to certify the record related to this issue to the Commission for its review and for such disposition as may be required.

On August 15, 1977, Presiding Judge Stephen L. Grossman certified to the Commission the supplementary evidentiary record relating to the CWIP issue. In the same order Judge Grossman denied PSI's motion requesting oral hearing for the purpose of cross-examining the sponsors of the exhibits of Staff and Intervenors. The Judge concluded that no oral hearing is necessary because the parties' positions are clear, and no factual issues are in dispute. What is in dispute is the inference to be drawn from the record facts.

Based on the supplemented record, the Presiding Judge concluded:

(1) PSI, in attempting to support its rate filing, determined the total amount of money it believed necessary to collect.

(2) PSI's determination was based upon its conclusion that a return of 9.25 percent on total capital was necessary. This equates to an allowance on equity of 11.45 percent. PSI, applying the allowance on equity thus derived, calculates an overall return on rate base (*i.e.*, total capital less CWIP and certain other adjustments) of 9.75 percent.

(3) Because of the manner of presentation (see particularly Tr. 865-66, 906-7, 909-11, 952-54, and 994), it appears possible that PSI has increased its sought overall rate of return to compensate for the absence of CWIP in its rate base. Stated differently, PSI could be considered to be requesting, through a higher sought return on rate base, the same dollar return, albeit of a smaller percentage, as it would achieve on total capital.

(4) Notwithstanding the above conclusion, it is equally possible that PSI is not seeking a return on CWIP, but, rather, is seeking that allowance on equity and overall return on rate base it would have sought in the absence of its novel attempt at justification of these figures.

PSI's rate of return witness, Dr. Langum, determined a fair rate of return on the total capital and calculated the return thereform. PSI then computed the rate of return which, when multiplied by what the Company terms the "net original cost rate base," would produce the same dollars of turn as would the rate of return on the total capital. Dr. Langum explained his approach in his direct testimony, as quoted in PSI's Answer:

> My judgment is that the fair rate of return on net original cost which Public Service Indiana should be afforded the opportunity to earn in its wholesale electric business is 9.75 percent. This gives effect to my judgment that the fair rate of return on total capital is 9.35[1] percent and to the extent that net original cost is less than the corresponding total capital involved. (Tr. 327)
>
> * * * * * *
>
> The fair rate of return on total capital is 9.35 percent. The fair return is the number of dollars resulting from multiplication of the fair rate of return on total capital times total capital. *It follows from elementary arithmetic that to produce that same fair return the fair rate of return applied to net original cost rate base must be somewhat more than 9.35 percent. That is 9.75 percent* in my judgment, if net original cost is less than the corresponding total capital invested. (Tr. 327) (Emphasis added in PSI's Answer.)

As we pointed out in our April 29 order (mimeo p. 5), the validity of PSI's method of determining a just and reasonable rate of return, and of the supporting testimony and exhibits supplied by PSI, is not the subject of the motion before us. The Company's method and underlying numbers have been the subject of a hearing and will be ruled on initially by the Presiding Administrative Law Judge.

However, Staff and Intervenors claim that PSI's proposed rate of return provides a return on CWIP by increasing the

---

[1] PSI revised its rate of return from 9.35% to 9.25% to reflect the pro forma planned issue of $40,000,000 of preferred stock in August 1976. See Exhibit 46, pages 44, 49, 50.

rate of return above the level justified by PSI's cost of capital evidence. Staff avers that this increase is due to factoring a return of CWIP into the rate of return component, and quotes the following testimony of Dr. Langum, PSI's rate of return witness (Tr. 6:953):

Q. And since I believe you stated in answer to some questions by Mr. Wise the difference between the total capital and net original cost rate base is essentially the construction work in progress, what you have done is adjusted the rate of return to provide a return on CWIP?

A. [By Dr. Langum] To make sure a return is provided on the capital invested in construction work in progress, yes.

This Commission has consistently held that utilities will not be allowed to base rates upon inclusion of CWIP in rate base. See, *e.g., Iowa Power and Light Co.*, Docket Nos. ER76–404 and ER76–658, issued July 15, 1976, and cases cited therein, slip opinion at 5. This basic policy was reconfirmed in Order No. 555, although an exception was made for CWIP associated with pollution control equipment and conversions and for extraordinary financial difficulty.[2] The Commission stated (Slip Opinion at 13):

We cannot emphasize too strongly, however, that we will not consider any inclusion of CWIP in rate base (apart from the exceptions noted above) absent a clear showing of severe financial difficulty which cannot be otherwise alleviated without materially increasing the cost of electricity to consumers.

For this reason we required the Presiding Judge to obtain additional information to enable us to determine the amount of CWIP on which PSI may improperly be earning a return. Additional testimony was filed by PSI witnesses Mr. Pennington and Dr. Langum (Exhibits 122, 125), by Staff witness Mr. Shulman (Exhibit 123), and by Intervenors' witness Dr. Livingstone (Exhibit 124).

On pages 1 and 2 of his additional testimony, Dr. Langum described once more the methodology by which he derived his recommended 9.75% rate of return:

The fair rate of return on total capital of 9.25% which I developed literally relates to total capital. It is the percentage rate of return which applied to total capital results in the fair return on total capital. Thus, the "right number of dollars", the fair return on total capital, $104,388,840, is the result of multiplying the fair rate of return on total capital, 9.25%, by total capital, $1,128,528,000. When this "right number of dollars", the fair return on total capital, $104,388,840, is related to the "net original cost rate base", $1,066,440,000, the fair rate of return on rate base, 9.79%, is determined.

Stated otherwise:

9.25% × $1,228,528,000 = $104,388,840
$104,388,840/$1,066,440,000 = 9.79%
(evened off to 9.75%)

Dr. Langum's rationale for PSI's rate of return methodology includes the following explanation (Exhibit 122, p. 2):

Net original cost rate base, based on plant in service, is typically less than total capital because of exclusion of several items from rate base, one of which is *construction work in progress*, as demonstrated by Mr. Pennington. Yet capital must be attracted and serviced now to finance all of these several items, including *construtcion work in progress*. In these circumstances, the fair rate of return on total capital will not be and cannot be the fair rate of return on net original cost rate base. (Emphasis added.)

Based on both the mechanics and the rationale of PSI's method, the conclusion is inescapable that a proposed return of 9.25% was raised to 9.75% in order to compensate for the difference between rate base and capitalization. If CWIP had been included in rate base, then the adjustment to the 9.25% rate of return would not have been deemed appropriate by PSI. If the Company had made a filing which included CWIP, we would have ordered the Company to file revised rates reflecting a rate base excluding CWIP and a rate of return no greater than the 9.25% justified by Company witness Dr. Langum. PSI cannot earn a return on any items not properly in the rate base, in this case CWIP. This proscription cannot be circumvented by the expedient of increasing the rate of return so as to earn on the rate base the same dollars as the company wishes to earn on total capital.

Any attempt by PSI to earn a return greater than 9.25% (the rate which Dr. Langum states he can justify) of the rate base is an attempt to earn an improper return on CWIP[3] and should be disallowed pursuant to authority cited, *supra*, on page 4. We shall therefore require PSI to file revised tariff sheets reflecting a cost of service based on a rate of return of 9.25% applied to PSI's electric rate base allocated to the wholesale customers (shown in Statement M, Schedule 1 of Exhibit 19).

In his Initial Decision the Presiding Judge is of course free to find that 9.75%, or any other rate of return, is just and reasonable for PSI. But regardless of which rate of return is ultimately approved for the Company, PSI's ultimately approved revenue increase may not surpass the revenue level which the Company filed for, *minus* the dollars hereby striken from the filing for being improper return on CWIP. This result is analogous to our treatment of a rate increase filing which reflects the improper inclusion of CWIP in rate base. The Commission excludes the CWIP from rate base, and the resulting decreased proposed revenue level is the maximum which the company may ultimately collect, regardless of whether a higher return might be justified on an alternative basis: for example, by the granting of a rate of return higher than the company requested in its filing.

This treatment was applied in *Georgia Power Co.*, Docket No. E–9091, wherein the Commission dismissed that portion of Georgia Power's rate filing reflecting inclusion of CWIP in rate base and required the Company to file revised tariff sheets and make appropriate refunds.[4] On rehearing Georgia Power argued that the partial refund was premature, since the Company might ultimately justify on other grounds a rate level higher than that in effect after refunds. In its rehearing order September 19, 1975, the Commission defended its treatment of Georgia Power's filing by citing the Supreme Court's opinion in *FPC* v. *Tennessee Gas Transmission Co.*, 371 U.S. 145, 152–153 (1962). The Commission stated:[5]

It is possible that Georgia Power may be unable to collect the full rate increase which could be found to be just and reasonable because it filed for a rate level premised on a rate base inflated with CWIP rather than on the highest justifiable rate of return or on an accurate projection of test period results. However, that possibility will not support postponement of refunds; it is a hazard which Georgia Power must shoulder under the theory of the relevant parts of the Natural Gas Act and the Federal Power Act, *Tennessee, supra* at 152–153.

Similarly, in *Northern States Power Company*, Docket No. E–9148, the Commission required refunds reflecting removal from the Company's rate filing of CWIP in rate base. In its order of October 14, 1975, the Commission stated:

In ordering Northern States to file revised tariff sheets reflecting removal of CWIP from rate base, we are in effect requiring the company to reduce its originally proposed rates by a fixed amount.

* * * * *

By our action herein we make no qualitative determination of whether or not Northern States should eventually be entitled to recover rates in excess of those specified in its December 2, 1974 filing, exclusive of CWIP. We merely pre-empt Northern States from doing so in this proceeding * * *. Northern States' appropriate remedy is the submission of additional tariff sheets in a new proceeding under Section 205. (Mimeo at 3–4, footnotes omitted.)[6]

Rather than to remand the matter in the instant docket to the Presiding Judge, we dispose of the issue immediately upon being apprised of the full facts, in order to make clear to PSI and to all other utilities which appear before us that we shall not tolerate attempts to circumvent our proscription against a current return on CWIP. In so doing we take note of the Supreme Court's discussion in *Tennessee, supra*, of the purpose of interim refunds. Although a company's collection of an improper rate is subject

[2] Relief under the "severe financial distress" exception is prospective only (Slip Opinion at 5).

[3] As Dr. Livingstone points out (Exhibit 124, p. 9), a deferred return is provided on CWIP by means of AFUDC (allowance for funds used during construction).

[4] Order of August 5, 1975, in Docket No. E–9091.

[5] See also *New England Power Co.*, Docket Nos. E–9136 and E–9140, order issued August 5, 1975.

[6] Faced with the same situation in *Minnesota Power & Light Co.*, Docket Nos. E–9499 and E–9502, the Commission wrote in its order of October 9, 1975: "The applicability of *Tennessee* requires that MP&L must stand on the rate level as filed in June 18, 1975 and as reduced by the exclusion of CWIP" (mimeo p. 2).

to eventual refund, the Court stated that it is the Commission's duty to issue interim orders directing payment of refunds "at the earliest possible moment consistent with due process" (371 U.S. 145, 155).

As Judge Grossman observed in his order certifying to us the supplemental record, there is no dispute as to the facts regarding the numbers and methods PSI has used in calculating its proposed rate of return. What is in dispute is the inference to be drawn from these facts. This Commission is authorized to summarily dispose of the CWIP issue in this proceeding, even though the parties place different interpretations on the underlying record facts. *Pennsylvania Gas and Water Co.* v. *FPC*, 463 F.2d 1242, 1252 (1972); *Citizens for Allegan County, Inc.* v. *FPC*, 414 F.2d 1125, 1128 (1969).

The Commission finds: Based on the record certified to us on August 15, 1977, in this proceeding, it is necessary and proper in the public interest and to enforce the Federal Power Act that PSI be required to file revised rates based on a 9.25 percent rate of return applied to PSI's allocated rate base.

The Commission orders: (A) Within 60 days of the date of issuance of this order, PSI shall file revised tariff sheets reflecting reduced rates consistent with our finding herein.

(B) Within fifteen (15) days after the rate schedules to be filed in compliance with Paragraph (A) above are accepted for filing, PSI shall refund all amounts collected in excess of the rates set forth in those rate schedules, together with interest calculated at 9 percent per annum.

(C) Within 15 days after refunds have been made PSI shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and herein ordered rates; monthly ordered rate change, monthly rate refund, and the monthly interest computation, together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each state commission within whose jurisdiction the wholesale customer distributes and sells electric energy at retail.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30093 Filed 10-13-77;8:45 am]

[6740-02]

[Docket No. ER77-630]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Lower Delaware Valley Transmission System Agreement

OCTOBER 7, 1977.

Take notice that Public Service Electric and Gas Co. (PS) on September 30, 1977, tendered for filing proposed Lower Delaware Valley Transmission System Agreement dated September 30, 1977, between Public Service Electric and Gas Co. (PS), Atlantic City Electric Co. (ACE), Delmarva Power & Light Co. (DPL), Jersey Central Power and Light Co. (JC), and Philadelphia Electric Co. (PE). (PS FPC Rate Schedule No. 46).

PS states that the reason for this filing is to provide a more definite agreement relating to ownership and investment responsibilities of the Lower Delaware Valley Transmission System.

PS requests that the filing be permitted to become effective November 1, 1977.

PS states that a copy of this filing has been sent to ACE, DPL, JC, PE and to the Board of Public Utilities of the State of New Jersey.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30094 Filed 10-13-77;8:45 am]

[6740-02]

[Docket No. ER77-629]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Proposed Revised Interconnection Agreement

OCTOBER 7, 1977.

Take notice that Public Service Electric and Gas Co. (PS) on September 30, 1977, tendered for filing proposed revised Schedules 1.03, 1.04, 2.01 and 3.04 to the existing Interconnection Agreement between PS and Jersey Central Power and Light Co. (JC) dated November 29, 1960, as supplemented (PS FPC Rate Schedule No. 28).

PS states that the reason for the filing is to include additional facilities and cost-sharing associated with the Kilmer Substation.

PS requests that the instant filing be permitted to become retroactively effective to May 1, 1974, and therefore requests waiver of the Commission's notice requirements.

PS includes with its filing a Certificate of Concurrence executed by JC assenting to and concurring with the above-mentioned Interconnection Schedules.

PS states that a copy of this filing has been sent to JC and to the Board of Public Utilities of the State of New Jersey.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10) All such petitions or protests should be filed on or before October 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30095 Filed 10-13-77;8:45 am]

[6740-02]

[Docket No. ER77-627]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Proposed Termination of Purchase Agreement

OCTOBER 7, 1977.

Take notice that Public Service Electric and Gas Co. (PS) on September 30, 1977, tendered for filing notification of termination of the Purchase Agreement, dated December 30, 1974 between PS and the Luzerne Electric Division of UGI Corp. (UGI), for the sale of a portion of the capacity and energy of one of its generating units to UGI, (PS FPC Rate Schedule No. 52).

PS states that the reason for this filing is to terminate the existing agreement.

PS requests that the instant filing be permitted to become retroactively effective to May 31, 1977, and therefore requests waiver of the Commission's notice requirements.

PS states that a copy of this filing has been sent to UGI and to the Board of Public Utilities of the State of New Jersey.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30096 Filed 10-13-77;8:45 am]

[6740–02]

[Docket No. ER77–628]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Smithburg Substation Supply Agreement

OCTOBER 7, 1977.

Take notice that Public Service Electric and Gas Co. (PS) on September 30, 1977, tendered for filing the Smithburg Substation Supply Agreement dated September 30, 1977 between Atlantic City Electric Co. (ACE), Delmarva Power & Light Co. (DPL), Jersey Central Power and Light Co. (JC) and Philadelphia Electric Co. (PE) and PS. (PS FPC Rate Schedule No. 46).

PS states that the reason for this filing is to provide additional use of the Lower Delaware Valley Transmission Facilities by Jersey Central Power and Light Co. by supplying capacity and energy from the Deans Substation to the Smithburg Substation.

PS requests that the filing be permitted to become effective November 2, 1977.

PS states that a copy of this filing has been sent to ACE, DPL, JC, PE and to the Board of Public Utilities of the State of New Jersey.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–30097 Filed 10–13–77;8:45 am]

[6740–02]

[Docket No. ER77–59]

SUPERIOR WATER, LIGHT AND POWER CO.

Filing of Motion To Sever and Offer of Settlement

OCTOBER 7, 1977.

Take notice that on September 29, 1977, the Superior Water, Light and Power Co. (SWL&P) submitted a motion to sever the above-referenced proceeding from the proceeding in Minnesota Power & Light Co., Docket No. ER76–827, and, in addition, submitted an offer of settlement of all issues involved in the above-captioned docket.

SWL&P, a wholly-owned subsidiary of Minnesota Power & Light Co. (MP&L) furnishes electric, gas and water service to Superior, Wisconsin and adjacent areas. SWL&P purchases approximately 84% of its kilowatt-hour requirements from MP&L. The Commission in its order of December 15, 1976, concluded that the proceedings in Docket Nos. ER76–827 and ER77–59 involve common issues of law and fact and consolidated them for purposes of hearing and decision.

The Offer of Settlement provides for an increase in SWL&P's base rates for service to Dahlberg Light & Power Co. of $9,500.00 over the level of base rates for such service as filed by SWL&P in FPC Docket No. ER76–20, plus the annualized increase in the cost of power purchased by SWL&P from MP&L under the rates finally approved by the Commission in Docket No. ER76–827. The Offer of Settlement also provides for a refund of amounts collected by SWL&P, subject to refund, in excess of the amounts determined to be the appropriate rate.

In addition, the Offer of Settlement provides that SWL&P shall refund to Dahlberg all amounts collected from Dahlberg under the cost of power adjustment clause contained in Rate Schedule W–5, as filed initially in this proceeding, in excess of amounts that would have been collected under the fuel cost adjustment clause as filed and made effective in Docket No. ER76–20.

Any person wishing to do so may submit comments in writing concerning the proposed Settlement Agreement to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 on or before November 1, 1977. The Offer of Settlement is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–30098 Filed 10–13–77;8:45 am]

[6740–02]

[Docket No. CP73–297]

TEXAS EASTERN TRANSMISSION CORP.

Petition To Amend

OCTOBER 7, 1977.

Take notice that on September 27, 1977, Texas Eastern Transmission Corp. (Petitioner), P.O. Box 2521, Houston, Tex., filed in Docket No. CP73–297 a petition to amend the order of December 10, 1973, as amended, issued in the instant docket (50 FPC 1850) so as to permit the deletion of an existing exchange point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner indicates that there is a currently effective exchange agreement between Natural Gas Pipeline Co. of America (Natural) and Petitioner dated November 11, 1972, as amended December 3, 1974, which provides for the exchange of natural gas on an Mcf for Mcf basis at numerous points between their systems including (and subject to the instant petition) a point near Carmona, Polk County, Tex. Petitioner further indicates that the order of December 10, 1973, as amended, and in particular, order issued August 27, 1975, authorized the exchange under the subject agreement, and consequently the additional Polk County exchange point.

Petitioner indicates that on September 1, 1977, Natural filed at Docket Nos. CP73–289 and CP77–601 an application requesting permission and approval to abandon interstate gas transmission facilities consisting of its 4½-inch pipeline and 3-inch measuring facility in Polk and Trinity Counties, Tex. Petitioner states that since the Polk County exchange point is no longer necessary Petitioner has entered into an agreement dated September 10, 1976, to delete the exchange point from the existing exchange agreement.

Petitioner indicates that the Carmona Polk County exchange point has been inactive since October of 1975, and would remain inactive due to Natural's abandonment of its facilities at this location.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 31, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–30099 Filed 10–13–77;8:45 am]

[6740–02]

[Docket No. CP77–654]

TEXAS GAS TRANSMISSION CORP.

Application

OCTOBER 7, 1977.

Take notice that on September 30, 1977, Texas Gas Transmission Corp. (Applicant), 3800 Frederica Street, Owensboro, Ky. 42301, filed with the Federal Power Commission in Docket No. CP77–654 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 25,200 Mcf of natural gas on an interruptible basis, for Bay State Gas Supply, Inc.; Chattanooga Gas Co.; City of Fayetteville, Tenn.; The Southern Connecticut Gas Co., Inc.; Knoxville Utilities Board; Middle Tennessee Utility District of Cannon, Cumberland, Dekalb, Putnam, Rhea, Rutherford, Smith, Warren, White and Wilson Counties, Tenn.; Nashville Gas Co.; Natural Gas Utility

District of Hawkins County, Tenn.; United Cities Gas Co.; and Volunteer Natural Gas Co., Inc. (Customers), from April 1 through October 31 of each year of the term of a transportation service agreement dated July 29, 1977, among Applicant, Customers and Kentucky Gas Storage Co. (KGSC), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport gas for Customers pursuant to the subject agreement, which gas Applicant would receive from Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), at an existing point of interconnection in Washington County, Miss., and deliver such volumes of natural gas to KGSC for the account of Customers at a meter station to be constructed in Daviess County, Ky.

Applicant indicates that it would construct and install the meter station and related facilities for KGSC, which would own the facilities, and that KGSC would lease the facilities to Applicant for the duration of the transportation agreement. Applicant further indicates that the estimated cost of the proposed facilities is $65,000.

Applicant states that it would retain 5.27 percent of the volume it delivers to KGSC for the account of Customers as makeup for compressor fuel and line loss, which percentage was calculated on an incremental basis for pipeline throughput to and within the rate zone in which delivery by Applicant would be made, i.e., Zone 4. Applicant indicates that it would collect an initial charge of 17.81 cents per Mcf from Customers for all quantities of natural gas transported and delivered to KGSC.

The agreement of July 29, 1977, is for a primary term of 15 years, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 25, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30100 Filed 10-13-77;8:45 am]

[6740-02]

[Docket No. RP75-74]

TRANSWESTERN PIPELINE CO.

Rate Settlement Proposal on Rate of Return

OCTOBER 7, 1977.

Take notice that on September 22, 1977, Transwestern Pipeline Co. (Transwestern) filed with the Commission in Docket No. RP75-74 a settlement proposal which, if approved, will resolve the rate of return issue in the proceeding. The rate of return issue in the proceeding had been remanded by the Commission's order issued July 19, 1977, to the Administrative Law Judge for hearing and decision.

Any person wishing to comment in writing on the settlement proposal may do so. All comments should be addressed to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 and should be mailed or filed on or before October 14, 1977. Transwestern's settlement proposal is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30101 Filed 10-13-77;8:45 am]

[6740-02]

[Docket No. ER77-618]

WISCONSIN MICHIGAN POWER CO.

Cancellation

OCTOBER 6, 1977.

Take notice that Wisconsin Michigan Power Co. (WMP) on September 26, 1977, tendered for filing notice of cancellation of FPC Rate Schedule No. 47, a contract for wholesale electric service, dated October 26, 1960, between WMP and the City of Norway, Mich. WMP proposes an effective date of October 26, 1977.

WMP states that copies of this filing have been sent to the City of Norway.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-30102 Filed 10-13-77;8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

EURO PACIFIC JOINT SERVICE

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 21, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward M. Schmeltzer, Esq., Schmeltzer, Aptaker & Sheppard, Suite 305, 1150 Connecticut Ave. NW., Washington, D.C. 20006.

Agreement No. 9902-3 (Sub. 1) provides that the parties to Euro Pacific may operate one additional sailing in 1977 for the purpose of reducing the severe cargo backlog existing in the trade.

Dated: October 7, 1977.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-29973 Filed 10-13-77;8:45 am]

[6730–01]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE APPLICANTS

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

AIT Forwarding Co., Inc., 30 Pulaski Street, Bayonne, N.J. 07002. Officers: Michael Gluck, Chairman of the Board, Alfred Perreca, President, James Antonoff, Vice President, Vincent Mattamira, Secretary/Asst. Treasurer, John Briley, Vice President, Joseph Romeo, Vice President.

William L. Bliss, d.b.a. Superior Shipping Co., 13730 Oleoke, Houston, Tex. 77015.

Charles Williams, 11127 South King Drive, Chicago, Ill. 60628.

Trans-American World Transit, Inc., P.O. Box 12608, Ft. Worth, Tex. 76116. Officers: John J. Rapp, President, George A. Rapp, Executive Vice President, Theodore A. Coulter, Vice President, J. R. Gavin, Secretary, Ann Rapp, Director.

Samaras International Corp., 6753 East 47th Avenue, Suite A, Denver, Colo. 80216. Officers: James P. Samaras, President, Mary J. Samaras, Secretary, Sharon Prager, Director.

Levent M. Bayraktaroglu, 2133 Cambridge Drive, Hurst, Tex. 76053.

American Caribbean, Inc., 8311 Northwest 70th Street, Miami, Fla. 33166. Officers: Norman R. Jackson, President/Treasurer, Rebecca L. Jackson, Vice President/Secretary.

Enrique T. Enriquez, 2100 Southwest 126th Court, Miami, Fla. 33175.

The Michelson Co. (Guy Bruce Michelson, d.b.a.) 220 42d Street, Manhattan Beach, Calif. 90266.

Impex International Brokerage, Inc., 6501 Northwest 36th Street, No. 360, Miami, Fla. 33166. Officers: Alberto del Cerro, President, Juan A. del Cerro, Vice President, Rene Alvarez, Treasurer, Herbert Wall, Director.

Aeromarine Cargo System, Inc., 225 Harris Ct., South San Francisco, Calif. 94080. Officers: Joseph Thomas Fegan, President, Charles James Wipff, Vice President, Patricia Gayle Fegan, Secretary, Kathleen Helen Wipff, Treasurer.

William M. Beidl, 618 5th Avenue, River Edge, N.J. 07661.

Moses E. Shamash, 6733 South Sepulveda Blvd., Suite E, Los Angeles, Calif. 90045.

Lawrence W. Miller, 4085 South 84th Street, 12 Bridges West, No. 7, Greenfield, Wis. 53228.

Vice (Victor Manuel Robles, d.b.a.) 45 Fair Avenue, San Francisco, Calif. 94110.

Jacky Maeder Ltd., 4530 Park Rd., Suite 336, Charlotte, N.C. 28209. Officers: A. J. Maeder, Director, T. Ernest, Director, R. Merz, Director, F. Ammann, Treasurer, R. O. Stoffler, President, A. K. Peyer, Vice President, H. P. Rieder, Vice President, H. Studer, Vice President, G. Zehnder, Secretary.

S&Z International Air Forwarders, Inc., P.O. Box 8778, BWI Airport, Baltimore, Md. 21240. Officers: George Stern, President/Treasurer, Antonie Zoet, Vice President/Secretary.

Personal Forwarding, Inc., 122 East 42d Street, P.O. Box 2577, Grand Central Station, New York, N.Y. 10017. Officer: Anthony J. Diorio, President.

Consolidation Services International (Leonard A. Kanczuzewski, d.b.a.), 247 Dixie Way North, South Bend, Ind. 46637.

Empress Shipping Co. (Marcos H. Eddi, d.b.a.), 1765 East 7th Street, Brooklyn, N.Y. 11223.

Roehlig Forwarding, Inc., 32 Broadway, Suite 1600, New York, N.Y. 10004. Officers: Ruland W. Schmitz, President/Director, Herma M. Schmitz, Vice Pres./Treas./Director, John I. Dugan, Secretary, Hans Schackow, Director, Wolfgang Ronneburger, Director, Thomas Herwig, Director.

S. D. Ogden Associates (Scott D. Ogden, d.b.a.), P.O. Box 22154 AMF, 307 West 200 South, Crane Bldg., No. 2002, Salt Lake City, Utah 84122.

Pike Shipping Co., Inc., 624 Gravier Street, Suite 205, New Orleans, La. 70130. Officers: Patrick T. Bossetta, President, Van M. Brown, Vice President, Jerome B. Pipp, Vice President.

Intercontinental Export, Ltd., 7656 Twist Lane, P.O. Box 172, Springfield, Va. 22150. Officer: Kenneth S. Harris, President.

Omega Forwarding Co. (Cesar Justo Rizzoni, d.b.a.), 7921 Queenair Drive, Montgomery Air Park, Gaithersburg, Md. 20760.

By the Federal Maritime Commission.

Dated: October 11, 1977.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.77-30020 Filed 10-13-77;8:45 am]

[6740–02]

FEDERAL POWER COMMISSION

[Docket No. CS—7381, et al.]

MARION E. SPITLER, ET AL.

Notice of Applications for "Small Producer" Certificates [1]

SEPTEMBER 30, 1977.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 27, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS77-381	Sept. 12, 1977	Marion E. Spitler, 407 Crown Point Dr., El Paso, Tex. 79912.
CS77-809	Sept. 1, 1977	Anne Moroney, executrix of the estate of Martin Luther "Luke" Walraven, Jr., deceased, Box 430, Okmulgee, Okla. 74447.
CS77-579	Sept. 7, 1077	Mrs. Virginia Abney Whelan, 303 Miller, Marshall, Tex. 75670.
CS77-725	Aug. 29, 1977	Brammer Petroleum, Inc., Box 243, Gainesville, Tex. 76240.
CS77-727	Aug. 4, 1977	C. E. Moody, Jr., 5330 Gulfton Dr., Houston, Tex. 77081.
CS77-806	Sept. 1, 1977	Hoover & Bracken Energies, Inc., 2800 Liberty Tower, Oklahoma City, Okla 73102.
CS77-807	do	Harold S. Winston, 401 Fort Worth Club Bldg., Fort Worth, Tex. 76102.
CS77-808	do	Texas No. 2 Corp., 60 East 42d St., New York, N.Y. 10017.
CS77-811	Sept. 6, 1977	Wood & Locker, Inc., 206 North Main, Midland, Tex. 79701.
CS77-812	do	Morris A. Burnes & Irene W. Burns, Box 88, Wind Ridge, Pa. 15380.
CS77-813	do	Mr. Lawrence Barker, Jr., acting as individual, One Maritime Plaza, 2530 Alcoa Bldg., San Francisco, Calif. 94111.
CS77-814	Sept. 7, 1977	Monterrey Producing Co., C 103 Petroleum Center, 900 Northeast Loop 410, San Antonio, Tex. 78209.
CS77-815	do	Craig Natural Gas Co., 3270 West 4th St., Waterloo, Iowa 50701.
CS77-816	do	Cecil E. Plauger, Box 226, Route No. 2, Salem, W. Va.
CS77-810	Sept. 1, 1977	Arapahoe Drilling Co., P.O. Box 26687, Albuquerque, N. Mex. 87125.

Docket No.	Date filed	Applicant
CS77-817	Sept. 8, 1977	Charles R. Baily, 55 South Washington St., Waynesburg, Pa. 15370.
CS77-818	Sept. 9, 1977	Aspen Oil Co. (successor in title to Petroleum Energy, Inc.), 2525 Northwest Expressway, suite 220, Oklahoma City, Okla. 73112.
CS77-819	Sept, 12, 1977	Robert H. Kieckhefer, Ltd., partner, for himself and the other limited partners of the Belco 1970, Oil & Gas Fund, Ltd., One Dag Hammarskjold Plaza, New York, N.Y. 10017.
CS77-823	.....do.....	Rex R. Moore, Jr., 230 Hightower Bldg., Oklahoma City, Okla. 73102.
CS77-824	.....do.....	Moore & Miller, P.O. Box 1533, Oklahoma City, Okla. 73101.
CS77-825	.....do.....	Harold S. Winston, 401 Fort Worth Club Bldg., Fort Worth, Tex. 76102.
CS77-826	.....do.....	Delp and Harvison Investments, 2810 Glenda Ave., Fort Worth, Tex. 76117.
CS77-827	.....do.....	Irwin Krauss, 5280 Trail Lake Dr., Fort Worth, Tex. 76133.
CS77-829	.....do.....	Rial Oil Co., P. O. Box 82, Midland, Tex. 79702.
CS77-830	Sept. 13, 1977	McClellan Oil Corp., Box 848, Roswell, N. Mex. 88201.
CS77-831	.....do.....	Byron A. Williams, II, Suite 540 Entex Bldg., Houston, Tex. 77002.
CS77-832	Sept. 12, 1977	Dr. Al G. Langford, 902 Sorrel Lane East, Midland, Tex. 79701.
CS77-833	Sept. 15, 1977	Industrial Gas Associates, P.O. Box 1610, Greenwich, Conn. 06830.
CS77-834	.....do.....	Maylon Energy, Welch, Okla. 74369.
CS77-835	Sept. 16, 1977	T. M. Allen, 1609 Guaranty Bank Plaza, Corpus Christi, Tex. 78475.
CS77-836	.....do.....	Marshall Oil Corp., 3001 Northwest 63d, Oklahoma City, Okla. 73116.
CS77-837	Sept. 19, 1977	Ronald L. Sawyer, 800 Johnson Bldg., Shreveport, La. 71101.
CS77-838	.....do.....	Jerry R. Sawyer, 800 Johnson Bldg., Shreveport, La. 71101.
CS77-839	.....do.....	The Ardmore Group, care of Mr. Roy B. Davis, Jr., 3610 One Shell Plaza, Houston, Tex. 77002.
CS77-840	.....do.....	John M. Hoover, P.O. Box 7483, Houston, Tex. 77008.
CS77-841	.....do.....	Curry Resources, Box 5596 Midland, Tex.
CS77-842	.....do.....	3—M Estate, 5009 North Navarco, Victoria, Tex. 77901.
CS77-843	.....do.....	John H. Ware, 3d, 55 South 3rd St., Oxford, Pa. 19363.
CS77-844	Sept. 20, 1977	Leonard J. Achenbach Rural Route 1, Hardtner, Kan. 67057.

[FR Doc.77-30075 Filed 10-14-77;8:45 am]

[4110-83]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of November 1977:

Name: Cooperative Health Statistics Advisory Committee.

Date and Time: November 10-11, 1977, 9:00 a.m.

Place: Sheraton-Silver Spring Motor Inn, 8727 Colesville Road, Silver Spring, Md. 20910.

Open for entire meeting.

Purpose. The Committee represents the interests of the people of the United States in providing advice and guidance to the Secretary and the National Center for Health Statistics on policies and plans in developing a major new national network of integrated or coordinated subsystems of data collections, processing, and analysis over a wide range of questions relating to general health problems of the population, health care resources, and the utilization of health care services.

Agenda. The Committee will discuss the immediate future of the Committee; the Cooperative Health Statistics System budget; the model Health Statistics Act; and the regional meetings of the CHSS. Reports will be received and reviewed from the Committee's task forces on Cost-Sharing and Applied Statistics Training Institute and the Technical Consultant Panel on Component Integration and Organizational Structure. In addition, there will be a report on the activities of the United States National Committee on Vital and Health Statistics.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should contact Mr. James A. Smith, National Center for Health Statistics, Room 2-12, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-7122.

Agenda items are subject to change as priorities dictate.

Dated: October 3, 1977.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.77-29989 Filed 10-13-77;8:45 am]

[4110-83]

ADVISORY COMMITTEES

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of October 1977:

Name: NATIONAL COUNCIL ON HEALTH PLANNING AND DEVELOPMENT

Date and Time: October 21, 1977, 9:00 a.m.—5:00 p.m. 7:00 p.m.—Adjournment; October 22, 1977, 8:30 a.m.

Place: Room 727A, South Portal Building, 200 Independence Avenue SW., Washington, D.C. 20201

Open for entire meeting.

Purpose. The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to (1) the development of national guidelines under section 1501 of Pub. L. 93-641, (2) the implementation and administration of Title XV and XVI of Pub. L. 93-641, and (3) an evaluation of the implications of new medical technology for the organization, delivery and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Agenda. Agenda items include: (1) Review of the development of health planning program, (2) report on national guidelines for health planning, and (3) considerations of potential statutory changes.

The meeting is open to the public for observation. A portion of the meeting will be available for comments and public participation. Anyone wishing to participate, obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. Daniel I. Zwick, Office of Planning, Evaluation and Legislation, Room 10-22, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, Telephone 301-436-7270.

Agenda items are subject to change as priorities dictate.

Dated: October 11, 1977.

DORIS F. DROKE,
Acting Associate Administrator for Operations and Management.

NOTE.—The original notice of meeting signed September 30, 1977, listed only October 21, 1977, 9:00 a.m., was lost in the mail, thereby reducing time of public notice.

[FR Doc.77-30016 Filed 10-13-77;8:45 am]

[4110-08]

National Institutes of Health

ADVISORY COMMITTEES

Open Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of

Health, 9000 Rockville Pike, Bethesda, Md. 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014 (301–496–5708), will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

Name of Committee: Chemical Selection Subgroup of the Clearinghouse on Environmental Carcinogens.
Dates: November 1, 1977; 8:30 a.m.—adjournment.
Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To consider chemicals for bioassay and other matters relevant to chemical selection.
Executive Secretary: Dr. J. Dan Recer; address: Building 31, Room 4B35, National Institutes of Health; phone 301–496–2083.
Name of Committee: Experimental Design Subgroup of the Clearinghouse on Environmental Carcinogens.
Dates: November 2, 1977; 8:30 a.m.—adjournment.
Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To discuss experimental design for bioassay and other matters relevant to experimental design.
Executive Secretary: Dr. J. Dan Recer; Address: Building 31, Room 4B35, National Institutes of Health; Phone 301–496–2083.
Name of Committee: Data Evaluation and Risk Assessment Subgroup of the Clearinghouse on Environmental Carcinogens.
Dates: November 28, 1977; 8:30 a.m.—adjournment.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To review available bioassay reports and other matters relevant to data evaluation and risk assessment.
Executive Secretary: Dr. James M. Sontag; Address: Building 31, Room 3A16, National Institutes of Health; Phone 301–496–5108.

Dated: September 27, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 77–29858 Filed 10–13–77;8:45 am]

[4110–08]

COMMITTEE ON CANCER IMMUNODIAGNOSIS

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Committee on Cancer Immunodiagnosis, National Cancer Institute, National Institutes of Health, October 25, 1977, which was published in the FEDERAL REGISTER on September 9, 1977 (42 FR 45381). This meeting is cancelled because no contract proposals are scheduled for review at this time.

Dated: October 4, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–29857 Filed 10–13–77;8:45 am]

[4110–08]

COMMITTEE ON CANCER IMMUNOTHERAPY

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, November 17, 1977, Building 10, Room 4B14, National Institutes of Health. This meeting will be open to the public on November 17, 1977, from 1:15 p.m. to 1:45 p.m., to consider administrative details. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 17, 1977, from 1:45 p.m. to adjournment, for the review, discussion, and evaluation of individual contract proposals. These proposals and the discussions could reveal personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014 (301–496–5708), will provide a summary of the meeting and a roster of committee members.

Dr. George M. Steinberg, Executive Secretary, National Cancer Institute, Building 10, Room 4B09, National Institutes of Health, Bethesda, Md. 20014 (301–496–1791), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.395, National Institutes of Health.)

Dated: September 29, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–29861 Filed 10–13–77;8:45 am]

[4110–08]

GENERAL CLINICAL RESEARCH CENTERS COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the General Clinical Research Centers Committee, Division of Research Resources, November 14 and 15, 1977, Conference Room 9, Building 31C, National Institutes of Health, Bethesda, Md. 20014.

The meeting will be open to the public on November 14, 1977, from 9 a.m. to 11 a.m., to discuss administrative matters. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 14, from 11 a.m. to 5 p.m, and on November 15, from 9 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the application.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Building 31, Bethesda, Md. 20014 (301–496–5545), will provide summaries of the meeting and rosters of the Committee members. Dr. Ephraim Y. Levin, Executive Secretary of the General Clinical Research Centers Committee, Room 5B51, Building 31, National Institutes of Health, Bethesda, Md. 20014 (301–496–6595), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.333, National Institutes of Health.)

Dated: September 29, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–29854 Filed 10–13–77;8:45 am]

[4110–08]

NATIONAL DIABETES ADVISORY BOARD

Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Diabetes Advisory Board on October 18–19, 1977, which was published in the FEDERAL REGISTER on September 2, 1977, 42 FR 44290.

The location of the meeting has been changed from the South Portal Building to Conference Room 5051, HEW-North Building of Health, Education, and Welfare, at 330 Independence Avenue SW., Washington, D.C. The Executive Committee of the Board was to have convened at 8:30 a.m., but has been changed to 3:30–7 p.m., on October 18. The Board meeting remains as scheduled, 8:30 a.m. to 5 p.m., on October 19.

Mr. Raymond M. Kuehne, Executive Director of the Board, P.O. Box 30174, Bethesda, Md. 20014 (301–496–6045), will provide summaries of the meeting.

Dated: October 6, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–29853 Filed 10–13–77;8:45 am]

[4110–08]

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 November 16, 1977, 8:30 a.m. to 5 p.m., in Conference Room 5051, HEW-North Building of Health, Education, and Welfare, at 330 Independence Avenue SW., Washington, D.C.

The meeting, which will be open to the public, is 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.

Mr. Raymond M. Kuehne, Executive Director of the Board, P.O. Box 30174, Bethesda, Md. 20014 (301–496–6045), will provide summaries of the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health.)

Dated: September 26, 1977.

SUZANNE L. FREMEAU,
Committee Managemnt Officer,
National Institutes of Health.

[FR Doc.77–29851 Filed 10–13–77;8:45 am]

[4110–08]

NEUROLOGY A STUDY SECTION

Amended Notice of Meeting

Notice is hereby given of a change in the meeting date of the Neurology A Study Section, Division of Research Grants, which was published in the FEDERAL REGISTER on September 9, 1977 (42 FR 45382–84).

The Neurology A Study Section was to have met November 3–5, 1977, but will meet November 2–5, 1977, at 9 a.m., at the Los Angeles Hilton, Los Angeles, Calif., the same time and location for which it was originally scheduled.

The meeting will be open to the public for approximately one hour at the beginning of the first session of the first day of the meeting.

Dated: October 6, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–29856 Filed 10–13–77;8:45 am]

[4110–08]

PRIMATE RESEARCH CENTERS ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Primate Research Centers Advisory Committee, Division of Research Resources, November 9, 1977, Conference Room 8, Bldg. 31, National Institutes of Health, Bethesda, Md. 20014.

The meeting will be open to the public on November 9 from 8:30 to 12 noon, during which time there will be a brief staff presentation on the current status of the Primate Research Centers Program. The Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 9 from 12:00 noon to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, Md. 20014, (301) 496–5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Dennis O. Johnsen, Executive Secretary of the Primate Research Centers Advisory Committee, Room 5B55, Bldg. 31, National Institutes of Health, Bethesda, Md. 20014, (301) 496–5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, National Institutes of Health.)

Dated: September 29, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–29855 Filed 10–13–77;8:45 am]

[4110–08]

RECOMBINANT DNA MOLECULE PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Recombinant DNA Molecule Program Advisory Committee at the Linden Hill Hotel, Terrace Room, 5400 Pooks Hill Rd., Bethesda, Md. 20014 on October 31, 1977 and November 1, 1977 from 9 a.m. to 5 p.m.

The entire meeting will be open to the public for consideration of proposed revisions of the NIH Guidelines for Research Involving Recombinant DNA Molecules, and other matters requiring necessary action by the Committee. Attendance by the public will be limited to space available.

Dr. William J. Gartland, Executive Secretary, Recombinant DNA Molecule Program Advisory Committee, National Institutes of Health, Building 31, Room 4A52, telephone 301–496–2323, will provide summaries of the meeting, rosters of committee members and substantive program information.

Dated: October 3, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–29852 Filed 10–13–77;8:45 am]

[4110–08]

REPORT ON BIOASSAY OF TETRACHLOROETHYLENE FOR POSSIBLE CARCINOGENICITY

Availability

Tetrachloroethylene has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: The bioassay of U.S.P. (United States Pharmacopoeia)-grade tetrachloroethylene for possible carcinogenicity was conducted using Osborne-Mendel rats and B6C3F1 mice. Tetrachloroethylene in corn oil was administered by gavage at either of two dosages to groups of 50 male and 50 female animals of each species, 5 days a week, over a period of 78 weeks followed by an observation period of 32 weeks for rats and 12 weeks for mice.

Initial dosage levels for the chronic bioassay were selected on the basis of a preliminary subchronic toxicity test. Subsequent dosage adustments were made during the course of the chronic bioassay. The high and low time-weighted average dosages of tetrachloroethylene in the chronic study were 941 and 471 mg/kg/day for the male rats, 949 and 474 mg/kg/day for the female rats, 1072 and 536 mg/kg/day for the male mice, and 772 and 386 mg/kg/day for the female mice.

For each species, 20 animals of each sex were placed on test as vehicle controls. These animals were gavaged with corn oil at the same time that dosed animals were gavaged with tetrachloroethylene mixtures. Twenty animals of each sex were placed on test as untreated controls for each species. These animals received no gavage treatments.

No significant increased incidence of neoplastic lesions was observed in treated rats. In both dosed and control rats, respiratory disease was observed with increasing frequency for the latter part of the first year until termination of the bioassay. Lesions indicative of pneumonia were observed in nearly all rats at necropsy. A high incidence of toxic nephropathy was observed in treated rats. Toxic nephropathy was noted in rats that died early in the study (as early as week 20 for male rats and week 28 for female rats). Mortality of rats was dose-related. Fifty percent of the high dose males had died by week 44 and 50 percent of the high dose females had died by week 66.

In both male and female mice, administration of tetrachloroethylene was associated with a significantly increased incidence of hepatocellular carcinoma. Hepatocellular carcinomas were observed in $^{2}/_{17}$ (12 percent) untreated control males, $^{2}/_{20}$ (10 percent) vehicle control males, $^{32}/_{49}$ (65 percent) low dose males, $^{27}/_{48}$ (56 percent) high dose males, $^{2}/_{20}$ (10 percent) untreated control females, $^{0}/_{20}$ vehicle control females, $^{19}/_{48}$ (40 percent) high dose females. Hepatocellular carcinomas metastasized to the kidney in one untreated control male and to the lung in three low dose males, one low dose female, and one high dose female. Toxic nephropathy, similar to that observed in rats, was also observed in treated but not control mice.

Fisher exact tests indicated a highly significant increased incidence of hepatocellular carcinoma for each dosed group compared to each control group.

Cochran-Armitage tests showed a highly significant positive association between increased dosage and elevated tumor incidence. Time-adjusted analyses, based on Kaplan and Meier survival curves, indicated that the estimated probability of observing hepatocellular carcinoma by week 91 was 1.00 in a dosed male mouse and 0.938 in a dosed female mouse.

Under the conditions of this study, tetrachloroethylene is a liver carcinogen in B6C3F1 mice of both sexes. The bioassay of Osborne-Mendel rats, however, is considered an inadequate test for carcinogenicity due to the high rate of early deaths among rats treated with tetrachloroethylene.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Dated: October 3, 1977.

DONALD S. FREDRICKSON,
Director National Institutes of Health.

[FR Doc.77-29849 Filed 10-13-77;8:45 am]

[4110-08]

RESEARCH MANPOWER REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, November 11, 1977, Conference Room C, 428 Landow Building, 7910 Woodmont Ave., Bethesda, Md.

This meeting will be open to the public on November 11, 1977 from 8 a.m. to approximately 9 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 11, 1977 from 9 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Md. 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Charles L. Turbyfill, Executive Secretary, NHLBI, NIH, Room 553, Westwood Building, Bethesda, Maryland 20014, phone (301) 496-7351, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, National Institutes of Health.)

Dated: September 29, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-29862 Filed 10-13-77;8:45 am]

[4110-08]

REVIEW OF CONTRACT PROPOSALS AND GRANT APPLICATIONS

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual contract proposals and grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014 (301-496-5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, unless otherwise stated.

Name of Committee: National Pancreatic Center Project Working Cadre.
Dates: November 2, 1977; 8:30 a.m.—adjournment.
Place: Continental Plaza Hotel, (Windsor Room), 909 N. Michigan Ave., Chicago, Ill.
Times: Open: November 2, 8:30 a.m.-9:30 a.m. Closed: November 2, 9:30 a.m.—adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Dr. William Straile; Address: Westwood Building, Room 853, National Institutes of Health, Phone 301-496-7194.

(Catalog of Federal Domestic Assistance Number 13.393, 13.394, 13.395, National Institutes of Health.)

Name of Committee: Cancer Clinical Investigation Review Committee.
Dates: November 7-9, 1977; 9 a.m.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Times: Open: November 7, 9 a.m.-10 a.m. Open: November 8, 8:30 a.m.-12 noon.
Agenda/Open portion: (November 8) A minisymposium on staging—clinical, operative, pathologic: Closed: November 7, 10 a.m.-5 p.m.; Closed: November 8, 12 noon-5 p.m.; Closed: November 9, 8:30 a.m.—adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Mr. C. W. White; Address: Landow Building, Room C809, National Institutes of Health, phone 301-496-4471.

(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)

Name of Commitee: Cancer Control Community Activities Review Committee.
Dates: November 10-11, 1977; 8:30 a.m.
Place: Building 31C, Conference Room 10, National Institutes of Health.
Times: Open: November 10, 8:30 a.m.-9 a.m.; November 10, 2 p.m.-5 p.m.; November 11, 8:30 a.m.—adjournment.
Closed: November 10, 9 a.m.-2 p.m.
Closure reason: To review research contract proposals and grant applications.
Executive secretary: Dr. Robert F. Browning; Address: Blair Building, Room 7A07, National Institutes of Health; phone 301-427-7944.

(Catalog of Federal Domestic Assistance Number 13.399, National Institutes of Health.)

Name of Committee: Combined Modality Committee.
Dates: November 14-15, 1977; 8:30 a.m.
Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open: November 14, 8:30 a.m.-9 a.m.; Open: November 15, 8:30 a.m.-9 a.m.; Closed: November 14, 9 a.m.-5 p.m.; Closed: November 15, 9 a.m.—adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. Daniel Kisner; Address: Landow Building, Room C808, National Institutes of Health, phone 301-496-2522.

(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)

Name of Committee: Development Therapeutics Committee.
Dates: November 16, 1977; 9:30 a.m.—adjournment.
Place: Blair Building, Room 110, 8300 Colesville Rd., Silver Spring, Md. 20910.
Times: Open: November 16, 9:30 a.m.—12 noon.
Agenda/Open portion: Discussion of the Developmental Therapeutics Program and orientation of new members of the role of the committee in the review of contracts. Closed: November 16, 1:30 p.m.—adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. J. A. R. Mead; Address: Blair Building, Room 5A03A, National Institutes of Health, phone 301-427-7263.

(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)

Name of Committee: Cancer Control Prevention, Detection, Diagnosis, and Pretreatment Evaluation Review Committee.

Dates: November 17–18, 1977; 8:30 a.m.
Place: Blair Building, Conference Room 110, 8300 Colesville Rd., Silver Spring, Md. 20910.
Times: Open: November 17, 8:30 a.m.–2 p.m.; Closed: November 17, 2 p.m.–5 p.m.; Closed: November 18, 8:30 a.m.—adjournment.
Closure reason: To review research contract proposals and grant applications.
Executive secretary: Dr. Veronica Conley; Address: Blair Building, Room 7A07, National Institutes of Health, phone 301–427–7941.

(Catalog of Federal Domestic Assistance Number 13.399, National Institutes of Health.)

Name of Committee: Cancer Center Support Grant Review Committee.
Dates: November 18–19, 1977; 8:30 a.m.
Place: Building 31B, Conference Room 6, National Institutes of Health.
Times: Open: November 18, 8:30 a.m.–10 a.m.; Closed: November 18, 10 a.m.–6 p.m.; Closed: November 19, 8:30 a.m.—adjournment.
Closure reason: To review research grant applications.
Executive secretary: Dr. Robert L. Manning; Address: Westwood Building, Room 803, National Institutes of Health, phone 301–496–7721.

(Catalog of Federal Domestic Assistance Number 13.397, National Institutes of Health.)

Dated: September 29, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–29860 Filed 10–13–77;8:45 am]

[4110–08]

TWELFTH ANNUAL JOINT WORKING CONFERENCE OF THE VIRUS CANCER PROGRAM

Meeting

Notice is hereby given of the Twelfth Annual Joint Working Conference of the Virus Cancer Program, Hershey Motor Lodge, Hershey, Pa., November 2, 3, 4, 1977.

This meeting will be open to the public from 9:00 a.m. to 5:30 p.m. November 2 and 3 and from 9 a.m. to 12:30 p.m. November 4, 1977 for presentation of scientific papers. Attendance by the public will be limited to space available.

For additional information, please contact: Louis R. Sibal, Ph.D., Building 37, Room 1A15, Division of Cancer Cause and Prevention, National Cancer Institute, National Institutes of Health, Bethesda, Md. 20014, (301) 496–2796.

Dated: September 26, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–29859 Filed 10–13–77;8:45 am]

[4110–02]

Office of Education

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

AGENCY: Office of Education National Advisory Council on Women's Educational Programs.

ACTION: Notice of public hearing.

SUMMARY: This notice sets forth the schedule of a forthcoming hearing on the educational needs of displaced homemakers, single parents and older women, sponsored by the National Advisory Council on Women's Educational Programs. It also describes the functions of the Council. This document is intended to notify the public of their opportunity to attend.

DATE: October 28, 1977, 9:00 a.m. to 3:00 p.m.

ADDRESS: University of Nebraska at Omaha, Milo Bail Student Center, Room 314.

FOR FURTHER INFORMATION CONTACT:

Carol Eliason, American Association of Community and Junior Colleges, One Dupont Circle, Suite 410, Washington, D.C. 20036. Telephone: 202–293–7050.

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 hearing on the educational needs of displaced homemakers, single parents and older women is being coordinated by the American Association of Community and Junior Colleges under contract to the National Advisory Council on Women's Educational Programs. It will be open to the public. Persons wishing to make oral presentations or to submit testimony should contact Carol Eliason, American Association of Community and Junior Colleges, One Dupont Circle, Suite 410, Washington, DC 2036. Telephone: (202) 293–7050.

Signed at Washington, D.C., on October 11, 1977.

KATHLEEN MAURER,
Administrative Officer.

[FR Doc.77–30014 Filed 10–13–77;8:45 am]

[4210–01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–577; FDAA–3044–EM]

GEORGIA

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Georgia (FDAA–3044–EM), dated July 20, 1977.

DATED: September 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, (202–634–7825).

NOTICE: The Notice of emergency for the State of Georgia dated July 20, 1977, and amended on July 25, 1977, August 8, 1977, and August 16, 1977, is hereby further amended to include the following counties among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of July 20, 1977:

The Counties of:

Baker	Chatham
Banks	Effingham
Bryan	Tattnall
Bulloch	

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned areas effective the date of this amended Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

WILLIAM E. CROCKETT,
Acting Administrator Federal Disaster Assistance Administration.

[FR Doc.77–29954 Filed 10–13–77;8:45 am]

[4210–01]

[Docket No. NFD–573; FDAA–539–DR]

KANSAS

Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Kansas (FDAA–539–DR), dated September 20, 1977, and related determinations.

DATE: September 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development Washington, D.C. 20410 (202–634–7825).

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on September 20, 1977, the President declared a major disaster as follows:

I have determined that the situation in certain areas of the State of Kansas resulting from severe storms and flooding beginning about September 11, 1977, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of Kansas.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Francis X. Tobin of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared major disaster. As Federal Coordinating Officer, he is authorized to: (1) Establish an Office of the Federal Coordinating Officer; (2) form emergency support teams of Federal personnel to be deployed in the area affected by this major disaster; and (3) issue mission assignments to other Federal agencies for logistical support of the Office of the Federal Coordinating Officer, Disaster Assistance Centers, and emergency support teams. He is further authorized to obligate funds from the President's Disaster Relief Fund for the accomplishment of the above-listed functions.

I do hereby determine the following areas to have been adversely affected by this decleared major disaster.

The counties of:

Atchison	Johnson
Brown	Leavenworth
Doniphan	Nemaha
Jackson	Shawnee
Jefferson	Wyandotte

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.77–29955 Filed 10–13–77;8:45 am]

[4210–01]

[Docket No. NFD–576; FDAA–538–DR]

MISSOURI

Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Missouri (FDAA–538–DR), dated September 14, 1977, and related determinations.

DATE: September 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202–634–7825).

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on September 14, 1977, the President declared a major disaster as follows:

I have determined that the situation in certain areas of the State of Missouri resulting from severe storms and flooding beginning about September 11, 1977, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of Missouri.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Francis X. Tobin of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared major disaster. As Federal Coordinating Officer, he is authorized to: (1) Establish an Office of the Federal Coordinating Officer; (2) form emergency support teams of Federal personnel to be deployed in the area affected by this major disaster; and (3) issue mission assignments to other Federal agencies for logistical support of the Office of the Federal Coordinating Officer, Disaster Assistance Centers, and emergency support teams. He is further authorized to obligate funds from the President's Disaster Relief Fund for the accomplishment of the above-listed functions.

I do hereby determine the following areas to have been adversely affected by this declared major disaster.

The counties of:

Clay	Platte
Jackson	Ray
Lafayette	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77–29956 Filed 10–13–77;8:45 am]

[4210–01]

[Docket No. NFD–579; FDAA–3050–EM]

MONTANA

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Montana (FDAA–3050–EM), dated August 22, 1977.

DATE: September 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202–634–7825).

NOTICE: The Notice of emergency for the State of Montana dated August 22, 1977, and amended on September 1, 1977, is hereby further amended to include the following counties among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of August 22, 1977:

The counties of:

Lincoln	Teton
Missoula	

The purpose of this designation is to provide emergency livestock feed and cattle transportation assistance only in the aforementioned affected areas effective the date of this amended Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.77–29957 Filed 10–13–77;8:45 am]

[4210–01]

[Docket No. NFD–578; FDAA–3049–EM]

NORTH CAROLINA

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of North Carolina (FDAA–3049–EM), dated August 11, 1977.

DATE: September 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202–634–7825).

NOTICE: The Notice of emergency for the State of North Carolina dated August 11, 1977, and amended on August 16, 1977, August 23, 1977, August 24, 1977, August 26, 1977, August 30, 1977, and September 1, 1977, is hereby further amended to include the following counties among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of August 11, 1977:

The counties of:

Bladen Edgecombe
Burke

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective the date of this amended Notice.

(Catalog of Federal Domestic Assistance No. 14.701 Disaster Assistance.)

WILLIAM E. CROCKET,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.77–29958 Filed 10–13–77;8:45 am]

[4210–01]

[Docket No. NFD–574 FDAA–3016–EM]

NORTH DAKOTA

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of North Dakota (FDAA–3016–EM), dated July 21, 1976.

DATE: September 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202–634–7825).

NOTICE: The Notice of emergency for the State of North Dakota dated July 21, 1976, and amended on December 30, 1976, March 1, 1977, April 26, 1977, and June 14, 1977, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of July 21, 1976:

The counties of:

Burleigh Grant

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective the date of this amended Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77–29959 Filed 10–13–77;8:45 am]

[4210–01]

[Docket No. NFD–575; FDAA–3015–EM]

SOUTH DAKOTA

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of South Dakota (FDAA–3015–EM), dated June 17, 1976.

DATE: September 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202–634–7825).

NOTICE: The Notice of emergency for the State of South Dakota dated June 17, 1976, and amended on July 8, 1976, October 18, 1976, January 27, 1977, February 15, 1977, June 14, 1977, June 17, 1977, and August 30, 1977, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The counties of:

Meade Perkins

The purpose of this designation is to provide emergency cattle transportation assistance in the aforementioned affected areas effective June 17, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77–29960 Filed 10–13–77;8:45 am]

[4210–01]

[Docket No. NFD–580; FDAA–3046–EM]

VIRGINIA

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Virginia (FDAA–3046–EM), dated July 25, 1977.

DATE: September 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202–634–7825).

NOTICE: The Notice of emergency for the State of Virginia dated July 25, 1977, and amended on August 1, 1977, August 16, 1977, August 18, 1977, and September 1, 1977, is hereby further amended to include the following counties among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of July 23, 1977:

The counties of:

Bedford Grayson
Floyd Lunenberg

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective the date of this amended Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.77–29961 Filed 10–13–77;8:45 am]

[4310–84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COMMERCIAL WHITEWATER USE OF THE SOUTH FORK AMERICAN, MERCED AND STANISLAUS RIVERS

Allocation Meeting for 1978 Use Season

A meeting will be held for all interested commercial whitewater outfitters on Saturday, November 5, 1977, at 12:30 p.m. This meeting will be held at the Fol-

som District Office, Bureau of Land Management, 63 Natoma Street, Folsom, Calif 95630. At this meeting commercial allocation for the 1978 use season will be made for the Merced and Stanislaus Rivers. Allocation may also be made for commercial use of public lands along the South Fork of the American River. Those desiring to obtain a commercial use permit for one or all of the above listed rivers must attend this meeting and be prepared to sign an application and submit a $10.00 (ten dollar) filing fee. Applications will be available at the meeting. Due to the limited number of permits than can be issued, failure to attend this meeting by an outfitter or his designated representative will preclude that outfitter from obtaining a commercial whitewater use permit on the Merced or Stanislaus River as well as the use of public lands along the South Fork of the American River for the 1978 use season. Questions regarding this meeting may be directed by telephone to (916) 985-4474 or written to the above stated address.

PERRY G. FRANCIS,
Acting District Manager.

[FR Doc.77-30012 Filed 10-13-77;8:45 am]

[4310-84]

CRAIG, MONTROSE, CANON CITY-GRAND JUNCTION TEAM LEADERS BRANCH OF ADJUDICATION, DIVISION OF TECHNICAL SERVICES COLORADO STATE OFFICE

Redelegation of Authority; Correction

OCTOBER 7, 1977.

The redelegation of authority published September 15, 1977, in the FEDERAL REGISTER (42 FR 46418) is hereby corrected to read as follows: 1. Pursuant to the authority contained in redelegation of authority, published in FEDERAL REGISTER, 42 FR 41484, No. 159—Wednesday, August 17, 1977 (FR Doc. 77-23635 Filed 8-16-77; 8:45 a.m.). I hereby redelegate to the Leaders, Craig, Montrose, and Canon City-Grand Junction Teams, Branch of Adjudication, in the Division of Technical Services, authority to take action on the following matters: Sections 1.2 (b) and (e), 1.3(a), 1.5 (b) and (c), 1.6 (a) through (l), and 1.9 (a) through (f), (h) through (s), (u), (x), and (y) of Part I of the Bureau Order No. 701, of July 23, 1964, as amended.

2. *Effective date.* This redelegation will become effective October 15, 1977.

THOMAS HARDIN,
Chief, Branch of Adjudication.

Approved:
DALE R. ANDRUS,
State Director.

[FR Doc.77-29990 Filed 10-13-77;8:45 am]

[4310-84]

IDAHO

Filing of Plats of Survey

1. Plats of survey of the lands described below will be officially filed at the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective at 10:00 a.m. on November 16, 1977:

BOISE, MERIDIAN, IDAHO

T. 12 N., R. 15 E., unsurveyed Tract 39
T. 12 N., R. 16 E., unsurveyed
Sec. 34, Lot 1
Sec. 35, Lots 1 and 2
T. 12 N., R. 17 E., unsurveyed
Sec. 31, Lots 1 to 8 inclusive

2. The land in unsurveyed T. 12 N., R. 15 E., represents a dependent resurvey of a portion of Mineral Survey 2406, Idaho Placer, and the survey of Tract 39, executed at the request of Region IV, U.S. Forest Service to accommodate Land Exchange I-9364.

3. Both T. 12 N., R. 16 & 17 E. are embraced in the Challis National Forest. The lands involve a dependent resurvey of boundaries to restore corners in their original location according to the best available evidence and surveys of subdivisional lines. Survey performed at the request of and with funds provided by the Tuscarora Mining Company.

ROSE GASTELL,
Chief, Branch of Records, Boise, Idaho.

[FR Doc.77-29991 Filed 10-13-77;8:45 am]

[4310-84]

[NM 31870]

NEW MEXICO

Transfer of Jurisdiction of Acquired Indian Lands

1. Pursuant to Pub. L. 94-114 (89 Stat. 577) and Section 2 thereof, the lands described in paragraph three of this notice, together with all minerals underlying these lands, whether acquired or otherwise owned by the United States, are hereby declared to be held by the United States in trust for the use and benefit of the Navajo Tribe of Indians of New Mexico. These lands were submarginal lands acquired under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and Section 55 of the Act of August 24, 1935 (49 Stat. 750; 781). This notice is issued under the authority delegated to me by Bureau Order No. 701, dated July 23, 1946, as amended.

2. One existing mineral lease, which has been issued on a portion of this land will remain in force and effect in accordance with the terms and provisions of the Act under which the lease was issued. The lease file will be transferred to the Office of the Area Director, Bureau of Indian Affairs, Window Rock, Ariz. Future rentals for this lease will be paid to and collected by that office. Jurisdiction of this mineral lease is transferred from the Bureau of Land Management to the Bureau of Indian Affairs in trust for the Navajo Tribe of Indians.

3. NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 13 N., R. 17 W.,
Sec. 7, lots 1, 2, 3, 4, NE¼ and E½W½;
Sec. 16, E½;
Sec. 18, lots 3, 4 and E½SW¼;
Sec. 20, SW¼;
Sec. 21, E½;
Sec. 22, S½SW¼NW¼, W½SW¼, NE¼SW¼, W½SE¼SW¼, S½SW¼NE¼, E½SE¼SW¼, N½SE¼, NW¼SE¼SE¼, N½SW¼SE¼ and SW¼SW¼SE¼.
Sec. 23, SE¼;
Sec. 25, all;
Sec. 27, S½N½ and SE¼;
Sec. 28, NE¼, E½NW¼ and N½SE¼;
Sec. 30, lots 1, 2, SE¼NE¼, SE¼SW¼ and SE¼;
Sec. 32, NE¼SW¼, W½SE¼ and SE¼SE¼;
Sec. 33, E½ and E½W½;
Sec. 35, all.
T. 12 N., R. 18 W.,
Sec. 2, lots 1, 2, 3, 4, S½N½, SE¼ and SW¼;
Sec. 3, lots 3, 4, S½NW¼ and SW¼;
Sec. 4, lots 1, 2, 3, 4 and S½N½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1, 2 and S½NE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 8, N½, S½SW¼ and W½SE¼;
Sec. 9, all;
Sec. 10, NE¼ and W½;
Sec. 19, lots 1, 2, NE¼ and E½NW¼;
Sec. 20, N½NE¼;
Sec. 28, S½SW¼ and SE¼;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 32, all;
Sec. 33, all.
T. 13 N., R. 18 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1, 2, S½NE¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, SW¼;
Sec. 13, all;
Sec. 15, all;
Sec. 17, all;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 3, 4 and E½SW¼;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, N½NW¼, SW¼NW¼ and NW¼SW¼;
Sec. 27, all;
Sec. 28, E½;
Sec. 29, all;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 33, all;
Sec. 34, S½;
Sec. 35, NW¼ and S½.
T. 14 N., R. 18 W.,
Sec. 8, NE¼ and E½NW¼.
T. 11 N., R. 19 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 9, all;
Sec. 11, all;
Sec. 13, all;
Sec. 14, NE¼, NE¼NW¼, S½NW¼ and SW¼;
Sec. 15, all;
Sec. 17, all.

T. 12 N., R. 19 W.,
Sec. 1, lots 1, 2, 3, 4 and S½N½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 5, lots 1, 2, S½NE¼ and S½;
Sec. 7, lots 1, 3, 4, NE¼NE¼, S½NE¼, E½SW¼ and SE¼;
Sec. 9, all;
Sec. 11, all;
Sec. 13, N½, N½SW¼ and E½SE¼;
Sec. 15, E½NE¼ and S½;
Sec. 17, NW¼ and S½;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 21, W½;
Sec. 22, all;
Sec. 23, all;
Sec. 25, all;
Sec. 27, all;
Sec. 28, E½;
Sec. 29, all;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 33, all;
Sec. 35, N½NE¼, SW¼NE¼, NW¼, NW¼SW¼, S½SW¼ and S½SE¼;
Sec. 36, N½.
T. 13 N., R. 19 W.,
Sec. 1, lots 1, 2, S½NE¼ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 9, W½E½ and W½;
Sec. 11, all;
Sec. 13, all;
Sec. 15, all;
Sec. 19, lots 1, 2, NE¼ and E½NW¼;
Sec. 21, all;
Sec. 23, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, W½;
Sec. 28, all;
Sec. 29, all;
Sec. 30, lots 3, 4, E½SW¼ and SE¼;
Sec. 31, lots 1, 2, 3, 4, N½NE¼, SW¼NE¼, E½W½ and NW¼SE¼;
Sec. 32, N½, NE¼SW¼ and SE¼;
Sec. 33, N½ and SW¼;
Sec. 34, all;
Sec. 35, N½ and SE¼;
Sec. 36, all.
T. 14 N., R. 19 W.,
Sec. 14, NW¼;
Sec. 26, NE¼.
T. 12 N., R. 20 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 3, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 4, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6 lots 6, 7, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 13, N½NE¼, SW¼NE¼, NW¼ and SE¼SE¼;
Sec. 15, N½NE¼, W½ and S½SE¼;
Sec. 17, all;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 21, all;
Sec. 23, NW¼NE¼, N½NW¼, SW¼NW¼ and S½;
Sec. 25, S½;
Sec. 27, all;
Sec. 35, all.
T. 13 N., R. 20 W.,
Sec. 31, E½;
Sec. 33, all;
Sec. 34, N½ and SE¼;
Sec. 35, all.
T. 12 N., R. 21 W.,
Sec. 12, all.

Containing a total of 69,627.24 acres.

ARTHUR W. ZIMMERMAN,
State Director.

[FR Doc.77-29992 Filed 10-13-77;8:45 am]

[4310-84]

OUTER CONTINENTAL SHELF NORTH ATLANTIC

Proposed Oil and Gas Lease Sale—No. 42 Oil and Gas Leasing

In connection with oil and gas leasing on the Outer Continental Shelf, the Secretary of the Interior has established a new policy relating to sale notices to further and enhance consultation with the affected coastal States. That policy includes providing the affected States with the opportunity to review the draft proposed sale notice prior to it's final publication in the FEDERAL REGISTER. The following is a draft sale notice for proposed Sale No. 42 in the offshore waters of the North Atlantic area. This notice is hereby published as a matter of information to the public.

GEORGE L. TURCOTT,
Acting Director,
Bureau of Land Management.

Approved: October 7, 1977.

CECIL D. ANDRUS,
Secretary of the Interior.

DRAFT SALE NOTICE

1. *Authority.* This notice is published pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343) and the regulations issued thereunder (43 CFR Part 3300).

2. *Filing of bids.* Sealed bids will be received by the Manager, New York Outer Continental Shelf (OCS) Office, Bureau of Land Management, either in person or by mail, for the oil and gas lease sale on tracts described in paragraph 13 herein, and located in the North Atlantic Outer Continental Shelf. Bids may be delivered either by mail or in person to the Federal Building, Suite 32–120, 26 Federal Plaza, New York, N.Y. 10007, until 4:30 p.m., e.s.t., January , 1978, or by personal delivery to (sale site to be announced) between the hours of 8:30 a.m., e.s.t. and 9:30 a.m., e.s.t., January , 1978. Bids received by the Manager other than during the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager before 9:30 a.m., e.s.t., January , 1978. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 42 FR 54881, October 11, 1977.

3. *Method of bidding.* A seperate bid in a sealed envelope must be submitted for each tract and be labeled "Sealed Bid for Oil and Gas Lease (insert number of tract); not to be opened until 10 a.m., e.s.t., January __, 1978." A suggested bid format appears in paragraph 17. Bidders are advised that tract numbers are assigned solely for administrative purposes during this sale and are not the same as block numbers found on OCS Official Protraction Diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash, cashiers check, certified check, bank draft, or money order payable to the order of the Bureau of Land Management. No bid for less than a full tract described in paragraph 13 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder in a percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is qualified under 43 CFR 3302. The form for this statement appears in paragraph 18. Other documents required of bidders are listed under 43, CFR 3302.4. Bidders are warned against violation of 18 USC 1860, prohibiting unlawful combination or intimidation of bidders.

4. *Royalty bidding.* Bids on the following tracts must be submitted on a royalty bid basis with a fixed cash bonus as indicated. Leases which may be awarded on a royalty bid basis will provide for a yearly rental or minimum royalty payment of $8 per hectare[1] or fraction thereof. All royalty bids must be expressed in a percent to a maximum of five decimal places. Although a percentage could be expressed in other ways, it is requested that it be written as it is in the following example: 21.75698%. A suggested royalty bid form is shown in paragraph 17(a).

(a) A fixed cash bonus of ____ per hectare will be required on tracts 42– (tracts and terms to be listed).

(b) A fixed cash bonus of ____ per hectare will be required on tracts 42– (tracts and terms to be listed).

(c) A fixed cash bonus of ____ per hectare will be required on tracts 42– (tracts and terms to be listed).

(d) A fixed cash bonus of ____ per hectare will be required on tracts 42– (tracts and terms to be listed).

5. *Bonus bidding.* Bids on the remaining tracts to be offered at this sale must be on a cash bonus bid basis with a fixed royalty of 16⅔ percent. Leases which may be issued will provide for a yearly rental payment or minimum royalty payment of $8 per hectare or fraction thereof. A suggested cash bonus bid form is shown in paragraph 17(b).

6. *Equal opportunity.* Each bidder must have submitted by 9:30 a.m., e.s.t., January __, 1978, the certification required by 41 CFR 60–1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140–8 (November 1973), and the Affirmative Action Representation Form, Form 1140–7 (December 1971).

7. *Bid opening.* Bids will be opened on January __, 1978, beginning at 10 a.m., e.s.t., in the (sale site), at the address stated in paragraph 2. The opening of

[1] One Hectare equals 2.471 acres.

bids is for the sole purpose of publicly announcing and recording bids received; no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight January __, 1978, that bid will be returned unopened to the bidder as soon thereafter as possible.

8. *Deposit of payments.* Any cash, cashiers checks, certified checks, bank drafts, or money orders submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

9. *Withdrawal of tracts.* The United States reserves the right to withdraw any tracts from this sale prior to the issuance of a written acceptance of a bid for that tract.

10. *Acceptance or rejection of bids.* The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) His bid is the highest valid royalty bid on the designated royalty tracts or the highest valid cash bonus bid for the remaining tracts; and

(c) The amount of the bid has been determined to be adequate by the United States.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $62 or more per hectare or fraction thereof on the tracts designated for cash bonus bidding and 12.50 percent or more royalty on the tracts designated for royalty bidding.

11. *Successful bidders.* Each person who has submitted a bid accepted by the United States will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR 3304.1 within the time provided in 43 CFR 3302.5.

12. *Protraction diagrams.* The tracts offered for lease described in paragraph 13, may be located on the following Outer Continental Shelf Official Protraction Diagrams which may be purchased for $2 each from the Manager, New York Outer Continental Shelf Office at the address stated in paragraph 2:

(1) NK 19–8, (2) NK 19–9, (3) NK 19–11, (4) NK 19–12.

13. *Tract descriptions.* The tracts offered for bid are as follows:

NOTE.—There are gaps on the sequence of the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement are not included in this notice.

OCS official protraction diagram NK 19–8

[Approved Oct. 31, 1974]

	Block	Description	Hectares
Tract:			
42–3	643	All	2,304
42–6	916	All	2,304
42–7	917	All	2,304
42–8	961	All	2,304
42–9	962	All	2,304
42–10	1,006	All	2,304

Official protraction diagram NK 19–9

[Approved Mar. 20, 1975]

	Block	Description	Hectares
Tract:			
42–11	883	All	2,304
42–12	884	All	2,304
42–13	899	All	2,304
42–14	900	All	2,304
42–15	926	All	2,304
42–16	927	All	2,304
42–17	928	All	2,304
42–18	930	All	2,304
42–19	931	All	2,304
42–20	932	All	2,304
42–21	942	All	2,304
42–22	943	All	2,304
42–23	944	All	2,304
42–24	970	All	2,304
42–25	971	All	2,304
42–26	974	All	2,304
42–27	975	All	2,304
42–28	976	All	2,304
42–29	981	All	2,304
42–30	982	All	2,304
42–31	986	All	2,304
42–32	987	All	2,304
42–33	988	All	2,304
42–34	989	All	2,304

Official protraction diagram NK 19–11

[Approved Oct. 31, 1974]

	Block	Description	Hectares
Tract:			
42–38	38	All	2,304
42–39	39	All	2,304
42–40	80	All	2,304
42–41	81	All	2,304
42–42	82	All	2,304
42–43	83	All	2,304
42–44	84	All	2,304
42–45	123	All	2,304
42–46	124	All	2,304
42–47	125	All	2,304
42–48	128	All	2,304
42–49	167	All	2,304
42–50	168	All	2,304
42–51	169	All	2,304
42–52	171	All	2,304
42–53	172	All	2,304
42–54	214	All	2,304
42–55	215	All	2,304
42–56	216	All	2,304
42–57	258	All	2,304
42–58	259	All	2,304
42–59	260	All	2,304
42–60	284	All	2,304
42–61	285	All	2,304
42–62	286	All	2,304
42–65	328	All	2,304
42–66	329	All	2,304
42–67	330	All	2,304
42–68	331	All	2,304
42–69	372	All	2,304
42–70	373	All	2,304
42–71	374	All	2,304
42–72	375	All	2,304

Official protraction diagram NK 19–12

[Approved Apr. 29, 1975]

	Block	Description	Hectares
Tract:			
42–76	1	All	2,304
42–77	2	All	2,304
42–78	6	All	2,304
42–79	7	All	2,304
42–80	8	All	2,304
42–81	12	All	2,304
42–82	13	All	2,304
42–83	14	All	2,304
42–84	15	All	2,304
42–85	19	All	2,304
42–86	20	All	2,304
42–87	21	All	2,304
42–88	45	All	2,304
42–89	56	All	2,304
42–90	57	All	2,304
42–91	58	All	2,304
42–92	59	All	2,304
42–93	63	All	2,304
42–94	64	All	2,304
42–95	65	All	2,304
42–96	89	All	2,304
52–97	99	All	2,304
42–98	100	All	2,304
42–99	101	All	2,304
42–100	102	All	2,304
42–101	103	All	2,304
42–102	107	All	2,304
42–103	108	All	2,304
42–104	109	All	2,304
42–105	133	All	2,304
42–106	134	All	2,304
42–107	135	All	2,304
42–108	136	All	2,304
42–109	137	All	2,304
42–110	138	All	2,304
42–111	142	All	2,304
42–112	143	All	2,304
42–113	144	All	2,304
42–114	145	All	2,304
42–115	146	All	2,304
42–116	177	All	2,304
42–517	186	All	2,304
42–118	187	All	2,304
42–119	188	All	2,304
42–120	189	All	2,304
42–121	190	All	2,304
42–122	226	All	2,304
42–123	227	All	2,304
42–124	228	All	2,304
42–125	229	All	2,304
42–126	230	All	2,304
42–127	231	All	2,304
42–128	232	All	2,304
42–129	233	All	2,304
42–130	266	All	2,304
42–131	267	All	2,304
42–132	169	All	2,304
42–133	270	All	2,304
42–134	271	All	2,304
42–135	272	All	2,304
42–136	273	All	2,304
42–137	274	All	2,304
42–138	310	All	2,304
42–139	311	All	2,304
42–140	312	All	2,304
42–141	313	All	2,304
42–142	314	All	2,304
42–143	315	All	2,304
42–144	316	All	2,304
42–145	317	All	2,304
42–146	318	All	2,304
42–147	322	All	2,304
42–148	323	All	2,304
42–149	324	All	2,304
42–150	353	All	2,304
42–151	354	All	2,304
42–152	355	All	2,304
42–153	356	All	2,304
42–154	357	All	2,304
42–155	358	All	2,304
42–156	359	All	2,304
42–157	360	All	2,304
42–158	361	All	2,304
42–159	365	All	2,304
42–160	366	All	2,304
42–161	367	All	2,304
42–162	397	All	2,304
42–163	398	All	2,304
42–164	399	All	2,304
42–165	400	All	2,304
42–166	401	All	2,304
42–167	402	All	2,304

	Block	Description	Hectares
42-168	403	All	2,304
42-169	409	All	2,304
42-170	410	All	2,304
42-171	443	All	2,304
42-172	444	All	2,304
42-173	445	All	2,304
42-174	447	All	2,304
42-175	492	All	2,304
42-176	493	All	2,304
42-177	536	All	2,304
42-178	537	All	2,304

14. *Lease terms and stipulations.* Leases issued as a result of this sale will be on Form 3300–1 (December 1976) available from the Manager, New York Outer Continental Shelf Office, at the address stated in paragraph 2. Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale.

In the following stipulations the term Supervisor refers to the Atlantic area oil and gas Supervisor for operations of the Geological Survey and the term Manager refers to the Manager of the New York OCS Office of the Bureau of Land Management.

STIPULATION No. 1

If the Supervisor having reason to believe that a site, structure, or object of historical or archeological significance hereinafter referred to as "cultural resource," may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archeologist shall be submitted by the lessee to the Supervisor and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) Locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the Supervisor, on the basis of further archeological investigation conducted by a qualified marine survey archeologist or underwater archeologist using such survey equipment and techniques as deemed necessary by the Supervisor, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archeologist or underwater archeologist shall be submitted to the Supervisor and the Manager for their review. Should the Supervisor determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Supervisor has given directions as to its disposition.

The lessee agrees that if any site, structure, or object of historical or archeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its disposition.

STIPULATION No. 2

When an area or resource has been identified as biologically important, the Supervisor may give written notice that the lessor is invoking the provisions of this stipulation. The first definition of such areas will take place before exploration starts in the lease sale area. The area will be examined periodically by the lessor throughout the operating life of the field. The lessee shall, upon receipt of such notice, comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development of lease areas (hereinafter referred to as "operation") including, but not limited to, well drilling and pipeline and platform placement, the lessee shall conduct environmental surveys, as approved by the Supervisor, to determine the extent and composition of biological populations within the area covered by the lease.

Based upon results of the survey, the lessee may be required to: (1) relocate the site of such operations so as not to adversely affect the area identified; or (2) modify his operation in such a way as not to adversely affect the area identified; or (3) establish to the satisfaction of the Supervisor that, on the basis of the environmental survey, such operations will not adversely affect the area.

The lessee shall submit all data obtained in the course of environmental surveys, conducted pursuant to this stipulation, to the Supervisor, with the locational information for drilling or other activity. The lessee may take no action that may result in any effect on the biologically important areas until the Supervisor has given the lessee written directions with respect to the area.

If, during operations, any area of biological importance is identified, the lessee shall make every reasonable effort to protect and preserve all biological populations within the lease area until the Supervisor has given the lessee written directions with respect to the area of biological importance.

STIPULATION No. 3

If pipeline rights-of-way can be determined and obtained, and if laying such pipelines is technically and economically feasible and environmentally preferable, pipelines will be required. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. Where feasible, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other uses as determined by the Department of the Interior permitting agency. While the determination will be made on a case-by-case basis, the minimum desirable depth is 6 feet. Where burial is not feasible, pipelines shall be protected by shrouding.

Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Supervisor. All vessels used for carrying oil or gas to shore from the leased areas will conform with all standards established for such vessels by the Secretary of the Department in which the Coast Guard is operating.

STIPULATION No. 4

To provide information to coastal states and thus to assist them in planning for the impact of activities during exploration under this lease, the lessee shall submit, for review and comment, to the Governor of each affected state a "Notice of Support Activity for the Exploration Program" (herein called "Notice").

For the purpose of this stipulation, affected states include New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. The lessee shall not be required to include privileged information in this Notice. At his discretion, the lessee may submit a separate notice for each Exploration Plan submitted for one or more leases.

A copy of the Notice shall be submitted to the Supervisor simultaneously with, or prior to, the Exploration Plan with a certification that it has been submitted to the Governor of the State(s) that will be directly affected by activities under the Plan. If the lessee shall submit a Notice in connection with two or more Exploration Plans, he shall not be required to submit additional copies of the Notice, but may instead refer to that previous submission. Before the Supervisor approves or disapproves the Exploration Plan, he shall allow at least 30 days from the date of receipt of the certification for the Governor to submit comments on the Notice to him as well as to the lessee. Subsequent to the submission of the certification, significant changes in estimated support activities will be forwarded by the lessee as an amendment to the Notice to the Supervisor, and the Governor of the State(s) that will be directly affected by the program.

The Notice shall include with respect to the lessee and his contractors:

(1) A description of the facilities, including site and size, that may be constructed, leased, rented or otherwise procured in affected areas;

(2) The location and amount of acreage required within the State for facilities, including the need for storage of various supplies;

(3) An estimate of the frequency of boat and aircraft departures and arrivals, on a monthly basis, and the onshore location of terminals;

(4) The approximate number of persons who are expected to be engaged in onshore support activities and transportation, the approximate number of local personnel who are expected to be employed for or in support of the exploration program, and the approximate total number of persons who are expected to be employed for the exploration program;

(5) Estimates of the approximate addition to the population on a county bases due to the exploration program and the approximate number of persons needing housing and other facilities;

(6) An estimate of any singificant quantity of major supplies and equipment to be procured within the State; and

(7) The onshore addresses of the lessee's operation offices and of the offices of contractors involved with the exploratory operation.

STIPULATION No. 5

Drill cuttings and drilling muds shall be disposed of by shunting the material through a downpipe to a depth of 20–50 feet below the ocean surface or by transporting these materials to preselected disposal sites approved by the Supervisor, and the Environmental Protection Agency. Based upon the composition of produced formation waters, the Supervisor may require reinjection.

STIPULATION No. 6

Unless the lessee can demonstrate to the satisfaction of the Supervisor that it would not be in the interests of conservation all reservoirs underlying this lease which extend into one or more other leases, as indicated by drilling and other information, shall be operated and produced only under a unit agreement including the other lease(s) and approved by the Supervisor. Such a unit agreement shall provide for the fair and equitable allocation of production and costs. The Supervisor shall prescribe the method of allocating production and costs in the event operators are unable to agree on a method acceptable to him.

STIPULATION No. 7

All equipment which could be freed or lost overboard from rigs or platforms and which could not be classified as a hand tool will be indelibly marked with the owners' and/or operator's name or logo.

STIPULATION No. 8

(To be included only in the leases resulting from this sale for tracts 42–165, 42–166, 42–172, 42–173, 42–176, and 42–177): Portions of these tracts may be subject to mass movement (slumping) of sediments. Emplacement of structures (platforms) or seafloor wellheads for the production or storage of oil or gas will not be allowed on those portions of the tract which may be subject to mass movement of sediments unless or until the lessee has demonstrated to the Supervisor's satisfaction that the potential for mass movement of sediments does not exist or that structures (platforms), casing, and wellheads can be safely designed to withstand such mass movement at the proposed location of the structure.

STIPULATION No. 9

(To be included only in the lease resulting from this sale for tract 42–178): All of this tract may be subject to mass movement (slumping) of sediments. Emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas will not be allowed within the area of mass movement of sediments unless or until the lessee has demonstrated to the Supervisor's satisfaction that the potential for mass movement of sediment does not exist or that structures (platforms), casing, and wellheads can be safely designed to withstand such mass movement at the proposed location of the structure. This may necessitate all exploration and development of oil or gas be performed from locations off this tract and outside of the area of potential mass movement of sediments.

STIPULATION No. 10

(To be included only in the lease resulting from this sale for tract 42–43): Portions of this tract may contain a shallow "Bright Spot" seismic anomaly which may be indicative of a gas deposit. Surface occupancy above this anomaly and drilling through the anomaly will not be allowed, unless the lessee can demonstrate to the Supervisor's satisfaction that a potential hazardous accumulation of shallow gas does not exist or that structures (platforms), casing, and wellheads can be placed, or drilling plans designed to insure safe operations in the area above the anomaly.

STIPULATION No. 11

(To be included in any leases resulting from this sale for the royalty bidding tracts listed in Paragraph 4 of this notice.)

(1) The royalty rate on production saved, removed, or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.12(e)), except that the Director, Geological Survey may approve an application for a reduction in royalty on this lease only when it is necessary in order to increase the ultimate recovery of oil and gas and in the interest of conservation. The Director may grant a reduction for only one year at a time. Reduction of royalty rates will not be approved unless production has been underway for one year or more.

(2) Although the royalty rate specified in section 3(b)(1) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16⅔% of the production saved, removed or sold from the leased area may be taken as royalty in amount, except as provided in section 6(c) of this lease; the royalty on any portion of the production saved, removed or sold from the lease in excess of 16⅔% may only be taken in value of of the production saved, removed or sold from the leased area.

15. *Information to Lessees.* Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes. Corps of Engineers permits are required for construction of any structures in or over any navigable waters of the United States pursuant to section 10 of the River and Harbors Act of 1899 (33 U.S.C. 403), and for artificial islands and fixed structures located on the Outer Continental Shelf, in accordance with section 4 (f) of the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1333(f)).

Bidders are referred to the Department's proposed regulations on development phase environmental impact statements which were published in 42 FR 49478, September 27, 1977.

In applying safety, environmental and conservation laws and regulations, the Supervisor will require the use of the best available and safest technology which are determined to be economically achievable. To the extent practicable, the Supervisor will consult with the relevant Federal agencies and the affected State(s) in the execution of these responsibilities.

Bidders are advised that the Department of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

In the enforcement of the stipulation on biologically important areas, the Supervisor will consult a committee composed of designated representatives of the Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Geological Survey, the National Marine Fisheries Service, the Environmental Protection Agency, and representatives of the affected States. This committee will remain in existence throughout the operating life of the field. The Supervisor will consult with the committee in identifying areas or resources of biological importance, on the conduct of the biological surveys by lessees, and on the appropriate course of action after the surveys have been conducted.

If nationally recommended routes for boat traffic lanes are established by the Coast Guard, lessees will be required to use them to transport supplies to the lease area.

16. *OCS Orders.* Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all North Atlantic OCS Orders, as of their effective date.

17. *Suggested Bid Form.* It is suggested that bidders submit their bids to the Manager, New York OCS Office, in the following form:

(a) For the royalty bid tracts as described in Paragraph 4:

OIL AND GAS BID—ROYALTY

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf described below:

Tract No.	Percent royalty bid expressed to maximum of 5 decimals	Amount of fixed cash bonus submitted with bid
	%	

Proportionate interest of company(s) submitting bid

Qualification No. ---------- ---------- %

Company

Address

Signature

(Please type signer's name under signature)

(b) All tracts offered for cash bonus bidding:

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No.	Total amount bid	Amount per hectare	Amount of cash bonus submitted with bid

Proportionate interest of company(s) submitting bid

Qualification No. ---------- %

Company

Address

Signature (please type signer's name under signature)

18. *Required Joint Bidders Statement.* In the case of joint bids, each joint bidder must execute the following state-

ment before a notary public and submit it with his bid:

JOINT BIDDER'S STATEMENT

I hereby certify that_____(entity submitting bid) is eligible under 43 CFR 3302 to bid jointly with the other parties submitting this bid.

Signature

(Please type signer's name under signature.)

Sworn to and subscribed before me this __day of_____19__.

Notary Public

State of_____

(County) of_____

[FR Doc.77-29819 Filed 10-13-77;8:45 am]

[1505-01]

OUTER CONTINENTAL SHELF OIL AND GAS LEASE SALES

List of Restricted Joint Bidders

Correction

In FR Doc. 77-29691 appearing at page 54881 in the issue of Tuesday, October 11, 1977 the list of companies in the second column should be corrected to read as follows:

Amoco Production Company
BP Alaska Exploration Inc.
Chevron U.S.A. Inc.
Exxon Corporation
Gulf Oil Corporation
Mobil Oil Corporation
Shell Oil Company
Standard Oil Company of California
Texaco Inc.

[4310-70]

National Park Service

HISTORIC AMERICAN BUILDINGS SURVEY ADVISORY BOARD

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Historic American Buildings Survey (HABS) Advisory Board will be held on November 14 and 15, at 9:15 a.m., in the North Oval Room of the Rotunda, at the University of Virginia, Charlottesville, Va.

The purpose of the HABS Advisory Board is to render advice on matters related to the task of documenting historic architectural monuments in the United States.

The present membership of the HABS Advisory Board is as follows:

Mr. John Drews Henderson, AIA, San Diego, California, Chairman.
Mr. George McMath, AIA, Portland, Oregon, Vice Chairman.
Dr. John Douglas Forbes, Hon. AIA, Charlottesville, Virginia, Secretary.
Mr. D. O. Davies, New Castle, Pennsylvania.
Mrs. Victorine Du Pont Homsey, FAIA, Wilmington, Delaware.
Ms. Barbara Wriston, Head, Museum Education, Art Institute, Chicago, Illinois.
Mr. John J. Cullinane (Chmn. AIA Historic Resources Committee) Washington, D.C. (ex officio).
The Librarian of Congress (or his delegate) Washington, D.C. (ex officio).

Among other things, the Advisory Board agenda will consist of reports from the Chief of the Historic American Buildings Survey, staff reports on HABS projects and exhibitions.

The meeting is open to the public, and any person may file with the Board a written statement concerning the matters being discussed; however, facilities and space for accommodating members of the public are limited.

Further information concerning these meetings may be obtained from the Historic American Buildings Survey Division, National Park Service, Washington, D.C. (202) 523-5474. Minutes of the meeting may be acquired through the Executive Secretary of the Board, Mrs. Lucy Pope Wheeler, HABS, after the succeeding meeting.

REX L. WILSON,
Acting Chief, Office of Archeology and Historic Preservation.

[FR Doc.77-29969 Filed 10-13-77;8:45 am]

[4310-10]

Office of the Secretary

[Order No. 3011]

FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 (FLPMA)—COST RECOVERY

Implementation

SEC. 1 *Purpose.* The purpose of this Order is to implement the cost recovery provisions of FLPMA, Sections 304 and 504(g), 43 U.S.C. 1734, 1764(g) (Supp. 1977), as to application for monitoring of rights-of-way over the public lands.

SEC. 2 *Implementation.* Section 304 of FLPMA, 43 U.S.C. 1734, is hereby implemented as to applications for rights-of-way over public lands which were pending on October 21, 1976, or which have since been filed. This implementation shall also apply to all applications under Section 28 of the Mineral Leasing Act, 30 U.S.C. 185 pending on or filed subsequent to November 16, 1973, and to holder monitoring activity for applications which have been granted since that date. The regulations at 43 CFR 2802.1-2 (1976) shall be applicable to such applications or holder monitoring activity until new regulations implementing Title V of FLPMA become final. It is my finding that "reasonable costs" under Sections 304 of FLPMA for processing applications for rights-of-way over public lands and for monitoring right-of-way holder activity, are the actual costs incurred by the United States in performing statutory responsibilities necessitated by such applications or rights-of-way. The term "reasonable costs" means the same as the term "administrative and other costs" as used in the regulations at 43 CFR 2802.1-2(a)(1) (1976), and includes costs incurred in preparation of environmental impact statements.

SEC. 7 *Effective Date.* This Order is effective immediately. Its provisions shall remain in effect until regulations are promulgated implementing Title V of FLPMA, or until it is amended, superceded, or revoked, whichever occurs first.

Dated: September 29, 1977.

CECIL D. ANDRUS,
Secretary of the Interior.

[FR Doc.77-29993 Filed 10-13-77;8:45 am]

[4310-10]

JULIAN R. HAYDEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of September 30, 1977.

Dated: August 26, 1977.

JULIAN RIED HAYDEN.

[FR Doc.77-29994 Filed 10-13-77;8:45 am]

[4310-70]

IDENTIFICATION OF MANDATORY CLASS I FEDERAL AREAS WHERE VISIBILITY IS AN IMPORTANT VALUE

Invitation for Public Comment and of Public Meetings

BACKGROUND: Section 128 of the Clean Air Act Amendments of 1977, Pub. L. 95-95, enacted August 7, 1977, declares as a national goal the prevention of visibility impairment from manmade air pollution and the restoration of natural visibility in mandatory Class I Federal areas. To attain this goal, the Congress has required:

(1) The Secretary of the Interior, in consultation with other Federal land managers, to identify those mandatory Class I Federal areas where visibility is an important value, by February 7, 1978;

(2) The Administrator of the Environmental Protection Agency (EPA), after consultation with the Secretary, to promulgate, by August 7, 1978, a list of mandatory Class I Federal areas in which he determines visibility is an important value;

(3) The Administrator of EPA, to complete a study and to report to Congress, by February 7, 1979, the available methods for implementing the national goal, including methods for preventing remedying manmade air pollution and the resulting visibility impairment; and

(4) The Administrator of EPA to promulgate by August 7, 1979, regulations which (1) assure reasonable progress to-

ward meeting the national goal and (2) require that each major stationary pollution source in operation for not more than 15 years on August 7, 1977, use the best available retrofit technology to control air pollutant emissions which may reasonably cause or contribute to impairment of visibility.

PURPOSES: The purposes of this notice are to (1) inform the public of the process by which the Secretary of the Interior will identify those mandatory Class I Federal areas where visibility is an important value, (2) publicize the dates and places of the related public meetings, and (3) invite public comment.

The Secretary has assigned the lead responsibility for the identification of those mandatory Class I Federal areas where visibility is an important value to the Assistant Secretary for Fish and Wildlife and Parks. The National Park Service is leading a task force consisting of representatives from the USDA Forest Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management to carry out this directive.

Objective criteria (Appendix 1) have been applied to make a preliminary determination of which mandatory Class I Federal areas possess visibility as an important value. After public meetings, receipt of public comment, and further analysis, the criteria will be revised where appropriate and a final identification of the mandatory Class I Federal areas where visibility is an important value will be made. At the public meetings, a workbook displaying the criteria as applied for each mandatory Class I Federal area will be available for public inspection.

Appendix 2 lists mandatory Class I Federal areas and indicates the preliminary determination of whether or not visibility is an important value for each area.

COMMENT: Public comment is especially requested on (1) the importance of visibility in Class I areas, (2) the preliminary criteria used by the Secretary (Appendix 1), and (3) the application of this criteria to identify areas in which visibility is an important value. If there are comments concerning other aspects of the visibility section of the Clean Air Act, they should be addressed to the Environmental Protection Agency or to the individual states, as appropriate.

Only written comments received by November 25, 1977, will become part of the formal agency record. These comments may be delivered to the moderator at the public meetings or mailed to the National Park Service at the following address:

Director, National Park Service, Attention: 460, Department of the Interior, Interior Building, 18th & C Streets, NW., Washington, D.C. 20240.

PUBLIC MEETINGS: At each of the six public meetings oral presentations may be limited to 10 minutes or less. The moderator will establish time limits for individual speakers when the number of prospective speakers is large and the time allotted for the public meeting becomes a constraint. Participants should submit written comments in order to assure that their interests are reflected in the formal agency record. The locations, dates, and times of the public meetings are specified below:

November 9—3–9 p.m.—Bonneville Power Administration Auditorium, 1002 NE Hollabay Street, Portland, Oregon.

November 10—3–9 p.m.—Sheraton Hotel, Fishermans Wharf, 2500 Mason Street, San Francisco, California.

November 11—3–9 p.m.—Lakewood Senior High, 9700 West Eighth Avenue, Lakewood, Colorado.

November 14—3–9 p.m.—5th Floor, Federal Building, Fort Snelling, Minneapolis, Minnesota.

November 15—3–9 p.m.—4th Floor, National Park Service, Southeast Regional Office, 1895 Phoenix Boulevard, Atlanta (College Park), Georgia.

November 16—11:30 a.m.–6 p.m.—Interior Auditorium (use C Street entrance), Interior Building, 18th & C Street, NW., Washington, D.C.

GENERAL INFORMATION: Requests for general information on this notice should be addressed to John F. Byrne, National Park Service, Department of the Interior, Interior Building, 18th & C Street, NW., Washington, D.C. 20240, Phone 202–343–2163.

Dated: October 6, 1977.

ROBERT L. HERBST,
Assistant Secretary of the Interior.

APPENDIX I—CRITERIA USED TO DETERMINE IF VISIBILITY IS AN IMPORTANT VALUE

An analysis of the legislative history of the Visibility Protection Provision shows that Congress was primarily concerned about preserving "grand vistas" and "breathtaking panoramas" for the enjoyment of the public visiting Federal mandatory Class I areas possessed of such values. It is clear that the areas include those that are presently pristine and those that would have such values but for present air pollution impairment.

In order to identify an area where visibility is an important value, the following objective criteria were applied to each Federal mandatory Class I area:

1. Does the legislation for the area indicate that scenic value was an important consideration for establishing the area? or,

Is the area possessed of scenic values that are important to public enjoyment?

2. Are scenic values of the area primarily in the form of panoramas, background, intermediate or foreground views?

3. Do natural sources of visibility impairment seriously affect the ability of the public to appreciate visibility as an important value?

4. For those areas in which natural sources of visibility impairment seriously affect public appreciation of scenic values, is the magnitude of scenic value sufficient to warrant protection from man-caused sources?

APPENDIX 2

FEDERAL CLASS I AREAS DESIGNATED UNDER PROVISION OF CLEAN AIR ACT SECTION 162(a)

(A star(*) preceding the area name indicates the preliminary determination that the area is not one where visibility is an important value).

Area Name[1]	State	Acreage	Establishing Public Law	Federal Land Manager
Sipsey Wild.	AL	12,646	93-622	USDA-FS
Bering Sea Wild.	AK	41,113	91-622	USDI-FWS
Mount McKinley NP	AK	1,939,493	64-353	USDI-NPS
Simeonof Wild.	AK	25,141	94-557	USDA-FWS
Tuxedni Wild.	AK	6,402	91-504	USDI-FWS
Chiricahua National Monument Wild.	AZ	9,440	94-567	USDI-NPS
Chiricahua Wild.	AZ	18,000	88-577	USDA-FS
Galiuro Wild.	AZ	52,717	88-577	USDA-FS
Grand Canyon NP	AZ	1,176,913	65-277	USDI-NPS
Mazatzal Wild.	AZ	205,137	88-577	USDA-FS
Mount Baldy Wild.	AZ	6,975	91-504	USDA-FS
Petrified Forest NP	AZ	93,493	85-358	USDI-NPS
Pine Mtn. Wild.	AZ	20,061	92-230	USDA-FS
Saguaro Wild.	AZ	71,400	94-567	USDI-NPS
Sierra Ancha Wild.	AZ	20,850	88-577	USDA-FS
Superstition Wild.	AZ	124,117	88-577	USDA-FS
Sycamore Canyon Wild.	AZ	47,757	92-241	USDA-FS
Caney Creek Wild.	AR	14,344	93-622	USDA-FS
Upper Buffalo Wild.	AR	9,912	93-622	USDA-FS
Agua Tibia Wild.	CA	15,934	93-632	USDA-FS
Caribou Wild.	CA	19,080	88-577	USDA-FS
Cucamonga Wild.	CA	9,022	88-577	USDA-FS
Desolation Wild.	CA	63,469	91-82	USDA-FS
Dome Land Wild.	CA	62,206	88-577	USDA-FS
Emigrant Wild.	CA	104,311	93-632	USDA-FS
Hoover Wild.	CA	47,916	88-577	USDA-FS
John Muir Wild.	CA	484,673	88-577	USDA-FS
Joshua Tree Wild.	CA	429,690	94-567	USDI-NPS
Kaiser Wild.	CA	22,500	94-577	USDA-FS
Kings Canyon NP	CA	459,994	76-424	USDI-NPS
Lassen Volcanic NP	CA	105,800	64-184	USDI-NPS
Lava Beds Wild.	CA	28,640	92-493	USDI-NPS
Marble Mtn. Wild.	CA	213,743	88-577	USDA-FS
Minarets Wild.	CA	109,484	88-577	USDA-FS

Area Name	State	Acreage	Establishing Public Law	Federal Land Manager
Mokelumne Wild.	CA	50,400	88-577	USDA-FS
Pinnacles Wild.	CA	12,952	94-567	USDI-NPS
Point Reyes Wild.	CA	25,370	94-544, 94-567	USDI-NPS
Redwood NP	CA	27,792	90-545	USDI-NPS
San Gabriel Wild.	CA	36,137	90-318	USDA-FS
San Gorgonio Wild.	CA	34,644	88-577	USDA-FS
San Jacinto Wild.	CA	20,564	88-577	USDA-FS
San Rafael Wild.	CA	142,722	90-271	USDA-FS
Sequoia NP	CA	386,642	26 Stat. 478 (51st Cong.)	USDI-NPS
South Warner Wild.	CA	68,507	88-577	USDA-FS
Thousand Lakes Wild.	CA	15,695	88-577	USDA-FS
Ventana Wild.	CA	95,152	91-58	USDA-FS
Yolla-Bolly-Middle-Eel Wild.	CA	109,091	88-577	USDA-FS
Yosemite NP	CA	759,172	58-49	USDI-NPS
Black Canyon of the Gunnison Wild.	CO	11,180	94-567	USDI-NPS
Eagles Nest Wild.	CO	133,910	94-352	USDA-FS
Flat Tops Wild.	CO	235,230	94-146	USDA-FS
Great Sand Dunes Wild.	CO	33,450	94-567	USDI-NPS
La Garita Wild.	CO	48,486	88-577	USDA-FS
Maroon Bells-Snowmass Wild.	CO	71,060	88-577	USDA-FS
Mesa Verde NP	CO	51,488	59-353	USDI-NPS
Mt. Zirkel Wild.	CO	72,472	88-577	USDA-FS
Rawah Wild.	CO	26,674	88-577	USDA-FS
Rocky Mountain NP	CO	263,138	63-238	USDI-NPS
Weminuche Wild.	CO	400,907	93-632	USDA-FS
West Elk Wild.	CO	61,412	88-577	USDA-FS
*Bradwell Bay Wild.	FL	23,432	93-622	USDA-FS
Chassahowitzka Wild.	FL	23,360	94-557	USDI-FWS
Everglades NP	FL	1,397,429	73-267	USDI-NPS
St. Marks Wild.	FL	17,745	93-632	USDI-FWS
Cohotta Wild.	GA	33,776	93-622	USDA-FS
Okefenokee Wild.	GA	343,850	93-429	USDI-FWS
Wolf Island Wild.	GA	5,126	93-632	USDI-FWS
Haleakala NP	HI	27,208	86-744	USDI-NPS
Hawaii Volcanoes	HI	217,029	64-171	USDI-NPS

Area Name	State	Acreage	Establishing Public Law	Federal Land Manager
Craters of the Moon Wild.	ID	43,243	91-504	USDI-NPS
Hells Canyon Wild.[2]	ID	83,800	94-199	USDA-FS
Sawtooth Wild.	ID	216,383	92-400	USDA-FS
Selway-Bitterroot Wild.[3]	ID	988,770	88-577	USDA-FS
Yellowstone NP[4]	ID	31,488	17 Stat. 32 (42nd Cong.)	USDI-NPS
*Mammoth Cave NP	KY	51,303	69-283	USDI-NPS
Breton Wild.	LA	5,000+	93-632	USDI-FWS
Acadia NP	ME	37,503	65-278	USDI-NPS
*Moosehorn Wild.	ME	7,501		USDI-FWS
(Edmunds Unit)		(2,782)	91-504	
(Baring Unit)		(4,719)	93-632	
Isle Royale NP	MI	542,428	71-835	USDI-NPS
Seney Wild.	MI	25,150	91-504	USDI-FWS
Boundary Waters Canoe Area Wild.	MN	747,840	88-577	USDA-FS
Voyageurs NP	MN	114,964	99-261	USDI-NPS
Hercules-Glades Wild.	MO	12,315	94-557	USDA-FS
Mingo Wild.	MO	8,000	94-557	USDI-FWS
Anaconda-Pintlar Wild.	MT	157,803	88-577	USDA-FS
Bob Marshall Wild.	MT	950,000	88-577	USDA-FS
Cabinet Mtns. Wild.	MT	94,272	88-577	USDA-FS
Gates of the Mtn Wild.	MT	28,562	88-577	USDA-FS
Glacier NP	MT	1,012,599	61-171	USDI-NPS
*Medicine Lake Wild.	MT	11,366	94-557	USDI-FWS
Mission Mtn. Wild.	MT	73,877	93-632	USDA-FS
Red Rock Lakes Wild.	MT	32,350	94-557	USDI-FWS
Scapegoat Wild.	MT	239,295	92-395	USDA-FS
Selway-Bitterroot Wild.[3]	MT	251,930	88-577	USDA-FS
U.L. Bend Wild.	MT	20,890	94-557	USDI-FWS
Yellowstone NP[4]	MT	167,624	17 Stat. 32 (42nd Cong.)	USDI-NPS

Area Name	State	Acreage	Establishing Public Law	Federal Land Manager
Jarbridge Wild.	NV	64,667	88-577	USDA-FS
Great Gulf Wild.	NH	5,552	88-577	USDA-FS
Presidential Range-Dry River Wild.	NH	20,000	93-622	USDA-FS
Brigantine Wild.	NJ	6,603	93-632	USDI-FWS
Bandelier Wild.	NM	23,267	94-567	USDI-NPS
Bosque del Apache Wild.	NM	30,850	93-632	USDI-FWS
Carlsbad Caverns NP	NM	46,435	71-216	USDI-NPS
Gila Wild.	NM	433,690	88-577	USDA-FS
Pecos Wild.	NM	167,416	88-577	USDA-FS
Salt Creek Wild.	NM	8,500	91-504	USDI-FWS
San Pedro Parks Wild.	NM	41,132	88-577	USDA-FS
Wheeler Peak Wild.	NM	6,027	88-577	USDA-FS
White Mtn. Wild.	NM	31,171	88-577	USDA-FS
Great Smoky Mtns. NP[5]	NC	273,551	69-268	USDI-NPS
Joyce Kilmer-Slickrock Wild.[6]	NC	10,201	93-622	USDA-FS
Linville Gorge Wild.	NC	7,575	88-577	USDA-FS
Shining Rock Wild.	NC	13,350	88-577	USDA-FS
Swanquarter Wild.	NC	9,000	94-557	USDI-FWS
Lostwood Wild.	ND	5,557	93-632	USDI-FWS
Theodore Roosevelt NMP	ND	69,675	80-38	USDI-NPS
Wichita Mtns. Wild.	OK	8,900	91-504	USDI-FWS
Crater Lake NP	OR	160,290	57-121	USDI-NPS
Diamond Peak Wild.	OR	36,637	88-577	USDA-FS
Eagle Cap Wild.	OR	293,476	88-577	USDA-FS
Gearhart Mtn. Wild.	OR	18,709	88-577	USDA-FS
Hells Canyon Wild.[2]	OR	108,900	94-199	USDA-FS
Kalmiopsis Wild.	OR	76,900	88-577	USDA-FS
Mtn. Lakes Wild.	OR	23,071	88-577	USDA-FS
Mt. Hood Wild.	OR	14,160	88-577	USDA-FS

Area Name	State	Acreage	Establishing Public Law	Federal Land Manager
Mt. Jefferson Wild.	OR	100,208	90-548	USDA-FS
Mt. Washington Wild.	OR	46,116	88-577	USDA-FS
Strawberry Mtn. Wild.	OR	33,003	88-577	USDA-FS
Three Sisters Wild.	OR	199,902	88-577	USDA-FS
Cape Romain Wild.	SC	28,000	93-632	USDI-FWS
Badlands Wild.	SD	64,250	94-567	USDI-NPS
Wind Cave NP	SD	28,060	57-16	USDI-NPS
Great Smoky Mtns. NP[5]	TN	241,207	69-268	USDI-NPS
Joyce Kilmer-Slickrock Wild.[6]	TN	3,832	93-622	USDA-FS
Big Bend NP	TX	708,118	74-157	USDI-NPS
Guadalupe Mtns. NP	TX	76,292	89-667	USDI-NPS
Arches NP	UT	65,098	92-155	USDI-NPS
Bryce Canyon NP	UT	35,832	68-277	USDI-NPS
Canyonlands NP	UT	337,570	88-590	USDI-NPS
Capitol Reef NP	UT	221,896	92-507	USDI-NPS
Zion NP	UT	142,462	68-83	USDI-NPS
Lyle Brook Wild.[4]	VT	12,430	93-622	USDA-FS
Virgin Islands NP	VI	12,295	84-925	USDI-NPS
James River Face Wild.	VA	8,703	93-622	USDA-FS
Shenandoah NP	VA	190,535	69-268	USDI-NPS
Alpine Lakes Wild.	WA	303,508	94-357	USDA-FS
Glacier Peak Wild.	WA	464,258	88-577	USDA-FS
Goat Rocks Wild.	WA	82,680	88-577	USDA-FS
Mount Adams Wild.	WA	32,356	88-577	USDA-FS
Mount Rainier NP	WA	235,239	30 Stat. 993 (55th Cong.)	USDI-NPS
North Cascades NP	WA	503,277	90-554	USDI-NPS
Olympic NP	WA	892,578	75-778	USDI-NPS
Pasayten Wild.	WA	505,524	90-544	USDA-FS
Dolly Sods Wild.	WV	10,215	93-622	USDA-FS
Otter Creek Wild.	WV	20,000	93-622	USDA-FS

Area Name	State	Acreage	Establishing Public Law	Federal Land Manager
*Rainbow Lake Wild.	WI	6,388	93-622	USDA-FS
Bridger Wild.	WY	392,160	88-577	USDA-FS
Fitzpatrick Wild.	WY	191,103	94-567	USDA-FS
Grand Teton NP	WY	305,504	81-787	USDI-NPS
North Absaroka Wild.	WY	351,104	88-577	USDA-FS
Teton Wild.	WY	557,311	88-577	USDA-FS
Washakie Wild.	WY	686,584	92-476	USDA-FS
Yellowstone NP[4]	WY	2,020,625	17 Stat. 32 (42nd Cong.)	USDI-NPS

Area Name	Province	Acreage	Applicable U.S. Public Law
Roosevelt Campobello International Park[7]	New Brunswick, Canada	2,721	88-363

[1] Wilderness is abbreviated as Wild., National Park as NP, and National Memorial Park as NMP.

[2] Hells Canyon Wilderness, 193,840 acres overall, of which 108,900 acres are in Oregon and 83,800 acres are in Idaho.

[3] Selway Bitterroot Wilderness, 1,240,618 acres overall, of which 988,770 acres are in Idaho and 25,930 acres are in Montana.

[4] Yellowstone National Park, 2,219,737 acres overall, of which 2,020,625 acres are in Wyoming, 167,624 acres are in Montana, and 31,488 acres are in Idaho.

[5] Great Smoky Mountains National Park, 514,577 acres overall, of which 273,551 acres are in North Carolina, and 241,207 acres are in Tennessee.

[6] Joyce Kilmer-Slickrock Wilderness, 14,033 acres overall, of which 10,201 acres are in North Carolina, and 3,832 acres are in Tennessee.

[7] Section 162(a) designates all international parks as mandatory Class I areas. This designation indicates Congressional intent to prevent visibility impairment from U.S. air pollution sources.

[FR Doc.77-29968 Filed 10-13-77;8:45 am]

[4310–10]

GREGORY P. PREKEGES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Add Univac Corp.
(3) No change.
(4) No change.

This statement is made as of September 30, 1977.

Dated: August 29, 1977.

GREGORY P. PREKEGES.

[FR Doc.77-29995 Filed 10-13-77;8:45 am]

[4310–70]

[INT FES 77-38]

PROPOSED WILDERNESS CLASSIFICATION FOR CEDAR BREAKS NATIONAL MONUMENT UTAH

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a finel environmental statement for proposed wilderness designation for Cedar Breaks National Monument, Utah.

The environmental statement considers the social, economic, and ecological effects of the proposal to designate 4,830 acres, or 78.5 percent, of the monument as wilderness.

Copies of the final environmental statement are available from or for inspection at the following locations:

Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, Lakewood, Colorado 80225.
Superintendent, Cedar Breaks National Monument, Post Office Box 749, Cedar City, Utah 84720.
Superintendent, Zion National Park, Springdale, Utah 84767.
Utah State Office, National Park Service, 125 South State Street, Room 2208, Salt Lake City, Utah 84138.

Dated: September 16, 1977.

HEATHER L. ROSS,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-29979 Filed 10-13-77;8:45 am]

[4310–10]

CLIFTON F. ROGERS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of September 9, 1977.

Dated: August 29, 1977.

CLIFTON F. ROGERS.

[FR Doc.77-29996 Filed 10-13-77;8:45 am]

[4310–10]

STANLEY M. SWANSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None (No Change).
(2) None (No Change).
(3) None (No Change).
(4) None (No Change).

This statement is made as of September 15, 1977.

Dated: September 16, 1977.

STANLEY M. SWANSON.

[FR Doc.77-29997 Filed 10-13-77;8:45 am]

[4510–01]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER 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 avail-

ability 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 potentital 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 11th day of October, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

Applications received during the week ending Oct. 7, 1977

Name of applicant	Location of enterprise	Principal product or activity
Crushed Aggregates, Ltd	New Haven, Conn.	Manufacturing of railroad ties—concrete.
Green Mountian Furniture Inc	North Bennington, Vt.	Manufacturing of wood furniture and school furniture.
Cliffstar Corp	Dunkirk, N.Y.	Bottling and canning of fruit and vegetables, juices, ketchup, jams, and jellys.
Power Hydraulics, Inc	Marianna, Fla	Manufacturing of hydraulic cylinders.
Swick-Guth, Inc	City of Marianna	Rebuild cast iron cylinder heads.
Gen Mac Industries, Inc	Plymouth, Wis	Manufacturing of protective film and paper.
The Enstrom Helicopter Corp	Menominne, Mich.	Aircraft manufacturer—helicopters.
Michael Kral Industries Inc	Painesville, Ohio	Processing of ingots and preforms into semi-finished and finished solid hollow shapes.
Baton Lumber Co. Inc	Natalbany, La	Manufacturing of plywood.
Fairfield Communities, Inc	Fairfield Bay, Ark.	Lodge—villa hotel and associated conference center.
The Farmers Co	Schuyler, Nebr	Manufacturing of 50 percent protein meat and bone meal feed supplement.
Garlyn Enterprises	Sweet Springs, Mo.	Nursing home.
Larry D. Neff and Robert Foster	Neosho, Mo	Motel—restaurant.

[FR Doc.77-30015 Filed 10-13-77;8:45 am]

[4510-30]

INDIAN AND NATIVE AMERICAN ECONOMIC STIMULUS PROGRAM

Plans for Allocating Funds—Supplemental Information

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice provides for an extension of the proposal receipt deadline under the Fiscal Year 1978 Indian and Native American Economic Stimulus Program. This program was announced earlier in the FEDERAL REGISTER.

DATES: Proposals must be received, in the manner specified in the earlier FEDERAL REGISTER announcement, by 4:45 p.m. on October 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Alexander S. MacNabb, Director, Division of Indian and Native American Programs, Room 6402, 601 D Street, NW., Washington, D.C. 20213.

SUPPLEMENTARY INFORMATION: Basic plans for the Indian and Native American Economic Stimulus Program were announced on Tuesday, September 13, 1977, at 42 FR 26629. The proposal receipt deadline announced at that time of 4:45 p.m. on October 17, 1977, is now changed to October 31, 1977.

Signed in Washington, D.C. this 28th day of September 1977.

LAMOND GODWIN,
Administrator, Office of National Programs.

[FR Doc.77-30023 Filed 10-13-77;8:45 am]

[4510-30]

MIGRANT AND SEASONAL FARMWORKER PROGRAMS

Funding Requests Received

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces the funding requests received by the Employment and Training Administration requesting title III section 303 funds under the Comprehensive Employment and Training Act of 1973 (CETA), as amended.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the following applicants have submitted funding requests pursuant to 29 CFR 97.214 to the Department of Labor to request funds under the Migrant and Other Seasonally Employed Farmworkers Programs. An eligible applicant which has submitted a pre-application by August 1, 1977, pursuant to 29 CFR 97.211(b) and a funding request by September 1, 1977, pursuant to 29 CFR 97.214 and is not listed below should notify the Department of Labor at the following address:

U.S. Department of Labor, Employment and Training Administration, Patrick Henry Building, Room 7122, 601 D Street, NW, Washington, D.C. 20213. Attn: Director, Office of Farmworker Programs.

APPLICATIONS FOR CETA FISCAL YEAR 1978 SECTION 303 FUNDS

REGION I

Connecticut

New England Farmworkers Council, 3502 Main Street, Springfield, Mass. 01107.

Maine

Penobscot Consortium, Training and Employment Administration, 166 Union Street, Bangor, Maine 04401.

Rhode Island

New England Farmworkers Council, Inc., 3502 Main Street, Springfield, Mass. 01107.

REGION II

New York

Program Funding, Inc., Suite 730, Powers Building, Rochester, N.Y. 14614.
State University of New York, College at Fredonia, Fredonia, N.Y. 14063.
Orange County, 168 Main Street, Goshen, N.Y. 10924.

Puerto Rico

Center of Development Opportunities of Puerto Rico, Inc., Las Violetas 2007, Apt. 6A, Santurce, Puerto Rico 00915.
Commonwealth of Puerto Rico, Department of Labor, 414 Barbosa Avenue, Hato Rey, Puerto Rico 00917.

REGION III

Delaware

Delmarva Ecumenical Agency, Rural Ministries, Blue Hen Mall, Dover, Del. 19901.
Migrant and Seasonal Farmworkers Association, 3929 Western Blvd., POB 33315, Raleigh, N.C. 27606.

Maryland

Migrant and Seasonal Farmworkers Association, 3929 Western Blvd., POB 33315, Raleigh, N.C. 27606.
State of Maryland Department of Human Resources, 1100 North Eutaw Street, Baltimore, Md. 21201.

Pennsylvania

Farm Labor Services Center, Inc., 633 West Girard Avenue, Philadelphia, Pa. 19122.
Farmworkers Corporation of New Jersey, 36 West Landis Avenue, Vineland, N.J. 08360.
Pennsylvania Council of Farmworkers, 1631 Hamilton Street, Allentown, Pa. 18102.
Operational Innovations, Inc., 508 Main Street, Bethlehem, Pa. 18016.

Philadelphia Opportunities Industrialization Center, Inc., 1231 North Broad Street, Fourth Floor, Philadelphia, Pa. 19122.
National Council on Agricultural Life and Labor Research Fund, Inc., 155 South Bradford Street, Dover, Del. 19901.

Virginia

Migrant and Seasonal Farmworkers Association, Inc., 3929 Western Blvd., POB 33315, Raleigh, N.C. 27606.
Virginia Employment Commission, 703 East Main Street, Richmond, Va. 23211.

West Virginia

State of West Virginia, Governor's Manpower Office, 5790–A MacCorkle Avenue, SE, Charleston, W. Va. 25304.

REGION IV

Florida

Florida Farmworker's Council, 1975 East Sunrise Blvd., Suite 850, Ft. Lauderdale, Fla. 33304.
Florida Department of Education, Vocational Education Division, Capitol Building, Tallahassee, Fla. 32304.

Georgia

Office of the Governor, Georgia Department of Labor, 501 Pulliam Street, SW., Atlanta, Ga. 30012.
Migrant and Seasonal Farmworkers Association, Inc., 3929 Western Blvd., POB 33315, Raleigh, N.C. 27606.
Supplemental Education Services, Inc., POB 793, Butler, Ga. 31006.

Kentucky

Tennessee Opportunity Programs for Seasonal Farmworkers, Inc., 2803 Foster Avenue, Nashville, Tenn. 37211.

Mississippi

Mississippi Delta Council for Farm Workers Opportunities, Inc., 1933 Fourth Street, Clarksdale, Miss. 38614.

North Carolina

Migrant and Seasonal Farmworker Association, Inc., 3929 Western Blvd., POB 33315, Raleigh, N.C. 27606.

South Carolina

Office of the Governor, 1800 St. Julian Place, INA Bldg., Columbia, S.C. 29204.
South Carolina Resources Development Corp., 3015 South Church Street, Spartanburg, S.C. 29301.

REGION V

Illinois

Illinois Migrant Council, 202 South State Street, Chicago, Ill. 60604.

Indiana

Office of Manpower Development, 150 West Market Street, 7th Floor, Indianapolis, Ind. 46204.
AMOS, Inc., 2802 North Delaware, Indianapolis, Ind. 46205.

Ohio

La Raza Unida de Ohio, 1007 Revere Drive, Bowling Green, Ohio 43402.

REGION VI

Arkansas

Arkansas Council of Farmworkers, 1200 Westpark Drive, POB 4241 Asher Station, Little Rock, Ark. 72214.

Oklahoma

ORO Development Corp., 1100 North Classen Drive, POB 60126, Oklahoma City, Okla. 73106.

Texas

Associated City-County Economic Develop-Corp., Inc., 1304 South 25th Street, Edinburg, Tex. 78539.
Governor's Office of Migrant Affairs, POB 12428, Capitol Station, Austin, Tex. 77327.

REGION VII

Kansas

American GI Forum of Kansas, 676 South 9th Street, Salina, Kans. 67401.
ORO Development Corp., 1100 North Classen Drive, POB 60126, Oklahoma City, Okla. 73106.

Missouri

Rural Missouri, Inc., 418 Madison Street, POB 204, Jefferson City, Mo. 65101.

Nebraska

Migrant Action Program, POB 778, 220 East State Street, Mason City, Iowa 50401.
State of Nebraska, Department of Labor, 124 North 11th Street, Lincoln, Neb. 68501.

REGION VIII

Colorado

Colorado Council on Migrant and Seasonal Agricultural Workers and Families, 665 Grant Street, Denver, Colo. 80203.

Montana

State of Montana Governor's Office, POB 169, State Capitol Bldg., Helena, Mont. 59601.

North Dakota

North Dakota Migrant Council, P.O. Drawer X, Grand Forks, N.D. 58201.

South Dakota

Minnesota Migrant Council, POB 1231, St. Cloud, Minn. 56301.

Utah

Utah Migrant Council, Inc., 12 East Center Street, Midvale, Utah 84047.

Wyoming

North-western Community Action Programs of Wyoming, Inc., POB 431, Worland, Wyo. 82401.

REGION IX

Arizona

MOPportunities, Inc., 6611 South Central Avenue, Phoenix, Ariz. 85040.

California

Center for Employment and Training, Migrant Division, 1318 North Santa Fe Avenue, Vista, Calif. 92083.
National Farm Workes Service Center, Inc., POB 48, La Paz-Keene, Calif. 93531.
Kern & Ventura Educational Program, 710 Union Avenue, Bakersfield, Calif. 93307.
Proteus Adult Training, Inc., 1640 West Mineral King, POB 727, Visalia, Calif. 93277.
California Human Development Corp., 2462 Mendocino Avenue, Santa Rose, Calif. 95401.
Greater California Education Project, POB 11367, Fresno, Calif. 93783.
County of Kern, 1415 Truxtun Avenue, Bakersfield, Calif. 93301.
Tulare County, Human Services—Employment and Training, 160 West Mineral King No. D, Visalia, Calif. 93277.
Central Coast County Development Corp., 110 South "A" Street, Madera, Calif. 93673.
Campesinos Unidos, Inc., POB 203, Brawley, Calif. 92227.
Campesinos Progresistas, Inc., 160 North First Street, Dixon, Calif. 95620.
Inland Manpower Association, 336 North La-Cadena Drive, Colton, Calif. 92324.
City of Stockton, Employment and Training Opportunity Department, City Hall, Stockton, Calif. 95202.
Center for Employment and Training, 11131 Clarissa, Garden Grove, Calif.
The Terrena Corp., 300 South C Street, Oxnard, Calif. 93030.
County of San Luis Obispo, Employment and Training Services, 303 Higuere, San Luis Obispo, Calif. 93401.
Center for Employment Training of the Central Coast Counties, 425 South Market Street, San Jose, Calif. 95113.
Centro De Entrenamiento Para Trabajo De Riverside/San Bernardino Counties, 84–915 Avenue 48, Coachella, Calif. 92236.

Hawaii

State of Hawaii, Department of Labor and Industrial Relations, 825 Mililani Street, Honolulu, Hawaii 96813.

REGION X

Idaho

Idaho Migrant Council, Inc., 415 South 8th Street, Boise, Idaho 83706.

Oregon

Oregon Rural Opportunities, 5103 Portland Road, NE, Salem, Oreg. 97303.

Washington

Northwest Rural Opportunities, Inc., 305 Euclide, Grandview, Wash. 98930.

Funding requests have also been received by the following sponsors who are operating programs in areas which were not opened for competition:

Alabama

Alabama Migrant and Seasonal Farm Workers Council, Inc., 404 East South Boulevard, Montgomery, Ala. 36105.

California

County of Los Angeles, Department of Community Development, 2999 West Sixth Street, Los Angeles, Calif. 90020.

Iowa

Migrant Action Program, Inc., 220 East State Street, POB 778, Mason City, Iowa 50401.

Louisiana

Motivation, Education, and Training, POB 1749, Cleveland, Tex. 77327.

Massachusetts

New England Farmworker's Council, 3502 Main Street, Springfield, Mass. 01107.

Michigan

United Migrants for Opportunity, Inc., 908 West Jefferson Street, Grand Ledge, Mich. 48337.

Minnesota

Minnesota Migrant Council, POB 1231, St. Cloud, Minn. 56301.

New Jersey

Farmworkers Corp. of New Jersey, 36 West Landis Avenue, Vineland, N.J. 08360.

New Mexico

Home Education Livelihood Program, 5000 Marble, N.E., Suite 222, Albuquerque, N. Mex. 87110.

Tennessee

Tennessee Opportunity Programs for Seasonal Farmworkers, 2803 Foster Avenue, Nashville, Tenn. 37211.

Texas

Community Action Council of South Texas, 420 East Main Street, Drawer S, Rio Grande City, Tex. 78582.
Economic Opportunities Development Corporation of San Antonio and Bexar Counties, POB 9326, San Antonio, Tex. 78204.
Motivation, Education, and Training, POB 1749, Cleveland, Tex. 77327.

Signed in Washington, D.C., this 30th day of September 1977.

LAMOND GODWIN,
Administrator, Office of National Programs.

[FR Doc.77-30022 Filed 10-13-77;8:45 am]

[4510-26]

Occupational Safety and Health Administration

[V-77-3]

FRONTIER HOT-DIP GALVANIZING, INC.

Grant of Variance

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

ACTION: Grant of variance.

SUMMARY: This notice announces the grant of a variance to Frontier Hot-Dip Galvanizing, Inc., from the standards prescribed in 29 CFR 1910.22(c) and 1910.23(c)(3) concerning guardrails.

DATE: The effective date of the variance is October 14, 1977.

FOR FURTHER INFORMATION CONTACT:

James J. Concannon, Director, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 3rd and Constitution Avenue NW., Room N-3668, Washington, D.C. 20210, telephone: 202-523-7121.

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza)—Room 3445, New York, N.Y. 10036.

U.S. Department of Labor, Occupational Safety and Health Administration, Leo W. O'Brien Federal Building, Clinton Avenue and North Pearl Street, Room 132, Albany, N.Y. 12207.

I. BACKGROUND

Frontier Hot-Dip Galvanizing, Inc., 1740 Elmwood Avenue, Buffalo, N.Y. 14207 made application pursuant to section 6(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 from the safety and health standards prescribed in 29 CFR 1910.22(c) and 1910.23(c)(3). Section 1910.22(c) requires that covers and/or guardrails shall be provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc. Section 1910.23(c)(3) requires that all galvanizing tanks be guarded with a standard guardrail and toeboard. Section 1910.23(e) states that a standard guardrail shall consist of top rail, intermediate rail, and post and shall have a vertical height of 42 inches nominal from upper surface of top rail to floor, platform, runway, or ramp level. The purpose of the standard is to protect employees from falling into these particularly hazardous areas.

The facility affected by this application is as follows:

Frontier Hot-Dip Galvanizing, Inc., 1740 Elmwood Avenue, Buffalo, N.Y. 14207

Notice of the application, and of the granting of the interim order, was published in the FEDERAL REGISTER on February 18, 1977 (42 FR 10077). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance request. In addition, affected employers and employees were notified of their rights to request a hearing on the application for a variance. No written comments or requests for a hearing have been received.

II. FACTS

The applicant operates a galvanizing tank which has a 30 inch side height and 21½ inch ledge width. Modification of the ledge width has increased it to 24 inches.

The applicant asserts that the erection of a 42 inch guardrail around its galvanizing tank would seriously interfere with necessary work practices such as skimming the zinc and may create additional hazards of splashing hot zinc.

Instead of the standard guardrail and toeboard, the applicant has increased the ledge width by installing a protective angle bringing the dimensions to a 24 inch width and a 30 inch height.

III. DECISION

Section 1910.22(c) requires that guardrails be provided to protect personnel from the hazards of open pits, tanks, etc. Section 1910.23(c)(3) requires that regardless of height, open-sided floors, walkways, platforms or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units or similar hazards shall be guarded with a standard railing and toeboard.

In the work area described, the 24 inch ledge width prevents an employee from accidentally stepping into the tank. The 30 inch side height is sufficient to allow an employee to right himself if he should fall towards the tank. The combination of side height and ledge width, combined with the applicant (1) assuring that no employee walks, steps or sits on the ledge around the tank and (2) training the employees regarding the proper performance of the operation and the hazards associated with walking, stepping, and sitting on the ledge around the tank, provides protection as safe as that which would be provided by use of a standard guardrail and toeboard.

IV. ORDER

Pursuant to authority in section 6(d) of the Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 8-76 (41 FR 25059), it is ordered that Frontier Hot-Dip Galvanizing, Inc., be, and it is hereby authorized to continue its operation while using its galvanizing tank having ledges (including the protective angle) 24 inches wide and sides 30 inches high, in lieu of the standard guardrail and toeboard required by 29 CFR 1910.22(c) and 1910.23(c)(3) provided that:

(1) No employee shall walk, step, or sit on the ledge around the tank.

(2) Training and information regarding the hazards associated with and the prohibition against walking, stepping or sitting on the ledge around the tank shall be provided for current employees within one week of the effective date of this variance, for new employees at the time of their initial assignment, and for all employees on a quarterly basis after their initial training.

As soon as possible, Frontier Hot-Dip Galvanizing, Inc., shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

This order shall become effective on October 14, 1977, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 7th day of October 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-30024 Filed 10-13-77;8:45 am]

[4510-26]

[V-77-13]

P D M HYDROSTORAGE, INC.

Application for 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 P D M Hydrostorage, Inc. for a variance and interim order pending a decision on the application for a variance from the standard prescribed in 29 CFR 1926.451(a)(4), (5) and (10) concerning Scaffolding.

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 October 14, 1977. The last date for interested persons to submit comments is November 14, 1977. The last date for affected employers and employees to request a hearing on the application is November 14, 1977.

ADDRESSES: Send comments or requests for a hearing to: Office of Vari-

ance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N3668, 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—OSHA, Gateway Building, Suite 2100, 3535 Market Street, Philadelphia, Pa. 19104.

U.S. Department of Labor—OSHA, 1375 Peachtree Street NE., Suite 587, Atlanta, Ga. 30309.

U.S. Department of Labor—OSHA, 1600 Hayes Street, Suite 302, Nashville, Tenn. 37203.

U.S. Department of Labor—OSHA, 32nd Floor—Room 3263, 230 South Dearborn Street, Chicago, Ill. 60604.

U.S. Department of Labor—OSHA, 911 Walnut Street, Room 3000, Kansas City, Mo. 64106.

NOTICE OF APPLICATION

Notice is hereby given that P D M Hydrostorage, Inc. has made application pursuant to section 6(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 an interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1926.451(a)(4),(5) and (10) Toeboards, Plank Spans and Guardrail Support Spans.

The address of the place of employment that will be affected by the application is as follows:

P D M Hydrostorage, Inc., Conference Drive, Franklin, Tenn. 37064.

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.

In accordance with the regulation published in the FEDERAL REGISTER on June 16, 1976 (40 FR 25448–50) concerning Federal and State Variances from Identical Standards, the variance application was submitted (for review) to the States of Iowa, Kentucky, Minnesota, North Carolina, South Carolina, and Virginia. The States concur with the granting of an interim order.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by § 1926.451(a) (4), (5) and (10). Section 1926.451(a) (4) and (5) reads as follows:

(4) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beams scaffolding and floats (see paragraphs (p) and (w) of this section). Scaffolds four to 10 feet in height having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails installed on all open sides and ends of the platform.

(5) Guardrails shall be 2 x 4 inches, or the equivalent, approximately 42 inches high, with a midrail, when required. Supports shall be at intervals not to exceed 8 feet. Toeboards shall be a minimum of 4 inches in height.

The applicant states that its business is of a specialized nature involving steel plate erection.

The applicant contends that the scaffolds used in building tanks are mobile and are frequently raised as are the tank sections, in order to position the next set of steel plates. The scaffolds used do not have toeboards because tools are placed in well designed "loose tool" containers provided for that purpose. In addition, the applicant proposes to rope off the area directly below and in close proximity to the scaffold and to permit only those employees, and tools currently being used by them, on the scaffolds. The applicant states that because the scaffolds must be moved frequently, it would be more hazardous to constantly remove and replace toeboards.

The applicant also proposes to place guardrail supports at 10'6" intervals in lieu of the 8' requirement of § 1926.451 (a)(5). This would allow consistent bracket spacing since the applicant further desires to use 10'6" spans for its scaffold planking although § 1926.451(a) (10) allows a maximum span of 10'. The planks proposed to be used are rough full-dimensioned 2" x 12" x 12' planks of Douglas Fir or Southern Yellow Pine of Select Structural Grade. The Douglas Fir has a fiber stress of 1,900 and a modulus of elasticity of 1,900,000, while the Southern Yellow Pine has a 2,300 fiber stress and a modulus of elasticity of 2,000,000. The applicant contends that the scaffolds he is using are safe, even though the span is one-half foot longer than the maximum length allowed, because of the increased strength of the wood.

GRANT OF INTERIM ORDER

It appears from the application for a variance and interim order as required by section 6(d) of the Act, that the proposed scaffolding described in the application with certain variations 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 1926.451(a) (4), (5), and (10). 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 P D M Hydrostorage, Inc. be, and it is hereby, authorized to use scaffolds in accordance with the following conditions in lieu of complying with the toeboard and span requirements in § 1926.451(a) (4), (5), and (10):

(a) The applicant's loose tools and equipment shall be kept in well-designed tool containers. This does not include fitup bars, key plates, key channels, or long handled maul which may be placed on the scaffold plank during the time they are required for work. The loose tool containers shall be secured to prevent their upset or dislodgement from the scaffold area.

(b) Areas beneath and far enough away from the base of the scaffold to contain anything that falls from above shall be roped off and posted with clearly visible signs stating: "Danger Overhead Work."

(c) The space between the innermost edge of the scaffold platform and the curved plate structure of the tank shell shall not exceed 12" without protective measures. A taut wire rope supported on scaffold brackets at plank level may be used to divide any space exceeding 12" in lieu of using a guardrail or tie-off system.

(d) Not more than 3 employees shall be working on a 10'6" span of scaffold planking at any time.

(e) The maximum distance between brackets to which scaffolding and guardrail supports are attached shall be 10'6". These brackets shall be welded to the steel plates.

(f) Scaffold planks of rough full-dimentioned 2"x12"12' Douglas Fir or Southern Yellow Pine of Select Structural Grade or equivalent planking shall be used. The Douglas Fir shall have at least a 1,900 fiber stress and 1,900,000 modulus of elasticity, while the Yellow Pine shall have at least 2,300 fiber stress and 2,000,000 modulus of elasticity. Three planks with full thickness 2"x 10"x12' dimensions may be used in lieu of two 2"x12"x12' planks provided that they are clamped or bonded together at the midpoint of the span, in order to spread the weight of the employees.

(g) All planking shall be secured from movement or overlapped in accordance with § 1926.451(a)(12).

(h) Guardrails shall be constructed of taut wire rope, and shall be supported by angle irons attached to brackets welded to the steel plates. These guardrails shall be at least of equivalent strength, stability and height as those required for the 8 foot span of 2"×4" wood rails by 29 CFR 1926.451(a)(5). Guardrail supports shall be located at no greater than 10'6" intervals.

P D M Hydrostorage, Inc. 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 7th day of October 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-30025 Filed 10-13-77;8:45 am]

[4510-28]

Office of the Secretary

[TA-W-2149]

ABC INDUSTRIES, PATERSON, N.J.

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-2149: 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 20, 1977 in response to a worker petition received on June 17, 1977 which was filed by the Machine Printers and Engravers Association on behalf of workers and former workers engraving copper rollers and rotary screens at ABC Industries, Paterson, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on June 28, 1977 (42 FR 32853). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of ABC Industries, the Machine Printers and Engravers Association, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Evidence developed in the Department's investigation reveals there are no known imports of copper rollers or engraved rotary screens.

Engraved copper rollers would be imported under TSUSA number 668.3400, Print Blocks and Print Rollers. Unengraved rollers and engraved rotary screens would be imported under 668.-5020, Parts of Textile Printing Machinery. Industry sources report there are no known imports of either engraved or unengraved rollers or engraved rotary screens. Shipping costs of imported rollers and engraved screens are prohibitive due to the special packaging required to protect the surface of the roller or screen, and quickly changing fashion trends make the time delays inherent in importation of engraved rollers and screens unprofitable.

Industry sources attribute the decline in copper roller and rotary screen printing to competition from other printing processes. Since 1970, three printing processes have been introduced which use computers to print designs. The new processes decrease the time required to produce a print. The time required to engrave rollers and screens makes the roller and screen printing processes less competitive in the volatile fashion industry than the faster, computerized processes.

ABC Industries, Incorporated is a multiplant corporation where copper rollers and rotary screens are engraved for use in printing fabric, plastic, vinyl, and cardboard. Plants are located in Paterson, New Jersey; Charlotte, North Carolina; and Rome, Georgia.

The Paterson, New Jersey plant of ABC Industries began operations in 1939. The plant is a two-story building of approximately 20,000 square feet of work space and storage area. The facilities include metal lathes, photo engraving machinery, and copper and chrome plating tanks. The Paterson, New Jersey plant was closed on June 30, 1977 for an indefinite period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of copper rollers and rotary screens like or directly competitive with copper rollers and rotary screens engraved at ABC Industries, Paterson, New Jersey have not increased as required in Section 222 or the Trade Act of 1974. The petition is, therefore denied.

Signed at Washington, D.C. this 26th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30028 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1929; TA-W-1930; TA-W-1931]

AMERICAN MOTORS CORP., SOUTHFIELD, MICHIGAN

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-1929, 1930, and 1931 investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation with regard to TA-W-1929 and 1930 was initiated on March 31, 1977 in response to worker petitions received on that date which were filed by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) on behalf of workers and former workers engaged in the production of AMC Pacer automobiles and components for such cars and subcompact, compact and intermediate size cars at two (2) plants of the American Motors Corporation (AMC), Southfield, Michigan. The Notice of Investigation was published in the FEDERAL REGISTER (42 FR 19937) on April 15, 1977.

The investigation with regard to TA-W-1931 was initiated on March 31, 1977 in response to a worker petition received on that date which was filed by the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW) on behalf of workers and former workers engaged in employment related to production support for subcompact, compact and intermediate size cars at AMTEK, American Motors Corporation's technical center, Detroit, Michigan. The Notice of Investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19937).

On October 28, 1976 workers engaged in employment related to final assembly operations at the Kenosha, Wisconsin plant of American Motors Corporation were certified as eligible to apply for trade adjustment assistance (TA-W-999). The Notice of Determination was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48801). On November 17, 1976, workers engaged in employment related to the production of body assemblies at the Kenosha, Wisconsin plant of American Motors Corporation were certified as eligible to apply for trade adjustment assistance (TA-W-999). The Notice of Determination was published in the FEDERAL REGISTER on November 30, 1976 (41 FR 52558).

The information upon which the determinations were made was obtained principally from officials of American Motors Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, the Motor Vehicle Manufacturers Association, Automotive News, Wards Automotive Reports, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eli-

gibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necesarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

KENOSHA, WISCONSIN PLANT

Average employment of hourly workers engaged in the production of engines declined 5.3 percent in MY 1975 from MY 1974, decreased 16.8 percent in MY 1976 from 1975, and declined 23.7 percent in the first two quarters of MY 1977 compared to the first two quarters of MY 1976.

Average employment of hourly workers engaged in the production of axles and gears declined 11.7 percent in MY 1975 compared to MY 1974, decreased 14.0 percent in MY 1976 from MY 1975, and declined 39.2 percent in the first two quarters of MY 1977 compared to the same period in MY 1976.

Average employment of hourly workers engaged in the production of stampings and forgings declined 0.9 percent in MY 1975 from MY 1974, declined 15.3 percent in MY 1976 from MY 1975, and decreased 23.2 percent in the first two quarters of MY 1977 compared to the first two quarters of MY 1976.

Average employment of hourly workers engaged in the production of body asemblies declined 3.5 percent in MY 1975 from MY 1974, declined 29.9 percent in MY 1976 from MY 1975, and decreased 29.3 percent in the first two quarters of MY 1977 compared to the first two quarters of MY 1976.

Average employment of hourly workers engaged in final assembly operations declined 1.9 percent in MY 1975 from MY 1974, declined 21.0 percent in MY 1976 from MY 1975, and decreased 38.1 percent in the first two quarters of MY 1977 compared to the first two quarters of MY 1976.

Average employment of hourly workers engaged in production support functions declined 9.2 percent in MY 1976 from MY 1975 and declined 21.5 percent in the first two quarters of MY 1977 compared to the first two quarters of MY 1976.

Average salaried employment for the Kenosha plant declined 8.4 percent in MY 1975 from MY 1974, declined 11.4 percent in MY 1976 from MY 1975, and decreased 11.2 percent in the first two quarters of MY 1977 compared to the first two quarters of MY 1976.

SOUTH CHARLESTON STAMPING PLANT

All workers at the South Charleston Stamping plant are engaged in employment related to the production of automotive stampings.

Average employment of hourly workers increased 43.4 percent in MY 1976 compared to MY 1975 and increased 19.1 percent in the first two quarters of MY 1977 from the first two quarters of MY 1976.

Average employment of salaried workers increased 22.0 percent in MY 1976 from MY 1975 and increased 15.0 percent in the first two quarters of MY 1977 compared to the first two quarters of MY 1976.

AMTEK

Workers at AMTEK are engaged in a wide variety of production support activities.

Average employment of hourly workers declined 16.3 percent in MY 1975 from MY 1974, increased 3.4 percent in MY 1976 compared to MY 1975, and decreased 3.3 percent in the first two quarters of MY 1977 compared to the first quarters of MY 1976.

Average employment of salaried workers declined 3.1 percent in MY 1975 from MY 1974, decreased 14.2 percent in MY 1976 from 1975, and declined 40.7 percent in the first two quarters of MY 1977 compared to the first two quarters of MY 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

KENOSHA, WIS., PLANT

Annual total production of engines declined 10.7 percent in MY 1975 from MY 1974, declined 16.0 percent in MY 1976 from MY 1975, and declined 23.3 percent in the first two quarters of MY 1977 compared to the first two quarters of MY 1976.

Annual total production of axles and gears declined 11.1 percent in MY 1975 from MY 1974, decreased 6.8 percent in MY 1976 from MY 1975, and declined 31.7 percent in the first two quarters of MY 1977 compared to the first two quarters of MY 1976.

Annual total production of stampings and forgings declined 5.1 percent in MY 1975 from MY 1974, decreased 20.9 percent in MY 1976 from MY 1975, and declined 34.3 percent in the first two quarters of MY 1977 compared to the first two quarters of MY 1976.

Annual total production of body assemblies declined 9.5 percent from MY 1974 to MY 1975, decreased 24.2 percent in MY 1976 from MY 1975 and declined 23.5 percent in the first two quarters of MY 1977 compared to the first two quarters of MY 1976.

Annual total production of finished automobiles, all classes combined, increased 4.1 percent in MY 1975 from MY 1974, declined 23.3 percent in MY 1976 from MY 1975, and declined 38.9 percent in the first two quarters of MY 1977 compared to the first two quarters of MY 1976.

SOUTH CHARLESTON STAMPING PLANT

Total production of stampings and forgings increased 63.8 percent in the last three quarters of MY 1976 compared to the last three quarters of MY 1975 and increased 49.0 percent in the first two quarters of MY 1977 compared to the first two quarters of MY 1976.

AMTEK

AMTEK is not involved directly with the production process but is broadly involved in production support activities. Employment at AMTEK is dependent upon the overall performance of American Motors Corporation.

INCREASED IMPORTS

SUBCOMPACT CAR MARKET

Imports of subcompact cars increased from 1393.4 thousand units representing 108.6 percent of U.S. production in MY 1974 to 1437.9 thousand units representing 180.0 percent of domestic production in MY 1975. In MY 1976, imports declined to 1325.4 thousand units representing 142.9 percent of domestic production. In the first quarter of MY 1977, imports of subcompact cars were 350.5 thousand units representing 260.8 percent of U.S. production, up from the first quarter of MY 1976, when imports were 301.3 thousand units representing 101.4 percent of domestic subcompact car production.

American Motors Corporation imports a subcompact car from Canada into the United States which is indistinguishable from domestically produced AMC subcompacts. In MY 1975, AMC imports of subcompact cars from Canada declined 71.0 percent from MY 1974, increased 36.4 percent in MY 1976 from MY 1975, and increased 54.9 percent in the first two quarters of MY 1977 compared to the first two quarters of MY 1976. In the first two quarters of MY 1977, AMC imports of subcompact cars represented 41.2 percent of AMC's domestic production of subcompact cars, up from 16.4 percent in the first two quarters of MY 1976.

COMPACT CAR MARKET

Imports of compact cars declined from 325.5 thousand units representing 17.0 percent of domestic production in MY 1974 to 181.4 thousand units representing 9.6 percent of domestic production of compact cars in MY 1975. In MY 1976, imports of compact cars declined to 108.7 thousand units representing 4.2 percent of U.S. production. Compact imports declined to 19.5 thousand units representing 3.0 percent of domestic production in the first quarter of MY 1977, down from 23.3 thousand units representing 4.1 percent of domestic production in the first quarter of MY 1976.

American Motors Corporation imports a Hornet compact car from Canada into the United States which is indistinguishable from domestically produced Hornet

compact cars. Imports of AMC compact cars declined 11.8 percent from MY 1974 to MY 1975, increased 8.3 percent in MY 1976 from 1975, and declined 53.8 percent in the first two quarters of MY 1977 compared to the first two quarters of MY 1976.

INTERMEDIATE SIZE CAR MARKET

Imports of intermediate size cars were 346.1 thousand units in MY 1974 representing 16.5 percent of domestic production and declined to 304.6 thousand units in MY 1975, which represented 15.6 percent of domestic production in that year. In MY 1976, imports of intermediate size cars increased to 346.3 thousand units, representing 13.7 percent of domestic production, i.e. a declining share of the domestic market. In the first quarter of MY 1977, imported intermediate size cars were 83.8 thousand units, equal to 12.0 percent of domestic production, down from 90.3 thousand units representing 17.1 percent of U.S. production in the first quarter of MY 1976.

American Motors does not import an intermediate size car.

CONTRIBUTED IMPORTANTLY

The Department's previous investigations under TA–W–923, 997–999, revealed that (a) AMC's domestic production of its subcompact, compact and intermediate size cars at its Kenosha plant was adversely affected by increased aggregate imports or by increased imports of AMC cars from Canada in each of those car classes; (b) AMC's domestic production of subcompact, compact and intermediate body assemblies at its Milwaukee and Kenosha plants were adversely affected by increased aggregate imports of each of those car classes or by increased imports of AMC cars in the classes from Canada; (c) AMC's domestic production of stampings and forgings at the Milwaukee plant was adversely affected by increased imports of intermediate size cars but that AMC's domestic production of components at the Kenosha plant were not adversely affected by increased imports of subcompact, compact or intermediate size cars. Eligibility to apply for adjustment assistance for workers in the adversely affected subdivision cited above is currently in effect.

The Department's current investigation involves the AMC Pacer automobile and components for the AMC Pacer produced at the Kenosha, Wisconsin and South Charleston, West Virginia plants.

Under the previous determinations, employees at AMC engaged in employment related to the production of AMC Hornet compact cars were certified eligible to apply for adjustment assistance. (Hornet was the only AMC car in the compact class). The Department found that during the relevant time period AMC was increasing its imports of AMC Hornets from Canada. These imports were displacing AMC production of Hornets at its domestic Kenosha plant. The imported AMC Hornets were exactly identical to and displaced AMC Hornets produced in the U.S.

At the time of that decision, AMC's Pacer automobile was classified by the industry as a luxury small car. The luxury small category was abolished beginning with MY 1977 and the Pacer is now classified by the Department as a compact car. The reclassification was made on the basis of an amalgam of automobile characteristics, including wheel base, length, width, curb weight, base price, interior room, and EPA mileage estimates. The Department's classification of Pacer as a compact car is consistent with the classification systems adopted by Wards Automotive Reports, Automotive News, and the U.S. Environmental Protection Agency.

The AMC Pacer, beginning with MY 1977, has been classified as a compact car. Since its introduction in MY 1975, the Pacer has been produced solely in the U.S. Since the AMC Pacer is not produced outside the United States, the appropriate competitive market for the Pacer includes all imported compact cars. Both aggregate imports of compact cars and imports of compact cars from Canada declined absolutely and relatively from MY 1974 to MY 1975 and from MY 1975 to MY 1976.

The degree of competition among cars has been treated as a continuum running from perfect substitutability at one end (a Canadian built Hornet and a U.S. Hornet) to extreme low substitutability at the other end (a subcompact Chevette and a luxury Lincoln Continental) with a greater degree of competition being found within each class of car, e.g. compact, than as between cars in different classes. From MY 1975 to MY 1976, the sales of compact cars as a percentage of all cars sold declined from 25.8 percent to 21.3 percent as consumer tastes shifted purchases to other classes of cars. While compact cars as a class lost some of its market share, domestically produced compact cars increased their share of the domestic market from 91.4 percent in MY 1975 to 95.8 percent in MY 1976. However, during the same time period, AMC's share of the compact car market fell from 11.3 percent to 6.8 percent. Therefore, it is concluded that while imports were falling and other domestic manufacturers were increasing their share of a shrinking market, AMC was losing its share of the compact market to other domestic manufacturers.

Even if the Luxury Small category of automobile were still to exist, the Pacer would not be certified under that classification. Imports of luxury small cars both on an aggregate basis as well as from Canada declined absolutely and relatively from MY 1975 to MY 1976. Imports for the first quarter of MY 1977 while increasing somewhat from the first quarter of MY 1976 were below actual imports for MY 1976 based on a quarterly average. In addition the ratio of imports to domestic production ratio of imports to domestic production for the first quarter of MY 1977 was below the import to production ratio for MY 1976.

Under TA–W–999, employees engaged in employment related to the production of components for compact and subcompact cars at the Kenosha plant were denied certification. The certification of AMC's subcompact cars and compact cars was based on increased imports of AMC's subcompart Gremlins and compact Hornets. Since AMC sources 100% of its components for these cars in the U.S., increased imports from Canada could not have contributed to the production declines in the U.S.

The South Charleston, West Virginia plant only produces components for AMC's subcompact and compact cars. Total production at the South Charleston Stamping plant increased, compared to the same quarter of the previous year, in the five consecutive quarters from the second quarter of MY 1976 through the second quarter of MY 1977.

Average employment of hourly workers at the South Charleston Stamping plant increased 43 percent in MY 1976 from MY 1975 and increased 43 percent in the first half of MY 1977 compared to the first half of MY 1976. Average salaried employment increased 22 percent in the MY 1976 from MY 1975 and increased 15 percent in the first half of MY 1977 from the first half of MY 1976.

Employees engaged in employment related to the production of AMC intermediate car components at the Kenosha plant were denied certification under TA–W–999 because plant production of these components did not constitute a substantial proportion of total plant prdouction. Since that determination, plant production of intermediate components as a percentage of total production has declined.

AMTEK

Employees at AMTEK, American Motors Corporation's technical center, are engaged in a wide variety of technical and production support operations for all AMC workers. It is determined that such operations related to the production of domestic AMC intermediate cars do not constitute a substantial proportion of total operations. Therefore, the impact of increased imports of intermediate cars on the operations of the AMTEK facility is negligible.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that increases of imports of subcompact, compact or intermediate cars did not contribute importantly to the total or partial separation of workers engaged in employment related to the production of engines, axles, gears, stampings, and forgings and the AMC Pacer automobiles at the Kenosha, Wisconsin plant of American Motors Corporation, workers engaged in employment related to the production of stampings and forgings at the South Charleston Stamping plant, or workers involved in technical and production support operations at AMTEK, Detroit, Michigan.

Signed at Washington, D.C. this 28th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-30029 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1891]

BASS MANUFACTURING, INC., PLYMOUTH 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-1891: 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 children's dresses at the Plymouth, Pa. plant of Bass Manufacturing, Incorporated.

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 Bass Manufacturing, 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 to whether any of the other criteria have been met, criterion (4) has not been met.

Evidence developed in the Department's investigation reveals that manufacturers for whom Bass Manufacturing Incorporated performs contract work either did not contract work with foreign sources or have increased contract work with Bass and all other sources in 1976 compared to 1975. Sales by these manufacturers increased from 1975 to 1976. Furthermore, the value of contract work at the Plymouth, Pennsylvania plant of Bass Manufacturing, Inc. increased 45.5 percent in 1976 compared to 1975. Average quarterly value of contract work increased in every quarter from the fourth quarter of 1975 through the fourth quarter of 1976 when compared with the same quarter of the prior year.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with children's dresses produced by Bass Manufacturing, Incorporated, Plymouth, Pennsylvania have not contributed importantly to the decline in sales or production, or both, and to the total or partial separations of workers at the firm as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of October 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30030 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1496]

BETHLEHEM STEEL CORP., BETHLEHEM, 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-1496: 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 iron and steel products at the Bethlehem, Pa., plant of the Bethlehem Steel Corp. The Department's investigation was later limited, at the request of the petitioner, to carbon steel structural shapes and bars. Evidence developed in the course of the subsequent investigation revealed that the only steel bars produced at the Bethlehem, Pa., plant were alloy steel bars. All workers producing such products were previously certified eligible to apply for adjustment assistance (TA-W-924).

The Notice of Investigation was published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2371). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Bethlehem Steel Corporation, 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

The average number of workers engaged in employment related to the production of carbon steel structural shapes declined 30.7 percent in the fourth quarter of 1975 compared to the like quarter in 1974 and 34.6 percent in 1976 as compared to 1975 before increasing 1.6 percent in the first half of 1977 as compared to the like period in 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECLINED ABSOLUTELY

Plant sales of carbon steel structural shapes declined 30.8 percent in the fourth quarter of 1975 compared to the like quarter in 1974 and 19.7 percent in quantity in 1976 as compared to 1975 before increasing 7.3 percent in the first half of 1977 as compared to the like 1976 period. Plant production declined 30.7 percent in the fourth quarter of 1975 compared to the like quarter in 1974 and 20.0 percent in 1976 as compared to 1975 before increasing 7.9 percent in the first half of 1977 as compared to the like period in 1976.

INCREASED IMPORTS

Imports of carbon steel structural shapes declined each year from 1,614,000 tons in 1972 to 804,900 tons in 1975 before increasing 67.9 percent to 1,351,400 tons in 1976. Imports continued to increase from 542,600 tons in the first half of 1976 to 716,300 tons in the first half of 1977.

The ratio of imports of carbon steel structural shapes to domestic shipments declined each year from 34.1 percent in 1972 to 19.5 percent in 1975 before increasing to 40.0 percent in 1976. The ratio

continued to increase from 30.2 percent in the first six months of 1976 to 40.2 percent in the first six months of 1977.

CONTRIBUTED IMPORTANTLY

The Department conducted a survey of customers that purchased carbon steel structural shapes from the Bethlehem, Pa., plant. Some of the respondents indicated that they had reduced purchases from the Bethlehem plant in 1976 and had increased purchases of imported structural shapes. Some of the respondents reported that imported structural shapes were adversely affecting the sales of domestically produced structural shapes.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with carbon steel structural shapes have contributed importantly to the total or partial separation of workers engaged in employment related to the production of structural shapes at the Bethlehem, Pa., plant of the Bethlehem Steel Corp. as required for certification.

In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of carbon steel structural shapes at the Bethlehem, Pa., plant of the Bethlehem Steel Corp. who became totally or partially separated from employment on or after November 15, 1975, and before January 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. Workers separated on or after January 1, 1977, are denied eligibility.

Signed at Washington, D.C., this 29th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30031 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-2152]

CLIFTEX ENGRAVERS, INC., PASSAIC, N.J.

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-2152: 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 20, 1977, in response to a worker petition received on June 17, 1977, which was filed by the Machine Printers and Engravers Association on behalf of workers and former workers engraving copper rollers at Cliftex Engravers, Inc., Passaic, N.J.

The notice of investigation was published in the FEDERAL REGISTER on June 28, 1977 (42 FR 32853). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cliftex Engravers, Inc., the Machine Printers and Engravers Association, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Evidence developed in the Department's investigation reveals there are no known imports of copper rollers.

Engraved copper rollers would be imported under TSUSA number 668.3400, Print Blocks and Print Rollers. Unengraved rollers would be imported under 668.5020, Parts of Textile Printing Machinery. Industry sources report there are no known imports of either engraved or unengraved rollers. Shipping costs of imported rollers are prohibitive due to the special packaging required to protect the surface of the roller, and quickly changing fashion trends make the time delays inherent in importation of engraved rollers unprofitable.

Industry sources attribute the decline in copper roller printing to competition from other printing processes. Since 1970, three printing processes have been introduced which use computers to print designs. The new processes decrease the time required to produce a print. The time required to engrave rollers makes the roller printing process less competitive in the volatile fashion industry than the faster, computerized processes.

Cliftex Engravers, Inc. was founded in 1947 in Passaic, N.J. The company operates a single plant at which copper rollers used by textile manufacturers to print fabric are engraved.

The Cliftex plant is a single story building with 15,000 square feet of work space. Plant facilities include metal lathes, copper and chrome plating tanks, and photo engraving equipment.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of copper rollers like or directly competitive with copper rollers engraved at Cliftex Engravers, Inc., Passaic, N.J., have not increased as required in Section 222 or the Trade Act of 1974. The petition is therefore denied.

Signed at Washington, D.C., this 26th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management Administration, and Planning.

[FR Doc.77-30032 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-2118]

COLT TILE, TARAZZO AND MARBLE CO., INC., TOTOWA, N.J.

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-2118: 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 6, 1977, in response to a worker petition received on June 1, 1977, which was filed by the Riggers and Machinists Union Local 197 on behalf of workers involved in the installation of marble, granite, limestone and slate at job sites for the Colt Tile, Tarazzo and Marble Co., Inc., Totowa, N.J.

The notice of investigation was published in the FEDERAL REGISTER on June 17, 1977 (42 FR 30937). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from the Colt Tile, Tarazzo and Marble Co., Inc. and Local 197 of the Riggers' and Machinists' Union.

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.

If any of the above criteria is not satisfied, a negative determination must be made.

The Department of Labor has already determined that the performance of services is not included within the term "articles" as used in Section 222(3) of the Act. See Notice of Negative Determination in Pan American World Airways, Inc. (TA–W–153; 40 FR 54639).

Colt Tile, Tarrazo and Marble Co., Inc. is involved exclusively in the installation of marble, granite, limestone, and slate at job sites. The company is not involved in the production of an article within the meaning of Section 222(3) of the Act.

After careful review of the issues I have determined that services of the kind provided by Colt Tile, Tarrazo and Marble Co., Inc. are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974.

Signed at Washington, D.C., this 20th day of September 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77–30033 Filed 10–13–77;8:45 am]

[4510–28]

[TA–W–2140]

COLUMBIAN CUTLERY CO., INC., READING, 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–2140: 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 13, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing hand tools, garden tools and shears at the Reading, Pa., plant of Columbian Cutlery Co., Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on June 24, 1977 (41 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 Columbian Cutlery Co., Inc. and the United Steelworkers of America.

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 (1) has not been met.

The Columbian Cutlery Co., Inc., located in Reading, Pa., manufactures hand cutting tools for lawns, gardens and farm use. The company's facilities include a manufacturing plant, administrative offices, and a warehouse. Its products are marketed through catalogues and by sales representatives.

Pursuant to the requirements of 20 CFR 90.2 total separations must be the equivalent to a total unemployment of five percent or 50 workers, whichever is less. Evidence developed in the Department's investigation revealed that the total involuntary separations which occurred during the period of possible coverage amounted to less than five percent of the workforce employed at the Columbian Cutlery Co., Inc. The total number of workers experiencing separations during the period May 15, 1976, one year prior to the signature date of the petition, to the present was less than 50 workers.

Pursuant to the requirements of 29 CFR 90.2, "partial separations" means, that the worker's hours of work have been reduced to 80 percent or less of the worker's average weekly hours at the firm or appropriate subdivision thereof. Evidence developed in the Department's investigation revealed that for each week of 1976 the average weekly hours of work were not reduced to 80 percent or less of the worker's average hours for the year 1976. Worker's average weekly hours of work did not change in the first six months of 1976 compared to the same period in 1977.

Company officials indicated that there is no imminent threat of separations from employment for workers at the Reading, Pa., plant of Columbian Cutlery.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the Reading, Pa., plant of the Columbian Cutlery Co., Inc. have not become totally or partially separated, or threatened to become separated, as required for certification in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of September 1977.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77–30034 Filed 10–13–77;8:45 am]

[4510–28]

[TA–W–1896]

CORONET FASHIONS, 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 present the results of TA–W–1896: 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 women's dresses at the Wilkes-Barre, Pa. plant of Coronet Fashions. The investigation revealed that Coronet Fashions also produced women's sportswear.

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 Coronet Fashions, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual, or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Coronet Fashions is a contractor producing women's dresses and sportswear for one manufacturer. Coronet ships goods upon completion and sales equal production. Coronet receives fabric that belongs to the manufacturer, cuts and sews it, and sends the finished garments to the manufacturer.

This manufacturer has no foreign contractors and does not buy any imported garments. This manufacturer's sales increased in 1976 compared to 1975. In the

first quarter of 1977, Coronet's sales increased 5.7 percent in quantity compared to the first quarter of 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 dresses, skirts, blouses and jackets produced at the Wilkes-Barre, Pa. plant of Corone Fashions did not contribute importantly to the absolute decline in sales or production or to the total or partial separations of the workers at that plant as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-20036 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1356T]

DELAVAL TURBINES, INC., DELROYD WORM GEAR DIVISION, TRENTON, N.J.

Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223(d) of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1356T: investigation regarding termination of certification of eligibility to apply for worker adjustment assistance as prescribed in Section 223(d) of the Act.

On March 31, 1977 workers engaged in employment related to the production of worm gears and speed reducers in the Delroyd Worm Gear Division of DeLaval Turbines, Inc., Trenton, N.J. were certified as eligible to apply for trade adjustment assistance. The Notice of Determination was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19180).

The investigation regarding termination of certification was initiated on June 7, 1977 to determine whether the group of workers specified above continue to meet the group eligibility requirements of Section 222 of the Act. The Notice of Investigation was published in the FEDERAL REGISTER on June 21, 1977 (42 FR 31505). No public hearing was requested and none was held.

During the course of the investigation, information was obtained from officials of DeLaval Turbines, Inc. the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Whenever it becomes evident that any of the above criteria are no longer met, the certification as issued must be revised to include a termination date. The termination date would apply only with respect to total or partial separations occurring after this date as specified in the revised certification. The investigation reveals that the second criterion is no longer being met with respect to workers at the Delroyd Worm Gear Division, DeLaval Turbines, Inc., Trenton, N.J.

Sales of worm gears and speed reducers by the Delroyd Worm Gear Division, adjusted to constant 1974 dollars, declined 8.4 percent from 1975 to 1976 and then increased 23.0 percent in the first six months of 1977 compared to the first six months of 1976. Adjusted sales increased in each quarter from the third quarter of 1976 through the second quarter of 1977 when compared to the same period in the previous year.

Sales at the Delroyd Division are recorded as orders booked. Production is recorded as orders shipped. There is a six month lag between sales and production. This lag was extended by approximately three months in late 1976 when DeLaval chose, with customer approval, to extend delivery on orders booked until economic recovery was confirmed. Production of worm gears and speed reducers by the Delroyd Worm Gear Division declined 13.7 percent from 1975 to 1976 and then increased 4.4 percent in the first six months of 1977 compared to the same period in 1976. Production rose 16.7 percent in the second quarter of 1977 compared to the same quarter in 1976, reflecting the increase in sales which had begun in the third quarter of 1976.

Increased production in the second quarter of 1977 was reflected in rising employment levels in the same quarter. Employment of production workers increased 14.7 percent in the second quarter of 1977 compared to the same quarter in 1976. There have been no layoffs in the Delroyd Division since September 1976. Company officials have indicated that the company is actively seeking new employees for the Delroyd Division.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that total or partial separations of workers engaged in the production of worm gears and speed reducers at the Delroyd Worm Gear Division, DeLaval Turbines, Inc., Trenton, N.J., are no longer attributable to the conditions specified in Section 222 of the Trade Act of 1974. In accordance with Section 223(d) of the Act, I hereby revise the certification of March 31, 1977 to read as follows:

That all workers engaged in employment related to the production of worm gears and speed reducers at the Delroyd Worm Gear Division, DeLaval Turbines, Inc., Trenton, N.J., who became or will become totally or partially separated on or after November 1, 1975 and before October 14, 1977, be certified eligible to apply for trade adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All employees who become or will become totally or partially separated from employment related to the production of worm gears and speed reducers at the Delroyd Worm Gear Division on or after October 14, 1977 are denied certification of eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 4th day of October 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30036 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1935]

D' ROMA FASHIONS, COVINA, 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-1935: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 31, 1977 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing women's and misses' coats at D' Roma Fashions, Covina, Calif.

The Notice of Investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19937). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of David L. Maffei Co., its customers, D' Roma Fashions, the U.S. International Trade Commission, U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in 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.

SIGNICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at D' Roma Fashions decreased 11 percent from 1974 to 1975, and then further decreased 20 percent from 1975 to 1976.

In 1976 the plant closed down for three weeks in March, the month of April, one week in May, two weeks in June, and four weeks in July.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production in quantity (units) of women's and misses' coats increased 15 percent from 1974 to 1975, decreased 39.6 percent from 1975 to 1976, and then increased 36.8 percent for the first quarter of 1977 compared to the same period in 1976.

D' Roma produces coats on a contract basis, therefore production is equivalent to sales.

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.

CONTRIBUTING IMPORTANTLY

D' Roma Fashions produces exclusively for one manufacturer. The manufacturer reduced purchases from D' Roma Fashions from 1975 to 1976 because his sales had declined. Customers of the manufacturer, who were surveyed, have reduced purchases from the manufacturer and increased purchases of imported women's and misses' coats.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's and misses' coats produced by D' Roma Fashions 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 of D' Roma Fashions, Covina, Calif. who became totally or partially separated from employment on or after March 22, 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 4th day of October 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30037 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-2155]

EXCEL IV, INC., ELMWOOD, N.J.

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-2155: 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 20, 1977 in response to a worker petition received on June 17, 1977 which was filed by the Machine Printers and Engravers Association on behalf of workers and former workers engraving copper rollers at Excel IV, Inc., Elmwood, N.J.

The notice of investigation was published in the FEDERAL REGISTER on June 28, 1977 (42 FR 32853). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Excel IV, Inc., the Machine Printers and Engravers Association, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Evidence developed in the Department's investigation reveals there are no known imports of copper rollers.

Engraved copper rollers would be imported under TSUSA number 668.3400, Print Blocks and Print Rollers. Unengraved rollers would be imported under 668.5020, Parts of Textile Printing Machinery. Industry sources report there are no known imports of either engraved or unengraved rollers. Shipping costs of imported rollers are prohibitive due to the special packaging required to protect the surface of the roller, and quickly changing fashion trends make the time delays inherent in importation of engraved rollers unprofitable.

Industry sources attribute the decline in copper roller printing to competition from other printing processes. Since 1970, three printing processes have been introduced which use computers to print designs. The new processes decrease the time required to produce a print. The time required to engrave rollers makes the roller printing process less competitive in the volatile fashion industry than the faster, computerized processes.

Excel IV, Inc. was founded in August 1971 in Elmwood, N.J. The company operates a single plant at which copper rollers used by textile manufacturers to print fabric are engraved.

The Excel IV plant is a two story building with 20,000 square feet of work space. Plant facilities include office equipment, art department materials, photographic equipment, cameras, contact frames, a film processor, a photo composing machine, light tables, and photo layout equipment, roller polishing lathes, and chrome and copper plating tanks.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of copper rollers like or directly competitive with copper rollers engraved at Excel IV, Inc., Elmwood, N.J., have not increased as required in Section 222 or the Trade Act of 1974. The petition is, therefore, denied.

Signed at Washington, D.C., this 26th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30038 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1881]

GAILS FASHIONS 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-1881: 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 23, 1977 in response to a worker petition received on March 23, 1977 which was filed by the International Ladies' Garment Workers' Union on be-

half of workers and former workers producing misses' and juniors' dresses and pantsuits at Gails Fashions, Wilkes-Barre, Pa.

The Notice of Investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19176). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Gails Fashions, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual, or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion one (1) has not been met.

The average number of production workers at Gails Fashions increased 42.9 percent from 1975 to 1976. In the first 6 months of 1977 the average number of production workers increased 5.6 percent over the same period of 1976. There is no indication that current workers are threatened with any involuntary separations.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at Gails Fashions, Wilkes-Barre, Pa. have not become totally or partially separated as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of September 1977.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-30039 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1949]

H. W. GOSSARD CO., BODY FOUNDATION DIVISION; ISHPEMING, MICH.; LOGANSPORT, IND.; SULLIVAN, IND.; PIGGOTT, ARK.; BATAVIA, ILL.

Revised Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 and in accordance with Section 223(a) of such Act, on July 22, 1977 the Department of Labor issued a certification of eligibility to apply for worker adjustment assistance applicable to workers and former workers engaged in employment related to the production of brassieres, girdles, and corsets at the Ishpeming, Mich.; Logansport, Ind.; Sullivan, Ind.; Piggott, Ark. plants and Batavia, Ill. warehouse of the Body Foundation Division of the H. W. Gossard Co. (TA-W-1949)

The Notice of Certification was published in the FEDERAL REGISTER on August 2, 1977 (42 FR 39164).

Sebsequent to the publication of the original determination, the Office of Trade Adjustment Assistance received an inquiry regarding the eligibity of workers at the Piggott, Ark. plant for coverage under the certification issued for all workers in the Body Foundation Division of H. W. Gossard.

H. W. Gossard Co. is organized in two divisions; Body Foundations and Lingerie. Piggott is a cutting plant. That is, fabric is sent to Piggott, cut to specifications, and then shipped to company sewing plants for assembly into finished garments.

Further investigation revealed that all fabric cuttings produced at Piggott are used in the production of sleepwear and underwear in the Lingerie Division of H. W. Gossard Co. Fabric used in the production of brassieres, girdles, and corsets is cut, as well as assembled, at the sewing plants in the Body Foundation Division.

CONCLUSION

Based on the additional evidence, a review of the entire record and in accordance with the provisions of the Act, I have determined that the following certification is hereby made as follows:

All workers engaged in employment related to the production of ladies' brassieres, girdles, and corsets at the Ishpeming, Mich., and Logansport, Ind. plants and the Batavia, Ill. warehouse of H. W. Gossard Co., Chicago, Ill. who became totally or partially separated from employment on or after March 12, 1976 and at the Sullivan, Ind. plant of H. W. Gossard Co. who became totally or partially separated from employment on or after January 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30040 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-2156]

GRAPHIC ENGRAVING CORP., PATERSON, N.J.

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-2156: 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 20, 1977 in response to a worker petition received on June 17, 1977 which was filed by by the Machine Printers and Engravers Association on behalf of workers and former workers engraving copper rollers at Graphic Engraving Corp., Paterson, N.J.

The notice of investigation was published in the FEDERAL REGISTER on June 28, 1977 (42 FR 32853). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Graphic Engraving Corp., the Machine Printers and Engravers Association, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Evidence developed in the Department's investigation reveals there are no known imports of copper rollers.

Engraved copper rollers would be imported under TSUSA number 668.3400, Print Blocks and Print Rollers. Unengraved rollers would be imported under 668.5020, Parts of Textile Printing Machinery. Industry sources report there are no known imports of either engraved or unengraved rollers. Shipping costs of imported rollers are prohibitive due to the special packaging required to protect the surface of the roller, and quickly changing fashion trends make the time delays inherent in importation of engraved rollers unprofitable.

Industry sources attribute the decline in copper roller printing to competition from other printing processes. Since 1970, three printing processes have been introduced which use computers to print designs. The new processes decrease the time required to produce a print. The time required to engrave rollers makes the roller printing process less competitive in the volatile fashion industry than the faster, computerized processes.

The Graphic Engraving Corp., Paterson, N.J. was founded in 1957 to engrave copper rollers used by textile manufacturers to print fabric.

The Paterson, N.J. plant is a two-story building with 80,000 square feet of work space. Plant facilities include metal lathes, copper and chrome plating tanks, and photo engraving equipment.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of copper rollers like or directly competitive with copper rollers engraved at Graphic Engraving Corp., Paterson, N.J. have not increased as required in Section 222 or the Trade Act of 1974. The petition is, therefore denied.

Signed at Washington, D.C. this 26th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30041 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1805]

GULF PIPER, ARKANSAS PASS, 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-1805: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 15, 1977 in response to a worker petition received on March 10, 1977 which was filed by three workers on behalf of workers and former workers engaged in the catching of shrimp with the trawler Gulf Piper located in Aransas Pass, Tex.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18155). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the U.S. Department of Commerce, the U.S. International Trade Commission, the trawler Gulf Piper and its customers, 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.

Evidence developed in the Department's investigation revealed that most customers who regularly submit bids on the open market indicated that they purchase imported shrimp. However, these customers stated that imported shrimp was purchased because their domestic suppliers had been unable to provide them with sufficient quantities to meet their requirements.

Furthermore, several factors acted to depress levels of shrimp production in 1976 and the first quarter of 1977 consequently reducing the quantities of shrimp made available to Gulf Piper's customers. These factors included adverse weather conditions, a lack of shrimp available in known fishing grounds in the first quarter of 1977 and the imposition of a 200 mile fishing restriction by the Mexican government which prevented domestic shrimpers from fishing within Mexican coastal waters.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that imports of articles like or directly competitive with the shrimp produced by the trawler Gulf Piper or Aransas Pass, Tex. have not contributed importanly to the total or partial separations of the workers of that company as required for a certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30042 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-2157]

IMPERIAL TEXTILE ENGRAVING, INC., PATERSON, N.J.

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-2157: 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 20, 1977, in response to a worker petition received on June 17, 1977, which was filed by the Machine Printers and Engravers Association on behalf of workers and former workers engraving copper rollers at Imperial Textile Engraving, Incorporated, Paterson, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on June 28, 1977 (42 FR 32853). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Imperial Textile Engraving, Incorporated, the Machine Printers and Engravers Association, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibilty requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Evidence developed in the Department's investigation reveals there are no known imports of copper rollers.

Engraved copper rollers would be imported under TSUSA number 668.3400, Print Blocks and Print Rollers. Unengraved rollers would be imported under 668.5020, Parts of Textile Printing Machinery. Industry sources report there are no known imports of either engraved or unengraved rollers. Shipping costs of imported rollers are prohibitive due to the special packaging required to protect the surface of the roller, and quickly changing fashion trends make the time delays inherent in importation of engraved rollers unprofitable.

Industry sources attribute the decline in copper roller printing to competition from other printing processes. Since 1970, three printing processes have been introduced which use computers to print designs. The new processes decrease the time required to produce a print. The time required to engrave rollers makes the roller printing process less competitive in the volatile fashion industry than the faster, computerized processes.

The Imperial Textile Engraving, Inc., Paterson, N.J., was founded in 1947. The company operates a single plant at which copper rollers, used by textile manufacturers to print fabric, are engraved.

The Imperial Textile Engraving plant in Paterson, New Jersey is a one story building with 5,000 square feet of work space. Plant facilities include metal lathes, copper and chrome plating tanks, and photoengraving equipment.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of copper rollers like or directly competitive with copper rollers engraved at Imperial Textile Engraving, Incorporated, Paterson, New Jersey have not increased as required in Section 222 of the Trade Act of 1974. The petition is therefore denied.

Signed at Washington, D.C., this 26th day of September 1977.

JAMES F. TAYLOR,
Diretcor, Office of Management, Administration, and Planning.

[FR Doc.77-30043 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1476]

INTERLAKE, INC., NEWPORT WORKS NEWPORT AND WILDER, KY.

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-1476: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 20, 1976, in response to a worker petition received on December 20, 1976, which was filed by the United Steelworkers of America on behalf of workers and former workers producing flat rolled and tubular products at the Newport Works Kentucky plant of Interlake, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1534). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Interlake, 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 of the above criteria have been met for workers engaged in employment related to the production of tubular products which consist of line and spiral weld pipe and tubing.

The investigation has further revealed that for workers engaged in employment related to the production of flat rolled products which consist of carbon steel sheet and plate (hot and cold rolled), without regard to whether any of the other criteria have been met the fourh criterion has not been met.

TUBULAR PRODUCTS

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The category tubular products includes line and spiral weld pipe and tubing. Employees work interchangeably on these products.

Employment related to the products of tubular products declined 20.9 percent in 1973 compared to 1974 and decreased 11.3 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Sales of tubular products decreased 52.3 percent in terms of quantity in 1975 compared to 1974 and decreased 19.3 percent in terms of quantity from 1975 to 1976.

INCREASED IMPORTS

Imports of carbon steel pipe and tubing declined from 1768.1 thousand short tons in 1972 to 1574.6 thousand short tons in 1973. Imports increased to 1781.5 thousand short tons in 1974, decreased to 1542.5 thousand short tons in 1975, and then increased to 1820.7 thousand short tons in 1976. The ratio of imports to shipments increased from 22.8 percent in 1975 to 35.8 percent in 1976.

CONTRIBUTED IMPORTANTLY

A major customer of the Newport Works plant indicated that the reduced purchases of tubular products from Newport Works while import purchases had remained stable, thus increasing the ratio of import purchases to purchases from Interlake, Inc.

FLAT ROLLED PRODUCTS

CONTRIBUTED IMPORTANTLY

The category flat rolled products includes carbon and alloy steel sheet and plate both hot and cold rolled. Employees work interchangeably on these products.

Customers of the Newport Works plant who were surveyed indicated that either do not purchase imported flat rolled steel or they have increased purchases from the Newport 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 tubular products produced at the Newport Works, Kentucky plant of Interlake, Incorporated, contributed importantly to the total or partial separation of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of tubular products at the Newport Works, Kentucky plant of Interlake, Incorporated, who became totally or partially separated from employment on or after December 20, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that increases of imports like or directly competitive with flat rolled products produced at the Newport Works, Kentucky plant of Interlake, Incorporated, did not contribute importantly to the total or partial separations of the workers at that plant. Therefore workers engaged in employment related to the production of flat rolled products at the Newport Works, Kentucky plant of Interlake Incorporated are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 27th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30044 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1478]

INTERLAKE, INC. TOLEDO, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1478: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 20, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing pig iron at the Toledo, Ohio plant of Interlake, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1534). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Interlake, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision 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.

The Toledo, Ohio plant of Interlake, Inc. produces pig iron. Pig iron produced at the Toledo, Ohio plant is sold to various foundries and steel producers. Pig iron produced at the Toledo plant is not used by any other Interlake operation.

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. The ratio of imports to domestic production of pig iron decreased 0.5 percent in 1975 to 0.4 percent in 1976. The ratio decreased from 0.4 percent in the first quarter of 1976 to 0.2 percent in the first quarter of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with pig iron produced at the Toledo, Ohio plant of Interlake, Inc. 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 29th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30045 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1971]

JACOBSON MANUFACTURING CO., INC., KENILWORTH, N.J.

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-1971: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 11, 1977 in response to a worker petition received on that date which was filed by the International Automobile, Aerospace, Agricultural Implement Workers' Union, on behalf of workers and former workers producing nuts and washers at the Kenilworth, N.J. plant of Jacobson Manufacturing Co., Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on April 29, 1977 (42 FR 21872). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jacobson Manufacturing Company Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (1) has not been met.

The Jacobson Manufacturing Co., Inc., founded in the early 1950's is a wholly-owned corporation with production, warehousing and office facilities located in Kenilworth, N.J. Metal fasteners including nuts and washers are produced there for use by the automotive industry and electrical and other appliance manufacturers.

Pursuant to the requirements of 29 CFR 90.2 total separations must be the equivalent to a total unemployment of five percent or 50 workers; whichever is less. Evidence developed in the Department's investigation revealed that the total separations which occurred during the period of possible coverage amounted to less than five percent of the workforce employed at the Jacobson Manufacturing Co. The total number of workers experiencing separations during the period April 1, 1976, one year prior to the signature date of the petition to the present was less than 50 workers. There is no indication that current workers are threatened with any involuntary separations.

Pursuant to the requirements of 29 CFR 90.2, "partial separation" means, that the worker's hours of work have been reduced to 80 percent or less of the worker's average weekly hours at the firm or appropriate subdivision thereof. Evidence developed in the Department's investigation revealed that the worker's average weekly hours of work have remained constant in 1976 compared to 1975 and in the first half of 1977 compared to the same period of 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number of proportion of the workers at the Kenilworth, New Jersey plant of the Jacobson Manufacturing Company have not become or threatened to become totally or partially separated as required for certification in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30046 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1942]

JOLIE'D COATS, GARDENA, 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–1942: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 31, 1977 in response to a worker petition received on that date which was filed by the International Ladies Garment Workers Union (ILGWU) on behalf of workers and former workers producing women's and misses' coats at Jolie'D Coats, Gardena, Calif.

The Notice of Investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19937). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of David L. Maffei Company, Jolie'D Coats, its manufacturer, customers of the manufacturer, National Cotton Council of America, the U.S., the 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.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at Jolie'D Coats increased 6 percent from 1974 to 1975, and then decreased 20 percent from 1975 to 1976.

In 1976 the plant closed down for one week in February, three weeks in April, and one week in May.

SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Sales and production in quantity (units) of women's and misses' coats at the Jolie'D plant increased 19.6 percent from 1974 to 1975 decreased 30 percent from 1975 to 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 ratios 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

Evidence developed during the Department's investigation revealed that Jolie 'D Coats produces exclusively for one manufacturer. The manufacturer stated that he reduced purchases from Jolie'D Coats because his sales had declined. Customers of the manufacturer have reduced purchases from the manufacturer, and increased purchases of imported women's and misses' coats.

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 Jolie'D Coats contributed importantly to the absolute decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Jolie'D Coats, Gardena, Calif. who become totally or partially separated from employment on or after March 22, 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 4th day of October 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30047 Filed 10-13-77;8:45 am]

[4510–28]

[TA–W–2158]

JULIET FOOTWEAR CO., INC., ELMWOOD PARK, N.J.

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–2158: 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 20, 1977, in response to a worker petition received on June 17, 1977, which was filed by the United Shoe Workers of America on behalf of workers and former workers producing men's shoes at the Elmwood Park, N.J. plant of the Juliet Footwear Co., Inc.

The notice of investigation was published in the FEDERAL REGISTER on June 28, 1977 (42 FR 32853). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Juliet Footwear Company, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision 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 two has not been met.

The Juliet Footwear Co., Inc., consists of one plant in Elmwood Park, N.J., engaged in the production of men's shoes.

Company sales,[1] in value, increased 6.1 percent and 22.1 percent, respectively, in the third and fourth quarters of 1976 compared to the third and fourth quarters of 1975. Company sales increased 20.5 percent and 43.1 percent, respectively, in the first and second quarters of 1977 compared to the first and second quarters of 1976.

Company production, in quantity, increased 53.3 percent and 15.7 percent, respectively, in the third and fourth quarters of 1976 compared to the third and fourth quarters of 1975. Company production increased 9.7 percent and 13.3 percent, respectively, in the first and second quarters of 1977 compared to the first and second quarters of 1976.

As stated in the petition, the workers at the Juliet Footwear Co., Inc., are seeking adjustment assistance benefits for unemployment experienced in June 1975 and thereafter. Section 223(b)(1) of the Trade Act of 1974 states that a certification shall not apply to workers separated more than one year prior to the date of the petition. The petition in this case is dated June 10, 1977. Since May 1976, production and sales levels at the Juliet Footwear Co., Inc., have remained

[1] Company sales and production data are recorded on the basis of a fiscal year beginning on November 1st and ending October 31st.

consistently higher than those of the preceding year.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production of men's shoes at the Elmwood Park, N.J., plant of the Juliet Footwear Co., Inc., have not decreased as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 4th day of October 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30048 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-2159]

LES-CO ENGRAVING CO., LODI, N.J.

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-2159: 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 20, 1977, in response to a worker petition received on June 17, 1977, which was filed by the Machine Printers and Engravers Association on behalf of workers and former workers engraving copper rollers at Les-Co Engraving Co., Lodi, N.J.

The notice of investigation was published in the FEDERAL REGISTER on June 28, 1977 (42 FR 32853). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Les-Co Engraving Co., the Machine Printers and Engravers Association, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Evidence developed in the Department's investigation reveals there are no known imports of copper rollers.

Engraved copper rollers would be imported under TSUSA number 668.3400, Print Blocks and Print Rollers. Unengraved rollers would be imported under 668.5020, Parts of Textile Printing Machinery. Industry sources report there are no known imports of either engraved or unengraved rollers. Shipping costs of imported rollers are prohibitive due to the special packaging required to protect the surface of the roller, and quickly changing fashion trends make the time delays inherent in importation of engraved rollers unprofitable.

Industry sources attribute the decline in copper roller printing to competition from other printing processes. Since 1970, three printing processes have been introduced which use computers to print designs. The new processes decrease the time required to produce a print. The time required to engrave rollers makes the roller printing process less competitive in the volatile fashion industry than the faster, computerized processes.

The Les-Co Engraving Company was founded on October 2, 1945, in Lodi, N.J. The company operates a single plant at which copper rollers used by textile manufacturers to print fabric are engraved. The plant was temporarily closed in March 1977.

The Les-Co Engraving plant is a one-story building with 45,000 square feet of work space. Plant facilities include pantographic engraving machines, turning and polishing lathes, and manual cameras.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of copper rollers like or directly competitive wtih copper rollers engraved at Les-Co Engraving Co., Lodi, N.J., have not increased as required in Section 222 or the Trade Act of 1974. The petition is, therefore denied.

Signed at Washington, D.C., this 26th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30049 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1766]

LISA MANUFACTURING CO., INC., EGG HARBOR CITY, N.J.

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-1766: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 7, 1977, in response to a worker petition received on March 3, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's coats at the Egg Harbor City, N.J., plant of Lisa Manufacturing Co., Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16200). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lisa Manufacturing, customers of Lisa's principal manufacturer and other manufacturers for whom Lisa performed contract work, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, National Cotton Council of America and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers decreased 19.1 percent in the fourth quarter of 1976 compared to the same period of 1975. All workers were laid off when the plant closed in December 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production, in terms of quantity and value, decreased 11.5 percent and 2.2 percent, respectively, in the fourth quarter of 1976 compared to the same period of 1975. All production ceased when the plant closed in December 1976.

INCREASED IMPORTS

Imports of women's, misses' and children's coats and jackets increased from

1,769 thousand dozen in 1972 to 1,807 thousand dozen in 1973. In 1974, the volume of imports decreased to 1,478 thousand dozen and in 1975 imports increased to 1,517 thousand dozen. Imports increased 48.5 percent from 1975 to 1976 to 2,252 thousand dozen. For the first quarter of 1977, imports reached 590 thousand dozen compared to 506 thousand dozen for the same period of 1976.

The ratios 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

Evidence developed during the course of the Department's investigation revealed that manufacturers which contracted work to Lisa Manufacturing Co., Inc., in 1975 and 1976 either have increased their purchases of imported coats or have increased their orders with foreign contractors. Lisa's principal manufacturer in 1976 experienced decreases in sales from 1975 to 1976 because customers have increased purchases from foreign manufacturers.

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 Lisa Manufacturing Co., Inc., 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 of Lisa Manufacturing Co., Inc., Egg Harbor City, N.J., who became totally or partially separated from employment on or after October 1, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 4th day of October 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30050 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1889]

L. P. SPORTSWEAR, INC., HILLDALE, 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-1889: 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 23, 1977, in response to a worker petition received on March 22, 1977, by the International Ladies' Garment Workers Union on behalf of workers and former workers producing girls' sportswear at the Hilldale, Pa., plant of L. P. Sportswear, Inc.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19176). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of L. P. Sportswear, 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 assistant, 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 criterion (4) has not been met.

The Department's investigation has revealed that L. P. Sportswear is a contractor of girls' sportswear for a manufacturer of children's apparel. This manufacturer reported no foreign contractors are utilized and that the total dollars volume of work performed by its domestic contractors increased 42.9 percent in 1976 compared with 1975. Sales by L. P. Sportswear, Inc. in terms of 1974 dollars increased 4.7 percent in 1976 compared with sales in 1975.

CONCLUSION

After a careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with girls' sportswear produced under contract by L. P. Sportswear, Inc. in Hilldale, Pa., have not contributed importantly to total or partial separations of workers at that firm as required for a certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30051 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1399]

LUKENS STEEL CO., COATSVILLE, 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-1399: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 13, 1976 in response to a worker petition received on December 13, 1976, which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel plate and steel plate shapes at the Coatesville, Pa. plant of Lukens Steel Co. The investigation revealed that Lukens Steel also performs conversion service for domestic stainless steel producers.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 888). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from officials of Lukens Steel Co., its customers, the American Iron and Steel Institute, 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 above criteria have been met, criterion four (4) has not been met.

Evidence developed during the Department's investigation revealed that Lukens Steel Co. produced steel plates and steel plate shapes and performs conversion service for domestic stainless steel producers. Customers surveyed indicated that either they did not decrease purchases of steel plates and steel plate

shapes from Lukens Steel or that they decreased purchases from Lukens Steel but they do not purchase imported steel plate or steel plate shapes. Customers that decreased purchases from Lukens Steel cited poor business conditions as the reason.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with steel plates and steel plate shapes produced at the Coatesville, Pa. plant of Lukens Steel Co. have not contributed importantly to the decline in sales or production of the firm or 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 4th day of October 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30052 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1678]

JOSEPH PETRILLI CO., INC., EGG HARBOR, N.J.

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-1678: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 24, 1977 in response to a worker petition received on February 17, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's coats, blazers, and all-weather coats at the Egg Harbor, N.J. plant of the Joseph Petrilli Co., Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13088). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Joseph Petrilli 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.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

The Department conducted a survey of customers accounting for 100 percent of Petrilli's sales in 1975 and 1976. None of these switched purchases from Petrilli to imported sources. Customers who decreased purchases from Petrilli attributed their declines to an increase in purchases from other domestic sources, or a decline in sales. In addition, a study conducted by Department analysts indicated that of the total number of women's coats and jackets imported into the United States in 1976, only 0.18 percent of these fell into the category of "better" priced coats and jackets. The product which constituted the majority of Joseph Petrilli's sales in 1976 retailed at prices that fall clearly into that category.

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 coats, blazers and all-weather coats produced at the Egg Harbor, N.J. plant of the Joseph Petrilli Co., Inc. did not contribute importantly to the total or partial separations of workers at the plant as required by Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30053 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1751]

RCA CORP. BLOOMINGTON, IND.

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-1751: 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 Brotherhood of Electrical Workers on behalf of workers and former workers producing monochrome and color television receivers and components at the Bloomington, Ind. facility of the RCA Corp., Consumer Electronics Division, Indianapolis, Ind.

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 RCA Corp., the Electronic Industries Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the 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.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Bloomington facility declined 18.1 percent in the second half of 1976 compared to the same period of 1975 and declined 22.0 percent in the first quarter of 1977 compared to the same quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of color and monochrome televisions and components at the Bloomington facility declined 6.0 percent in the second half of 1976 compared to the same period of 1975 and declined 3.6 percent in the first quarter of 1977 compared to the same quarter of 1976.

Production of eight television components was transferred from Bloomington to RCA's foreign facilities during 1976. Production of monochrome televisions was transferred from Bloomington to RCA's foreign facilities during the second quarter of 1977.

INCREASED IMPORTS

Imports of monochrome television receivers relative to domestic production increased from 157.7 percent in 1972 to 210.3 percent in 1974, declined to 193.8 percent in 1975, and increased to 311.3 percent in 1976. Imports increased from 2,975 thousand units in 1975 to 4,327 thousand units in 1976, and from 918 thousand units in the first quarter of 1976 to 1,033 thousand units in the first quarter of 1977.

Imports of color television receivers relative to domestic production increased in every year from 1972 to 1975, rising from 18.8 percent in 1972 to 23.4 percent in 1975, and then increased sharply to 55.0 percent in 1976. Imports increased absolutely from 1,021 thousand units in 1975 to 2,856 thousand units in 1976 and from 426 thousand units in the first quarter of 1976 to 606 thousand units in the first quarter of 1977.

CONTRIBUTED IMPORTANTLY

Assembly of television receivers remains a labor-intensive process. The vast majority of imported television receivers are manufactured in low-wage areas. In recent years, to remain competitive with imports, U.S. television manufacturers have utilized production facilities in low-wage countries. Of the twelve existing domeestic television manufacturers, four are subsidiaries of foreign corporations and are essentially engaged in final assembly of imported components.

RCA Consumer Electronics Division opened its first overseas facility in 1969. Since then RCA has transferred numerous component manufacturing operations from its domestic to its overseas facilties. Under provisions of the Trade Expansion Act of 1962, facilities of the Consumer Electronics Division were found injured by increased company imports (TEA–144).

Imports of television components by the RCA Consumer Electronics Division increased 22.8 percent from 1975 to 1976, as the company transferred production of eight television components from Bloomington to its overseas facilities. Subsequently production and employment of production workers at Bloomington declined during the second half of 1976. The transfer of monochrome television production from Bloomington to RCA's foreign facilities in the second quarter of 1977 creates the threat of further declines in production and employment at the Bloomington facility.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with color and monochrome television receivers and components produced at the Bloomington, Ind. facility of the RCA Corp. contributed importantly to the total or partial separations of the workers of that facility. In accordance with provisions of the Trade Act of 1974, I make the following certification:

All workers at the Bloomington, Ind. facility of the RCA Corp., Consumer Electronics Division who became totally or partially separated from employment on or after June 27, 1976, are eligible to apply for worker adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of October 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[4510–28]

[TA–W–1944]

SABRINA COAT, INC., S. EL MONTE, 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–1944: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the A-t.

The investigati.. was initiated on March 31, 1977 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's nad misses' coats at Sabrina Coat, Inc., S. El Monte, Calif.

The notice of investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19937). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of David L. Maffei Company, its customers, Sabrina Coat, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

Average employment of production workers at Sabrina Coat, Inc. decreased 2.6 percent from 1974 to 1975, and then increased 13.2 percent from 1975 to 1976. In 1977 the plant closed for the entire month of January.

SALES, PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production in quantity (units) of women's and misses' coats by Sabrina Coat, Inc. decreased 13.1 percent from 1974 to 1975, decreased 1 percent from 1975 to 1976 and then decreased 56.7 percent for the first quarter of 1977 compared to the same period in 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 ratios 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

Sabrina Coat, Inc. produces exclusively for one manufacturer. The manufacturer stated that he reduced purchases from Sabrina Coat, Inc. because his sales had declined in 1976 compared to 1975. Customers of the manufacturer have reduced purchases from the manufacturer, and increased purchases of imported women's and misses' coats.

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 Sabrina Coat, Inc. contributed importantly to the absolute decline in production and to the separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Sabrina Coat, Inc., S. El Monte, Calif. who became totally or partially separated from employment on or after January 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of October 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77–30042 Filed 10–13–77;8:45 am]

[4510-28]

[TA-W-2122]

TITAN MARBLE AND STONE CO., INC., TOTOWA, N.J.

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-2122: 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 6, 1977, in response to a worker petition received on June 1, 1977, which was filed by the Riggers and Machinists Union Local 197 on behalf of workers involved in the installation of marble, granite, limestone, and slate at job sites for the Titan Marble and Stone Company, Incorporated, Totowa, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on June 17, 1977 (42 FR 30937). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from the Titan Marble and Stone Company, Incorporated and Local 197 of the Riggers' and Machinists' Union.

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.

If any of the above criteria is not satisfied, a negative determination must be made.

The Department of Labor has already determined that the performance of services is not included within the term "articles" as used in Section 222(3) of the Act. See Notice of Negative Determination in *Pan American World Airways, Incorporated* (TA-W-153; 40 FR 54639).

Titan Marble and Stone Company, Incorporated is involved exclusively in the installation of marble, granite, limestone, and slate at job sites. The company is not involved in the production of an article within the meaning of Section 222(3) of the Act.

After careful review of the issues I have determined that services of the kind provided by Titan Marble and Stone Company Incorporated are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974.

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

HARRY GRUBERT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-30056 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1441]

U.S. STEEL CORP., JOLIET-WAUKEGAN WORKS, JOLIET, ILL.

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 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 rods and mercant wire at the Joliet-Waukegan Works, Joliet, Ill. of the U.S. Steel Corporation, Pittsburgh, Pa.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 899). 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 American Iron and Steel Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of hourly workers engaged in employment related to the production of carbon steel rod decreased 24.5 percent in 1975 compared to 1974. Employment decreased 24.2 percent in the first quarter of 1976 compared to the same period of 1975. Employment increased 8.9 percent from April through November 1976 compared to the same period of 1975.

Average employment of hourly workers engaged in employment related to the production of merchant wire decreased 37.2 percent in 1975 compared to 1974. Employment decreased 35.2 percent in the first quarter of 1976 compared to the same period of 1975. Employment decreased 2.0 percent from April through November 1976 compared to the same period of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of carbon steel rods decreased 50.3 percent in 1975 compared to 1974. Sales decreased 8.1 percent in the first quarter of 1976 compared to the same period of 1975. Sales increased 53.0 percent from April through November 1976 compared to the same period of 1975.

Sales of merchant wire decreased 58.1 percent in 1975 compared to 1974. Sales decreased 16.7 percent in the first quarter of 1976 compared to the same period of 1975. Sales increased 38.1 percent from April through November 1976 compared to the same period of 1975.

INCREASED IMPORTS

Imports of carbon steel wire rod decreased from 1,313,200 short tons in 1972 to 1,306,400 short tons in 1973, increased to 1,827,600 short tons in 1974, decreased to 1,027,600 short tons in 1975, and increased to 1,032,900 short tons in 1976.

Imports of carbon steel wire, which includes merchant wire, decreased from 515,300 short tons in 1972 to 433,200 short tons in 1973, increased to 553,800 short tons in 1974, decreased to 349,600 short tons in 1975 and increased to 371,800 short tons in 1976.

CONTRIBUTED IMPORTANTLY

A representative sample of the Joliet-Waukegan Works' carbon steel rod and merchant wire customers were surveyed. Many of the carbon steel rod customers who were surveyed indicated that they had increased purchases of imported carbon steel rod while decreasing purchases of carbon steel rod from the Joliet-Waukegan Works. The merchant wire customers who were surveyed indicated that they had increased purchases of imported merchant wire while decreasing purchases of merchant wire from the Joliet-Waukegan Works.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon steel rods and merchant wire produced at the Joliet-Waukegan Works of the U.S. Steel Corporation contributed importantly to the absolute decline in sales and to the total or partial separations of the workers at the Joliet, Illinois plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Joliet, Ill. plant of the Joliet-Waukegan Works of the U.S. Steel Corporation engaged in employment related to the production of carbon steel rods and merchant wire who became totally or partially separated from employment on or after November 15, 1975, and before April 1, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers separated after April 1, 1976, are denied certification.

Signed at Washington, D.C. this 29th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30057 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1572]

WHEELING-PITTSBURGH STEEL CORP. MARTINS FERRY, OHIO

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-1572: 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 1, 1977 in response to a worker petition received on January 1, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing galvanized coils and sheets. The petition incorrectly stated that the Martins Ferry plant produces carbon steel, specialty steel products, including piping, culvert pipe, galvanized containers and galvanized pipes, at the Martins Ferry, Ohio plant of Wheeling-Pittsburgh Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER on January 28, 1977, (42 FR 5457). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wheeling-Pittsburgh Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such 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 the Martins Ferry plant declined 26 percent from 1974 to 1975, increased 8 percent from 1975 to 1976, and declined 22 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of galvanized coils and sheets, in quantity, declined 26 percent from 1974 to 1975, increased 20 percent from 1975 to 1976, and declined 10 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975.

Production of galvanized coils and sheets, in quantity, declined 29 percent from 1974 to 1975, increased 19 percent from 1975 to 1976, and declined 12 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975.

INCREASED IMPORTS

Imports of galvanized steel sheet and strip declined in absolute terms, from 1972 to 1973, increased from 1973 to 1974, and declined from 1974 to 1975. Imports increased 99 percent from 1975 to 1976. The ratios of imports to domestic production and consumption increased from 19.9 percent and 16.7 percent, respectively, in 1975 to 28.3 percent and 22.2 percent, respectively in 1976.

CONTRIBUTED IMPORTANTLY

A sample of customers of the Martins Ferry plant responding to an OTAA survey indicated they had increased purchases of imported galvanized steel coils and sheets.

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with galvanized steel coils and sheets produced at the Martins Ferry, Ohio plant of Wheeling-Pittsburgh Steel Corporation contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Martins Ferry, Ohio plant of Wheeling-Pittsburgh Steel Corporation, who became totally or partially separated from employment on or after October 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of September 1977.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.77-30058 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1398]

WHEELING-PITTSBURGH STEEL CORP., MONESSEN, 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-1398: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated 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 at the Monessen, Pennsylvania plant of the Wheeling-Pittsburgh Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 906). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wheeling-Pittsburgh Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such 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 Department's investigation revealed that the Monessen, Pennsylvania plant produces coke (which is used in the blast furnaces), iron (which is used in the basic oxygen furnaces), and steel ingots. The ingots are rolled into carbon steel slabs, billets, and rounds.

Total sales, in quantity, of carbon steel slabs, billets and rounds at the plant decreased 7 percent in 1974 from 1973, 24 percent in 1975 from 1974 and increased 19 percent in 1976 from 1975.

Total production, in quantity, of carbon steel slabs, billets and rounds at the plant decreased 8 percent in 1974 from 1973, 25 percent in 1975 from 1974 and increased 22 percent in 1976 from 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales and production at the Monessen, Pennsylvania, plant of Wheeling-Pittsburgh Steel Corporation have not declined absolutely as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of September 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-30059 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1773]

WILSHIRE FASHIONS SOUTH RIVER, N.J.

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-1773: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 7, 1977 in response to a worker petition received on March 4, 1977 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' coats at Wilshire Fashions, South River, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on March 22, 1977, (42 FR 15479). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wilshire Fashions, 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.

Evidence developed in the Department's investigation reveals that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

Employment of production workers declined 7.1 percent in 1976 compared to 1975. Employment for the first quarter 1977 was 12.0 percent less than for the same period in 1976. The average hours worked declined 7.4 percent in 1976 compared to 1975. Hours worked declined 30.8 percent the first quarter 1977 compared to the first quarter 1976.

SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Production in terms of quantity declined 9.6 percent in 1976 compared to 1975. Production declined 51.8 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

U.S. imports of women's, misses' and children's coats and jackets in thousand dozens increased from 1,769 in 1972 to 1,807 in 1973. Imports declined to 1,478 in 1974. In 1975 imports rose to 1,517 and increased 48.4 percent in 1976 to 2,252 over 1975. Imports for January through March 1977 increased to 590 thousand dozen compared to the 506 thousand dozen woven coats imported in the same period in 1976. The ratio of imports to domestic production increased from 35.4 percent in 1975 to 52.2 percent in 1976.

CONTRIBUTED IMPORTANTLY

Wilshire Fashions receive all customers orders from a single manufacturer. Customers of that manufacturer reported switching purchases to imports, due to their lower price and superior styling.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies coats produced by Wilshire Fashions contributed importantly to the separations of workers of that firm. In accrodance with the provisions of the Act, I make the following certification:

All workers of Wilshire Fashions, South River, New Jersey who became totally or partially separated from employment on or after February 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 30th day of September 1977.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc.77-30060 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1813]

YEAMAN'S, INC., DOUG & NEIL, INC., ARANSAS PASS, 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-1813: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 15, 1977, in response to a worker petition received on March 14, 1977, which was filed by three workers on behalf of workers and former workers engaged in shrimp fishing aboard trawlers owned by Yeaman's, Inc. and Doug & Neil, Inc. of Aransas Pass, Tex. The original petition was filed on behalf of those workers and former workers employed by Doug and Neil Yeaman. The investigation revealed that Doug and Neil Yeaman are co-owners of Yeaman's, Inc. and Doug & Neil, Inc., each of which owns three trawlers aboard which the petitioners are engaged in shrimping.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18155). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Doug & Neil, Inc., Yeaman's, Inc., and their customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

The evidence developed during the Department's investigation revealed that all shrimp caught and landed by Yeaman's, Inc. and Doug & Neil, Inc. is sold on the open market. Customers who regularly submit bids indicated that most do purchase imported shrimp although these purchases tend to fluctuate from year to year. However, these customers stated that imported shrimp was purchased because their domestic sources are unable to supply them with sufficient quantities to meet their requirements. Several factors were present to decrease shrimp production in 1976 and in the first quarter of 1977. These factors included adverse weather conditions in the Gulf of Mexico, a shortage of shrimp available in known fishing grounds during the first quarter of 1977, and the imposition of a 200-mile fishing restriction by the Mexican government which prevented domestic shrimpers from fishing within Mexican coastal waters.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that imports of articles like or directly competitive with the shrimp caught and landed by Yeaman's Inc. and Doug & Neil, Inc., Aransas Pass, Tex., have not contributed importantly to the total or partial separations of the workers of those companies as required for a certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30061 Filed 10-13-77;8:45 am]

[4510-28]

[TA-W-1464]

YOUNGSTOWN SHEET & TUBE CO., YOUNGSTOWN PLANT, YOUNGSTOWN, OHIO

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-1464: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 20, 1976, in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel products at the Youngstown, Ohio, plant of the Youngstown Sheet & Tube Co.

The notice of investigation was published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2381). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Youngstown Sheet & Tube Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Workers were not separately identifiable by product. Average annual employment of production workers decreased 13.6 percent in 1975 compared to 1974. Employment decreased 0.6 percent in 1976 compared to 1975. Separations of workers associated with the announced phasedown of operations began in September 1977.

Workers producing galvanized steel sheet and electric weld pipe at the Youngstown, Ohio, plant of Youngstown Sheet & Tube Co. were separated more than one year prior to the date of the petition and are therefore excluded from coverage by Section 223(b)(1) of the Act.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of all products manufactured at the Youngstown plant of Youngstown Sheet & Tube Co. decreased 34.7 percent in 1975 compared to 1974. In the first half of 1977 sales increased slightly compared to the same period of 1976. Sales increased from 1975 to 1976 but remained 28.3 percent below the 1974 level due to the company's effort to complete orders before the plant's phasedown operations are completed at the end of 1977. Youngstown's ability to maintain high production levels was due to orders placed by Youngstown's customers in anticipation of the closing of the plant.

INCREASED IMPORTS

Imports of hot and cold rolled carbon steel sheet and strip declined in each year from 5,573,400 tons in 1972 to 3,620,000 tons in 1975 before increasing 11.9 percent to 4,052,200 tons in 1976. Imports increased from 1,767,600 tons in the first half of 1976 to 2,222,600 tons in the first half of 1977.

Imports of carbon hot and cold rolled steel bars decreased from 923.9 thousand tons in 1972 to 834.0 thousand tons in 1973 and decreased to 763.3 thousand tons in 1974. Imports further decreased to 484.4 thousand tons in 1975 and decreased to 439.4 thousand tons in 1976. Imports increased from 135.9 thousand tons in the first half of 1976 to 340.4 thousand tons in the similar period in 1977.

Imports of carbon steel plate decreased from 1,651.0 thousand tons in 1972 to 1,322.0 thousand tons in 1973, increased to 1,699.0 thousand tons in 1974 and decreased to 1,353.0 thousand tons in 1975 before increasing to 1,555.4 thousand tons in 1976. Imports increased from 690.3 thousand tons in the first half of 1976 to 793.0 thousand tons in the same period of 1977.

Imports of carbon steel pipe and tubing declined from 1,768.1 thousand short tons in 1972 to 1,574.6 thousand short tons in 1973. Imports increased to 1,781.5 thousand short tons in 1974, declined to 1,542.5 thousand short tons in 1975 and increased to 1,820.7 thousand short tons in 1976. Imports of pipe and tubing increased from 425.0 thousand tons in the first quarter of 1976 to 515.2 thousand tons in the same period of 1977.

CONTRIBUTED IMPORTANTLY

The Youngstown plant is aged and is not the most efficient of the company's steel making operations. The effects of price competition from readily available imports competitive with the plant's product line have been an important consideration in the company's decision not to undertake the necessary investment in new technologies that would meet environmental standards and make the plant competitive with imports and other domestic competitors.

For the products produced by the plant, imports in 1977 have increased both absolutely and as a proportion of total domestic shipments and total U.S. consumption.

The customer survey done in conjunction with this investigation reveals that imports are an important factor in the domestic market as evidenced by customer awareness of the availability and prices of foreign products and the fact that some major customers of the company have reduced purchases from the company and increased 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 products produced at the Youngstown, Ohio, plant of Youngstown Sheet & Tube Co. contributed importantly to the total or partial separation of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Youngstown, Ohio, plant of Youngstown Sheet & Tube Co. who be-

came totally or partially separated from employment on or after July 30, 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 27th day of September 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-30062 Filed 10-13-77;8:45 am]

[4510-28]

AMERICAN BILTRITE, INC.

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 October 24, 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 October 24, 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 29th day of September 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
American Biltrite, Inc. (workers).	Cambridge, Mass.	Sept. 26, 1977	Sept. 19, 1977	TA-W-2,397	Rubber and plastic products.
Bristol Clothing Manufacturers Inc. (workers).	New Bedford, Mass.	Sept. 28, 1977	Sept. 20, 1977	TA-W-2,398	Men's and students' suits.
Charmill Sportswear Co. (workers).	Boston, Mass.	Sept. 27, 1977	Sept. 23, 1977	TA-W-2,399	Ladies' sportswear.
D&H Sportswear (workers).	do.	Sept. 28, 1977	Sept. 24, 1977	TA-W-2,400	Do.
Ford Motor Co. (UAW)	Pennsauken, N.J.	Sept. 26, 1977	Sept. 14, 1977	TA-W-2,401	Distribution of auto parts to Ford Motor dealerships.
Phillips Sportswear, Inc. (workers).	East Boston, Mass.	do.	Sept. 21, 1977	TA-W-2,402	Ladies' jackets.
Scripto, Inc. (International Chemical Workers Union).	Atlanta, Ga.	Sept. 28, 1977	Sept. 23, 1977	TA-W-2,403	Thin lead mechanical penciel, ball point pens, refillable and disposable butane and naptha lighters, plated and plastic parts and thick lead mechanical pencils.

[FR Doc.77-29789 Filed 10-13-77;8:45 am]

[4510-28]

BROWN SHOE 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 October 24, 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 October 24, 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 26th day of September 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Brown Shoe Co. (US WA).	Union, Mo.	Sept. 21, 1977	Sept. 14, 1977	TA-W-2,375	Heels, wedges, soles, and sock linings for men's, women's and children's shoes.
Brown Shoe Co. (workers).	Mountain Grove, Mo.	do	do	TA-W-2,376	Women's shoes.
Stride Rite Shoe Corp. (Boot & Shoe Workers' Union).	Newburyport, Mass.	Sept. 20, 1977	Sept. 13, 1977	TA-W-2,377	Children's and girls' shoes.
Stride Rite Shoe Corp. (workers).	Boston, Mass.	Sept. 19, 1977	do	TA-W-2,378	Children's shoes.
Trio Dyeing & Finishing Co., Inc. (workers).	Paterson, N.J.	Sept. 22, 1977	Aug. 27, 1977	TA-W-2,379	Dyeing and finishing of piece goods.

[FR Doc.77-29786 Filed 10-13-77;8:45 am]

[4510-28]

BUCKBEE MEAR 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 October 24, 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 October 24, 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 3rd day of October 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/ workers or ormer workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Buckbee Mears Co. (workers).	St. Paul, Minn.	Sept. 28, 1977	Sept. 21, 1977	TA-W-2,404	General masks for color televisions.
Cluett Peabody & Co., Inc., The Arrow Shirt Co. Division (ACTWU).	Hungtingdon, Pa.	Sept. 29, 1977	Sept. 24, 1977	TA-W-2,405	Men's dress and sport shirts.
Industrial Service Centers, Inc. (workers).	Cambridge, Mass.	Sept. 28, 1977	Sept. 14, 1977	TA-W-2,406	Buys cuts and shapes and distributes stainless steel and aluminum sheet, plates, bars and structurals.
Methuen International Mills, Inc. (company).	Methuen, Mass.	Sept. 26, 1977	Sept. 20, 1977	TA-W-2,407	Woven worsted and worsted-blend fabrics for menswear.
Store Decor, Inc. (workers).	Fairfield, N.J.	Sept. 28, 1977	Sept. 19, 1977	TA-W-2,408	Store fixtures.

[FR Doc.77-29790 Filed 10-13-77;8:45 am]

[4510-28]

CONTINENTAL GROUP, INC., 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 producer 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 art 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 October 24, 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 October 24, 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 28th day of September 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
The Continental Group, Inc. (USWA).	Paterson, N.J.	Sept. 23, 1977	Sept. 19, 1977	TA-W-2,389	Articles needed for packaging: steel cans, boxes, drums, etc.
Elco Dress Co., Inc. (workers).	New Bedford, Mass.	Sept. 6, 1977	Aug. 26, 1977	TA-W-2,390	Women's and misses' dresses.
Lanham Clothes (workers).	Lawrence, Mass.	Sept. 23, 1977	Sept. 19, 1977	TA-W-2,391	Men's and women's suits, jackets and pants.
F/V Little Infant (workers).	Provincetown, Mass.	do	Sept. 16, 1977	TA-W-2,392	The catching and selling of fish.
Medford Knitwear Mills (workers).	Medford, N.J.	do	do	TA-W-2,393	Girls' sportswear.
Rupp Chevrolet Corp. (workers).	Lynbrook, N.Y.	Sept. 26, 1977	Sept. 15, 1977	TA-W-2,394	The selling of used cars.
Shirley & Roland Corp. (workers).	Provincetown, Mass.	Sept. 23, 1977	Sept. 16, 1977	TA-W-2,395	The catching and selling of fish.
John Vasques Co. Corp. (workers).	do	do	do	TA-W-2,396	Do.

[FR Doc.77-29788 Filed 10-12-77;8:45 am]

[4510-28]

FORT SMITH STRUCTURAL STEEL 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 October 24 ,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 October 24, 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 27th day of September 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Fort Smith Structural Steel Co. (International Association of Bridge, Structural and Ornamental Iron Workers).	Fort Smith, Ark.	Sept. 22, 1977	Sept. 15, 1977	TA-W-2,380	Fabricated welded girder bridges and steel for processing, smelter and generating plants.
Do.	Van Buren, Ark.	do	do	TA-W-2,381	Do.
Fox Shoe Manufacturing Corp. (United Shoe Workers of America).	New York, N.Y.	Sept. 21, 1977	Sept. 14, 1977	TA-W-2,382	Ladies' shoes.
Frontier Steel Co., Inc. (International Association of Bridge, Structural and Ornamental Iron Workers).	Muskogee, Okla.	Sept. 22, 1977	Sept. 15, 1977	TA-W-2,383	Fabricated welded girder bridges.
Kerramerican, Inc. (USWA).	Blue Hill, Maine	Sept. 23, 1977	Sept. 13, 1977	TA-W-2,384	Copper and zinc concentrate.
Knopf Sportswear, Inc. (workers).	Lawrence, Mass.	Aug. 17, 1977	Aug. 15, 1977	TA-W-2,385	Leather coats and jackets for men.
McDonalds Enterprises, Inc. (workers).	Kansas City, Kans.	Sept. 19, 1977	Sept. 12, 1977	TA-W-2,386	Ladies' outerwear.
McGregor-Doniger, Inc. (workers).	New York, N.Y.	Sept. 23, 1977	Sept. 21, 1977	TA-W-2,387	Men's clothing.
Meramec Minning Co. (USWA).	Sullivan, Mo.	do	Sept. 14, 1977	TA-W-2,388	Iron pellets.

[FR Doc.77-29787 Filed 10-13-77;8:45 am]

[4510-28]

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 Adjustments 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 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 seperations 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 October 28, 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 October 28, 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 4th day of October 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers or former workers of)	Location	Date received	Date of petition	Petition No.	Articles produced
Anamax Mining Co. (USWA).	Sahuarita, Ariz.	Sept. 30, 1977	Sept. 20, 1977	TA-W-2,409	Mining and selling of copper.
ASARCO, Inc., Silver Bell Plant (USWA).	Silver Bell, Ariz.	do.	do.	TA-W-2,410	Do.
ASARCO, Inc., Misson Mine (USWA).	Sahuarita, Ariz.	do.	do.	TA-W-2,411	Do.
Inspiration Consolidated Copper Co., Christmas Division (USWA).	Inspiration, Ariz.	do.	do.	TA-W-2,412	Crushing, leaching, concentrating, smeltering, and fabricating raw copper.
Inspiration Consolidated Copper Co., Inspiration Operations Ox Hide Division (USWA).	Miami, Ariz.	do.	do.	TA-W-2,413	Do.
Magma Copper Co. (USWA).	San Manuel, Ariz.	do.	do.	TA-W-2,414	Mining and refining of copper.
Do.	Superior, Ariz.	do.	do.	TA-W-2,415	Mining of copper.
Mickey Madann Handbags, Inc. (workers).	New Bedford, Mass.	Sept. 29, 1977	Sept. 21, 1977	TA-W-2,416	Ladies' vinyl handbags.
Serstel Corp. (Laborers' Union).	Pittsburgh, Pa.	do.	Sept. 22, 1977	TA-W-2,417	Repairing of coke ovens.

[FR Doc.77-30027 Filed 10-13-77;8:45 am]

[4510-27]

Wage and Hour Division

BIG RIVER MANUFACTURING CO. ET AL.

Certificates Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004) and Administrative Order No. 1-76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Big River Mfg. Co., Inc., Kittanning, Pa.; 8-31-77 to 8-30-78. (Boys' shirts.)

Caraway Apparel Co., Caraway, Ark.; 8-22-77 to 8-21-78; 10 learners. (Women's dresses.)

Chatham Knitting Mills, Inc., Chatham, Va.; 7-22-77 to 7-21-78; 8 learners. (Men's jackets.)

Cordele Uniform Co., Cordele, Ga.; 9-8-77 to 9-7-78. (Men's and women's service apparel.)

Crane Mfg. Co., Crane, Mo.; 8-1-77 to 7-31-78. (Women's and men's jeans.)

Elder Mfg. Co., Dexter, Mo.; 8-21-77 to 8-20-78. (Men's and boys' pants.)

Franklin Sportswear, Inc., Canon, Ga.; 9-15-77 to 9-14-78; 10 learners. (Women's and men's jeans.)

Giles Mfg. Corp., Narrows, Va.; 8-22-77 to 8-21-78. (Children's outerwear.)

Saf-T-Bak, Inc., Altoona, Pa.; 6-24-77 to 6-23-78. (Adults' and children's hunting clothes.)

Slidell Industries, Inc., Slidell, La.; 8-23-77 to 8-22-78. (Misses' jeans.)

Somerset Shirt & Pajama Co., Somerset, Pa.; 9-3-77 to 9-2-78. (Boys' nightwear.)

Soperton Mfg. Co., Soperton, Ga.; 9-10-77 to 9-9-78. (Men's shirts.)

Spencer California, Tehchapi, Ca.; 8-1-77 to 7-31-78; 5 learners. (Girls' and toddlers' sleepwear.)

The following plant expansion certificates were issued authorizing the number of learners indicated.

Crane Mfg. Co., Marionville, Mo.; 6-27-77 to 12-26-77; 40 learners for plant expansion purposes. (Ladies' and men's jeans.)

Flushing Shirt Mfg. Co., Inc., Waynesburg, Pa.; 7-23-77 to 1-24-78; 20 learners for plant expansion purposes. (Men's shirts.)

The following certificate was issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended.)

Junior Form Lingerie Corp., Boswell, Pa.; 6-23-77 to 6-22-78; 5 percent of the total number of factory production workers for nomal labor turnover purposes. (Ladies' underwear and pajamas.)

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employees are indicated.

G. F. Mills, Inc., Quebradillas, PR.; 7-17-77 to 7-16-78; 58 learners for normal labor turnover in the occupations of: (1) knitting, for a learning period of 480 hours at the rates of $1.95 an hour for the first 240 hours and $2.12 an hour for the remaining 240 hours; (2) machine stitching-seaming for a learning period of 320 hours at the rates of $1.95 an hour for the first 160 hours and $2.12 an hour for the remaining 160 hours; (3) pressing, for a learning period of 320 hours at the rate of $1.95 an hour for the first 160 hours and $2.12 an hour for the remaining 160 hours; and (4) kettle handlers and dyers, for a learning period of 240 hours at the rate of $1.95 an hour. (Sweaters and related products.)

WMSI-Puritan Caribbean Division, Aguas, PR.; 7-21-77 to 7-20-78; 26 learners for normal labor turnover purposes in the occupation of machine knitting, for a learning period of 480 hours at the rates of $1.95 an hour for the first 240 hours and $2.12 an hour for the remaining 240 hours. (Sweaters and shirts.)

Each learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before October 31, 1977.

Signed at Washington, D.C., this 5th day of October 1977.

GORDON L. HIGGINS,
Authorized Representative of the Administrator.

[FR Doc.77-29791 Filed 10-13-77;8:45 am]

[7510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (77-67)]

RESEARCH AND TECHNOLOGY ADVISORY COUNCIL INFORMAL COMMITTEE ON HYPERSONIC RESEARCH AND TECHNOLOGY

Meeting

The subject committee will meet on October 31 and November 1, 1977, at the NASA Langley Research Center, Hampton, Va. The meeting will be held in Conference Room 225 of Building 1219. The meeting will be open to the public with the exception of a closed session from 9:15–11:15 a.m. on October 31, 1977. The closed session will include discussions on DOD hypersonic aircraft and missile performance characteristics with respect to specified advanced missions. Since this session will be concerned with matters listed in 5 U.S.C. 552b(c)(1), it has been determined that it should be closed to the public. Members of the public will be admitted on a first-come first-serve basis up to the seating capacity of the room which is about 25 persons. All visitors must report to the Langley Research Center receptionist in Building 1219.

The subject committee serves in an advisory capacity only. The committee will assess the adequacy of the recently restructured hypersonics program to maintain NASA's in-house hypersonic program options. The Chairman is Professor S. M. Bogdonoff.

For further information, contact Arthur Henderson, 202–755–8501 or C. Robert Nysmith, Executive Secretary of the Research and Technology Advisory Council, 202–755–8550, NASA Headquarters, Washington, D.C. 20546.

OCTOBER 31, 1977

9:00 a.m.—Opening Remarks.
9:15 a.m.—Hypersonic Vehicles and Systems (Closed Session).
11:15 a.m.—Hypersonic Overview.
12:45 p.m.—Hypersonic Propulsion.
1:15 p.m.—Hypersonic Aerodynamics and Systems.
1:45 p.m.—Hypersonic Structures.
2:15 p.m.—Discussion and Facility Tour.
4:30 p.m.—Adjournment.

NOVEMBER 1, 1977

8:00 a.m.—Opening Remarks.
8:15 a.m.—NASA Planned Program.
8:45 a.m.—Hypersonic Propulsion.
10:00 a.m.—Hypersonic Aerodynamics and Systems.
11:15 a.m.—Hypersonic Structures.
1:30 p.m.—Committee Discussion and Formulation of Recommendations.
4:30 p.m.—Adjournment.

KENNETH R. CHAPMAN,
Assistant Administrator for Department of Defense and Interagency Affairs, National Aeronautics and Space Administration.

OCTOBER 7, 1977.

[FR Doc.77-29952 Filed 10-13-77;8:45 am]

[7510-01]

[Notice (77-68)]

SPACE SCIENCE STEERING COMMITTEE OUT-OF-ECLIPTIC (OOE) MISSION AD HOC ADVISORY SUBCOMMITTEE

Meeting

A subgroup of the above named advisory Subcommittee will meet with an equivalent subgroup of the European Space Agency (ESA) Out-of-Ecliptic Mission Scientific Evaluation Committee, at the European Space Agency, 8–10 Rue Mario Nikis, Paris, on November 9, 10, and 11, 1977, in Room 114 from 9:00 am until 6:00 pm.

This joint NASA/ESA Committee will review and approve the preliminary NASA and ESA Subcommittee scientific evaluations and categorizations of proposals submitted to both agencies for participation in an Out-of-Ecliptic Mission Science Working Team and subsequently in the mission when it is officially approved as a joint NASA and ESA flight project (reference NASA meeting Notice 77–62).

Throughout the joint NASA/ESA Subcommittee sessions the professional qualifications of the proposers, the merits of their proposed flight investigations and the associated instrumentation, and the potential scientific contribution of the proposers to the mission will be candidly discussed and appraised. Discussion of these matters in a public session would invade the privacy of the proposers and other individuals involved.

Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that the sessions should be closed to the public.

For further information please contact Dr. Adrienne F. Timothy, National Aeronautics and Space Administration, Washington, D.C. 20546, telephone 202–755–3821, or Dr. George P. Haskell, European Space Agency, 8–10 Rue Mario Nikis, Paris, France, telephone 567–55–78, Extension 335.

KENNETH R. CHAPMAN,
Assistant Administrator for DOD and Interagency Affairs.

OCTOBER 7, 1977.

[FR Doc.77-29953 Filed 10-13-77;8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-41]

ACCIDENT REPORT; RESPONSES TO SAFETY RECOMMENDATIONS

Availability and Receipt

Railroad/Highway Accident Report NTSB-RHR-77-1.—The National Transportation Safety Board has made public its investigation report on the grade crossing collision at Stratton, Nebr., which on August 8, 1976, resulted in death to nine persons and injury to eight others.

The accident occurred when an eastbound Burlington Northern freight train struck a southbound bus at Stratton's Beaver Avenue crossing. The bus, driven by a minister, was en route to a local church where his 16 passengers were to attend Sunday school.

Probable cause of the accident, as determined by the Safety Board, was the failure of the busdriver to perceive the approaching train and to stop his vehicle short of the tracks. Contributing to the accident was the inadequacy of the grade crossing's obsolete wigwag warning signal as a warning device, the visual obstruction of the signal and partial obstruction of the train by parts of the bus, and the inadequacy of the train's horn as a reliable warning system.

As a result of the investigation of this accident, the Safety Board on August 23, 1977, recommended that the Federal Highway Administration and the Federal Railroad Administration combine efforts to develop and implement a uniform system of warning devices to attract the attention of motor vehicle drivers approaching railroad/highway grade crossings (recommendation H–77–9), and that the city of Stratton cooperate with Burlington Northern in installing an improved protection system at the Beaver Avenue crossing, following recommended practices of the Association of American Railroads (H–77–10). (See 42 FR 44044, September 1, 1977.)

Response from Federal Highway Administration to Highway Safety Recommendation H–77–6.—Letter of September 22 is in answer to the call for publication of an advisory warning to drivers of cargo tanks hauling liquid cargo regarding possible overturn due to lateral surge. This recommendation followed investigation of the overturn of a tractor cargo tank semitrailer, partially loaded with anhydrous ammonia, on May 11, 1976, in Houston, Tex. (See 42 FR 28195, June 2, 1977.)

FHWA reports that after conducting an engineering analysis of the lateral liquid surge phenomenon, it has been concluded that liquid surging of partially loaded tank truck combinations does not create an overturn stability problem that warrants issuing the recommended advisory publication. FHWA states that this analysis took note of the summary analytical material contained in the Safety Board's investigation report (HAR–77–1). FHWA asks whether the Safety Board has developed more detailed material on this matter and could provide calculations that might affect and possibly alter that conclusion. Pending receipt of such material and calculations, FHWA considers this recommendation in open status and will take further action in accordance with the additional analysis to be performed on the Safety Board data.

Response from U.S. Coast Guard to Marine Safety Recommendation M–72–17.—Letter of September 21 concerns a recommendation resulting from a 1972 special study, "Analysis of the Safety of Transportation of Hazardous Materials on the Navigable Waters of the United States," report No. NTSB–MSS–72–2.

As recommended, Coast Guard last April 25 published a notice of proposed rulemaking governing qualifications of personnel involved in the handling, transfer, and transportation of dangerous liquid cargoes in bulk aboard ships and barges (42 FR 21190). Coast Guard is now evaluating comments from 92 interested persons and expects to publish a final rule in the latter part of 1977.

Coast Guard reports that two of its research and development projects, "Recommendations for Qualifications of Liquefied Natural Gas Cargo Personnel" and "Qualification Standards for Personnel Responsible for Hazardous or Noxious Chemicals in Bulk," completed in April 1976 and May 1976, respectively, provide strong support for these proposed regulations.

Further, Coast Guard reports that the Intergovernmental Maritime Consultative Organization, Subcommittee on the Standards of Training and Watchkeeping, would meet for its 10th and final session in September 1977, before going to conference next spring, to consider the final draft recommendations of the Subcommittee; among the instruments considered: (1) Training and Qualifications of Masters, Officers, and Crews of Ships Carrying Liquefied Gases in Bulk, and (2) Training and Qualifications of Officers and Crews of Ships Carrying Hazardous or Noxious Chemicals in Bulk.

Response from Radio Technical Commission for Marine Services (RTCM) to Marine Safety Recommendation M–72–6.—Letter of September 27 concerns a recommendation resulting from another 1972 special study, "Collisions Within the Navigable Waters of the United States: Consideration of Alternative Preventive Measures," report No. NTSB–MSS–72–1.

The recommendation asked RCTM's Special Committee 65 to continue developing general standards or specifications for shipboard collision avoidance systems for use by the marine industry in evaluating the effectiveness of the various systems available or currently under development. RTCM previously responded to this recommendation last February 25; see 42 FR 14942, March 17, 1977, where M–72–6 was incorrectly referred to as M–72–16.

RTCM now provides two additional specifications for anticollision devices: Performance Specification for a Collison Assessment Device for Merchant Ships (RTCM Paper 82–77/EC–223/SC 65–240 [CAWG–95]), and Performance Specification for a Radar Perimeter Target Detection Device [Guard Zone] (RTCM Paper 129–77/EC–228/SC 65–245 [CAWG 100]).

RTCM states that because the U.S. Coast Guard recently proposed (42 FR 24871, May 16, 1977) that collision avoidance ssytems be made mandatory on vessels above 10,000 gross tons, RTCM's Paper 21–77/EC–214/SC 65–232, sent to the Safety Board last February 25, has been modified to refer additionally to collision avoidance systems. RTCM has provided a copy of the new paper: Resources Necessary for On-Board Preventive and Corrective Maintenance of Radar Equipment and Collision Avoidance Systems (RTCM Paper 139–77/EC–229/SC 65–246).

In view of the Safety Board's interest in minimum standards for manually processing radar data, expressed in report No. USCG/NTSB–MAR–77–1 (SS BAUNE and KEYTRADER collision in the lower Mississippi River, January 18, 1974; see 42 FR 39514, August 4, 1977), RTCM has also provided this specification: Manual Plotting Facilities for Shipborne Radar Paper 192–71/SC 65–69 Rev. 7–28–77.

Safety Board Reply to Aircraft Owners and Pilots Association (AOPA) Regarding Aviation Safety Recommendation A–77–24.—Letter dated October 3 is in answer to AOPA's August 29 petition for reconsideration and withdrawal of the recommendation issued last May 13 to the Federal Aviation Administration to amend 14 CFR 61.3 to include an implied consent clause which would be a condition for the issuance of a pilot certificate. (See 42 FR 25789, May 19, 1977.)

After careful consideration of AOPA's arguments, the Safety Board still believes its recommendation has merit and will enhance aviation safety. The Board has considered the feasibility, practicability and relevant safety implications of this recommendation. It was not the Board's intent to promote procedures which would infringe on pilot's rights; rather, the recommendation was based on the need to alleviate a known safety problem. The sole intent of the recommendation was to provide FAA enforcement personnel with a means to prevent pilots from flying while intoxicated. The Safety Board, however, cannot instruct FAA on what legal basis to proceed or how it might enforce such a rule.

The Safety Board notes than FAA has concurred with recommendation A–77–24 and has initiated a regulatory project on the subject matter (FAA's letter of June 30; see 42 FR 37460, July 21, 1977). FAA believes that the authority to obtain and use alcohol tests could be helpful in their enforcement of present rules and could also be a deterrent. Therefore, the Board finds no reason to rescind this recommendation.

NOTE.—The above notice consists of summaries of Safety Board documents made available, and recommendation responses received, during the week preceding publication of the notice in the FEDERAL REGISTER. The accident report in its entirety is available to the general public; single copies are obtainable without charge while limited supplies last. Copies of the full text of the response letters and Board correspondence may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report may be purchased by writing to: National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

OCTOBER 7, 1977.

[FR Doc.77–29909 Filed 10–12–77;8:45 am]

[3110–01]

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 Oct. 7, 1977 (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 through 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 ENERGY

Distribution of bituminous coal and lignite shipments, quarterly, distributors of over 50,000 tons of bituminous coal annually, Strasser, A., 395–5867.

Bituminous coal and lignite production and mine operation, annually, producers of over 1,000 tons of bituminous coal annually, Strasser, A., 395–5867.

Monthly coal report retail dealers—upper lake docks, monthly, retail dealers and upper lake docks, Strasser, A., 395–5867.

Weekly coal monitoring report—general industries, and blast furnaces, weekly, general industries and blast furnaces, Strasser, A., 395–5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration (Medicare), employer's agreement, annual cost projection statement, statistical compensation statement, annual cost projection and fiscal year end cost statement, HCFA–9777C, 9778, 9779, 9780, annually, MD'S and PE'S human resources division, Reese B. F., 395–3532.

Office of Human Development, home start evaluation forms, Single time, individuals, human resources division, Reese B. F., 395–3532.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, courts/justice study, single time, public and subsamples of lawyers, judges, and community leaders, Richard Eisinger, 395–6140.

REVISIONS

VETERANS ADMINISTRATION

Veteran's application for program of education or training (under chapter 34, title 38, U.S.C.), 22–1990, on occasion, veterans, Caywood, D. P., 395–3443.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service regulations—donation of food commodities for use in United States (part 250), on occasion, State distributing agencies, Caywood, D. P., 395–3443.

Foreign Agricultural Service, trade opportunity referral questionnaire for U.S. suppliers FAS–529, on occasion, companies and/or persons interested in exporting, Ellett, C. A., 395–5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Education Professions Development Act Program, instructions for application for Federal assistance OE 335, annually, LEA's, IHE's, SEA's, nonprofit, Indian Tribes, Laverne V. Collins, 395–5867.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary, coverage check of new mobile home dealers, C–MH–5, on occasion, business firms, Laverne V. Collins, 395–5867.

DEPARTMENT OF LABOR

Bureau of Labor Statistics:

ES 202 (unemployment insurance) industry class supplements, 3023 B–J, annually, ES–202 panel Strasser, A., 395–5867.

Recordkeeping requirements under the Occupational Safety and Health Act, OSHA 100, OSHA 101, OSHA 102, on occasion employers in private sector with 11 or more employees, Strasser, A., 395–5867.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, sand and gravel, 6–1274–A, annually, Commercial and Government producers of sand and gravel, Ellett, C. A., 395–5867.

REVISIONS

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board: passenger statement regarding aircraft accident, NTSB6120.9, on occasion, passenger involved in transportation accident, Strasser, A. 395–5867.

Aircraft accident report, NTSB6120.2, on occasion, aircraft operators, Strasser, A., 395–5867.

EXTENSIONS

DEPARTMENT OF DEFENSE

Department of the Air Force, signature and tally record, on occasion, carriers moving DOD shipments, Warren Topelius, 395–5872.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–30224 Filed 10–13–77;8:45 am]

[7715–01]

POSTAL RATE COMMISSION

[Docket No. MC76–5]

BASIC MAIL CLASSIFICATION REFORM SCHEDULE, 1976

Rescheduled Prehearing Conference and Conference

OCTOBER 7, 1977.

Notice is hereby given that the Presiding Officer has rescheduled both the Prehearing Conference and the Conference previously scheduled for Monday, October 17, 1977, and Tuesday, October 25, 1977, respectively, to Thursday, October 27, 1977, at 9:30 a.m., Hearing Room, Postal Rate Commission, Suite 500, 2000 L Street, NW., Washington, D.C., in the above-designated proceeding.

DAVID F. HARRIS,
Secretary.

[FR Doc.77–29998 Filed 10–13–77;8:45 am]

[8025–01]

SMALL BUSINESS ADMINISTRATION

LOS ANGELES DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Los Angeles District Advisory Council will hold a public meeting at 12:00 noon, Thursday, November 3, 1977, at the Rodger Young Center, 936 West Washington Boulevard, Los Angeles, California, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Stewart L. Rollins, District Director, U.S. Small Business Administration, 350 South Figueroa Street, Suite 600, Los Angeles, California 90071, 213–677–2977.

Dated: October 4, 1977.

(Ms.) K. DREW,
Deputy Advocate for Advisory Councils.

[FR Doc.77–29999 Filed 10–13–77;8:45 am]

[4710–10]

DEPARTMENT OF STATE

[Public Notice CM–7/120]

ADVISORY COMMITTEE TO THE UNITED STATES NATIONAL SECTION OF THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS

Meeting

Notice is hereby given, pursuant to the provisions of Pub. L. 92–463, that a meeting of the Advisory Committee to the United States National Section of the International Commission for the Conservation of Atlantic Tunas, will meet on October 26, 1977 in the Woodward Room of the National Wildlife Federation, 1414 Sixteenth Street, Washington, D.C. at 9:00 a.m. The meeting is to review the state of Atlantic bluefin tuna research and the status of those stocks, research on billfishes, yellowfin tuna research, research on other tuna species (albacore, bigeye and skipjack). The meeting will also review recent international meetings on billfish and Atlantic bluefin tuna. The status of the ICCAT scheme of international inspection will also be considered at this meeting. The meeting will be open to the public. Ample seating will be available for those wishing to attend and those present will be allowed to participate at the direction of the Chairman. Those desiring additional information regarding this meeting may contact Mr. Robert A. Monks at telephone number 202–632–2379.

Dated: October 4, 1977.

JOHN D. NEGROPONTE,
Deputy Assistant Secretary for Oceans and Fisheries Affairs.

[FR Doc.77–30000 Filed 10–13–77;8:45 am]

[4710–01]

[Public Notice CM–7/121]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on fire protection of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 10:00 a.m. on Tuesday, November 15, 1977 in Room 8238 of the Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590.

The purpose of the meeting is to review documents for the 21st Session of the Intergovernmental Maritime Consultative Organization's (IMCO) Subcommittee on Fire Protection, as well as discussing the results of the 20th Session. Particular items for discussion are:

Mobile Offshore drilling units
Special Purpose Ships
Fire Test Procedures
Tanker Safety

Requests for further information on the meeting should be directed to Mr. D. F. Sheehan, U.S. Coast Guard, Washington, D.C. 20590. He may be reached by telephone on area code 202–426–2197.

The Chairman will entertain comments from the public as time permits.

Dated: October 5, 1977.

CARL TAYLOR, Jr.,
Acting Director,
Office of Maritime Affairs.

[FR Doc.77-30001 Filed 10-13-77;8:45 am]

[4910-59]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. IP77-11; Notice 1]

RENAULT USA INC.

Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

Renault USA Inc. of Englewood Cliffs, N.J., has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1331 et seq.) for an apparent noncompliance with 49 CFR 571.124, Motor Vehicle Safety Standard No. 124, Acceleration Control Systems. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Standard No. 124 requires that whenever a component of the accelerator control system is disconnected at a single point, the throttle shall return to the idle position within 1 second on any vehicle whose Gross Vehicle Weight Rating is 10,000 pounds or less. Renault has determined that an unknown number of its passenger cars may fail to meet this requirement with the primary return spring removed. The vehicles in question are part of a total population of approximately 13,000 Renault 5, 12, 15, and 17 models manufactured from January 1975 to May 1977. Deterioration in throttle return performance ,appears caused by gumming that occurred as a consequence of ocean shipment, which resulted in the failure "by a small margin to return fully to the idle position or return within the required one second interval." Renault argues that the noncompliance is inconsequential for several reasons. Its primary argument is that the design of the throttle plate opener system is such that

> With the engine running, the carburetor spiral spring is itself sufficient to bring the throttle control linkage back to the position imposed by the throttle plate opener. As a result, at speeds above 21 mph and even at speeds above 17 mph returning from a higher speed, there is no difference between the situation in which the carburetor spiral spring only is operative.

Renault also states that there have been no customer complaints or warranty problems associated with the condition. NHTSA's investigatory file number of this case is CIR 1619.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition. Interested persons are invited to submit written data, views and arguments on the petition of Renault USA Inc. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: November 16, 1977.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on October 7, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-30026 Filed 10-14-77;8:45 am]

[4910-62]

Office of the Secretary

[OST File No. 54; Notice No. 77-12]

DISPOSITION OF RAILROAD PASSENGER EXPERIMENTAL ROUTE

Intent To Make Findings and Final Decision on the "Lake Shore Limited," a Railroad Passenger Experimental Route Between Boston, Mass., and Chicago, Ill.

Section 403(c) of the Rail Passenger Service Act ("the Act"), 45 U.S.C. 563(c), provides that "[T]he Secretary (of Transportation), in consultation with the Board of Directors (of Amtrak), shall terminate (an experimental) route if he finds that it has attracted insufficient patronage to serve the public convenience and necessity, or he may designate such route as a part of the basic system * * *."

The "Lake Shore Limited" was designated by the Secretary under section 403(c) of the Act as an experimental route on June 27, 1974, and began operating on October 31, 1975. It has been operated by Amtrak continuously since that time. The passenger stations served along the route are Boston, Framingham, Worcester, Springfield, and Pittsfield in Massachusetts; Albany, Utica, Syracuse, Rochester, and Buffalo in New York; Erie, Pa.; Cleveland, Elyria, and Toledo in Ohio; Elkhart and South Bend in Indiana; and Chicago, Ill.

Notice is hereby given that the Secretary proposes to issue a decision whether to terminate or continue the "Lake Shore Limited" as a part of the basic system as required by section 403(c) of the Act.

Interested persons are invited to submit written data, views, arguments, or other comment to the Docket Clerk, OST File No. 54, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590. Each comment shall indicate the OST file number and the notice number shown on this notice, and shall state whether the person commenting supports termination or inclusion of the "Lake Shore Limited" within the basic system, and the reasons therefor.

Comments received prior to the deadline date will be considered in arriving at this decision. The deadline date is November 14, 1977. Copies of all written comments received will be available for examination by interested persons in Room 10100, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C., between the hours of 9 a.m. and 5:30 p.m. on Mondays through Fridays with the exception of Federal holidays.

For further information regarding this notice, interested persons may contact Natalie Bayless, U.S. Department of Transportation, Room 5101, 400 Seventh Street SW., Washington, D.C. 20590, telephone No. 202-426-8220.

Dated: October 11, 1977.

BROCK ADAMS,
Secretary of Transportation.

[FR Doc.77-30259 Filed 10-13-77;8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Pendency of Temporary Class Exemption to Permit Plans to Purchase Customer Notes From Employers Maintaining Plans

AGENCIES: Department of the Treasury/Internal Revenue Service Department of Labor.

ACTION: Notice of pendency of exemption.

SUMMARY: This document contains a notice of pendency before the Internal Revenue Service (the Service) and the Department of Labor (the Department) of a temporary class exemption from certain restrictions of the Employee Retirement Income Security Act of 1974 (the Act) to permit employee benefit plans to purchase certain notes from employers any of whose employees are covered by the plan where the employers receive such notes from their customers in the ordinary course of their business and the notes are collateralized by chattel mortgagees on the property purchased by the customers.

DATES: Written comments and requests for a public hearing must be received by the Internal Revenue Service on or before November 28, 1977.

ADDRESSES: Written comments and all requests for a hearing (preferably six copies) should be addressed to the Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C.

20224, Attention: E:EP:PT, Application No. D-639. All the applications for exemption which form the basis of this class exemption and all comments relating to this proposed exemption will be available for public inspection at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue NW., Washington, D.C. 20224 and at the Public Documents Room of the Pension and Welfare Benefit Programs, Room N-4677, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT:

Charles Scalera of the Prohibited Transactions Staff of the Employee Plans Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: E:EP:PT) (202-566-3045); Daniel J. Shapiro, Plan Benefits Security Division, Office of the Solicitor, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210 (202-523-7931). These are not toll free numbers.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Notice is hereby given of the pendency before the Internal Revenue Service (the Service) and the Department of Labor (the Department) (hereinafter referred to as the Agencies) of a class exemption from the restrictions of sections 406(a), 406(b) (1) and (2) and section 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code. This exemption is proposed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

The Agencies have received over 35 applications which request individual exemptions to permit employee benefit plans to purchase customer notes from employers any of whose employees are covered by the plan. These individual applications form the basis for the proposed temporary class exemption.

The applications for indivdual exemption contain common representations with regard to the transactions described in the proposed class exemption which are summarized below. All transactions referred to in the individual exemption applications will be exempted if they satisfy the terms and conditions of the class exemption. Interested persons are referred to the applications on file with the Agencies for the complete representations of the applicants.

1. Prior to January 1, 1975, the effective date of the relevant provisions of the Act and the Code, it had been an established business practice in many industries for an employer to sell personal property (e.g., construction equipment) to a customer, for the customer to sign a conditional sales contract and note for the amount due (hereafter referred to as "the note" or "the notes"), for the employer, in connection with its primary business activity, to accept such notes, collateralized by a chattel mortgage or equivalent security interest in the property so purchased, and then sell the notes to employee benefit plans in which its employees participate, as well as to unrelated third parties.

2. Plans which have invested in such notes have experienced very low default rates and rarely, if ever, experienced a loss because the employer or the principals of the employer, or both, have guaranteed payment of principal and interest.

3. The notes generally have varied in length from 36 to 60 months and have been fully secured by various types of equipment and vehicles covered by the conditional sales contracts.

4. Notes of similar quality to those sold to plans have been sold to unrelated financial institutions on the same terms, and the notes, as well as the underlying collateral, have been readily marketable.

5. The notes generaly have provided greater returns to plans than the return that has been available from alternative investment opportunities.

Although there have been a substantial number of applications filed seeking individual exemptions for transactions of the subject type, no individual applicant or association or organization has requested a class exemption.

As noted above, representations contained in the individual applications contend that the practice of selling customer notes to plans has been in the interests of such plans and their participants as well as protective of the rights of participants and beneficiaries, because the notes provided higher yields and greater security than was otherwise available to plans through alternative investments. The Agencies are aware, however, that abuses can occur in this type of investment if employers sell customer notes to their plans which do not provide a rate of return as favorable to the plan as such notes sold in an arm's-length transaction with a third party would provide and are not adequately secured.

In an effort to prevent the disruption of customary and beneficial business practices the Agencies have attempted to develop guidelines which would enable them to consider, on an equitable and consistent basis, individual applications for exemption to permit plans to purchase customer notes from employers. However, the Agencies have determined that it may not be administratively feasible and in the interests of plan participants and beneficiaries to handle these applications on an individual basis and attempt to distinguish, at this time, among transactions which have common protections and safeguards.

Because the Agencies believe that adequate independent safeguards are available to protect plan participants and beneficiaries and that it would be administratively feasible to deal with these applications on a class basis, the Agencies, pursuant to section 3.01 of ERISA Procedure 75-1 and Rev. Proc. 75-26, on their own motion have determined to group such applications in a class and to publish for comment notice of a class exemption.

The proposed exemption contains specific conditions to protect the interests of plan participants and beneficiaries, including requirements that the sale of such note be on arm's-length terms, that the employer guarantee repayment of the note, that no more than 25 percent of plan assets may be invested in customer notes of the employer, that the note be adequately secured, that the term of the note may not exceed a certain number of months, depending on the security of the note, and that insurance against loss or damage to the collateral be provided by the obligor until the note is repaid or repurchased by the employer.

Because the proposed exemption, if granted, would cover a wide range of transactions which present varying potentials for abuse and because the Agencies are in the process of developing experience in dealing with such transactions, the proposed exemption is a temporary class exemption which will expire on December 31, 1981. During the period of the temporary class exemption the Agencies will monitor the results of the exemption to determine whether the benefit such exemption provides outweighs the abuse potential that may exist, and whether the class exemption should be made permanent, modified, or be permitted to lapse.

So that the Agencies may properly monitor the operation of the exemption, certain information must be submitted by every plan which enters into transactions in reliance on the exemption. The proposed exemption also provides that the Agencies may require certain plans to submit additional information regarding the operation of the exemption.

Several applications requested exemptions for purchases of customer notes made by plans during a period after December 31, 1974, which were a continuation of a practice that existed prior to that date, were beneficial to such plans and provided adequate protection for plan participants. Accordingly, the proposed exemption includes a special exemption which provides an exemption for the purchase of notes before June 30, 1975, and for the continued holding of such notes. However, for the exemption for transactions occurring prior to June 30, 1975, to apply, the terms of the transaction must have been at least as favorable to the plan as an arm's-length transaction with an unrelated third party would have been and the plan must have received adequate security. In addition, to enable plans to divest themselves of any holdings of customers notes in excess of the limits established by the exemption, the exemption provides relief for the sale of customer notes to a party in interest or disqualified person if the sale is necessary to comply with the conditions of the exemption and the plan receives adequate consideration, provided the sale is consummated within 180 days of the grant of this exemption.

The proposed exemption will cover transactions involving sales of notes to plans secured by tangible personal property but will not exempt sales of unse-

cured notes or notes secured by real property because the Agencies have not received sufficient information to determine that a class exemption may be proposed with adequate safeguards against abuse. The Agencies will, however, consider such applications on an individual case-by-case basis.

Under the provisions of section 3.04 of ERISA Proc. 75–1 and Rev. Proc. 75–26, an application for an individual exemption would not ordinarily be considered separately if a class exemption which would encompass the transactions described in the application for an individual exemption is under consideration by the Agencies. Accordingly, the Agencies are notifying directly each applicant for an individual exemption of the fact that such applicant's application is not being considered separately from this class exemption, and that following the disposition of this proposed class exemption such application would ordinarily be closed, and, therefore, such applicant's comments with respect to this class exemption are sought by the Agencies.

Because all plan participants whose employers receive customer notes in the ordinary course of business could conceivably be considered interested persons, the only practical form of notice is publication in the FEDERAL REGISTER.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or party in interest or other disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act, nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The pending exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Agencies must find that the exemption is administratively feasible, in the interest of the plan or plans and of their participants and beneficiaries, and protective of the rights of such participants and beneficiaries of such plan or plans;

(4) The class exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction;

(5) If granted, the pending class exemption will be applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption; and

(6) All interested persons are invited to submit written comments on this pending class exemption to the address and within the time period set forth above. In addition, any interested person may submit to the address and within the time period set forth above, a written request that a hearing be held relating to the pending class exemption. Such written request should state the reasons for such person's interest in the pending class exemption.

A list of individual applications which form the basis for this class exemption as well as the applications for exemption, all written comments and all requests for a hearing (preferably six copies) will be made part of the record and will be available for public inspection at the addresses set forth above.

PROPOSED EXEMPTION

Based on the applications hereinabove described, the Agencies have under consideration the granting of the following temporary class exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–1 C.B. 722.

SECTION I.—*Definition of customer notes.* For purposes of this exemption a customer note is a two-party instrument, executed along with a conditional sales contract for tangible personal property, which is accepted in connection with, and in the normal course of, the employer's primary business activity as a seller of such property. A two-party instrument is a promissory instrument used in connection with the extension of credit in which one party (the maker) promises to pay a second party (the payee) a sum of money.

SEC. II.—*General exemption.* Effective upon the granting of this exemption, the restrictions of sections 406(a), 406(b)(1) and (2), and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply until December 31, 1981, to the purchase and holding by employee benefit plans of customer notes (as defined in section I) acquired from employers any of whose employees are covered by such plans, provided that the following conditions are met:

A. Within three and one-half months after the close of a plan year during which a plan engages in a transaction in reliance on this class exemption, the trustees of the plan shall submit the following information in duplicate to Internal Revenue Service (E:EP:PT) 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attn: Customer Notes):

1. Name and address of employer, 2. employer's identification number, 3. name and address of plan administrator, 4. plan administrator's identification number, 5. plan name and number, 6. plan's balance sheet for the last plan year, and 7. number of plan participants at close of plan year.

B. Upon request by the Agencies, the trustee or other appropriate fiduciary of a plan which engaged in a transaction in reliance on this exemption shall submit to the Agencies such additional information regarding the transaction as may be requested. Any request for additional information shall be in writing and shall be signed by representatives of both Agencies.

C. Any sale of customer notes to the plan is on terms at least as favorable to the plan as an arm's-length transaction with an unrelated third party would be.

D. Immediately following the acquisition of the customer notes from the employer, not more than 25 percent of the current value (as the term is defined in section 3(26) of the Act) of the assets of the plan is invested in customer notes of the employer.

E. The employer guarantees in writing immediate repayment of the outstanding balance of the note and accrued interest in the event the note is more than 30 days in arrears, or the obligor on the note fails to comply with any terms or conditions of the note; or in the event the obligor shall become insolvent, commit an act of bankruptcy, make an assignment for the benefit of creditors, call a meeting of creditors, appoint a committee of creditors or a liquidating agent, offer a composition or extension to creditors, make a bulk sale; send notices of an intended bulk sale; or in the event any proceeding, suit or action at law, in equity or under any of the provisions of the Bankruptcy Act or of amendments thereto for reorganization, composition, extension, arrangements, receivership, liquidation, or dissolution shall be begun by or against obligor; or in the event of the appointment under any jurisdiction at law or in equity of any receiver of any property of the obligor; or in the event the condition of affairs of the obligor shall so change as to, in the opinion of the plan trustees, impair its security or increase its credit risk; or should the obligor fail to take proper care of the goods or abandon the same.

F. The plan receives adequate security for the note. For purposes of this exemption, the term adequate security means that the note is secured by a perfected security interest in the property purchased by the obligor on the note so that if the security is foreclosed upon or otherwise disposed of in default of repayment of the loan, the value and liquidity of the security is such that it may reasonably be anticipated that loss of principal or interest will not result. In no event shall adequate security mean an interest in intangible personal property, such as, but not limited to, accounts, contract rights, documents, instruments, chattel paper, and general intangibles.

G. Insurance against loss or damage to the collateral from fire or other haz-

ards will be procured and maintained by the obligor until the note is repaid or repurchased by the employer, and the proceeds from such insurance will be assigned to the plan.

H. Repayment must be provided for in the following manner:

1. Where the note is secured by heavy equipment, the term shall in no event exceed 60 months. For purposes of this exemption, heavy equipment shall include machinery sold by equipment distributors such as, but not limited to, earth moving, material handling, pipe laying, power generation, and construction machinery manufactured according to standard specifications, such as, but not limited to, portable air compressors, backhoes, cranes, crushers, dozers, earth-boring machines, excavators, fork lifts, graders, hydraulic hammers, loaders, rollers, scrapers, tractors, trailers, trenchers, trucks over 10,000 pounds, and highway material handling equipment, but shall not include such equipment which has been specifically designed and manufactured to a user's specifications and which cannot reasonably be expected to be resold in the ordinary course of the equipment distributor's business.

2. Where the note is secured by passenger automobiles and light-duty highway motor vehicles, the term shall in no event exceed 48 months. For purposes of this exemption, passenger automobiles and light-duty highway motor vehicles are defined as vehicles which have a gross weight of 10,000 pounds or less, are propelled by means of their own motor and are a type used for highway transportation.

3. Where the note is secured by tangible personal property other than heavy equipment or motor vehicles, described in paragraph H 1 and 2 above, the term shall in no event exceed 36 months.

I. A plan which relies upon this exemption shall maintain or cause to be maintained for a period of six years from the date of such transaction such records as are necessary to enable the Agencies to determine whether the conditions of this exemption have been met, except that:

1. A prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the plan fiduciaries, such records are lost or destroyed prior to the end of such six year period; and

2. Such employer shall not be subject to the civil penalty which may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if such records are not maintained, or are not available for examination as required by paragraph J below.

J. Notwithstanding anything to the contrary in subsections (a) (2) and (b) of section 504 of the Act, the records referred to in paragraph I above are unconditionally available at their customary location for examination during normal business hours by:

1. The Internal Revenue Service; 2. the Department of Labor; 3. plan participants and beneficiaries; 4. any employer of plan participants; 5. any employee organization any of whose members are covered by the plan; or 6. any duly authorized employee or representative of a person desecribed in subparagraphs (1) through (5) of this paragraph.

Sec. III.—Special exemption. A The restrictions of sections 406(a) and 406 (b) (1) and (2), and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the purchase and holding by employee benefit plans of customer notes purchased before June 30, 1975, from employers any of whose employees are covered by such plan provided that the following conditions are met:

1. The terms of the purchase of the note by the plan were at least as favorable to the plan as an arm's-length transaction with an unrelated third party would have been; 2. the plan received adequate security as defined in section (II)(F) above; and 3. such purchases were ordinarily and customarily made by the plan prior to January 1, 1975.

B. The restrictions of sections 406(a) and 406(b) (1) and (2) of the Act and section 4975(c)(1) (A) through (E) of the Code shall not apply until (180 days after the grant of this exemption), to the sale, exchange, or other disposition of customer notes which are owned by the plan on October 14, 1977, to a disqualified person or party in interest if:

1. Such sale is made in order to comply with the conditions of this exemption; and 2. the plan receives not less than adequate consideration.

Signed at Washington, D.C., this 11th day of October 1977.

ALVIN D. LURIE,
Assistant Commissioner (Employee Plans and Exempt Organizations) Internal Revenue Service.

IAN D. LANOFF,
Administrator of Pension and Welfare Benefit Programs, Labor Management Services Administration, U.S. Department of Labor.

[FR Doc.77-29962 Filed 10-11-77;10:14 am]

[8320-01]

VETERANS ADMINISTRATION

ACTUARIAL ADVISORY COMMITTEE

Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the VA Actuarial Advisory Committee has been renewed by the Administrator of Veterans Affairs for a two year period beginning September 24, 1977 through September 24, 1979.

Dated: October 6, 1977.

By direction of the Administrator.

JOHN J. LEFFLER,
Associate Deputy Administrator.

[FR Doc.77-30003 Filed 10-13-77;8:45 am]

[7035–01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 236]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before November 14, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–35475, filed September 15, 1977. Lessee: X-TRAN CORP., 75–11 Ditmars Blvd., Jackson Heights, N.Y. 11370. Lessor: Jersey Coast Freight Lines, Inc., 830 Old Corlies Ave., Neptune, N.J. 07753. Applicant's representative: Edward M. Alfano and Roy A. Jacobs, Attorneys at Law, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought for lease by lessee of the operating rights of lessor, as set forth in Certificates No. MC 107417 and (Sub-No. 6), issued September 13, 1950, and December 14, 1965, respectively, as follows: *General commodities,* except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment, between New York, N.Y., on the one hand, and, on the other, points and places in Mercer, Monmouth, Ocean, Atlantic, Camden and Burlington Counties, and those in Middlesex and Somerset Counties, N.J., south of the Raritan River. *Petroleum* and *petroleum products,* in tank vehicles, from Carteret, N.J., to Port Jervis, N.Y., with no transportation for compensation on return. *General commodities,* except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household goods,* 17 M.C.C. 467, and commodities in bulk, between points and places in Hudson and Essex Counties, N.J., on the one hand, and, on the other, points and places in Middlesex, Monmouth, Atlantic, and Ocean Counties, N.J. *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from New York, N.Y., to points in Cape May, Cumberland, Gloucester, and Salem Counties, N.J., with no transportation for compensation on return except as otherwise authorized. Lessee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77283, filed September 26, 1977. Transferee: LOOP FLEET SERVICE, INC., 1818 North Commerce Street, Milwaukee, Wis. 53212. Transferor: Fidelity Storage & Van Co., Inc., 1818 North Commerce Street, Milwaukee, Wis. 53212. Applicant's representative: James L. Sernovitz, Vice-president, 1818 North Commerce Street, Milwaukee, Wis. 53212. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 36738, issued September 25, 1975, as follows: General commodities with the usual exceptions between Omaha, Nebr. and Council Bluffs, Iowa. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 139077. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77308, filed September 14, 1977. Transferee: WORTH CONSOLIDATORS, INC., 3 Irving Dr., San Anselmo, Calif. 92960. Transferor: Tyler Consolidators, Inc., 3 Irving Dr., San Anselmo, Calif. 94960. Applicants' representaitve: Floyd L. Farano, Attorney at Law, 2555 East Chapman Ave., Suite 705, Fullerton, Calif. 92631. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 64719 and MC 64719 (Sub-No. 1), issued May 11, 1973 and June 27, 1973, as follows: *Household goods,* between points within 100 miles of San Francisco, Calif., including San Francisco. *Beans,* from Irvine, Calif., and points in Santa Barbara and Ventura Counties, Calif., to Los Angeles Harbor, Calif. From points in Santa Barbara and Ventura Counties, Calif. to Port Hueneme, Calif., with no transportation for compensation on return except as otherwise authorized. *Sugar,* from Oxnard, Calif., to Los Angeles Harbor, Calif., and Port Hueneme, Calif., with no transportation for compensation on return except as otherwise authorized. *Lumber, corrugated iron,* and *fertilizer,* from Los Angeles Harbor, Calif., and Port Hueneme Calif., to points in Ventura County, Calif., with no transportation for compensation on return except as otherwise authorized. *Household goods,* as defined by the Commission, between Oxnard, Calif., on the one hand, and, on the other, points in Ventura County, Calif. Between points in Ventura County, Calif. on the one hand, and, on the other, Los Angeles and Los Angeles Harbor, Calif. Between Ventura, Calif., on the one hand, and, on the other, points in Ventura County, Calif. Between Hueneme Harbor, Calif., on the one hand, and, on the other, points in Ventura County, Calif. (except Ventura, Calif.). Between Hueneme Harbor, Calif., on the one hand, and, on the other, points in Fresno, Inyo, Kern, Kings, Monterey, San Bernardino, San Luis Obispo, Santa Barbara, and Tulare Counties, Calif. Between Hueneme Harbor, Calif., on the one hand, and, on the other, Richmond and San Francisco, Calif., points on San Francisco Bay south of Richmond and San Francisco, and those in the Los Angeles Harbor, Calif., Commercial Zone as defined by the Commission, restricted to traffic moving between such points for immediate subsequent shipment by water carrier. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77309, filed September 28, 1977. Transferee: MILLER FREIGHTWAYS, INC., 160 Governor St., East Hartford, Conn. 06108. Transferor: WM. H. MINO EXPRESS, INC., 160 Governor St., East Hartford, Conn. 06108. Applicants' representative: John E. Fay, Attorney at Law, 630 Oakwood Ave. (Suite 127), West Hartford, Conn. 06110. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 64770, issued April 19, 1956, as follows: General commodities, between points in Connecticut, Massachusetts, New York, and New Jersey. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC–FC–77310, filed September 14, 1977. Transferee: EARL FREEMAN and MARIE FREEMAN, d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, Tenn. 37060. Transferor: Earl Freeman, d.b.a. Mid-Tenn Express, P.O. Box 101, Eagleville, Tenn. 37060. Applicants' representative: Robert L. Baker, Attorney at Law, 618 United American Bank Bldg., Nashville, Tenn. 37219. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 124117, issued July 6, 1962, MC 124117 (Sub-No. 1) issued January 7, 1977, MC 124117 (Sub-No. 4) issued October 28, 1970, MC 124117 (Sub-No. 6) issued October 16, 1975, MC 124117 (Sub-No. 7) issued October 4,

1974, MC 124117 (Sub-No. 8) issued November 18, 1975, MC 124117 (Sub-No. 10) issued June 18, 1976, MC 124117 (Sub-No. 12) issued September 23, 1976, MC 124117 (Sub-No. 13) issued January 11, 1977, MC 124117 (Sub-No. 15) issued November 26, 1976, MC 124117 (Sub-No. 17) issued May 13, 1977 as follows: *Malt beverages*, and *related advertising materials*, from St. Louis, Mo., Peoria, Ill., Louisville, Ky., and Detroit, Mich., to points in a described part of Tennessee; from Milwaukee, Wis., and Evansville, Ind. to a described part of Tennessee, from Winston-Salem, N.C. to points in a described part of Tennessee; from Houston County, Ga., to Cookeville, Tenn., and to points in a described part of Tennessee from St. Joseph, Mo., and Newport, Ky., to points in a described part of Tennessee; from Belleville, Ill., to Columbus, Ohio, Fort Wayne, Ind., Baltimore, Md., New Orleans, La., and St. Paul, Minn., to points in a described part of Tennessee; from Belleville, Ill., and St. Paul, Minn., to points in Georgia; from New Orleans, La., St. Louis, Mo., Fort Wayne, Ind., and St. Paul, Minn., to points in Alabama; *Malt beverages*, from Evansville, Ind., to Memphis, Tenn. and to Chattanooga, Tenn.; from Detroit, Mich., and St. Joseph and St. Louis, Mo., to Dresden, Tenn., from Belleville, Ill., Detroit, Mich., Milwaukee, Wis., St. Joseph and St. Louis, Mo., and Winston-Salem, N.C., to Dyersburg, Tenn.; from Baltimore, Md., Detroit, Mich., Perry, Ga., and St. Louis, Mo., to Jackson, Tenn., from Milwaukee, Wis., Peoria, Ill., Perry, Ga., and St. Louis, Mo., to Martin, Tenn.; from Ft. Wayne, Ind., to Memphis, Tenn.; from points in Houston County, Ga., to Bowling Green, Henderson, Hopkinsville, Lebanon, and Richmond, Ky.; from Detroit, Mich., Milwaukee, Wis., St. Louis, Mo., Peoria, Ill., and Evansville, Ind., to Richmond, Ky.; from Ft. Wayne and Evansville, Ind., and Columbus, Ohio, to Bowling Green, Ky.; from Fort Wayne and Evansville, Ind., Detroit, Mich., St. Louis, Mo., and Milwaukee, Wis., to Frankfort, Ky.; from Peoria, Ill., and Evansville, Ind., to Henderson, Ky.; from Memphis, Tenn., Winston-Salem, N.C., and St. Joseph, Mo., to Hopkinsville, Ky.; from St. Joseph, Mo., Evansville, Ind., and Milwaukee, Wis., to Bardstown, Ky.; from Evansville, Ind., Belleville, Ill., and St. Joseph, Mo., to Louisville, Ky.; from Detroit, Mich., and Evansville, Ind., to Lexington, Ky.; from Jacksonville, Fla., to Cookeville, Pulaski, Cleveland, Dunlap, and Tullahoma, Tenn., and Huntsville, Ala.; from Evansville, Ind., to points in Georgia, Alabama; from Fort Worth and San Antonio, Tex., to Albany, Columbus, and Atlanta, Ga., Columbia, Memphis, Cookeville, Pulaski, Nashville, and Knoxville, Tenn., Eutaw, Opelika, Montgomery, Huntsville, and Dothan, Ala., and Bowling Green, Ky.; and *Scrap paper*, from Pulaska, Franklin, Mt. Pleasant, Sparta, Shelbyville, Lebanon, Nashville, and Fayetteville, Tenn., to Alton, Ill. Transferee presently holds no authority from this Commission. Application for temporary authority has not been filed under Section 210a(b).

No. MC–FC–77312 filed September 15 1977. Transferee: FISCHER MOTOR LINES, INC., 31207 Arrowhead, St. Clair Shores, Mich. 48083. Transferor: Fairall Trucking Co., 18472 Allen Road, Wyandotte, Mich. 48192. Applicants representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080 Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit Nos. MC 29883, MC 29883 (Sub-No. 7), and MC 29883 (Sub-No. 8), issued February 25, 1976, May 20, 1975, and February 25, 1976, respectively as follows: Empty containers, eggs, and groceries, between Detroit, Mich., and Chicago, Ill.; Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between Detroit, Mich., on the one hand, and, on the other, Toledo and Cincinnati, Ohio, and Indianapolis, Ind.; brick and stone surfaced aluminum entryways, aluminum, stone, and brick siding, rain carrying equipment, shutters, and equipment, materials and supplies and accessories, used in the installation of all of these commodities, when moving at the same time and in the same vehicle therewith (except commodities which because of size or weight require the use of special equipment), From Southfield, Mich., to South Bend, Mishawaka, Elkhart, and Angola, Ind., and points in Cook, Lake, Kane, DuPage and Will Counties, Ill.; Foodstuffs, (except frozen foods, meats, meat products, and meat by-products and commodities in bulk), From the facilities of Nabisco, Inc., located at Chicago, Ill., to the facilities of Nabisco, Inc., located at Farmington, Mich.; and Paper and paper products, between Monroe, Mich., on the one hand, and, on the other, points in Ohio; Strawboard, fibreboard, corrugated board, and boxes, manufactured therefrom, From Monroe, Mich., to points in Illinois, those in Missouri in the St. Louis, Mo., Commercial Zone, as defined by the Commission in 1 M.C.C. 656, those in a specified area of Wisconsin and West Virginia, Raw materials used in the manufacture of the above-specified commodities, From the next-above-specified destination points to Monroe, Mich.; Paper and paper products, from Monroe, Mich., to Connersville, Ind., and points in that part of Indiana on and north of U.S. Highway 40 to Monroe, Mich.; Raw materials used in the manufacture of paper and paper products, from Connersville, Ind., and points in that part of Indiana on and north of U.S. Highway 40 to Monroe, Mich. Paper and paper products, From Monroe, Mich., to points in Ohio; Raw materials used for the manufacture of paper and paper products, From points in Ohio, to Monroe, Mich. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC–FC–77317 filed September 19, 1977. Transferee: GEORGE J. WEBB, JR., AND GEORGE J. WEBB, III, a partnership, d.b.a. WEBB TRUCKING, R.R. No. 2, McLeansboro, Ill. 62859. Transferor: Harry E. Clark, R.R. No. 4, McLeansboro, Ill. 62859. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 135636 (Sub-No. 2), issued July 18, 1972, as follows: *Lumber and lumber products*, from Poplar Bluff, Mo., to McLeansboro, Ill., and *nails, strapping, and steel dip tanks*, between Poplar Bluff, Mo., on the one hand, and, on the other, McLeansboro, Ill. The operations authorized are limited to a transportation service to be performed, under a continuing contract, or contracts, with Joseph G. Boldwell Company, of McLeansboro, Ill. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77319, filed September 20, 1977. Transferee: MUHLENHAUPT MOVERS, INC., P.O. Box 238, Northport, N.Y. 11768. Transferor: Mid-Island Van Lines Corp., Wantagh, N.Y. Applicant's representative: William J. Augello, Attorney at Law, 120 Main Street, Huntington, N.Y. 11743. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 103047 issued October 17, 1968, as follows: *Household goods* as defined by the Commission between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in New York, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, Delaware, Maryland, Virginia, and the District of Columbia. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 110071 (Sub-No. 1). Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77324, filed September 23, 1977. Transferee: PHILIP THOMAS TRUCKING, INC., P.O. Box 742, Wynnewood, Okla. 73098. Transferor: Philip A. Thomas, d.b.a. Philip Thomas Trucking Co., P.O. Box 742, Wynnewood, Okla. 73098. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 138916 (Sub-No. 2), issued July 9, 1976, as follows: *Asphalt*, in bulk, in tank vehicles, from the plant site of Kerr-McGee Corporation, at or near Wynnewood, Okla., to points in Anderson, Archer, Baylor, Bell, Bosque, Brown, Callahan, Camp, Cherokee, Clay, Coleman, Collin, Comanche, Cooke, Coryell, Dallas, Delta, Denton, Eastland, Ellis, Erath, Falls, Fannin, Franklin, Freestone, Grayson, Hamilton, Henderson, Hill, Hood, Hop-

kins, Hunt, Jack, Johnson, Kaufman, Lamar, Lampasas, Limestone, McLennan, Mills, Montague, Morris, Navarro, Palo Pinto, Parker, Rains, Red River, Rockwall, Shackleford, Smith, Somervell, Stephens, Tarrant, Throckmorton, Titus, Upshur, Van Zandt, Wichita, Wilbarger, Wise, Wood, and Young Counties, Tex., with no transportation for compensation on return except as otherwise authorized. Application has not been filed for temporary authority under Section 210a(b). Transferee presently holds no authority from this Commission.

No. MC–FC–77327, filed September 22, 1977. Transferee: R. E. GARRISON TRUCKING, INC., P.O. Box 186, Highway 278 East, Cullman, Ala. 35055. Transferor: Hunt Transportation, Inc., 10770 "I" Street, Omaha, Nebr. 68127. Applicants' representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Rd., Omaha, Nebr. 68106. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 82841 (Sub-No. 47), and MC 82841 (Sub-No. 88), issued June 25, 1969, and June 15, 1972, respectively, as follows: Materials and equipment used in the production of eggs and poultry, except commodities in bulk, From the plant site of Pockman Manufacturing Company, Inc., in Morgan County, Ala., to points in Colorado, Indiana, Illinois, Kansas, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, Wyoming, and Utah. The operations are restricted to the transportation of traffic originating at the plant site of Pockman Manufacturing Company, Inc., in Morgan County, Ala.; Materials and equipment used in the production of eggs and poultry (except commodities in bulk), from the plant site of Pockman Manufacturing Company, Inc., located in Morgan County, Ala., to points in Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77329, filed September 27, 1977. Transferee: HORTON TRUCKING CORP., Box 224, Wytheville, Va. 24382. Transferor: Elwood Horton, Box 116, Ropplemead, Va. 24150. Applicant's representative: William Pendleton, President, Horton Trucking Corp., Wytheville, Va. 24382. Authority sought for purchase by transferee of the operating rights of transferors set forth in Certificate No. MC 134642 (Sub-No. 1) and MC 134642 (Sub-No. 4) issued June 9, 1971 and September 15, 1976 respectively, as follows: Crushed stone and asphalt, bituminous asphalt, and silica sand from specified points in Virginia to specified counties in West Virginia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77334, filed September 27, 1977. Transferee: IMPALA COACH LINES (1974), LTD., d.b.a. Impala Coach Lines, 2219 Government St., Penticton, British Columbia, Canada. Transferor: Western Bus Lines of B. C., Ltd., d.b.a. Western Bus Lines, 944 8th Street, Kamloops, British Columbia, Canada. Applicant's representative: Michael B. Crutcher, attorney at law, 2000 IBM Bldg., Seattle, Wash. 98101. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 140341 (Sub-No. 2) issued July 21, 1976, as follows: Passengers and their baggage in round-trip charter operations beginning and ending at the ports of entry on the United States-Canada boundary line located at or near Sumas and Oroville, Wash. and extending to points in Washington, Oregon, Idaho, Nevada, and California. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 135374 and subs thereafter. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77340, filed October 3, 1977. Transferee: DONALD L. SWEIGART, 1117 Ivy Dr., Lancaster, Pa. 17601. Transferor: Clarence M. Buch, Box 472, R.D. No. 3, New Holland, Pa. 17549. Applicants' representative: John M. Musselman, Esquire, Rhoads, Sinon & Hendershot, 410 North Third St., Harrisburg, Pa. 17108. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certification No. MC 111019, issued April 19, 1974, as follows: Pulverized agricultural limestone from points in Lancaster County, Pa., to points (other than incorporated municipalities) in Delaware and Maryland. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77376, filed September 27, 1977. Transferee: MEEUWSEN PRODUCE & GRAIN, INC., 9525 Ransom, Zeeland, Mich. 49464. Transferor: Rodger Cooper, d.b.a. O. R. Cooper & Son, 1217 Paula St., Champaign, Ill. 61820. Applicants' representative: Robert T. Lawley, attorney at law, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 15894 issued June 14, 1972, as follows: Foodstuffs from the plantsites and storage facilities of Kraftco Corporation and Kraft Foods at or near Champaign, Ill. to points in Ohio, West Virginia, and the Lower Peninsula of Michigan, points in those parts of New York, Pennsylvania, and Maryland on and west of Interstate Highway 81. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-30017 Filed 10-13-77;8:45 am]

[7035-01]

[Volume No. 38]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Petitions for Modification, Interpretation, or Reinstatement of Operating Rights Authority

October 7, 1977.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket", "sub", and "suffix" (e.g. M1, M2) numbers identified by the Federal Register notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 103926 (Sub-No. 36) (M1) (Notice of filing of petition to add destination points), filed August 24, 1977. Petitioner: W. T. MAYFIELD SONS TRUCKING CO., INC., P.O. Box 947, Mableton, Ga. 30059. Petitioner's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Petitioner holds a motor *common carrier* certificate in No. MC 103926 (Sub-No. 36), authorizing transportation, over irregular routes, of *Construction machinery and equipment*, which because of size or weight, requires the use of special equipment or handling, and *related tools, accessories, parts and attachments*, moving incidentally thereto as part of the same shipment, from points in Kentucky, North Carolina, Virginia, and West Virginia, to West Palm

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Beach and Miami, Fla. By the instant petition, petitioner seeks to modify the above authority by adding Jacksonville, Tallahassee, and Tampa, Fla., as additional destination points.

No. MC 123061 (Sub-No. 49) (M1) (Notice for removal of restriction on tacking), filed September 1, 1977. Petitioner: LEATHAM BROTHERS, INC., P.O. Box 16026, Salt Lake City, Utah 84104. Petitioner's representative: Harry D. Pugsley, Suite 1200, 310 South Main Street, Salt Lake City, Utah 84101. Petitioner holds a motor *common carrier* certificate in No. MC 123061 (Sub-No. 49), issued November 27, 1970, authorizing transportation over irregular routes, of *Lumber and lumber products*, (1) from points in Clackamas, Deschutes, Douglas, Hood River, Jackson, Josephine, Klamath, and Wasco Counties, Oreg., to points in Utah, restricted against tacking or combining said authority with any authority held by carrier for the purpose of performing a through service, and (2) from points in Montana in and west of Ravalli, Deer Lodge, Silverbow, Powell, and Flathead Counties, to points in that part of Idaho south of the southern boundary of Idaho County, restricted to the transportation of shipments destined to points in Idaho and Utah. By the instant petition, petitioner seeks to delete the restriction in part (2). Petitioner states that removal of said restriction would permit the transportation of lumber and lumber products from counties in Montana in and west of Ravalli, Deer Lodge, Silverbok, Powell, and Flathead into California through the combining of such service with petitioners Sub 36 authority. In the alternative, petitioner asks that the Commission amend its Certificate No. MC 123061 (Sub-No. 49) by adding to the destination points of Idaho and Utah, the state of California.

No. MC 133590 (Sub-No. 2) (M1) (Notice of filing of petition to broaden territorial description), filed July 15, 1977. Petitioner: WESTERN CARRIERS, INC., 288 Franklin Street, Worcester, Mass. 01604. Petitioner's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Petitioner holds a motor *contract carrier* Permit in No. MC 133590 (Sub-No. 2), issued March 22, 1973, authorizing transportation, over irregular routes, of *Plastic articles*, except commodities in bulk, in tank vehicles, from Clinton and Leominster, Mass., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania (except points in Bucks, Carbon, Chester, Delaware, Lackawanna, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, and Wayne Counties), Texas, West Virginia, and Wisconsin, with no transportation for compensation on return except as otherwise authorized: Restriction: The operations authorized herein are limited to a transportaiton service to be performed under a continuing contract, or contracts with Amory Chemical & Plastics Co., Inc., of Clinton, Mass. By the instant petition, petitioner seeks to change the territorial description to read: between Clinton and Leominster, Mass., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts with Amory Chemical & Plastics Co., Inc., of Clinton, Mass.

Republications of Grants of Operating Rights Authority Prior To Certification

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise maner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 50307 (Sub-No. 86) (Republication), filed November 22, 1976, published in the Federal Register issue of December 30, 1976, and republished this issue. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, One World Trade Center, Suite 2373, New York, N.Y. 10048. An Order of the Commission, Review Board Number 3, dated August 23, 1977, and served September 2, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as *a common carrier*, by motor vehicle, over irregular routes, transporting: Wearing apparel, and materials and supplies used in the manufacture of wearing apparel, (1) between Morgantown, W. Va., on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania, and Woodsfield and Cleveland, Ohio, and (2) between Woodsfield, Ohio, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania, that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the points in New Jersey, New York, and Pennsylvania in (1) above, as applicant's additional grant of authority.

No. MC 109595 (Sub-No. 17) (Republication), filed April 8, 1977, published in the Federal Register issue of May 12, 1977, and republished this issue. Applicant: REX TRANSPORTATION CO., a corporation, Suite 207 Clausen Building, 1520 North Woodward Avenue, Bloomfield Hills, Mich. 48013. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shorres, Mich. 48080. An Order of the Commission, Review Board Number 3, dated August 31, 1977, and served September 26, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting: *Cement* between Detroit, Mich., on the one hand, and on the other, ports of entry on the international boundary line between the United States and Canada, in Michigan located on the Detroit and St. Clair Rivers, restricted to the transportation of shipments moving to and from points in Ontario, Canada; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate a two-way radial movement, in lieu of a one-way radial movement, in applicant's actual grant of authority.

No. MC 141879 (Sub-No. 1) (republication), filed June 29, 1976, published in the Federal Register issue of August 12, 1976, and republished this issue. Applicant: L. D. CHILDRESS AND KENNETH D. CHILDRESS doing business as CHILDRESS BROTHERS, P.O. Box 525, Briscoe, Tex. 79011. Applicant's representative: William D. Lynch, P.O. Box 912, Austin, Tex. 78767. An Order of the Commission, Review Board No. 3, dated August 17, 1977, and served September 2, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *contract carrier*, over irregular routes, in the transportation of: (1) Wooden moundlings and door-jams, from points in Hemphill County, Tex., to points in California, Colorado, Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, Ohio, Oklahoma, Tennessee and Wisconsin; and (2) lumber, from points in Missouri, Tennessee and Wisconsin, to points in Hemphill County, Tex., under a continuing contract or contracts, with Canadian Millwork, Inc., of Canadian, Tex.; that applicant is fit, willing and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the additional grant of Iowa as a destination state in part (1) above.

No. MC 143131 (republication), filed March 23, 1977, published in the Fed-

ERAL REGISTER issue of May 12, 1977, and republished this issue. Applicant: GODSEY BROTHERS, INC., 5804 Whitethorne Drive, Evansville, Ind. 47710. Applicant's representative: R. Cameron Rollins, 321 E. Center Street, Kingsport, Tenn. 37660. An Order of the Commission, Review Board No. 1, dated September 16, 1977 and served September 29, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a contract carrier, by motor vehicle, over irregular routes, in the transportation of (1) cinder block, brick, clay products, shale products, tile, tile products, and cement products (except commodities in bulk), (a) from Fairdale, Ky., to points in Indiana, and Illinois, and (b) from Evansville, Ind., to points in Illinois and Kentucky, and (2) materials and supplies used in the manufacture of brick, block title, and concrete (except commodities in bulk), from points in Indiana and Illinois to Fairdale, Ky., under a continuing contract or contracts, with General Shale Products Corp. of Johnson City, Tenn., restricted in (2) above against the transpotration of shipments of cement in bags; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the actual authority granted.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATION

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its applications shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 1756 (Sub-No. 32), filed August 26, 1977. Applicant: PEOPLES EXPRESS CO., a corporation, 497 Raymond Boulevard, Newark, N.J. 07105. Applicant's representative: Morton E. Kiel, Suite 6193, 5 world Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: (1) *Containers* and (2) *materials and supplies* used in the manufacture, distribution or sale of containers (except commodities in bulk, and steel in coil form) between points in Connecticut, Delaware, Maine, North Carolina, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia in non-radial movement, restricted to the transportation of shipments originating at or destined to the facilities of American Can Co., Kaiser Aluminum and Chemical Corp., and National Can Corp.

NOTE.—Applicant now holds authority in various certificates to provide a portion of the service. If hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 9812 (Sub-No. 6) filed August 26, 1977. Applicant: C. F. KOLB TRUCKING CO., INC., R.R. 1, Box 294, Mt. Vernon, Ind. 47620. Applicant's representative: Edwin J. Simcox, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, shingles, exterior siding, floor tiles, and materials and supplies used in the installation thereof*, from the plant and warehouse sites of GAF Corporation, Mt. Vernon and Evansville, Ind. Savannah, Ga., Kansas City, Mo. Joliet, Ill., Mobile, Ala., and St. Louis, Mo., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin; (2) *Materials, equipment, and supplies (except in bulk) used in the manufacture and distribution of roofing*, from points in the above-named destination States to the plant and warehouse sites of GAF Corp. in Mt. Vernon and Evansville, Ind., Savannah, Ga., Kansas City, Mo., Joliet, Ill., Mobile, Ala. and St. Louis, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Indianapolis, Indiana or St. Louis, Mo.

No. MC 32882 (Sub-No. 81), filed September 1, 1977. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, P.O. Box 17039, Portland, Oreg. 97217. Applicant's representative: Lex F. Page (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Pipe and pipe fittings, couplings, connections, and accessories (except iron and steel and commodities, which because of size or weight require the use of special equipment), from the plant or warehouse sites of Armco Steel Corp., Metal Products Division, located in Madera County, Calif., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Restricted to traffic originating at the above plants or warehouse sites and destined to points shown above, and further restricted against the transportation of oilfield commodities as defined in Mercer-Extension-Oilfield Commodities, 74 M.C.C. 459.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at San Francisco or Los Angeles, Calif.

No. MC 35706 (Sub-No. 6), filed August 26, 1977. Applicant: ATSL, INC., 6801 State Street, Philadelphia, Pa. 19135. Applicant's representative: Steven M. Tannenbaum, 135 N. 4th Street, Philadelphia, Pa. 19106. Authority sought to operate as a *common carrier* by motor vehicles over irregular routes; transporting new furniture, from the store and warehouse facilities of Home Line Furniture Industries, Inc. in Philadelphia, Pa. to points in Virginia, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, and Maryland.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Philadelphia, Pa. or Camden, N.J.

No. MC-43269 (Sub-No. 67), filed September 1, 1977. Applicant: WELLS CARGO, INC., 1775 East 4th Street, Reno, Nev. 89512. Applicant's representative: David N. Inwood, P.O. Box 1511, Reno, Nev. 89505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Pipe and pipe fittings, couplings,

connections, and accessories (except iron or steel and commodities because of size or weight require the use of special equipment), from the plant or warehouse sites of Armco teel Corp., Metal Productions Division, in Madera County, Calif., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, and restricted to traffic originating at the above plants or warehouse sites and destined to points shown above and further restricted against the transportation of oil field commodities as defined in Mercer-Extension-Oilfield Commodity, 74 M.C.C. 459.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at San Francisco or Los Angeles, Calif.

No. MC 48959 (Sub-No. 138), filed August 30, 1977. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, Colo. 80216. Applicant's representative: Lee E. Lucero (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Iowa; Omaha, West Point, Dakota City, Scottsbluff, Schuyler, and Fremont, Nebr.; Holton, Emporia, and Kansas City, Kans.; and Kansas City, Mo., to points in Arizona, California, Colorado, New Mexico, and Utah.

NOTE.—If a hearing is deemed necessary, applicant request that it be held at Omaha, Nebr., or Denver, Colo.

No. MC 52932 (Sub-No. 32), filed September 2, 1977. Applicant: NORTH PENN TRANSFER, INC., Box 230, Lansdale, Pa. 19446. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). (1) Between junction New Jersey Highway 23 at New York/New Jersey State line, and Newark, N.J., serving all intermediate points. Beginning at the junction of the New York/New Jersey State line and New Jersey Highway 23 near Port Jervis, N.Y. thence in a southeasterly direction over New Jersey Highway 23 to Newark, and return over the same route. (2) Between Montague, N.J. and junction of U.S. Highway 206 and U.S. Highway 30, serving all intermediate points. Beginning at Montague, thence in a southerly direction over U.S. Highway 206 to its junction with U.S. Highway 30 near Hammonton, N.J., and return over the same route. (3) Between junction U.S. Highway 202 and the New York/New Jersey State line near Suffern, N.Y., and junction U.S. Highway 202 and 22, serving all intermediate points. Beginning at junction of U.S. Highway 202 and New York/New Jersey State line, thence in a southerly direction over U.S. Highway 202 to its junction with U.S. Highway 22, and return over the same route. (4) Between Interstate 80 and the Pennsylvania/New Jersey State line near Delaware Water Gap, Pa., and Fort Lee, N.J., serving all intermediate points. Beginning at the junction of I–80 and the Pennsylvania/New Jersey State line near Delaware Water Gap, thence in an easterly direction over I–80 to Fort Lee, and return over the same route.

(5) Between junction U.S. Highway 206 and New Jersey Highway 15 and I–80, serving all intermediate points. Beginning at the junction of U.S. Highway 206 and New Jersey Highway 15, thence in a southerly direction over New Jersey Highway 15 to its junction with I–80 near Mount Arlington, N.J., and return over the same route. (6) Between junction New York/New Jersey State line and U.S. Highway 9W and Cape May, N.J., serving all intermediate points. Beginning at the junction of New York/New Jersey State line and U.S. Highway 9W, thence in a southerly direction over U.S. Highway 9W to its junction with U.S. Highway 9, thence in a southerly direction over U.S. Highway 9 to Cape May, and return over the same route. (7) Between Columbia, N.J. and Netcong, N.J., serving all intermediate points. Beginning at Columbia, thence in an easterly direction over U.S. Highway 46 to Netcong, and return over the same route. (8) Between Netcong, N.J. and East Orange, N.J., serving all intermediate points. Beginning at Netcong, thence in an easterly direction over New Jersey Highway 10 to East Orange, and return over the same route. (9) Between Northfield, N.J. and East Orange, N.J., serving all intermediate points. Beginning at Northfield, thence in an easterly direction over New Jersey Highway 508 to East Orange, and return over the same route. (10) Between Troy Hills, N.J. and Newark, N.J., serving all intermediate points. Beginning at Troy Hills, thence in an easterly direction over I–280 to Newark, and return over the same route. (11) Between Buttzville, N.J. and Trenton, N.J., serving all intermediate points. Beginning at Buttzville, thence in a southerly direction over New Jersey Highway 31 to Trenton, and return over the same route. (12) Between Phillipsburg, N.J. and Newark, N.J., serving all intermediate points. Beginning at Phillipsburg, thence in an easterly direction over U.S. Highway 22 to its junction with I–78, thence over I–78 to Newark, and return over the same route.

(13) Between Annandale, N.J. and Somerville, N.J., serving all intermediate points. Beginning at Annandale, thence in a southeasterly direction over U.S. Highway 22 to Somerville, and return over the same route. (14) Between North Brunswick, N.J. and Deepwater, N.J., serving all intermediate points. Beginning at North Brunswick, thence in a southwesterly direction over U.S. Highway 130 to Deepwater, and return over the same route. (15) Between Trenton, N.J. and Asbury Park, N.J., serving all intermediate points. Beginning at Trenton, thence in an easterly direction over New Jersey Highway 33 to Asbury Park, and return over the same route. (16) Between Robbinsville, N.J. and Tuckerton, N.J., serving all intermediate points. Beginning at Robbinsville, thence in a southeasterly direction over New Jersey Highway 526 to its junction with New Jersey Highway 539 at Allentown, thence in a southeasterly direction over New Jersey Highway 539 to Tuckerton, and return over the same route. (17) Between Mansfield Square, N.J. and McGuire Air Force Base, Fort Dix, N.J., serving all intermediate points. Beginning at Mansfield Square, thence in a southeasterly direction over New Jersey Highway 68 to McGuire Air Force Base, and return over the same route. (18) Between Burlington, N.J. and junction New Jersey Highways 530 and 70, serving all intermediate points. Beginning at Burlington, thence in a southeasterly direction over New Jersey Highway 541 to Mount Holly, N.J., thence over New Jersey Highway 530 in an easterly direction to its junction with New Jersey Highway 70, and return over the same route. (19) Between junction Pennsylvania/New Jersey State Line and New Jersey Highway 73 near Palmyra, N.J., and junction New Jersey Highway 73 and U.S. Highway 30, serving all intermediate points. Beginning at junction Pennsylvania/New Jersey State line and New Jersey Highway 73 near Palmyra, thence in a southeasterly direction over New Jersey Highway 73 to its junction with U.S. Highway 30, near Berlin, N.J., and return over the same route.

(20) Between Camden, N.J. and South Amboy, N.J., serving all intermediate points. Beginning at Camden, thence over New Jersey Highway 70 in a northeasterly direction to its junction with New Jersey Highway 35, thence in a northerly direction over New Jersey Highway 35 to South Amboy, and return over the same route. (21) Between junction New Jersey Highways 70 and 72, and Ship Bottom, N.J., serving all intermediate points. Beginning at the junction of New Jersey Highways 70 and 72, thence in a southeasterly direction over New Jersey Highway 72 to Ship Bottom, and return over the same route. (22) Between junction New Jersey Highways 72 and 563, and Seaville, N.J., serving all intermediate points. Beginning at the junction of New Jersey Highways 72 and 563, thence in a southeasterly direction over New Jersey Highway 563 to its junction with New Jersey Highway 50 at Egg Harbor City, thence in a southerly direction over New Jersey

Highway 50 to Seaville, and return over the same route. (23) Between Camden, N.J. and Atlantic City, N.J., serving all intermediate points. Beginning at Camden, thence in a southeasterly direction over U.S. Highway 30 to Atlantic City, and return over the same route. (24) Between junction U.S. Highway 130 and New Jersey Highway 45, and Salem, N.J., serving all intermediate points. Beginning at the junction of U.S. Highway 130 and New Jersey Highway 45, thence in a southwesterly direction over New Jersey Highway 45 to Salem, and return over the same route. (25) Between junction U.S. Highway 130 and New Jersey Highway 47 and Wildwood, N.J., serving all intermediate points. Beginning at the junction of U.S. Highway 130 and New Jersey Highway 47 near Westville, N.J., thence in a southeasterly direction over New Jersey Highway 47 to Wildwood, and return over the same route.

(26) Between junction U.S. Highway 326 and the Pennsylvania/New Jersey State line, and Atlantic City, N.J., serving all intermediate points. Beginning at the junction of Pennsylvania/New Jererly direction over U.S. Highway 322 to near Bridgeport, N.J., thence in an easterly direction over U.S. Highway 322 to its junction with U.S. Highway 40, near McKee City, thence over U.S. Highway 40/322 to Atlantic City, and return over the same route. (21) Between Deepwater, N.J., and Tuckahoe, N.J., serving all intermediate points. Beginning at Deepwater, thence in a southeasterly direction over New Jersey Highway 49 to Tuckahoe, and return over the same route. (28) Between Deepwater, N.J. and Atlantic City, N.J., serving all intermediate points. Beginning at Deepwater, thence in an easterly direction over U.S. Highway 40/322 to Atlantic City, and return over the same route. (29) Between Mullica Hill, N.J., and Bridgeton, N.J., serving all intermediate points. Beginning at Mullica Hill, thence in a southerly direction over New Jersey Highway 77 to Bridgeton, and return over the same route. (30) Between junction U.S. Highway 30 and New Jersey Highway 54, near Hammonton, N.J., and Buena, N.J., serving all intermediate points. Beginning at the junction of U.S. Highway 30 and New Jersey Highway 54, near Hammonton, thence over New Jersey Highway 54 in a southerly direction to Buena, and return over the same route, and serving those off-route points in Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Sussex, Union and Warren Counties, in connection with the regular route descriptions in 1 through 30 above.

NOTE.—Applicant states it holds all of the above authority as irregular route authority under Docket No. MC 52932, Sub 29G. The purpose of this application is to convert said irregular route authority to regular route authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Harrisburg, Pa.

No. MC 59150 (Sub-No. 106), filed September 6, 1977. Applicant: PLOOF TRUCK LINES, Inc., 1414 Lindrose St., Jacksonville, Fla. 32206. Applicant's representative: Marin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Greenville, Georgia, to points in Alabama, Tennessee, North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Jacksonville, Florida or Atlanta, Georgia.

No. MC 63792 (Sub-No. 28), filed September 6, 1977. Applicant: TOM HICKS TRANSFER COMPANY, INC., P.O. Box 16006, Houston, Tex. 77002. Applicant's representative: C. W. Ferebee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air pollution, heating and cooling equipment, and parts and accessories* for such commodities, from Houston, Tex., to points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Montana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, Wyoming, and Utah, and (2) materials, supplies, parts and equipment used in the manufacture of air pollution, heating and cooling equipment, from points in the above named destination states to Houston, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Dallas or Houston, Tex.

No. MC 64932 (Sub-No. 574), filed August 29, 1977. Applicant: ROGERS CARTAGE CO., a corporation, 10735 South Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: Allan C. Zuckerman, 39 South LaSalle St., Room 600, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: (1) *Bisphenol*, in bulk, in tank or hopper type vehicles, from the facilities of United States Steel Corporation, at Haverhill, Scioto County, Ohio to points in the United States (except Alaska and Hawaii); and (2) *returned and rejected shipments*, from the above named destination territory to the above named origin point.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 192), filed September 6, 1977. Applicant: SPECTOR FREIGHT SYSTEM, INC., 1050 Kingery Highway, Bensenville, Ill. 60106. Applicant's representative: Edward G. Bazelon, 39 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and building materials*, and *materials* used in the installation and application of such commodities, from Franklin, Ohio, to points in Alabama, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, New York, Pennsylvania, Tennessee and Wisconsin; and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture, installation or application of roofing or building materials, from points in Alabama, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, New York, Pennsylvania, Tennessee and Wisconsin to Franklin, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Philadelphia, Pa.

No. MC 95876 (Sub-No. 208), filed September 6, 1977. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: C. Michael Trapp (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and Gypsum products, and wallboard*, from points in Santa Fe County, N. Mex., to points in Arizona, California, and Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Denver, Colo., or Albuquerque, N. Mex. Common control may be involved.

No. MC 95876 (Sub-No. 210), filed September 6, 1977. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: C. Michael Trapp (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, shavings, bark and sawdust* from points in Crook County, Wyoming, to points in Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Kentucky and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Gillette, Wyoming, or Rapid City, S. Dak.

No. MC 100666 (Sub-No. 365), filed September 6, 1977. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW., 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laminated beams, lumber* and *lumber products*, from Cedar County, Missouri to points in the United States (except Alaska and Hawaii); and (2) *materials* and *supplies* used in the production of laminated beams, lumber and lumber products (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii) to Cedar County, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo.

No. MC 102567 (Sub-No. 201), filed September 6, 1977. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71111. Applicant's representative: Joe C. Day, 2040 N. Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste petroleum sulfide, in bulk*, in tank vehicles, from Union County, Arkansas to points in Alabama, Florida, Georgia, Kansas, Keitucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas, Tex., or Memphis, Tenn.

No. MC 102616 (Sub-No. 937), filed August 31, 1977. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Rd., P.O. Box 5555, Akron, Ohio. Applicant's representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bisphenol*, in bulk, in tank or hopper type vehicles, from the facilities of United States Steel Corporation at Haverhill, Scioto County, Ohio, to points in the United States (except Alaska and Hawaii), and returned and rejected shipments from the above named destination territory to the above named origin point.

NOTE.—If a hearing is deemed necessary it is requested at Pittsburgh, Pa., or Washington, D.C.

MC 103051 (Sub-No. 407), filed September 1, 1977. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Flour*, in bulk, in tank or hopper-type vehicles, from Newton, North Carolina to Johnson City, Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Atlanta, Georgia or Nashville, Tenn.

Docket MC 103051 (Sub No. 408), filed September 1, 1977. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, transporting: *Animal fats, oils and blends thereof, in bulk*, in tank vehicles from Knoxville, Tennessee to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary applicant requests that it be held in either Atlanta, Georgia or Nashville, Tenn.

No. MC 106074 (Sub-No. 41), filed September 2, 1977. Applicant: B AND P MOTOR LINES, INC., Oakland Rd., P.O. Box 727, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, 109 Hartsville St., P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard boards and sheets*, from Azusa, Buena Park, Corona, Los Angeles, Ontario, Rocklin and Sacramento, Calif., to points in Alabama, Arkansas, Connecticut Delaware, Florida, Georgia, Louisina, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C., or San Francisco, Calif. Applicant holds contract carrier authority in MC 140842 Sub 1, therefore dual operations may be involved. Common control may also be involved.

No. MC 106074 (Sub-No. 42), filed September 6, 1977. Applicant: B AND P MOTOR LINES, INC., Oakland Rd., P.O. Box 727, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, 109 Hartsville St., P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass fiber; glass fiber rovings, yarn and strand; glass fiber mats and matting; glass fiber fabric; and glass fiber waste*, from South Lexington and West Shelby, N.C., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C., or Pittsburgh, Pa. Applicant holds contract carrier authority in MC 140842 Sub 1, therefore dual operations may be involved. Common control may also be involved.

No. MC 106674 (Sub-No. 250), filed August 17, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123, Remington, Ind. 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, and hydrants, valves, fittings, couplings and materials and supplies used in the installation* thereof from the facilities of Clow Corporation at or near Buckhannon, West Virginia to points in Illinois, Indiana, Iowa, Kentucky, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in either Chicago, Ill. or Indianapolis, Ind.

No. MC 107002 (Sub-No. 514) (Amendment), filed August 1, 1977, published in the FEDERAL REGISTER issue of September 8, 1977, and republished, as amended this issue. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representatives: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor verhicle, over irregular routes, transporting: *Fuel oils*, in bulk, in tank vehicles, (A) From the facilities of Mobile Bulk Terminal, Inc., at or near Mobile, Ala., to points in Louisiana and points in Mississippi north of U. S. Highway 80. (B) From the facilities of Ergon, Inc., at or near Greenville, Miss., to points in Arkansas on, east and south of a line beginning at the Arkansas-Texas State line and extending along U.S. Highway 67 to Malvern, Ark., thence U.S. Highway 270 to Sheridan, Ark., thence U.S. Highway 167 to Fordyce, Ark., thence U.S. Highway 79 to junction U.S. Highway 49, thence U.S. Highway 49 to the Arkansas-Mississippi State line, points in Louisiana on and north of U.S. Highway 84, and to the site of the United States Naval Air Station at or near Millington, Tenn. (C) From the facilities of Ergon, Inc., at or near Vicksburg, Miss., to points in Arkansas.

NOTE.—The purpose of this amendment is to show applicant's request in (B) for territory "in Arkansas on, east and south" in lieu of on, west and north as previously published. If a hearing is deemed necessary, applicant requests that it be held at Jackson, Miss. or Memphis, Tenn.

No. MC 107403, (Sub-No. 1034), filed September 6, 1977. Applicant: Matlock, Inc., Ten West Baltimore Ave., Lansdowne, Pa., 19050. Applicant's representative: Martin C. Hynes, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting: (1) *Liquid sugar, high fructose corn syrup, corn syrup and blends of liquid sugar with high fructose corn syrup, or with corn syrup*, in bulk, in tank vehicles, from Supreme, Louisiana to points in the states of Alabama, Mississippi and Texas; and (2) *Liquid sugar, blends of liquid sugar, and corn syrups*, in bulk, in tank vehicles, from the plantsite of Southdown Sugars, Inc., Houma, La. to points in Arkansas, Alabama, Mississippi, Tennessee and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Washington, DC.

No. MC–107456 (Sub No. 24), filed September 1, 1977. Applicant: HARRY L. YOUNG AND SONS, INC., a corporation, 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections, and accessories* (except iron or steel and commodities because of size and weight require the use of special equipment), from the plant or warehouse sites of Armco Steel Corporation, Metal Products Division, in Madera County, Calif., to points in Ari-

zona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming, and restricted to traffic originating at the above plants or warehouse sites and destined to points shown above and further restricted against the transportation of oil field commodities as defined in Mercer-Extension-Oilfield Commodity, 74 M.C.C. 459.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco, Calif., or Los Angeles, Calif.

No. MC 108313 (Sub-No. 14) (Correction), filed August 8, 1977, published in the FEDERAL REGISTER issue of September 15, 1977, and republished, as corrected, this issue. Applicant: CALEDONIA LINES, INC., P.O. Box 48, Caledonia, N.Y. 14423. Applicant's representative: S. Michael Richards, 44 North Ave., Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compressed gases and liquid chemicals, in bulk (except liquified petroleum gases)*, (a) from Houston, Tex., Moundsville, Charleston, and Natrium, W. Va., Lake Charles, Geismar, and Gramercy, La., Brunswick, Ga., Acme, N.C., Evans City, Ala., Louisville, Ky., Tampa, Fla., Charleston, Tenn., and Edgemoor, Del., to Charlotte, N.C., Festus, Mo., Reserve, La., Milford, Va., Mobile, Ala., St. Petersburg, Jacksonville, and Fort Lauderdale, Fla., and (b) from Edgemoor, Del., to Beechgrove and Hammond, Ind., Orrington, Me., Wyandotte, Montague, Midland, and Ludington, Mich., Merrimack, N.H., Newark, Bayonne, and Linden, N.J., Niagara Falls, Syracuse, Buffalo, Warwick, Caledonia, Utica, Friendship, and Vestal, N.Y., Ashtabula, South Point, Barberton, and Columbiana, Ohio, and Erie, Pa.; and (2) *Chemicals, cleaners, detergents and waxes, in containers and empty containers for those commodities*, between Mobile and Evans City, Ala., Denver, Col., Edgemoor, Del., St. Petersburg, Fort Lauderdale, Jacksonville, and Tampa Fla., Augusta and Brunswick, Ga. Danville, Ill., Beechgrove and Hammond, Ind., Calvert City and Louisville, Ky., Lake Charles, Plaquemine, Gramercy, Geismar, Baton Rouge, Taft, and Reserve, La., Orrington, Me., Curtis Bay, Md., Wyandotte, Montague, Midland, and Ludington, Mich., Festus, Mo., Merrimack, N.H., Newark, Bayonne, and Linden, N.J., Niagara Falls, Syracuse, Buffalo, Warwick, Caledonia, Utica, Friendship, and Vestal, N.Y., Charlotte and Acme, N.C., Ashtabula, South Point, Barberton, and Columbiana, Ohio, Erie, Pa., Charleston, Tenn., Houston, Tex., Milford, Hopewell and Norfolk, Va., Natrium, Moundsville and Charleston, W. Va., Hudson, Milwaukee, and Port Edwards, Wis., under a continuing contract or contracts with Jones Chemicals, Inc., of Caledonia, N.Y.

NOTE.—Applicant states it holds authority in No. MC 108313 (Sub-Nos. 1, 6, 7, 9, and 10) which partially duplicates the authority sought hereoin, but it does not seek duplicating authority and will accept usual conditions if authority sought is granted. If a hearing is deemed necessary, applicant requests that it be held at Buffalo or Syracuse, N.Y. The purpose of this correction is to indicate the correct territory sought in part (1) of this application.

No. MC 108341 (Sub-No. 68), filed September 6, 1977. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and steel pole substation structures, equipment, supplies and materials*, (except commodities in bulk), from the facilities of Power Enterprises, Inc., Power Structures Division, at or near Belle Chassee, Louisiana to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 110420 (Sub-No. 772), filed August 16, 1977. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Joseph K. Reber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Chemicals*, in bulk, in tank vehicles, from Iowa City, Iowa to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Cincinnati, Ohio. Common control may be involved.

No. MC 110525 (Sub-No. 1206), filed September 1, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Anhydrous ammonia, in bulk, in tank vehicles, from the plantsite of Farmland Industries, Inc., Farmland, La. (located near Pollock, La.), to points in Texas located east of U.S. Highway 281.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New Orleans, La.

No. MC 110525 (Sub-No. 1207), filed September 6, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Hydrofluoric acid, in bulk, in tank vehicles, from Houston, Tex. to points in Montana.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Houston, Tex.

No. MC 110525 (Sub-No. 1208), filed September 2, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, in tank vehicles, from Boston, Mass., and Philadelphia, Pa., to Canajoharie, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 111231 (Sub-No. 218), filed September 6, 1977. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: Don A. Smith, Post Office Box 43, 510 North Greenwood, Fort Smith, Ark. 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by wholesale or retail, discount, or variety stores* (except commodities in bulk): (1) Between White County, Ark., on the one hand, and, on the other, points in Arkansas, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas; and (2) between Bentonville, Ark., on the one hand, and, on the other, points in Illinois, restricted to the transportation of shipments originating at or destined to the facilities of Wal-Mart Stores, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Little Rock, Ark. or Memphis, Tenn.

No. MC 112595 (Sub-No. 70), filed August 31, 1977. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton, Ohio 45638. Applicant's representative: James W. Muldoon, 50 West Broad Street, Suite 1815, Columbus, Ohio 43215. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes in the transportation of: Bisphenol, in bulk, in tank or hopper type vehicles from the facilities of United States Steel Corp. at Haverhill, Scioto County, Ohio to points in the United States (except Alaska and Hawaii), and returned and rejected shipments from the above named destination territory to the above named origin point.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112989 (Sub-No. 51), filed September 1, 1977. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, Oreg. 97405. Applicant's representative: John W. White, Jr., 85647 Highway 99 South, Eugene, Oreg. 97405. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: pipe and pipe fittings, couplings, connections, and accessories (except iron or steel and commodities because size and weight require the use of special equipment), from the plant or warehouse sites of Armco Steel Corp., Metal Products Division, in Madera County, Calif., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, and restricted to traffic originating at the above plants or warehouse sites and destined to points shown above and further restricted against the transportation of oil field commodities as defined in Mercer-Extension-Oilfield Commodity, 74 M.C.C. 459.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Los Angeles or San Francisco, Calif. on a consolidated basis with other related applications.

No. MC 114045 (Sub-No. 475), filed September 1, 1977. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW AIRPORT, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Paper and paper products from Jay and Livermore Falls, Maine, to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y. or Chicago, Ill.

No. MC 114211 (Sub-No. 317), filed September 6, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, Suite 1600, 10 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier* over irregular routes, by motor vehicle, transporting: Lumber, lumber mill products, forest and wood products and treated products from Colorado and Wyoming to points in Minnesota, Wisconsin, Michigan, Indiana, Illinois, Iowa, Missouri, Nebraska, Kansas, Texas, Oklahoma, Louisiana, Arkansas, and New Mexico.

NOTE.—If a hearing is deemed necessary we request it be held at Denver, Colo.

No. MC 114273 (Sub-No. 295), filed September 6, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from St. Louis, Mo., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities utilized by Krey Packing Co. at or near St. Louis, Mo. and destined to the above named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 114632 (Sub-No. 121), filed September 26, 1977. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, S. Dak. 57042. Applicant's representative: Andrew Clark, 1000 First National Bank Bldg., Minneapolis, Minnesota 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen meats, and non-edible foodstuffs, moving in mechanically refrigerated equipment* from Bettendorf, Iowa to points in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas except Iowa.

NOTE.—Applicant holds motor contract carrier authority in No. MC 129706, therefore dual operations may be involved. Hearing: Assigned November 14, 1977, at 9:30 a.m. local time, at Chicago, Ill.

No. MC 114896 (Sub-No. 57), filed August 15, 1977. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Money Orders and Checks;* From Indianapolis, Ind. to Detroit, Mich., under a continuing contract or contracts with First Federal Savings and Loan Association of Detroit.

NOTE.—Applicant holds common carrier authority in MC 140345, Sub-No. 1, and therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 115353 (Sub-No. 28), filed September 6, 1977. Applicant: LOUIS J. KENNEDY TRUCKING CO., a corporation, 342 Schuyler Avenue, Kearny, N.J. 07032. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*: (except Classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk and commodities which because of their size and weight require the use of special equipment), between points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana in non-radial movement. Restriction: Service is restricted to the transportation of traffic originating at or destined to facilities of the United States Gypsum Co., under a continuing contract, or contracts, with the United States Gypsum Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 115557 (Sub-No. 15), filed September 2, 1977. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, Pa. 16242. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnets and magnetic materials and equipment, materials and supplies*, utilized in the manufacture of magnets and magnetic materials, between Duncanville, Tex., on the one hand, and, on the other, points in California, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Detroit, Mich.

No. MC 115821 (Sub-No. 31), filed September 6, 1977. Applicant: FRANK BEELMAN, doing business as BEELMAN TRUCK CO. (no street address), St. Libory, Ill. 62282. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Coal in bulk, in dump vehicles, from Saline, Franklin, Jefferson, Williamson, Gallatin, Marion, Hamilton, Hardin, Pope, Johnson, Union, Jackson, White, Wabash, Perry, and Washington Counties, Ill., to points in Vigo, Vermillion, Knox, Hamilton, Floyd, and Gibson Counties, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill. or Evansville, Ind.

No. MC 115826 (Sub-No. 273), filed September 6, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Terminal Annex, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 35 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: hydraulic cylinders, parts, accessories, materials and supplies used in the manufacturing thereof: between the plantsite and storage facilities of United Hydraulics, Corp. at, or near, Hampton, Iowa on the one hand, and, on the other hand, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If an oral hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 115841 (Sub-No. 547), filed August 16, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite

110, Bldg. 100, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meats, meat products and meat by-products and articles distributed by meat packinghouses* from the plantsite and storage facilities of South Texas Packers at or near Alice, Tex. and the plantsite and storage facilities utilized by South Texas Packers (Alford's Refrigerated Warehouse) at or near Corpus Christi, Tex. to points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Ohio, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Houston, Tex.

No. MC 116077 (Sub-No. 384), filed August 16, 1977. Applicant: ROBERTSON TANK LINES, INC., 4550 Post Oak Place Drive, P.O. Box 1505, Houston, Tex. 77001. Applicant's representative: Pat H. Robertson, 500 West Sixteenth Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn*, in bulk, from the plant site of CPC International, Incorporated, Corpus Christi, Texas, to points in the states of Arizona, New Mexico, Oklahoma, Arkansas, Louisiana, and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex.

No. MC 117344 Sub-No. 261, filed August 29, 1977. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Bisphenol*, in bulk, in tank or hopper type vehicles, from the facilities of United States Steel Corp. located at Haverhill, Scioto County, Ohio, to points in the United States (except Alaska and Hawaii); and (2) *returned and rejected shipments* from the above-named destination territory, to the above-named origin point.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 117815 (Sub-No. 265), filed September 1, 1977. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Dewey Marselle, 405 SE. 20th Street, Des Moines, Iowa 50317. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of or utilized by The Pillsbury Co., located at or near Minneapolis, Minn., to points in Iowa, Kansas, Missouri, and Nebraska, restricted to the transportation of traffic originating at the above named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 118159 (Sub-No. 224) (correction), filed August 19, 1977, published in the FEDERAL REGISTER issue of September 29, 1977, as No. MC 118159 (Sub-No. 229), and republished as corrected this issue. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper* and *paper products*, (except commodities in bulk) from Medina, Ohio to points in New York (except points on and south of Interstate Highway 84); and (2) *Materials and supplies* used in the manufacture and distribution of paper and paper products, and *paper* (except commodities in bulk), from points in New York (except points on and south of Interstate Highway 84) to Medina, Ohio.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding as No. MC 118159 (Sub-No. 224) in lieu of No. MC 118159 (Sub-No. 229) as previously published in error. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118159 (Sub-No. 225), filed August 31, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366–Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Pulpboard and pulpboard articles, from Plymouth, Ind., to Memphis, Tenn.; Mobile, Ala., and points in Alabama on and north of U.S. Highway 78; points in Michigan on and south of Michigan Highway 21; points in New York on and north of Interstate Highway 84; points in Virginia on and west of Interstate Highway 95; and points in Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Texas, Utah, Wyoming, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 119741 (Sub-No. 82); filed September 6, 1977. Applicant: GREEN FIELD TRANSPORT CO., INC., 3225 Fifth Avenue South, Fort Dodge, Iowa 50501. Applicant's representative: D. L. Robson, P.O. Box 1235, Fort Dodge, Iowa 50501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat by-products, and articles distributed by meat packinghouses (except hides and commodities in bulk, in tank vehicles), as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the facilities of Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Kansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 119789 (Sub-No 352) (correction), filed June 2, 1977, published in the FEDERAL REGISTER issue of July 14, 1977, and republished as corrected this issue. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Cleaning compounds, (except commodities in bulk), from Fort Bragg, Calif., to points in the United States east of U.S. Highway 85; and (2) materials and supplies used in the production and sale of cleaning compounds (except commodities in bulk), from points in the United States east of U.S. Highway 85, to Fort Bragg, Calif.

NOTE.—The purpose of this republication is to indicate the restriction in (1) and (2); and to indicate correct route description in (2) above as U.S. Highway 85 in lieu of U.S. Highway 82. If a hearing is deemed necessary, the applicant requests that it be held at San Francisco, Calif.

No. MC 119988 (Sub-No. 124), filed September 6, 1977. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable and prefabricated horse farms and stalls and related materials, supplies, and equipment when moving in connection therewith*, from Lufkin, Tex., to points in Oklahoma, Louisiana, Arkansas, Mississippi, and Kansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Houston, Tex., or Dallas, Tex.

No. MC 120761 (Sub-No. 29), filed August 31, 1977. Applicant: NEWMAN BROS. TRUCKING CO., a corporation, 6559 Midway Road, P.O. Box 18728, Fort Worth, Tex. 76118. Applicant's representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *hardwood poducts, plywood and paticle board* from Dallas and Fort Worth, Tex., to points in Arkansas, Geargia, Kansas, Louisiana, Missouri, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex. Common control may be involved.

No. MC 121366 (Sub-No. 4), filed September 2, 1977. Applicant: DALLAS SMITH TRANSPORT CORP., 1102 East

Tonto Street, Phoenix, Ariz. 85034. Applicant's representative: Warren N. Grossman, 1800 United California Bank Building, 707 Wilshire Boulevard; Los Angeles, Calif. 90014. Applicant seeks authority to engage in operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of (1) new and used automobiles, in secondary movements, in truckaway service, between points in Arizona, New Mexico, Colorado, and Nevada; and (2) used automobiles, in secondary movements, in truckaway service, from points in New Mexico, Colorado, and Nevada, to Phoenix, Ariz.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

No. MC 121656 (Sub-No. 4), filed August 4, 1977. Applicant: SPRINGFIELD EXPRESS, INC., P.O. Box 310, Springfield, Tenn. 37172. Applicant's representative: Walter Hardwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, household goods, classes A and B explosives, commodities in bulk, and articles requiring special equipment), Between Russellville, Ky. and Owensboro, Ky.; From Russellville, Ky. over U.S. Highway 431 to Owensboro, Ky. and return over the same route, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Central City or Louisville, Ky.

No. MC 121664 (Sub-No. 26), filed September 2, 1977. Applicant: G. A. HORNADY, CECIL M. HORNADY, and B. C. HORNADY, doing business as HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Monroeville, Ala. 36460. Applicant's representative: W. E. Grant, 1702 1st Ave. South, Birmingham, Ala. 35233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Asphaltum, building paper, prepared shingles, roofing asphalt, roofing cement, roofing paper, filter felt, coatings and roofing sealer, from (1) Tuscaloosa, Ala., and (2) Knoxville, Tenn. to points in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala. or Kansas City, Mo.

No. MC 123057 (Sub-No. 13), filed September 6, 1977. Applicant: JAMES RICCIARDI & SONS, INC., 389 East Inman Avenue, Rahway, N.J. 07065. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Steel studding* from the plant and warehouse sites of Marino Industries at or near Westbury, N.Y. to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia and (2) *Materials, supplies* and *equipment* used in the manufacture and distribution of steel studding (except in bulk) from the destination states named in (1) above to Westbury, N.Y., restricted to the transportation of traffic originating at or destined to the plant and warehouse sites of Marino Industries, Inc. at or near Westbury, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 123329 (Sub-No. 31), filed September 2, 1977. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta T2P 2P9, Canada. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen, nitrogen and argon*, in cryogenic trailers, between points in Oregon and Washington on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada, located at or near Sumas, Blaine and Oroville, Wash., restricted to shipments destined to or originating at points in British Columbia and Alberta, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at any city in Montana. Common control may be involved.

No. MC 124027 (Sub-No. 18), filed September 6, 1977. Applicant: MIDWEST BULK, INC., 901 Lyndale Avenue, Neenah, Wis. 54956. Applicant's representative: Frank M. Coyne, 25 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, from Milwaukee, Wis., to Davenport, Iowa.

NOTE.—If a hearing is necessary, the applicant requests it be held in Chicago, Ill., or Milwaukee, Wis. Common control may be involved.

No. MC 124344 (Sub-No. 9), filed September 6, 1977. Applicant: HINER TRANSPORT, INC., 1317 South Jefferson St., Huntington, Ind. 46750. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream mix, ice milk, sherbet, water ices, milk products, and vegetable-fat frozen desserts*, in containers, in mechanically refrigerated vehicles, and *ice cream novelties, including water ice bars, fudge bars, ice cream bars, ice cream cups, ice cream sandwiches, ice cream cake rolls, ice cream pies, and articles of a like nature*, in containers, in mechanically refrigerated vehicles, (1) from Huntington, Ind., to points in Florida; those points in Kentuncky (except Louisville, Lexington, and Hazard, Kentucky); those points in Illinois (except Chicago, Palatine, and Rockford, Illinois); those points in Michigan (except Benton Harbor, Detroit, Kalamazoo, New Buffalo, and Pontiac, Mich.); points in Missouri; those points in Ohio (except Edon, Delphos, Toledo, Cincinnati, Hamilton, and Columbus, Ohio, and points in that part of Ohio west of Interstate Highway 75); and points in Pennsylvania; and West Virginia; (2) from Peoria, Ill.; Detroit, Mich.; and Louisville, Ky., to Huntington, Ind.; (3) From Atlanta, Ga., to Farmdale, Ohio; and *over-aged, rejected, or damaged merchandise* on return; and, (4) *fruits and fruit segments*, in containers, from Cincinnati, Ohio, to Huntington, Ind. Restrictions: (1) the operations authorized herein are restricted to traffic originating at and destined to a plantsite or storage facility of Kraft Foods Dairy Group; and (2) the operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Kraft Foods Dairy Group (formerly Sealtest Foods Division, Kraftco Corporation), at Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 124579 (Sub-No. 20), filed August 23, 1977. Applicant: WIKEL BULK EXPRESS, INC., Route 2, Huron, Ohio 44839. Applicant's representative: James Duvall, Post Office Box 97, 220 West Bridge St., Dublin, Ohio, 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, citrus drink and fruit punch products* from the facilities of The Kroger Co. at or near Newark, Ohio, to Livonia, Michigan; Indianapolis, Indiana; Hazelwood, Missouri; those points in Pennsylvania on and west of U.S. Highway 219; and points in Kentucky, West Virginia, Virginia, North Carolina, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 124692 (Sub-No. 180), filed September 2, 1977. Applicant: SAMMONS TRUCKING (a corporation), P.O. Box 4347, Missoula, Mont. 59806. Applicant's representative: J. David Douglas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and related parts, materials and supplies*, from Faribault, Minn. to points in California, Idaho, Montana, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming restricted to traffic originating at Faribault, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minn.

No. MC 124735 (Sub-No. 21) filed August 16, 1977. Applicant: R. C. KER-

CHEVAL, JR., 2214 Fourth Avenue South, Seattle, Wash. 98134. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. To operate as a *contract carrier* by motor vehicle over irregular routes transporting: *Parts of mobile homes and utility trailers, automotive springs, suspension and parts thereof, brake drums,* and *brake assemblies and parts thereof, tailgate hoists and parts thereof, wheels and wheel attaching parts, parts for motor vehicle chassis and motor vehicle undercarriages*; From Henderson, Kentucky to points in Washington, Idaho, Utah, Oregon and Montana under a continuing contract or contracts with Motor Wheel and Parts, Inc. and Henderson Wheel and Supply.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 124939 (Sub-No. 14), filed August 23, 1977. Applicant: FOOD HAUL, INC., 1215 West Mound St., Rear, P.O. Box 23293, Columbus, Ohio 43223. Applicant's representative: Paul F. Beery, 275 East State St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routas, transporting: (1) *Dairy products and citrus drink and fruit punch products*, from The Kroger Co's facility at or near Newark, Ohio, to Livonia, Michigan; Indianapolis, Indiana; Hazelwood, Missouri; those points in Pennsylvania on and west of U.S. Highway 219; and all points in Kentucky, Virginia, West Virginia, North Carolina, and South Carolina, and, (2) *Equipment, materials and supplies* used in the conduct of such business and (3) *returned, rejected or refused shipments* of the commodities named in (1) above from points in Illinois, Michigan, Indiana, West Virginia, Kentucky and those points in Pennsylvania on and west of U.S. Highway 219, to The Kroger Co.'s facility at or near Newark, Ohio, under a continuing contract or contracts with The Kroger Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio. Common control may be involved.

No. MC 124939 (Sub-No. 15), filed August 23, 1977. Applicant: FOOD HAUL, Inc., 1215 West Mound St., Rear, P.O. Box 23293, Columbus, Ohio 43223. Applicant's representative: Paul F. Beery, 275 East State St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and (B) *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between the dairy and bakery manufacturing and meat processing facilities of The Kroger Co., at or near Indianapolis, Indiana. on the one hand, and, on the othe points in Illinois, Kentucky, Michigan, Missouri, Ohio, and Pennsylvania, and Atlanta, Georgia; Roanoke, Virginia; Dallas and Houston, Texas; Little Rock, Arkansas; and Memphis and Nashville, Tennessee, under a continuing contract or contracts with The Kroger Co., of Cincinnati, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio. Common control may be involved.

No. MC 124947 (Sub-No. 68), filed August 16, 1977. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Rd., Stroud, Okla. 74079. Applicant's representative: David J. Lister, 1945 South Redwood Rd., Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *particleboard, lumber and lumber mill products* from Navajo, N. Mex. to points in Illinois, Indianan and Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. or Salt Lake City, Utah.

No. MC 124947 (Sub No. 76), filed September 23, 1977. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Rd., Stroud, Okla. 74079. Applicant's representative: David J. Lister, 1945 South Redwood Rd., Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting aluminum and aluminum articles,[1] from Benton, Arkansas to Wisconsin, Michigan, New York, Pennsylvania and Tennessee; [2] from Sandusky, Ohio to Wisconsin, Michigan, New York and Pennsylvania; [3] and between points in Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Columbus or Cleveland, Ohio.

No. MC 124947 (Sub No. 77), filed September 23, 1977. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Rd., Stroud, Okla. 74079. Applicant's representative: David J. Lister, 1945 South Redwood Rd., Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting industrial heat treating furnaces and parts and related equipment used with the furnace operations and incinerators and incinerator parts, between Meadville, Pennsylvania and points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Pittsburgh, Pa. or Salt Lake City, Utah.

No. MC 124947 (Sub-No. 78), filed September 23, 1977. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Rd., Stroud, Okla. 74079. Applicant's representative: David J. Lister, 1945 South Redwood Rd., Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood products, building board, insulating materials and roofing materials*, from points in Alabama, Florida, Georgia, South Carolina, North Carolina, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee and Texas to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Houston, Tex.

No. MC 125433, (Sub-No. 121), filed September 1, 1977. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Rd., Salt Lake City, Utah 84104. Applicant's representative: David J. Lister, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting pipe and pipe fittings, couplings, connections and accessories (except iron or steel and commodities which because of size and weight require the use of special equipment), from the plant or warehouse facilities of Armco Steel Corporation located in Madera County, California, to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming, restricted to traffic originating at the above plants or warehouse sites and destined to points shown above, and further restricted against the transportation of oilfield commodities as defined in Mercer, Extension 74 M.C.C. 459.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing with similar applications at either San Francisco or Los Angeles, Calif. Common control may also be involved.

No. MC 126118 (Sub-No. 50), filed August 29, 1977. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie, P.O. Box 81228, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Michigan to Tennessee (except Knoxville and Johnson City).

NOTE.—Applicant holds contract carrier authority in No. MC 128375 (Sub-No. 1) and other subs, therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Michigan or Lincoln, Nebr.

No. MC 126555 (Sub-No. 51), filed September 6, 1977. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, S. Dak. 57709. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant St., Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, from points in Wyoming, to points in Colorado, restricted against the transportation of oil field commodities as described in Mercer Extension, Oil Field Commodities, 74 M.C.C. 459.

NOTE.—Applicant holds contract carrier authority in MC 125909 (Sub 3), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126930 (Sub-No. 16), filed September 6, 1977. Applicant: BRAZOS TRANSPORT CO., a corporation, 339 East 34th St., Lubbock, Tex. 79404. Applicant's representative: Richard Hubbert, P.O. Box 2976, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting (1) *Gypsum products*, from Medicine Lodge, Kans., to Lorain, Ohio and Clearance Center, N.Y.; (2) *gypsum products* from Akron, Genesee County, N.Y., to Medicine Lodge, Kans., and Fort Dodge, Iowa; and (3) *lime in bags*, from Gibsonburg, Ohio, to Medicine Lodge, Kans., and Fort Dodge, Iowa, restricted to movements between plantsites of National Gypsum Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas or Lubbock, Tex. Common control may be involved.

No. MC 129124 (Sub-No. 15), filed September 1, 1977. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, Pa. 16881. Applicant's representative: S. Berne Smith, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in the counties of Clearfield and Jefferson, Pa., to points in Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Pittsburgh, Pa., Harrisburg, Pa., or Washington, D.C.

No. MC 129455 (Sub-No. 26), filed September 6, 1977. Applicant: CARRETTA TRUCKING, INC., S. 160, Route 17 North, Paramus, N.J. 07652. Applicant's representative: Charles J. Williams, 1815 Front St., Scotch Plains, N.J. 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular route, transporting: *Such merchandise* as is dealt in by retail stores of building material products (except commodities in bulk), from points in Alabama (except Dothan); those points in Georgia (except Ashburn); points in North Carolina, South Carolina, those points in Tennessee (except Knoxville), and points in Virginia, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, under a continuing contract or contracts with L. Grossman's, a division of Evans Products Company, at Braintree, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129455 (Sub-No. 27), filed September 6, 1977. Applicant: CARRETTA TRUCKING, INC., 160 S. Route 17, Paramus, N.J. 07652. Applicant's representative: Joseph Carretta (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, parts, and equipment* used in the manufacture of garden sheds, (1) from points in California, to the points of entry on the International Boundary Line, between the United States and the Republic of Mexico, located at Calexico, Calif., for furtherance into the Republic of Mexico; and (2) from points in Maryland, to Saddle Brook, N.J., under a continuing contract, or contracts, with Quaker City Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 129759 (Sub-No. 20), filed September 6, 1977. Applicant: TRIANGLE TRUCKING CO., a corporation, P.O. Box 490, McKees Rocks, Pa. 15136. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of *pipe and conduit, insulated or plain, fittings and attachments therefor, plastic materials*, and materials, equipment and supplies used in the conduct of such business (except commodities in bulk, in tank vehicles). Between the plant and warehouse of North Star Fabricating, Division of TPCO, Inc., Subsidiary of Triangle Industries, Inc., located at or near Lake Bluff, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with North Star Fabricating, Division of TPCO, Subsidiary of Triangle Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133099 (Sub.-No. 5), filed September 2, 1977. Applicant: THE GLASGOW & DAVIS COMPANY, a corporation, Box 1717, South Division St., Salisbury, Md. 21801. Applicant's representative: Daniel B. Johnson, 4304 East-West Highway, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich., to points in Maryland, Delaware and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 134755 (Sub-No. 111), filed August 16, 1977. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except frozen and except in bulk), from the plantsite of the Joan of Arc facilities at Belledeau and St. Francisville, La., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 138398 (Sub-No 2) and other subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo. or Chicago, Ill.

No. MC 134922 (Sub-No. 235), filed August 29, 1977. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as Applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane, polyurethane foam, synthetic fibers and compounds* (except in bulk), between Lynchburg, Miss., on the one hand, and on the other, points in the United States in and west of Idaho, Utah and Arizona (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 134922 (Sub-No. 236), filed August 29, 1977. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured or distributed by manufacturers or distributors of tile, *and materials and supplies* used in the manufacture of tile (except commodities in bulk and those which because of size or weight require the use of special equipment), between Lansdale and Quakertown, Pa., and Olean, N.Y., on the one hand, and, on the other, points in Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, Ohio, Louisiana, Arkansas, Missouri, Illinois, Indiana, Michigan, Wisconsin, Iowa, and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 134922 (Sub-No. 237), filed August 29, 1977. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and parts*, as defined by the Commission in Descriptions in Motor Carrier Certificates 61 M.C.C. 283, *and materials* used in the manufacture thereof (except commodities in bulk and those requiring special equipment), between Princeton, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Little Rock, Ark.

No. MC 135014 (Sub-No. 2), filed September 6, 1977. Applicant: SPEADMARK, INC., 360 West 31st Street, New York, N.Y. 10001. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract*

carrier, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel*, from the terminal site of Speadmark, Inc., at New York, N.Y., to the stores of Abraham and Straus at points in Westchester County, N.Y. and Monmouth County, N.J., (2) returned shipments of wearing apparel, from the stores of Abraham and Straus at the above described destination points to the terminal site of Speadmark, Inc. at New York, N.Y., under a continuing contract, or contracts, with Abraham and Straus.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 135725 (Sub-No. 18), filed September 6, 1977. Applicant: FRY TRUCKING, INC., 507 West 5th Street, Wilton, Iowa 52778. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, (1) from points in Texas and Maryland, to points in Illinois, Iowa, Minnesota, and Wisconsin; (2) from Midland, Mich., to points in Iowa and Rock Island, Ill.; and (3) from Milwaukee, Wis., to Rock Island, Ill., and points in Iowa and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Chicago, Ill., or Des Moines, Iowa.

No. MC 135797 (Sub-No. 82), filed August 25, 1977. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 200, Lowell, Ark. 72745. Applicant's representative: Paul A. Maestri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry medicinal health products* (except in bulk), from Norwich, N.Y., to Ashland, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 136123 (Sub-No. 1), filed September 1, 1977. Applicant: MEAT DISPATCH, INC., 2103 17th St., East, Palmetto, Fla. 33561. Applicant's representative: S. Michael Richards, P.O. Box 225, 44 North Ave., Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *paper and paper products*, from Texarkana, Ark., and Port Edwards, Wisconsin Rapids, Brokaw, and Green Bay, Wis., to Rochester, N.Y.

NOTE.—Applicant holds motor contract carrier authority in No. MC 128555 (Sub-No. 1) and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Buffalo, Rochester or Syracuse, NY.

No. MC 136182 (Sub-No. 5), filed August 15, 1977. Applicant: B. & C. MOTOR FREIGHT, INC., P.O. Box 166, 350 Holland Avenue, Peru, Ind. 46790. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier* over irregular routes, transporting: Dry and mixed fertilizer, in bulk or in bags, from the plant sites of Kaiser Agricultural Chemicals at or near Peru and Butler, Ind., to points in Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Washington, D.C.

No. MC 136316 (Sub-No. 2), filed August 30, 1977. Applicant: JOHN W. SMITH, doing business as JOHN W. SMITH TRUCKING CO., R–4, Lancaster, S.C. 29720. Applicant's representative: Winston J. Smith (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Iron and steel articles from Lancaster, S.C., to points in the United States on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its function with the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada (except Alaska, Hawaii, Louisiana, and Texas): and (2) returned, rejected, and damaged articles described its junction with the western boundaries in (1) above, on return, *under a continuing* contract, or contracts, with Lehigh-Lancaster, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Charlotte, N.C., or Columbia, S.C.

No. MC 136605 (Sub-No. 30), filed August 24, 1977. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, Mont. 59807. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Aluminum sulfate* (except in bulk, in tank vehicles) from the port of entry on the International Boundary line between the United States and Canada located at or near Sweetgrass, Montana, to points in Montana, Wyoming and North Dakota. Restricted to commodities originating in Alberta, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 138104 (Sub-No. 48), filed September 2, 1977. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, Tex., 76106. Applicant's representative: Bernard H. English, 6270 Firth Rd., Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, and trailer chassis* (other than those designed to be drawn by passenger automobiles) in initial movements, in driveaway service, from the plantsite of Boyd Tank Trailers, Inc., located at or near Boyd, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fort Worth or Dallas, Tex.

No. MC 138313 (Sub-No. 27), filed September 2, 1977. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animals and poultry feeds and animal and poultry feed ingredients:* From Culbertson, Montana to points in California, Colorado, Idaho, Oregon, North Dakota, South Dakota, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Montana or Washington, D.C.

No. MC 138413 (Sub-No. 8), filed September 6, 1977. Applicant: JOHN TOWNROW, d.b.a. JOHN TOWNROW TRUCKING, 4290 Elton St., Baldwin Park, Calif. 91706. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: 1. *Scrap Plastic*, from points in the United States on and east of Highway 85, to Valencia, Calif.; 2. *Plastic sheeting*, from Newcomerstown, Ohio, to Valencia, Calif.; 3. *Plastic granuals*, from Farmingdale, Long Island, N.Y.; Paterson, N.J.; and, Kingsport, Tenn., to Valencia, Calif.; 4. *Paper*, from Brownsville, N.Y., to Valencia, Calif.; and 5. *Plastic sheeting*, from Valencia, Calif., to points in the United States on and east of Highway 85, under a continuing contract or contracts with Lustro Plastics Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 138562 (Sub-No. 1), filed September 2, 1977. Applicant: CATES TRUCKING, INC., P.O. Box 518, Swayzee, Ind. 46986. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Canned goods*, from Milroy, Hartford City, Upland, Elwood, Port Isabel, and Swayzee, Ind., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Illinois, Wisconsin, Michigan, Kentucky, Tennessee, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, New York, Delaware, Maryland, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and Rhode Island; and (2) *materials, equipment and supplies*, used in the manufacture of canned goods, from North Dakota, South Dakota, Nebraska, Kansas, Ohio, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Illinois, Wisconsin, Michigan, Kentucky, Tennessee, Alabama, Florida, Georgia, South Carolina,

North Carolina, Virginia, West Virginia, Oklahoma, Pennsylvania, New York, Delaware, Maryland, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and Rhode Island, to Hartford City, Upland, Elwood, Swayzee and Port Isabel, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139495 (Sub-No. 266), filed September 6, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and variety stores from Savannah, Ga. to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 140612 (Sub-No. 31), filed September 6, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household, commercial, and institutional kitchen and laundry equipment, fixtures, appliances, and parts; electrical appliances, equipment and parts; and tools and hardware, (except commodities in bulk and commodities which, because of size or weight, require the use of special equipment)*. From the facilities of the McGraw-Edison Company located at or near Chattanooga, Tennessee; Ripon, Wisconsin; Searcy, Arkansas; and Columbia and St. Louis, Missouri, to points in the United States in and west of Louisiana, Arkansas, Missouri, Illinois, and Wisconsin (except Alaska and Hawaii). Restriction: Restricted to the transportation of traffic originating at the named facilities and destined to points in the described destination area.

NOTE.—Applicant holds contract carrier authority in No. MC 138003 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln, Nebr., or Columbia, Mo.

No. MC 140615 (Sub-No. 20) filed August 15, 1977. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis C. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire Goods, Metal*, from Hanover and York, Pa. to Rice Lake, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Madison or Wausau, Wis.

No. MC 140768 (Sub-No. 7) filed September 1, 1977. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, N.J. 08835. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paperboard* (1) from Augusta and St. Mary's, Ga. and Demopolis, Ala. to Downington, Pa., and (2) from Amsterdam, N.Y., Holyoke, Mass. and Downingtown, Pa. to Richmond and Chester, Va. and Marietta, Ga., and (3) from Downington, Pa. to points in New York, and New Jersey, restricted against transportation to or from the premises of any person who has entered into a contract with American Trans-Freight, Inc. and/or any person who is served by it pursuant to any permit issued by the Interstate Commerce Commission.

NOTE.—Applicant holds motor contract authority in MC 134404 and subs thereunder and, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant request that it be held at New York, N.Y. or Washington, D.C.

MC 141532 (Sub-No. 13), filed September 1, 1977. Applicant: PACIFIC STATES TRANSPORT, INC., 35433 16th Avenue South, Federal Way, Wash. 98002. Applicant's representative: Michael J. Norton, P.O. Box 2135, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportation: *Pipe and pipe fittings, couplings, connections and accessories* (except iron or steel and commodities which because of size and weight require the use of special equipment), from the plant or warehouse facilities of Armco Steel Corporation in Madera County, Calif. to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming. Restricted to traffic originating at the above plants or warehouse sites and destined to points shown above, and further restricted against the transportation of oilfield commodities as defined in Mercer, Extension, 74 M.C.C. 459.

NOTE.—If a hearing is deemed neceessary, applicant requests that it be held in either San Francisco, Calif. or Los Angeles, Calif. on a consolidated basis with other related applications.

No. MC 141804 (Sub-No. 76), filed September 1, 1977. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical; musical; sending, receiving* and *recording equipment; parts, supplies, and articles* used in the manufacture and distribution thereof (except commodities in bulk and because of size or weight require special handling or equipment), from points in Los Angeles and Orange Counties, Calif., to the facilities utilized by Arvin Industries Inc., located at or near Princeton, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Cincinnati, Ohio or Louisville, Ky. Common control may be involved.

No. MC 141806 (Sub-No. 2), filed August 29, 1977. Applicant: Charles Kraft and Anthony Valvo, a partnership, d.b.a. VEE-KAY CARTAGE COMPANY, 2167 North Melvina Ave., Chicago, Ill. 60639. Applicant's representative: Philip A. Lee, 120 W. Madison, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier* by motor vehicle over irregular routes Transporting: *Molten metal*, in fire brick lined tank vehicles, built especially for transportation of molten metals, from Chicago, Ill., to Madison, Sheboygan, Milwaukee, Fond-du-lac and Grafton, Wisconsin, under a continuing contract or contracts with Apex International Alloys.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 141914 (Sub-No. 14) (Correction), filed August 2, 1977, published in the FEDERAL REGISTER issue of September 8, 1977, and republished as corrected this issue. Applicant: FRANKS & SON, INC., Box 108–A, Big Cabin, Okla. 74332. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought by applicant to operate as a *common carrier*, by motor vehicle, in interstate and foreign commerce, over irregular routes, transporting: *Rubber piping, tubing and hose, including rubber hose*, reinforced with fabric or steel, from the port of entry on the International Boundary Line between the United States and Canada, located at or near Stanhope, Quebec, Canada, to points in the United States (except Alaska and Hawaii), restricted to the tranpsortation of traffic originating at the plant site of and facilities of IVG Rubber Canada Ltd., located at or near St. Alphonse de Granby, Quebec, Canada.

NOTE.—The purpose of this republication is to indicate the port of entry as being located at or near Stanhope, Quebec, Canada, in lieu of at or near Stanhope, Vt. If a hearing is deemed necessary, it is requested that it be held at Tulsa, Okla.

No. MC 141925 (Sub-No. 2), filed August 25, 1977. Applicant: KOHN BEVERAGE, INC., d.b.a. KOHN TRANSPORT, 4850 Southway, SW., Canton, Ohio 44706. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk) from Detroit, Michigan to Sharon, Pennsylvania and East Liverpool, Mingo Junction, and Youngstown, Ohio; restricted to service performed under continuing contract or contracts with The Bellas Co., d.b.a. Iron City Distributing

Company; Kohn, Incorporated; and Shenango Beverage Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

Docket No. MC 142516 (Sub-No. 2), filed September 2, 1977. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, N.J. 07032. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: (1) *Chemicals, softeners, paints and paint products, petroleum products, plasticizers, mercuric acetate and mercuric oleate, resins, oils, compounds;* and (2) *Materials, equipment and supplies*, used in the manufacturing and sale of the foregoing commodities (except commodities in bulk), between New Brunswick, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Interstab Chemicals, Inc., at New Brunswick, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 142784 (Sub-No. 1), filed September 6, 1977. Applicant, RICHARD H. GRAVES, Box 223, Center Conway, N.H. 03813. Applicant's representative: Richard H. Graves (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber, cut stock and rough glued panels*, from points in Vermont, New Hampshire and Maine, to Honesdale, Pennsylvania, and Walton and Deposit, New York, under a continuing contract or contracts with S. J. Bailey & Sons, Inc., located at Clarks Summit, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Concord, New Hampshire or Portland, Me.

No. MC 142924 (Sub-No. 1), filed August 29, 1977. Applicant: Kenneth D. Stewart, d.b.a. STEWART'S CONTRACT SERVICE, Box 161, Kanona, N.Y. 14856. Applicant"s representative: Roy D. Pinsky, 345 South Warren St., Syracuse, N.Y.. 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New tires and tire tubes*, fro mthe plant and warehouse of Mohawk Rubber Company, located at Memphis, Tenn., to points in New York (except New York, N.Y., and points in Nassau and Suffolk Counties) and points in Pennsylvania on and north of Interstate Highway 80, under a continuing contract or contracts with Mowhawk Rubber Company of Columbus, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Syracuse, N.Y. or Washington, D.C.

No. MC 143047 Sub-No. 3, filed September 2, 1977. Applicant: C. W. Mitchell, Inc., d.b.a. MITCHELL TRANSPORT, 4401 North Westshore Blvd., Tampa, Fla. 33684. Applicant's representative: Rudy Yessin, 314 Wilkinson St., Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products, packaged*; From points in Kentucky, Indiana, Illinois, Wisconsin, Minnesota, Kansas, Oklahoma, Michigan, Georgia, Alabama and Mississippi to points in Florida, under a continuing contract, or contracts, withh Peninsular Meat Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held at Tampa or Miami, Fla.

No. MC 143077 (Sub-No. 1), filed August 30, 1977. Applicant: Gerard S. Reder, d.b.a. BERKSHIRE ARMORED CAR SERVICE, 343 Pecks Rd., Pittsfield, Mass. 02191. Applicant's representative: Morris J. Levin, 1620 Eye Street, NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, legal tender, monies, negotiable and non-negotiable instruments, securities, stamps, documents used in banking, and other valuable articles*, in armored cars escorted by armed guards, between points in Massachusetts, New Hampshire and Vermont, under a continuing contract or contracts with banks, financial institutions, manufacturers and dealers of articles of unusual value.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held at Boston, Mass.

No. MC 143436 (Sub-No. 4), filed September 2, 1977. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 9049 Stonegate Rd., Indianapolis, Ind. 46227. Applicant's representative: Stephen M. Gentry, 1500 Main St., Speedway, Ind. 46224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Candy and confectionary items*, in vehicles equipped with mechanical refrigeration; and 2. *Paper materials and supplies*, used by vending machine distributors when moving in mixed shipments with commodities named in one (1) above, from the warehouse facilities utilized by Consolidated Products Systems, Inc., located at or near Indianapolis, Ind., to points in Illinois, Kentucky, Michigan and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held at Indianapolis, Ind. or Chicago, Ill.

No. MC 143441 (Sub-No. 2), filed August 29, 1977. Applicant: AARDEMA CARTAGE, INC., P.O. Box 576, Midlothian, 60445. Applicant's repersentative: Philip A. Lee, 120 W. Madison, Chicago, Ill. 60602. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes Transporting: *Scrap splits*, a material between hides and leather, (1) from Chicago, Ill., to Milwaukee, Wis., and (2) from Fond du lac, Milwaukee, Sheboygan, Wisconsin, and Redwing, Minn., to Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 143581 (Sub-No. 2), filed September 2, 1977. Applicant: R. E. ELLIS DRAYING CO., INC., 201 Alabama St., San Francisco, Calif. 94103. Applicant's representative: Daniel W. Baker, 100 Pine St., San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes for the transportation of: (1) *Such commodities* as are dealt in by a packer manufacturer of foods and foodstuffs, and in connection therewith, *equipment, materials and supplies* used in conduct of such a business (except commodities in bulk), and (2) *Commodities* which are otherwise exempt from economic regulation under Section 203 (b)(6) of the Interstate Commerce Act, when moving in mixed loads with the commodities specified in (1) above (a) from San Francisco and Oakland, Calif., to the plantsite of Spice Islands at Sparks, Nev.; and (b) from the plantsite of Spice Islands at Sparks, Nev., to points in San Francisco, Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Mateo, Santa Cruz, Yolo, Sacramento, San Joaquin and Stanislaus Counties, Calif., under a continuing contract or contracts with Spice Islands, a Division of Specialty Brands, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 143646 filed August 25, 1977. Applicant: KEITH BOTKINS TRUCKING, INC., 112 West Rollins Street, Moberly, Mo. 65270. Applicant's representative: Thomas P. Rose, P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Coal*, in bulk, in dump vehicles, from points in Audrain, Boone, Chariton, Howard, Macon and Randolph Counties, Mo. to points in Iowa, Illinois and Missouri, and (b) *Fly Ash*, in bulk in dump vehicles, from Randolph County, Mo. to points in Iowa, Illinois and Kansas.

NOTE.—Applicant is in the process of acquiring contract carrier authority under Permit No. MC 142358 (Sub No. 3) and therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests that that it be held in Moberly or Jefferson City, Missouri.

No. MC 143653, filed August 29, 1977. Applicant: NORMAN B. GEIB, d/b/a WHITE OAK VALLEY FARM, RD No. 5, Box 111, Manheim, Pa. 17545. Applicant's representative: William H. Fitzgerald, 740 Hamilton Mall, Allentown, Pa. 18101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt* in bags, unpalletized from White Marsh, Md., to the feed plant of Agway, Inc. located at Manheim, Lancaster County, Pa.; (2) *minerals* and *dicalcium phosphate (feed grade)*, *animal* and *poultry feed ingredients*, in bags from Baltimore, Md., and East Aurora, N.Y. to the feed plant of Agway, Inc. located at Manheim, Lancaster County, Pa., under a continu-

ing contract or contracts in (1 and 2 above) with Agway, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it to be held at either Harrisburg, Pennsylvania or Washington, D.C.

No. MC 143665, filed August 30, 1977. Applicant: G. M. BURNS, d.b.a. G. M. BURNS WRECKER SERVICE, 6169 Edwards Street, Doraville, Ga. 30340. Applicant's representative: Ariel V. Conlin, 53 Sixth St. NE., Atlanta, Ga. 30308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled or repossessed motor vehicles and trailers and replacements therefor, requiring the use of wrecker equipment*, between points in Georgia, on the one hand, and, on the other, points Alabama, Florida, Louisiana, Kentucky, Mississippi, North Carolina, South Carolina, Ohio, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Atlanta, Ga.

No. MC 143666, filed September 1, 1977. Applicant: BOB ZWEEGMAN, doing business as BZ ENTERPRISES, 184 E. Pole Rd., Lynden, Wash. 98264. Applicant's representative: Henry C. Winters, 235 Evergreen Building, 15 South Grady Way, Renton, Wash. 98055. Authority sought to operate as a *contract carrier* by motor vehicles over irregular routes transporting: (1) *Clay and brick*, between Everett, Wash., and the port of entry on the U.S.-Canada Boundary located at or near Sumas, Wash., on the one hand, and on the other, points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington; restricted to a transportation service to be performed under a continuing contract or contracts with Clayburn Industries, Ltd., of Abbottsford, B.C., and further restricted to the transportation of traffic originating at or destined to the plantsites and facilities of Clayburn Industries, Ltd., located at or near Everett, Wash., or Abbottsford, British Columbia, Canada; and (2) *rock and stone*, from points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington to the ports of entry on the United States-Canada Border at or near Blaine, Lynden, and Sumas, Wash., restricted to the transportation of traffic destined to plantsite or facilities of Quadra Stone Co., Ltd., in British Columbia, Canada; and further restricted to a transportation service to be performed under a continuing contract or contracts with Quadra Stone Co., Ltd., of British Columbia, Canada.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Seattle, or Bellingham, Wash.

No. MC 143672, filed September 2, 1977. Applicant: WILLIAM F. WOOD, d.b.a., FRANK WOOD MOVING CO., 3900 Engler Avenue, St. Louis, Mo. 63144. Applicant's representative: Joseph E. Rebman, 314 North Broadway, Suite 1330, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Engineering models; and equipment, materials, supplies and accessories used to complete or repair engineering models*, between the offices and shipping facilities of Monsanto Co., in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, on the one hand and, on the other, Monsanto Co. locations, in the United States (except Alaska and Hawaii) under a continuing contract or contracts with Monsanto Company. If a hearing is deemed necessary, Applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 143683, filed September 6, 1977. Applicant: AMERICAN CONTRACT EXPRESS, INC., Route 1, Box 327, Sylacauga, Ala. 35150. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products and equipment, materials and supplies*, used in, or in the operation of, textile mills between the plant sites and warehouses of Avondale Mills, at Sylacauga, Ala., on the one hand, and, on the other, points in Santa Rosa and Escambia Counties, Fla., under a continuing contract or contracts with Avondale Mills, at Sylacauga, Ala., restricted against the transportation of commodities in bulk, in tank vehicles.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Sylacauga, or Birmingham, Ala.

Docket No. MC 143711, filed: September 2, 1977, filed August ??, 1977. Applicant: MID-ATLANTIC TRANSPORTATION, INC., 379 Worcester Road, Framingham, Mass. 01701. Applicant's attorney: James E. Mahoney, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus products*, from points in Florida, to Southboro and Westboro, Mass., under continuing contracts with Hendries Frozen Foods, Inc., and Winter Hill Frozen Foods, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Hartford, Conn.

PASSENGER

No. MC 143668, filed September 1, 1977. Applicant: LONG ISLAND AIRPORTS LIMOUSINE SERVICE CORP., 25 Newton Place, Hauppauge, N.Y. 11787. Applicant's representative: Arthur Wagner, 600 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *passengers and their baggage* in the same vehicle in round trip, sightseeing and pleasure tours, in charter and special operations, beginning and ending at points in Nassau and Suffolk Counties, N.Y. and extending to points in the United States (including Alaska but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Hauppauge, N.Y.; Mineola, N.Y.; or New York, N.Y.

BROKER

No. MC 130456, filed October 3, 1977. Applicant: STANTRAN, INC., 9350 Wilshire Bl. No. 201, Beverly Hills, Calif. 90212. Applicant's representative: Veral Stanley Hackett, Jr. (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Beverly Hills, Calif., to sell or offer to sell the transportation of *general commodities* (except household goods, Classes A and B explosives, and commodities in bulk), between points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

MICHIGAN INTERSTATE RAILWAY CO., 425 Thirteenth Street NW., Suite 1212, Washington, D.C. 20004, represented by Mr. Charles W. Chapman, General Counsel, Michigan Interstate Railway Co., 425 Thirteenth Street NW., Suite 1212, Washington, D.C. 20004, hereby give notice that on the 26th day of September, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 1(18) of the Interstate Commerce Act for an order approving and authorizing the acquisition and operation of (a) a portion of the main line of the Ann Arbor Railroad System extending from Toledo, Ohio, to Ann Arbor, Mich., a distance of approximately 47.54 miles, and (b) a branch line of the Ann Arbor Railroad System known as the "Saline Branch" extending from East Pittsfield to Saline, Mich., a distance of approximately 5.6 miles, all in Washtenaw County, and intersecting the Toledo-Ann Arbor main line at Pittsfield, Mich., which application is assigned Finance Docket No. 28560.

The main line of railroad of the former Ann Arbor Railroad System proposed to be acquired and operated, extends from Toledo, Ohio (M.P. 0.00) in a northerly direction to Ann Arbor, Mich. (M.P. 47.54) in Lucas County in the State of Ohio and Monroe and Wash-

tenaw Counties, in the State of Michigan.

The "Saline Branch" of the former Ann Arbor Railroad System proposed to be acquired and operated extends from East Pittsfield (M.P. 0.80) in a westerly direction to Saline, Mich. (M.P. 6.40), intersecting the portion of the main line of the Ann Arbor Railroad System herein proposed to be acquired and operated at Pittsfield, Mich. (M.P. 50.50).

In the opinion of the applicant, Michigan Interstate Railway Co., the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.12) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

MICHIGAN INTERSTATE RAILWAY CO.

NOTICE

NORTH STRATFORD RAILROAD CORP., 126 Main Street, Littleton, N.H. 03561, represented by John M. A. Rolli, Esquire, North Stratford Railroad Corp., 126 Main Street, Littleton, N.H. 03561, hereby give notice that on the 9th day of September, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 1(18) of the Interstate Commerce Act for an order approving and authorizing the operation of a line of railroad owned by the State of New Hampshire acting through its Department of Transportation (formerly through the New Hampshire Public Utilities Commission) upon a 23 mile segment of track formerly owned by the Maine Central Railroad Co. (abandonment docket No. AB-83) and subsequently purchased by the State of New Hampshire, between the Town of North Stratford, N.H., and the Town of Beecher Falls, Vt., along the Beecher Falls Branch, so-called, from its junction with the Canadian National Railroad to its terminus at the Ethan Allen Furniture Co. more particularly described as from milepost 131.75 at North Stratford, N.H., to the end of the line at milepost 154.71 in Beecher Falls, Vt., at the Canadian Border a distance of 22.96 miles, which application is assigned Finance Docket No. 28553.

In the opinion of the applicant, North Stratford Railroad Corp., the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.12) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

NORTH STRATFORD RAILROAD CORP.

No. MC-F-13276. (correction) (McCORMICK DRAY LINE, INC.—purchase (portion)—H. C. GABLER, INC.), published in the July 21, 1977, issue of the FEDERAL REGISTER, on page 37485. Previous notice should have read as follows: *"Grass stop, in rolls, metal stove shovels, metal roofing and siding, and fabricated metal building products".* * * *

No. MC-F-13280 (correction) (COURIER-NEWSOM EXPRESS, INC.—purchase(portion)—ASSOCIATED TRANSPORT, INC.), published in the July 28, 1977, issue of the FEDERAL REGISTER on page 38479. Previous notice excluded portions of the operating authority to be purchased which are: *General commodities,* except livestock, currency, coin, bank bills, deeds, drafts, valuable papers, postage or revenue stamps, or papers with such stamps affixed, precious metals or stones or articles manufactured therefrom, jewelry or other articles of extraordinary value, articles of great weight, bulk, or size, loose or bulk commodities, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, liquids in bulk, in tank trucks, and articles contaminating or injurious to other freight or equipment, Classes A and B explosives, between Knoxville, Tenn., and Asheville, N.C., serving all intermediate points, those within 10 miles of Knoxville, and off-route points in N.C., within 10 miles, From Knoxville over U.S. Highway 70 to Asheville, and return. After "Between Nashville, Tenn. and Knoxville, Tennessee" it should read "from Nashville over U.S. Highway 70 N to junction U.S. Highway 70S, thence over U.S. Highway 70 S to Crossville, thence over U.S. Highway 70 to Knoxville, and return over the same route." After "between Knoxville, Tenn. and Chattanooga, Tenn.", It should read "From Knoxville over U.S. Highway 129 to junction U.S. Highway 411, thence over U.S. Highway 411 to junction unnumbered highway, formerly Tennessee Highway 60, thence over unnumbered highway to Cleveland, and thence over U.S. Highway 11 to Chattanooga, and return over the same route." After "between Madisonville, Tenn. and Ducktown, Tenn.", it should read "From Madisonville over Tennessee Highway 68 to Ducktown, and return over the same route." After "between Benton, Tenn. and Copperhill, Tenn.", it should read "From Benton over unnumbered highway to Parksville, Tenn., thence over U.S. Highway 64 to Ducktown, Tenn., thence over Tennessee Highway 68 to Copper Hill, and return over the same route." "Serving the site of Melton Hill Inn of the Tennessee Valley Authority located southwest of Knoxville, Tenn. * * *" should have omitted the word "Inn.", and should have read as follows: "Serving the site of Melton Hill of the Tennessee Valley Authority located southwest of Knoxville, Tenn. * * *" After "between Nashville, Tenn. and Cumberland City, Tenn.", it should read "From Nashville over Tennessee Highway 12 to junction Tennessee Highway 49, thence over Tennessee Highway 49 to Erin, Tenn., thence over Tennessee Highway 149 to Cumberland City, and return over the same route."

No. MC-F 13295 (Correction) (Consolidated Freightways Corp. of Delaware—Purchase (Portion)—Eastern Express, Inc.), published in the August 18, 1977, issue of the FEDERAL REGISTER, on page 41723. Prior notice should have read as follows: "Serving all intermediate points and off-route points of Mayport and Seminole Beach" (2) "between Jacksonville and Atlantic Beach", and (3) "between Jacksonville and Miami, Fla., over U.S. Highway 1 and over Interstate Highway 10, U.S. Highway 301, and U.S. Highway 27 and over Interstate Highway 10, U.S. Highway 301, U.S. Highway 441, Sunshine State Parkway and access roads".

No. MC-F 13310. (Correction) (Ryder Truck Lines, Inc.—Control & Merger—Alto Trucking Company, Inc.), published in the September 29, 1977, issue if the FEDERAL REGISTER, on Pages 51719-51721.

Prior notice should have read as follows: (1) Page 51719, column 3, line 3 of the last paragraph, "Highway 39" should be "Highway 29". (2) Page 51720, column 3, line 7, after the word "Middlesex" should be "County Highway 1R6 to junction". On line 8 of the same page and column, after the words "New Jersey Highway 27" should be "thence over New Jersey Hihway 27" and it should read as follows: "From Perth Amboy over Middlesex County Highway 1R6 to junction New Jersey Highway 27 thence over New Jersey Highway 27 to junction New Jersey Highway S28, * * *". (3) Page 51720, column 3, next paragraph, line 18, after the words "thence over", should be "Champlain Road to junction U.S.". On line 19 of the same paragraph, after the words "Highway 206" should be "thence over U.S. Highway 206", and it should read as follows: "* * * thence over Champlain Road to junction U.S. Highway 206 thence over U.S. Highway 206 to junction Somerset County Highway 3, * * *".

No. MC-F 13317. Authority sought for purchase by HOGLAND TRANSFER CO., 3221 Paine Street, Everett, Wash. 98201, of the operating rights and property of Arthur G. Thompson (deceased) and Chester D. Thompson, d.b.a. Thompson Brothers, 401 Union, Arlington, Wash. 98223, and for acquisition by Chester D. Thompson and Sena Thompson (as surviving spouse), both of 401 Union, Arlington, Wash. 98223, of control of such rights through the transaction. Applicants' attorney: Boyd Hartman, Suite 210, Seattle Trust Bldg., 10655 N.E. 4th, Bellevue, Wash. 98004. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes between Everett, Wash., and Darrington, Wash., and the intermediate and off-route points of Hazel, Oso Arlington, Marysville, and Andron Camp, Wash.: From Everett over U.S. Highway 99 to Rex's Corner, Wash. thence over unnumbered highway to Darrington, and return over the same route. Transferee presently holds authority under its certificate MC 40505 to transport general commodities with the usual exceptions between Everett and Wenatchee via Highway 2 with certain intermediate points restrictions and general commodities between Everett and Seattle and between Everett and three miles thereof. Transferee also holds special commodity authority for household goods, heavy machinery and parts, Contractors' Equipment and Supplies, Steel and Iron, Size and weight commodities between Snohomish County and points west of Highway 97 in Oregon. Heavy Machinery between Seattle and Everett and points in Snohomish and Skagit Counties and other nonaffected, limited authority. The two authorities will be joined at Everett for through service. Application has not been filed for temporary authority.

No. MC-F 13245. Application under Section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025 (MC 42487) with nine (9) carriers, namely, CRITES TRANSFER, P.O. Box 1598, Cumberland, Md. 21502 (MC 20084), (B) DUNMYRE MOTOR EXPRESS, INC., P.O. Box 289, Chicora, Pa. 16025 (MC 98748 Sub-No. 1), (C) NELSON'S EXPRESS, INC., 675 Market Street, Millersburg, Pa. 17061 (MC 76449), (D) SHEARER'S EXPRESS, INC., Box 596, Oneonta, N.Y. 13820 (MC 92371), (E) EDW. H. SHOLLENBERGER SONS, INC., West Penn Street, Schuylkill Haven, Pa. 17972 (MC 111077), (F) STERNS TRANSPORT, INC., P.O. Box 397, Bradley Beach, N.J. 07720 (MC 109881), (G) VAN AUKEN EXPRESS, INC., Box 176, Greenville, N.Y. 12083 (MC 105843), (H) ROOT'S EXPRESS, INC., 11 Karlada Drive, Binghamton, N.J. 13902, and (I) STAAT'S EXPRESS, INC., 507 South Street, Rensselaer, N.Y. 12144 (MC 58944), seeks to enter into an agreement for the pooling of traffic consisting of general commodities and various specified commodities moving to and from points in (A) Maryland, point of interchange, Cumberland, Md., points in Accident, Allegany, Altamont, Barrelville, Barton, Bittinger, Bloomington, Charlestown (Allegany Co.), Crellin, Danville, Dawson, Deer Park, Eckhart Mines, Flintstone, Friendsville, Frostburg, Gilpin, Gortner, Grantsville, Hutton, Jennings, Kitzmiller, Lonaconing, Luke, McCoole, McHenry, Midland, Moscow, Mountain Lake Park, Mount Savage, Oakland, Oldtown, Picardy, Pinto, Rawlings, Redhouse, Rush, Sang Run, Swanton, Westernport, (B) points in Pennsylvania, Bruin, Chicora, Emlenton, Karns City, North Washington, Parker, Petrolia, (C) points in Pennsylvania, Amity Hall, Dauphin, Duncannon, Greenmount, Hanoverdale, Hegins, Kinkora Heights, Millerstown, New Buffalo, Newport (Perry Co.), Perdix, Rockville, Speeceville, (D) points in New York, Cobleskill, Oneonta, Warnersville, West Oneonta, (E) points in Pennsylvania, Bunker Hill, Cressona, Cumbola, Lansford, Minersville, Mount Carbon, New Ringgold, Palo Alto, Port Carbon, Port Clinton, Pottsville, St. Claire, Summit Hill, Schuylkill Haven, (F) points in New Jersey, Allenhurst, Asbury Park, Atlantic Highlands, Avon (Avon by the Sea), Belford, Belmar, Bergen Hill, Bradley Beach, Deal, Deal Beach, East Keansburg, Eatontown, Elberon, Fair Haven, Fairview, Fort Hancock, Fort Monmouth, Highlands, Interlaken, Keansburg, Leonardo, Little Siver, Loch Arbour, Locust, Long Branch, Middletown, Monmouth Beach, Navesink, Navesink Beach, Neptune City, New Monmouth, North Long Branch, Oakhurst, Oak Shade, Ocean, Ocean Grove, Oceanport, Port Monmouth, Red Bank, Rumson, Sea Bright, Shark River Manor, Shorecrest, South Belmar, Tiltons Corners, Wanamassa, West Allenhurst, West Belmar, West Keansburg, West Long Branch, (G) points in New York, Athens, Catskill, Clarksville, Coeymans, Coxsackie, Lawyersville, Leeds, (H) Points of Interchange Binghamton, N.Y., points in Bershire, Glen Castle, Newark Valley, Richford, Slaterville Springs, Sidney, (I) points in New York, Brookview, Castleton-On-Hudson, Claverack, East Schodack, Hudson, Schodack, Schodack Center, Schodack Landing, and Stottville. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE is authorized to operate as a common carrier in all the States in the United States (except Hawaii). Applicants' representatives: G. T. West, Vice President—Traffic, 175 Linfield Drive, Menlo Park, Calif. 94025, and Robert M. Bowden, Commerce Supervisor, P.O. Box 3062, Portland, Oreg. 97208.

No. MC-F 13347. Authority sought for merger by VALLERIE'S TRANSPORTATION SERVICE, INC., P.O. Box 880, Connecticut Avenue, Norwalk, Conn. 06582, of the operating rights and properties of THE DARCEY TRANSPORTATION CO., P.O. Box 880, Connecticut Avenue, Norwalk, Conn. 06582, and for acquisition by John E., Albert E., and Raymond R. Vallerie, all of Norwalk, Conn. 06582, of control of such rights through the merger. Applicants' attorney: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Operating rights sought to be merged: *General commodities* with exceptions as a *common carrier* over regular routes between Bridgeport, Conn., and Boston, Mass., as follows: From Bridgeport over Connecticut Highway 65 to Shelton, thence over Connecticut Highway 8 to Waterbury, thence over Connecticut Highway 14 to Milldale, thence over Connecticut Highway 10 to Plainville, Conn., thence over U.S. Highway 6 to Hartford, Conn., thence over U.S. Highway 5 to Springfield, Mass. (also from Hartford over Alternate U.S. Highway 5 to West Springfield, Mass., thence across the Connecticut River to Springfield), thence over U.S. Highway 20 via Larnedville, Mass., to junction Massachusetts Highway 12, thence over Massachusetts Highway 12 to Worcester, Mass., and thence over Massachusetts Highway 9 to Boston; from Bridgeport to Larnedville as specified above thence over U.S. Highway 20 to Boston, and return over these routes to Bridgeport; between Hartford, Conn., and New Bedford, Mass.; between Providence, R.I., and New Bedford, Mass.; between Coventry, Conn., and Providence, R.I.; between Providence, R.I., and Boston, Mass.; between Hartford, Conn., and North Wilbraham, Mass.; between points and places in Connecticut as follows: From Waterbury over Connecticut Highway 8 to Torrington; from Waterbury over Connecticut Highway 70 to Cheshire, Conn., and thence over Connecticut Highway 10 to New Haven; from Shelton over Connecticut Highway 8 to Stratford, Conn., and thence over U.S. Highway 1 to Bridgeport; from Naugatuck over Connecticut Highway 63 to New Haven; from Putnam over Connecticut Highway 91 to North Windham and return over

these routes to the above-specified origin points. Service is authorized to and from all intermediate points on the above-specified routes; and the off-route points to Fairfield, Milford, Oakville, Bristol, Kensington, S. Glastonbury, Devon, Watertown, Forestville, Berlin, Wethersfield, Middletown, Westport, Middlebury, Meriden, New Britain, Glastonbury, Wallingford, West Haven, Branford, East Haven, and Rockville, Connecticut, Indian Orchard, Warren, Southbridge, West Dudley, Whitinsville, North Grafton, Southboro, Maynard, Needham, Newton Lower Falls, Hyde Park, Arlington, Revere, Lynn, Winchester, Chicopee, Ludlow, North Brookfield, Webster, Clinton, Hopedale, Grafton, Framingham, Natick, Dover, Newton, Newtonville, Medford, Everett, Melrose, Quincy, Westfield, Holyoke, Ware, Spencer, Dudley, Westboro, Milford, Hudson, Ashland, Wellesley, Belmont, Newton Upper Falls, Brookline, Readville, Malden, Chelsea, Wakefield, Braintree, Attleboro, Attleboro Falls, Fairhaven, Bridgewater, Brockton, and Middleboro, Massachusetts, and Central Falls, Woonsocket, Bristol, Warren, East Greenwich, Hillsgrove, Cranston, Pawtucket, Newport, Apponaug, Valley Falls, and Phillipsdale, R.I. *General commodities*, with exceptions over irregular routes between points and places in Connecticut, on the one hand, and, on the other, points and places in Massachusetts and Rhode Island. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Valleries's Transportation Service, Inc., was granted control of The Darcey Transportation Co., in No. MC-F 9924, served June 3, 1968.

No. MC-F 13348. Authority sought for control by DELTA CALIFORNIA INDUSTRIES, 46th Floor, 600 Montgomery Street, San Francisco, Calif. 94111 of THUNDERBIRD SOUTHWEST CORP. and THUNDERBIRD FREIGHT LINES, INC., both of 1515 South 22d Avenue, Phoenix, Ariz., 85009, and for acquisition by Thomas R. Dwyer, also of 46th Floor, 600 Montgomery Street, San Francisco, Calif. 94111 and Peter G. Dwyer and Francis H. Dwyer, P.O. Box 81, Grimes, Calif. 95950 of control of the operating rights of Thunderbird Freight Lines, Inc., through the transaction. Applicants' attorneys: Russell R. Sage and John M. Ballenger, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, Va. 22312. Operating rights sought to be controlled: (A) General Commodities, with exceptions, as a common carrier over regular routes (1) between points in the Los Angeles, Calif., Commercial Zone and the Los Angeles Harbor, Calif., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Phoenix, Ariz., serving no intermediate points; (2) between St. Johns, Ariz., and Sanders, Ariz., serving all intermediate points; (3) serving the plant site of Southwest Forest Industries, Inc., approximately 15 miles west of Snowflake, Ariz., as an off route point; (4) between Phoenix, Ariz., and Holbrook, Ariz., serving intermediate points between Globe and Holbrook and off route points within five miles of route; (5) between Globe, Ariz., and San Carlos, Ariz., serving all intermediate points and all off route points within five miles of route; (6) between Pinedale, Ariz., and Fort Apache, Ariz., serving all intermediate points and all off route points within five miles of route; (7) between Holbrook, Ariz., and Eager, Ariz., serving all intermediate points and all off route points within five miles of route; (8) between Show Low, Ariz., and Springerville, Ariz., serving all intermediate points and all off route points within five miles of route; (9) between Concho, Ariz., and junction Arizona Highway 61 and U.S. Highway 60 near Pinon, Ariz., serving all intermediate points and all off route points within five miles of route; (10) between Phoenix, Ariz., and Tucson, Ariz., serving all intermediate points, and serving the junction of U.S. Highway 60 and 70 and Arizona Highway 87, and Arizona Highway 87 and Arizona Highways 84 and 93 for the purpose of joinder only, restricted to the transportation of shipments originating at or destined to a point in Arizona; (11) between junction Arizona Highways 87 and 93 (near Serape, Ariz.), and junction Arizona Highway 93 and 84 (at Casa Grande, Ariz.), serving all intermediate points, restricted to the transportation of shipments originating at or destined to a point in Arizona; and (12) between points in the Los Angeles, Calif., Commercial Zone and the Los Angeles Harbor, Calif., Commercial Zone, as defined by the Commission, and Indio, Calif., serving no intermediate points beyond the eastern boundary of the Los Angeles, Calif., Commercial Zone, and serving Indio for joinder only; (B) General commodities, with exceptions, as a common carrier over irregular routes between Phoenix, Ariz., and a defined territory surrounding Phoenix, Ariz., restricted to shipments transported to and from points outside Arizona; (C) livestock, emigrant movables, and household goods as defined by the Commission as a common carrier over irregular routes between specified Arizona points; and (D) coal, lumber, cement, groceries, bricks, fire clay, hardware, automobile parts and supplies, dry goods, hay, grain, cottonseed cakes, and fresh fruits and vegetables, as a common carrier over irregular routes from St. John, Ariz., to points within 75 miles thereof. Delta California Industries presently controls Delta Lines, Inc., which is authorized to operate as a common carrier in the States of Arizona, California, Nevada, Oregon, and Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 13351. Authority sought for purchase by WEMCO, INC. (noncarrier), 10111 Mercier, Dearborn, Mich. 48120, of the operating rights of WYANDOTTE TRUCKING CORP., 18550, Allen Road, Wyandotte, Mich. 48192, and for acquisition by Farris M. Elgee, 10111 Mercier, Dearborn, Mich. 48120, of control of such rights through the transaction. Applicants' attorney: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich., 48226. Operating rights sought to be transferred: Dry Chemicals, in bulk, in tank, hopper, or dump vehicles as a common carrier over irregular routes from the plantsites of the Wyandotte Chemicals Corp., at Wyandotte, Mich., to points in Delaware, Indiana, Iowa, Kentucky, Maryland, Minnesota, New Jersey, New York, Ohio (except dry chemicals in dump trucks to points in Duyanhoga, Geauga, Portage, and Lorain Counties, Ohio, and dry chemicals in dump trucks and soda ash to points in Ohio within 40 miles of Monroe, Mich.), Pennsylvania, Tennessee (except points in that part of Tennessee on and east of U.S. Highway 27), Virginia, West Virginia, Wisconsin, Missouri, and Illinois (except points in those parts of Missouri and Illinois within the St. Louis, Mo.—East St. Louis, Ill., Commercial Zone, as defined by the Commission), with no transportation for compensation on return, except as otherwise authorized, with restrictions. Wemco, Inc., holds no authority from this Commission. However, it is affiliated with Lime, Inc., which has certain authority as described in MC 107636, to transport lime and limestone products from Marblehead Lime Co. in River Rouge, Mich., to points in Indiana, Illinois, Iowa, Kentucky, Ohio, Missouri, New York, Pennsylvania, Wisconsin, and West Virginia, and Weiss Trucking Co., Inc. which has authority described in MC 94430 and Subs. Weiss Trucking Co., Inc., is generally involved in the carriage of cement between certain points in Michigan, Indiana, and Ohio, and petroleum products, feeds and seeds, lumber, livestock, household goods, and farm machinery and implements, between certain points in Indiana and Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13352. Application under Section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025 (MC 42487) with six (6) carriers, namely, (A) JACKSONVILLE-SPRINGFIELD TRANSPORTATION CO., 303 West Lafayette Avenue, Jacksonville, Ill. (MC 54497), (B) LIBERTY-MIDDLETOWN EXPRESS, INC., P.O. Box 630, Liberty, N.Y. 12754, (MC 99340), (C) PUTNAM TRANSFER & STORAGE CO., 1502 Woodlawn Avenue, Zanesville, Ohio 43701 (MC 57311), (D) SOUTHERN MARYLAND TRANSPORTATION CO., 2931 Whittington Avenue, Baltimore, Md. 21230, (MC 96818), (E) GEORGE RIMES TRUCKING CO., 404 Washington Street, Chardon, Ohio 44024

(MC 5914), and (F) ROBERT R. STALSBURG d.b.a. STALSBURG EXPRESS, 330 South Main, Deep River, Conn. 06417 (MC 30285), seeks to enter into an agreement for the pooling of traffic consisting of general commodities and various specified commodities moving to and from points in Illinois, Interchange Point-Jacksonville, Ill., points in Detroit, Florence, Pittsfield, Riggston, and Winchester, Ill.; (B) points in Bloomingburg, Cooks Falls, Cuddebackville, Deposit, Ferndale, Fish's Eddy, Godeffroy, Hale Eddy, Hancock, Horton, Liberty, Livingston Manor, Monticello, Otisville, Parksville, Peakville, Pine Bush, Rock Hill, Roscoe, Windsor, and Wurtsboro, N.Y.; (C) points in Brighton, Cambridge, Centerburg, Central College, Condit, Galena, Granville, LaFayett, Leonardsburg, Lockbourne, Mount Liberty, New Albany, New California, South Charleston, South Vienna, South Zanesville, Summerford, Vanatta, Vienna, Warsaw, York Center, Zanesville, and Zanesville North, Ohio; (D) Abell, Accokeek, Allens Fresh, Appeal, Aquasco, Arnold, Baden, Barstow, Bay Ridge, Beachville, Bel Alton, Benedict, Best Gate, Bolivar, Brandywine, Bristol, Britton, Broomes Island, Bryans Road, Bryantown, Budds Creek, Bushwood, California, Callaway, Cape St. John, Cedar Point, Cedarville, Chaneyville, Chapels Point, Chaptico, Charlotte Hall, Cheltenham, Chesapeake Beach, Churchton, Clarks Landing, Clements, Clinton, Cobb Island, Compton, Cove Point, Cove Point Beach, Crofton, Croom, Maryland, Crownsville, Cuckhold Creek, Dares Beach, Davisonsville, Deale, Dentsville, Doncaster, Dowell, Drayden, Drury, Duley, Dunkirk, Dynard, Eastport, Edgewater, Edgewater Beach, Faulner, Fort Washington, Friendship, Galesville, Gambrills, Glymont (Charles Co.), Gotts, Grayton, Great Mills, Hall, Harwood, Helen, Herald Harbor, Hermanville, High Point, Hollywood (St. Mary's Co.), Hughsville, Huntingtown, Hurry, Indianhead, Ironsides, Island Creek, Issue, Jones, LaPlata, Laurel Grove, Leonardtown, Lexington Park, Long Beach, Lothian, Loveville, Lower Marlboro, Lusby, McConchie, Maddox, Malcom, Marbury, Marlboro, Marshall Hall, Mason Springs, Mayo, Mechanicsville (St. Mary's Co.), Mitchellsville, Morgantown, Morganza, Mount Victoria, Mutual, Nanjemoy, Naylor, Newburg, Newport, North Beach, Oakley, Oakville, Olivet, Oraville, Owings, Palmers, Park Hall, Parole, Parran, Patuxent River, Piney Point, Piscataway, Pisqah, Plum Point Beach, Point Lookout, Pomfret, Pomonkey, Popes Creek, Port Republic, Port Tobacco, Prince Frederick, Randle Cliff, Ridge, Rison, Riva, Riverdale, Riverside, River Springs, Rock Point, Rosaryville, St. George's Island, St. Inigoes, St. Leonard, St. Mary's City, Scotland, Selby-on-the-Bay, Severna Park, Shady Side, Sherwood Forest, Silesia, Solomons, South River, Spring Hill, Sunderland, Tall Timbers, Tomkinsville, Town Creek, Traceys Landing, U.S. Naval Air Station, Upper Marlboro, Valley Lee, Waldorf, Waterbury, Wayside, Waysons Corner, Welcome, West Beach, Westwood, White Plains, Wicomico, and Woodland Beach, Md.; (E) points in Auburn, Auburn Corners, Banbridge, Chagrin Falls, Chagrin Falls Park, Chesterland, Concord, Fowlers Mill, Moreland Hills, Mulberry Corners, Novelty, Parkman, South Russell, and Welshfield, Ohio; (F) points in Center Groton, Coast Guard Academy, Conning Towers, East Haddam, East Lyme, Giants Neck, Groton, Groton Heights, Groton Long Point, Hadlyme, Harrisons, Jordon Village, Laysville, Lyme, Millstone, Millstone Beach, Moodus, Mystic, Naval Submarine Base, Navy Heights, New London, Niantic, Noank, Ocean Beach, Old Lyme, Old Mystic, Pine Grove, Pleasant Valley, Pleasure Beach (New London County), Poquonock Bridge, Reeds Gap, Ridgewood Park, South Lyme, Still River, Submarine Base, Thames View, U.S. Coast Guard Inst., Waterford, and West Mystic, Conn. Consolidated Freightways Corp. of Delaware is authorized to operate as a common carrier in all the States in the United States (except Hawaii). Applicants' representatives: G. T. West, Vice President–Traffic, 175 Linfield Drive, Menlo Park, Calif. 94025, and Robert M. Bowden, Commerce Supervisor, P.O. Box 362, Portland, Oreg. 97208.

No. MC–F–13353. Authority sought for purchase by GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901, of a portion of the operating rights of South Eastern Xpress, Inc., 2020 Sycamore School Road, P.O. Box 6985, Fort Worth, Tex. 76115, and for acquisition by Bennie W. Haskins, an individual, Highway 103 East, Lufkin, Tex. 75901, of control of such rights through the purchase. Applicant's representative: Mert Starnes, P.O. Box 2207, Austin, Tex. 78768. Operating rights sought to be transferred: That portion of Certificate MC 118130 which authorizes the transportation of *malt beverages, drinking containers, beverage coolers, chests, and coasters, and bait buckets,* as a *common carrier* over irregular routes, from Fort Worth, Tex., to points in Mississippi, Arkansas (except Texarkana), and Alabama, with no transportation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in all states except Alaska and Hawaii. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–13355. Authority sought for merger by B&L MOTOR FREIGHT, INC , 140 Everett Avenue, Newark, Ohio 43055, with PRUNTY MOTOR EXPRESS, INC., 430 29th Street, Parkersburg, W. Va. 26101, and for acquisition by The Capitol Corp., 140 Everett Avenue, Newark, Ohio 43055, of control of such rights through the transaction. Applicant's attorney: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be merged: *General commodities,* with exceptions as a *common carrier* over irregular routes between points in Wood County, W. Va., on the one hand, and, on the other, points in Pennsylvania, Ohio, Maryland, and the District of Columbia; between points in Wood County, W. Va., on the one hand, and, on the other, points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified; between points in that part of Ohio lying on and south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, and thence along U.S. Highway 40 to Columbus, and on and east of a line extending along U.S. Highway 23 from Columbus to Portsmouth, on the one hand, and, on the other, points in Maryland, Pennsylvania, and the District of Columbia. Vendee is authorized to operate as a common carrier in all the States including the District of Columbia (excluding Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

NOTE.—Both Transferee and Transferor are under common control by the Capitol Corp., which was granted by the Commission in MC–F–12857. MC 123255 (Sub-No. 124) is directly related matter.

No. MC–F–13357. Authority sought for control by METRO HAULING, INC. 20848, 77th Avenue South, Kent, Wash. 98031, of Hayes Truck Lines, Inc., of 1701 Bay Street, Tacoma, Wash. 98401 and for acquisition by Mike Chimenti, 32231 25th Ave. SW., Federal Way, Wash. 98003 and Nick Jewett, 23232, 15th Ave., Bothell, Wash. 98011, of control of such rights through the transaction. Applicant's attorney: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Operating rights sought to be controlled: *General commodities,* with exceptions as a *common carrier* over irregular routes from Tacoma, Wash., to points in Pierce, King, Snohomish, Lewis, Thurston, Mason, and Grays Harbor Counties, Wash., and between points within 3 miles of Tacoma including Tacoma, General commodities with exceptions over regular routes as a common carrier between Winlock, Washington, and Portland, Oreg. Articles which because of size or weight require the use of special equipment, building materials and chlorine between points in Pierce, King, Snohomish, Lewis, Thurston, Mason, and Grays Harbor Counties, Wash., and between such counties on the one hand, and, on the other, points in Oregon; insulating materials from plantsite of U.S. Gypsum at Tacoma, Wash., to points in Washington and specified counties in Montana and Idaho. Vendee is authorized to operate as a common carrier in Washington and Oregon. Application has been filed for temporary authority under Section 210a(b).

No. MC–F–13361. Authority sought for purchase by BEYOND EXPRESS, INC., 20 Fairview Place, Freeport, N.Y. 11520, of the operating rights of Robert W. Slott, Assignee for the Benefit of Creditors of Suf-City Trucking, Inc., 1230 Avenue of the Americas, New York, N.Y. 10020, of control of such rights through the purchase. Applicant's attorney: William J. Augello, Augello & Pezold, P.C., 120 Main Street, P.O. Box Z, Huntington, N.Y. 11743. Operating rights sought to be transferred: Under a certificate of Registration in Docket No. MC 121703, covering the transportation of *General Commodities*, with exceptions as a *common carrier* between New York, N.Y., on the one hand, and, on the other, points in Suffolk County, N.Y., restricted: (1) against the transportation of household goods, and (2) against the transportation of commodities having a prior or subsequent movement by air. Vendee is authorized to operate as a common carrier New York. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 135129 (Sub-No. 2) is a directly related matter. There is also a application pending before the Commission to convert transferors' present authority.

No. MC–F–13364. Authority sought for purchase by EVERETTE TRUCK LINES, INC., P.O. Box 145, Cherry Road, Washington, N.C. 27889 of the operating rights of N.C. Coastal Motor Lines, Inc., P.O. Box 30578, Raleigh, N.C. 37612, and for acquisition by Woodrow Everette, also of Washington, N.C., of control of the rights through the purchase. Applicant's attorney: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Operating rights to be purchased: *General commodities*, with exceptions, as a *common carrier*, over irregular routes, from New York, N.Y., Newark, Bloomfield, and Sewaren, N.J., Biglerville and Philadelphia, Pa., Wilmington, Del., Baltimore, Md., and Winchester and Richmond Va., to points in North Carolina on and east of U.S. 1, and irregular routes specified commodities as more fully described in Docket No. MC 42919 and Sub-Nos. 4, 7, 8, and 10 thereof. Vendee is authorized to operate, pursuant to Certificate No. MC 109638 and Sub-Nos. thereof in North Carolina, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia among other states. Approval of this application will, therefore, result in minor duplications of authority. Application has also been filed for temporary authority to lease vendor's authority under Section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 108461 (Sub-No. 128), filed September 1, 1977. Applicant: WHITFIELD TRANSPORTATION, INC., 821 East Pasadena, P.O. Box 7676, Phoenix, Ariz. 85011. Applicant's representative: William S. Richards, 48 Post Office Place, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, as follows: (a) *Irregular routes: General commodities* over irregular routes, within the entire State of Idaho; (b) *regular routes: general commodities* (except household goods as defined by the Commission, commodities in bulk and those requiring special equipment), Between Saint Anthony and Caldwell, Idaho, as follows: From Saint Anthony, Idaho, over U.S. Highways 20 and 191 to the junction of U.S. Highway 91 and Interstate 15 to Idaho Falls, Idaho; thence over U.S. Highway 91 and Interstate 15 to the junction of U.S. Highway 30 and Interstate Highway 15W at Pocatello, Idaho; thence over U.S. Highway 30 and Interstate Highway 15W to the junction of U.S. Highway 30 and Interstate Highway 80; thence over U.S. Highway 30 and Interstate Highway 80 to Caldwell, Idaho, and return over the same route, serving all intermediate points. (c) Applicant seeks to tack the general commodities irregular route authority sought herein with the authority applicant is acquiring in Docket Nos. MC–F–12312 and MC 108461 (Sub-No. 123) directly related at Pocatello, Idaho Falls, and Mackay, Idaho. The authority sought in Docket No. MC–F–12312 is irregular route for the transportation of general commodities, except household goods, petroleum products, and commodities in bulk, between Salt Lake City and Ogden, Utah, on the one hand, and Pocatello, Idaho Falls, and Mackay, Idaho, on the other hand. By tacking this authority to the applied for authority, applicant will be able to serve between points in California, Arizona, Texas, New Mexico, Salt Lake City and Ogden, Utah, and all points in the State of Idaho. Applicant states that it does not seek duplicating authority; that common control may be involved and that this is a matter directly related to a Section 5 proceeding in MC–F–13311 published in the FEDERAL REGISTER issue of September 8, 1977. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, and Boise, Idaho.

No. MC 123255 (Sub-No. 124), filed September 20, 1977. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer* between points in Michigan and points in that part of Indiana east of U.S. Highway 31, on the one hand, and, points in Wood County, W. Va., Maryland, Pennsylvania, and the District of Columbia and that part of Ohio on and south of U.S. Highway 22. (Gateways to be eliminated: Columbus, Ohio and Wood County, W. Va.). (2) *Sugar* between New York, N.Y., on the one hand, and, points in Wood County, W. Va. and points in that part of Ohio lying on and south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, and thence along U.S. Highway 40 to Columbus, and on and south of a line extending along Interstate Highway 71 to Cincinnati. (Gateways to be eliminated: Columbus, Ohio and Wood County, W. Va.). (3) *Oleomargarine, salad dressing, lard substitutes, salad oils, cooking oils, vegetable stearine, cheese,* and *machinery* and *equipment* used in the manufacture of these commodities between Charleston and Huntington, W. Va., on the one hand, and points in Maryland, Pennsylvania and the District of Columbia. (Gateways to be eliminated: Columbus, Ohio). (4) Canned goods from Washington Court House, Ohio, to points in Maryland, Pennsylvania and the District of Columbia (Gateways to be eliminated: Wood County, W. Va.). (5) Canned goods, from points in Maryland, Pennsylvania, the District of Columbia and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified, to points in West Virginia, except points in Wood County, W. Va., and those points in West Virginia within 10 miles of the Ohio–West Virginia State line and Kentucky. (Gateways to be eliminated: Wood County, W. Va. and Washington Court House, Ohio.)

(6) *Washing powder*, in bulk, from from Trenton, Mich., to points in Wood County, W. Va. (Gateway to be eliminated: Columbus, Ohio). (7) *Malt beverages* from Sheboygan and La Crosse, Wis., to points in Wood County, W. Va., and points in Maryland, Pennsylvania and the District of Columbia. (Gateways to be eliminated: Points in the southeastern quarter of Ohio). (8) *Malt beverages and wines and empty containers*, therefor, between St. Louis, Mo., and points in Illinois, Indiana, New Jersey, New York, Pennsylvania, and Wisconsin on the one hand, and, points

in Wood County, W. Va., and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified. (Gateways to be eliminated: Cleveland, Ohio and Wood County, W. Va. (9) *Malt beverages and wines, and empty containers,* therefor, between Maryland and the District of Columbia on the one hand, and, on the other, St. Louis, Mo., and points in Illinois, Indiana, and Wisconsin. (Gateways to be eliminated: Cleveland, and Belpre, Ohio and Wood County, W. Va.). (10) *Malt and phosphated beverages, wines, cordials, and alcoholic liquors, and empty containers* therefor between points in Massachusetts, on the one hand, and points on or west of U.S. Highway 15 in Pennsylvania and Maryland and points in Wood County, W. Va. (Gateways to be eliminated: Points in the southeastern quarter of Ohio). (11) *Wine,* in containers from Hammondsport, N.Y. to points in Wood Count, W. Va., and points in Pennsylvania on and west of U.S. Highway 219. (Gateways to be eliminated: Points in the southeastern quarter of Ohio). (12) *Empty wine containers* from points in Wood County, W. Va. and points in Pennsylvania on and west of U.S. Highway 219 to Hammondsport, N.Y. (Gateways to be eliminated: Points in the southeastern quarter of Ohio).

(13) *Malt beverages* from St. Louis, Mo., to points in Wood County, W. Va., and points in Maryland, Pennsylvania, the District of Columbia, and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and south of a line beginning at Columbus and extending along Interstate Highway 71 to Cincinnati, Ohio. (Gateways to be eliminated: Columbus, Ohio and Wood County, W. Va.). (14) *Malt beverages* from Milwaukee, Wis., to points in Wood County, W. Va., and points in Maryland and the District of Columbia. (Gateways to be eliminated: Points in the southeastern quarter of Ohio). (15) *Malt beverages* from Chicago and Maywood, Ill., to points in Wood County, W. Va., and points in Maryland and the District of Columbia. (Gateways to be eliminated: Points in the southeastern quarter of Ohio). (16) *Empty malt beverage containers* from points in Wood County, W. Va., and points in Maryland, Pennsylvania, the District of Columbia and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified to St. Louis, Mo. (Gateways to be eliminated: Columbus, Ohio and Wood County, W. Va.). (17) *Empty beverage containers and cases* from points in Wood County, W. Va., and points in Maryland, Pennsylvania, and the District of Columbia to Milwaukee, Wis., and Chicago and Maywood, Ill. (Gateway to be eliminated: Columbus, Ohio). (18) *Wine* from Chicago, Ill., to points in Wood County, W. Va. (Gateway to be eliminated: Lorain, Ohio). (19) *Malt beverages in containers and related advertising matter* when moving herewith from points in Wood County, W. Va., to Kansas City, Kans., and points in Mo. (except St. Louis, Mo.). (Gateway to be eliminated: Cleveland, Ohio). (20) *Advertising matter, and beer can and bottle openers, in mixed shipments with malt beverages* from Milwaukee, Wis., Chicago and Maywood, Ill., and St. Louis, Mo., to points in Wood County, W. Va. and points in Maryland, Pennsylvania, and the District of Columbia. (Gateways to be eliminated: Points in the southeastern quarter of Ohio).

(21) *Malt beverages in containers and related advertising material, and beer can and bottle openers* from Peoria, Ill., to points in Wood County, W. Va., and points in Maryland, Pennsylvania, and the District of Columbia. (Gateways to be eliminated: Points in the southeastern quarter of Ohio). (22) *Malt beverages, related advertising material, and beer can and bottle openers* from Ft. Wayne, Ind., to points in Wood County, W. Va., and points in Maryland, Pennsylvania, and the District of Columbia. (Gateways to be eliminated: Points in the southeastern quarter of Ohio). (23) *Foodstuffs and food preparations,* except canned goods and fresh meats, from Detroit, Mich. and points in that part of Michigan within 10 miles of Detroit to points in Maryland, the District of Columbia, and points in Wood County, W. Va., and points in Pennsylvania except Pittsburgh, Pa. (Gateways to be eliminated: Points in the southeastern quarter of Ohio). (24) *Cereals* from Battle Creek, Mich., to points in Wood County, W. Va., and points in Maryland, Pennsylvania, and the District of Columbia. (Gateways to be eliminated: Points in the southeastern quarter of Ohio). (25) *Dog Food,* packed other than in hermetically sealed containers, from Battle Creek, Mich., to points in Wood County, W. Va., and points in Maryland, Pennsylvania, and the District of Columbia. (Gateways to be eliminated: Points in the southeastern quarter of Ohio). (26) *Canned goods* from points in Indiana and those in the Lower Peninsula of Michigan to points in Wood County, W. Va., and points in Maryland, the District of Columbia, and Pennsylvania, except Pittsburgh, Pa. (Gateways to be eliminated: Points in the southeastern quarter of Ohio). (27) *Foodstuffs and articles sold in grocery stores* from Louisville, Ky.; and Chicago, Ill., to points in Wood County, W. Va., and points in Maryland, Pennsylvania, and the District of Columbia. (Gateways to be eliminated: Points in the southeastern quarter of Ohio).

(28) *Foodstuffs, and articles sold in grocery stores,* from St. Louis, Mo., and East St. Louis, Ill. to points in Wood County, W. Va., and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified. (Gateways to be eliminated: Sharon, Pa. and Bridgeport, Ohio). (29) *Foodstuffs, and articles sold in grocery stores* from St. Louis, Mo., and East St. Louis, Ill., to points in Maryland, the District of Columbia, and points in Pennsylvania (except Beaver, Charleroi, McKeesport, Monessen, New Castle, Pittsburgh, and Sharon, Pa.). (Gateways to be eliminated: Sharon, Pa., and points in the southeastern quarter of Ohio). (30) *Feed,* from Decatur, Ind., to points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified, and points in Maryland, the District of Columbia, and points in Wood County, W. Va. (Gateways to be eliminated: Lafayette and Belpre, Ohio and Wood County, W. Va. (31) *Feed,* from points in Maryland, the District of Columbia, and points in Pennsylvania on and south of U.S. Highway 22 and points in Wood County, W. Va., and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified, to points in Indiana within 60 miles of Muncie, Ind. (Gateways to be eliminated: Belpre and Cincinnati, Ohio and Wood County, W. Va. (32) *Feed ingredients,* from points in Maryland, the District of Columbia, and points in Pennsylvania, on and south of U.S. Highway 22, and points in Wood County, W. Va., and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified, to Portland, Ind. (Gateways to be eliminated: Belpre and Cincinnati, Ohio and Wood County, W. Va.).

(33) *Seeds,* from points in Maryland, the District of Columbia, Pennsylvania, and points in Wood County, W. Va., and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions

of the highways specified, to Muncie, Ind., and points in Indiana within 60 miles of Muncie, Ind. (Gateways to be eliminated: Belpre and Cincinnati, Ohio and Wood County, W. Va.) (34) *Dog food,* from Chicago and Momence, Ill., to points in Maryland, Pennsylvania, the District of Columbia, Wood County, W. Va., and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified. (Gateways to be eliminated: Cincinnati and Belpre, Ohio and Wood County, W. Va.) (35) *Tankage, meat scraps, and bone meal,* from points in Maryland, Pennsylvania, the District of Columbia, Wood County, W. Va., and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified, to Decatur, Ind. (Gateways to be eliminated: Wood County, W. Va. and points in the southeastern quarter of Ohio.) (36) *Paper and paper products,* from points in Maryland, Pennsylvania, the District of Columbia, points in Wood County, W. Va., and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points in the indicated portions of the highways specified, to Indianapolis, Ind. (Gateways to be eliminated: Chillicothe, Ohio and Wood County, W. Va.)

(37) *Paper and paper products,* from points in Maryland, Pa., the District of Columbia, points in Wood County, W. Va. and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified, to Dunkirk, Ind. (Gateways to be eliminated: Columbus, Ohio and Wood County, W. Va.) (38) *Mineral Wool,* from Alexandria, Ind., to points in Wood County, W. Va., and points in Pennsylvania, Maryland, the District of Columbia, and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified. (Gateways to be eliminated: Columbus, Ohio and Wood County, W. Va.) (39) *Asphalt products,* from points in Maryland, the District of Columbia, points in Pennsylvania on and south of U.S. Highway 22, points in Wood County, W. Va., and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus, and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified, to Kokomo, Ind. (Gateways to be eliminated: Wood County, W. Va. and Lockland, Ohio and points in the southeastern quarter of Ohio.) (40) *Building, insulating, paving, and roofing materials, and gypsum products* from points in Maryland, the District of Columbia, points in Pennsylvania on and south of U.S. Highway 22, points in Wood County, W. Va., points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified, to Muncie, Ind., and points in that part of Indiana within 60 miles of Muncie, Ind. (Gateways to be eliminated: Wood County, W. Va.; and Lockland, Ohio; and points in the southeastern quarter of Ohio.)

(41) *Tin cans,* from points in Maryland, District of Columbia, points in Pennsylvania on and south of U.S. Highway 22, and points in Wood County, W. Va., and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified, to Red Key, Ind. (Gateways to be eliminated: Wood County, W. Va. and Hamilton, Ohio and points in the southeastern quarter of Ohio.) (42) *Playground equipment and supplies,* from Kokomo, Ind., to points in Wood County, W. Va., and points in Maryland, Pennsylvania, the District of Columbia, and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified. (Gateways to be eliminated: Wood County, W. Va., and Belpre, Ohio, and points in the Covington, Ky., commercial zone located in Ohio.) (43) *Machinery, used in canning or preserving food, and parts, for such machinery,* between Swayzee, Ind., on the one hand, and, on the other, points in Wood County, W. Va., and points in Maryland, Pennsylvania, and the District of Columbia. (Gateways to be eliminated: Points in the southeastern quarter of Ohio.) (44) *Glass, glassware, caps, and other closures, paper and fiberboard boxes, rubber jar rings, zinc dry battery shells, stripped zinc, and such materials, supplies and equipment as are used in the manufacture, packing, and shipping of glass, glassware, closures, paper and fiberboard boxes, rubber jar rings, zinc dry battery shells and stripped zinc,* between points in Indiana, (except Gas city, Ind.), Illinois, Ohio, those in the Lower Peninsula of Michigan, those in that part of Iowa within 10 miles of the Iowa-Illinois State line, those in that part of Missouri within 10 miles of the Missouri-Illinois State line, those in that part of Kentucky within 10 miles of the Kentucky-Illinois State line, the Kentucky-Indiana State line, and the Kentucky-Ohio State line, those in that part of West Virginia within 10 miles of the West Virginia-Ohio State line, on the one hand, and, on the other, points in Maryland, the District of Columbia, points in Wood County, W. Va., and points in Pennsylvania (except those in that part of Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, and in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeannette, Schenley, and South Connellsville, Pa., and points within 10 miles of Jeannette, Schenley, and South Connellsville, Pennsylvania). Restriction: No shipments of the commodities authorized in the paragraph next above other than glass, glassware and closures shall be transported except those which originate or terminate at the site of a glass manufacturing plant. (Gateways to be eliminated: Points in the southeastern quarter of Ohio.)

(45) *Glass, glassware, caps, and other closures, paper and fiberboard boxes, rubber jar rings, zinc dry battery shells, stripped zinc, and such materials, supplies and equipment as are used in the manufacture, packing, and shipping of glass, glassware, closures, paper and fiberboard boxes, rubber jar rings, zinc dry battery shells and stripped zinc,* between points in that part of Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, and in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeannette, Schenley, and South Connellsville, Pa. on the one hand, and, on the other, points in Maryland, and the District of Columbia. Restriction: No shipments of the commodities authorized in the paragraph next above other than glass, glassware and closures shall be transported except those which originate or terminate at the site of a glass manufacturing plant. (Gateways to be eliminated: Points in the southeastern quarter of Ohio.) (46) *Rubber jar rings,* from points in Maryland, the District of Co-

lumbia, points in Pennsylvania on and south of U.S. Highway 22, and points in Wood County, W. Va., to points in Illinois, Indiana, Kentucky, the Lower Peninsula of Michigan, that part of Iowa within 10 miles of the Iowa-Illinois State line, that part of Missouri within 10 miles of the Missouri-Illinois State line, points in Marshall County, West Virginia, and that part of West Virginia within 10 miles of the West Virginia-Ohio State line. (Gateways to be eliminated: Wood County, W. Va. and Chardon, Ohio.) (47) *Salt*, from Cleveland and Fairport, Ohio, to points in Maryland, Pennsylvania and the District of Columbia. (Gateways to be eliminated: Wood County, W. Va.) (48) *Paper and paper articles*, as described in Appendix XI to the report in descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from points in Maryland, Pennsylvania, the District of Columbia, and points in Ohio on and south of U.S. Highway 40, and points in Wood County, W. Va., to Detroit, Mich. (Gateways to be eliminated: Chillicothe, Ohio and Wood County, W. Va.) (49) Materials used in the manufacture of paper, from Detroit, Mich., to points in Maryland, Pennsylvania, the District of Columbia, and points in Ohio on and south of U.S. Highway 40, and points in Wood County, W. Va. (Gateways to be eliminated: Chillicothe, Ohio and Wood County, W. Va.)

(50) *Paper and paper products*, from points of Maryland, Pennsylvania, the District of Columbia, points in Ohio on and south of U.S. Highway 40, and points in Wood County, W. Va., to St. Louis, Mo., Louisville, Ky., and points in Indiana (except Indianapolis, Ind.), points in Illinois and those in the Lower Peninsula of Michigan, (except Detroit, Mich.). (Gateways to be eliminated: Chillicothe, Ohio and Wood County, W. Va.). (51) *Machinery, equipment, materials and supplies* used in, or in connection with, in, the manufacture of paper from St. Louis, Mo., Louisville, Ky., points in Indiana, (except Indianapolis, Ind.) points in Illinois, and those in the Lower Peninsula of Michigan, (except Detroit, Mich.) to points in Maryland, Pennsylvania, the District of Columbia, points in Ohio on and south of U.S. Highway 40, and points in Wood County, W. Va. (Gateway to be eliminated: Chillicothe, Ohio and Wood County, W. Va.) (52) *Corn products, inedible*, from Edinburg, Ind., to points in Maryland, the District of Columbia, points in Wood County, W. Va., and points in Pennsylvania (except those in that part of Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, points in Allegheny, Beaver, Butler, Lawrence, Mercer and Washington Counties, Pa., and Jeannette, Schenley, and South Connellsville, Pa., and points within 10 miles thereof). (Gateways to be eliminated: Points in the southeastern quarter of Ohio.) (53) *Pickles*, from Croswell, Mich. to points in Maryland, the District of Columbia, points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified, and points in Pennsylvania, (except Penn, Grove City, and Franklin, Pa.). (Gateways to be eliminated: Parkersburg, W. Va. and points in the southeastern quarter of Ohio.) (54) *Animal feed, packed*, other than in hermetically sealed containers, and *cereals*, from Battle Creek, Mich., and points within 15 miles of Battle Creek, Mich., to points in Maryland, the District of Columbia, and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified, and points in Pennsylvania (except those in Allegheny, Beaver, Butler, Lawrence, Mercer and Washington Counties, Pa.), and to points within 10 miles of Jeannette, Greensburg, South Connellsville and Penn, Pa. (Gateway to be eliminated: Parkersburg, W. Va.)

(55) *Cereal food preparations and bakery goods*, from Fremont, Mich., to points in Maryland, the District of Columbia, points in Wood County, W. Va.; and points in Pennsylvania (except Pittsburgh, Pa.). (Gateways to be eliminated: Wood County, W.Va. and points in the southeastern quarter of Ohio.) (56) *Equipment, materials and supplies* as are used or useful in the manufacture, packing, shipping and sale of cereal food preparations and bakery goods, from points in Maryland, Pennsylvania (except Pittsburgh), the District of Columbia; and points in Wood County, W.Va., to Fremont, Mich. (Gateways to be eliminated: Points in the southeastern quarter of Ohio.) (57) *Empty tin containers*, from Elwood, Ind., to points in Maryland, Pennsylvania, the District of Columbia, points in Wood County, W. Va., and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified. (Gateways to be eliminated: Wood County, W. Va. and points in the southeastern quarter of Ohio.) (58) *Foodstuffs and food preparations*, except canned goods, from points in that part of Indiana on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 224 to Peru, Ind., on and east of a line beginning at Peru and extending along U.S. Highway 31 to Columbus, Ind., and on and north of a line beginning at Columbus and extending along Indiana Highway 46 to the Indiana-Ohio State line, to points in Maryland, Pennsylvania, the District of Columbia and points in Wood County, W. Va. (Gateways to be eliminated: Points in the southeastern quarter of Ohio.) (59) *Foodstuffs and food preparations*, from points in that part of Illinois on and south of a line beginning at the Illinois-Indiana State line, and extending along U.S. Highway 6 to Peru, Ill., on and east of a line beginning at Peru, Ill., and extending along Illinois Highway 29 to Pekin, Ill., and on and north of a line beginning at Pekin, Ill., and extending along Illinois Highway 9 to the Illinois-Indiana State line, to points in Maryland, Pennsylvania, the District of Columbia, and points in Wood County, W. Va. (Gateway to be eliminated: Columbus, Ohio.) (60) *Foodstuffs and food preparations*, from points in those parts of Ohio on and west of U.S. Highway 21 south to U.S. Highway 22 to Zanesville, Ohio and thence along U.S. Highway 40 to Columbus and west of a line extending along U.S. Highway 23 from Columbus to Portsmouth, Ohio, to points in Maryland, Pennsylvania, and the District of Columbia. (Gateway to be eliminated: Parkersburg, W. Va.) (61) *Foodstuffs and food preparations*, from points in Maryland, Pennsylvania and the District of Columbia to points in Illinois, Indiana, the lower Peninsula of Michigan, St. Louis, Mo.; Louisville and Covington, Ky.; Davenport, Iowa; and those in West Virginia within 10 miles of the Ohio-West Virginia State line, and points in Ohio on and east of U.S. Highway 21 to junction U.S. Highways 21 and 50, and on and south of U.S. Highway 50 to the Indiana-Ohio State line. (Gateways to be eliminated: Wood County, W. Va. and Cambridge, Ohio.)

(62) *Foodstuffs and food preparations* (except commodities in bulk, in tank vehicles), from St. Louis, Mo., to points in Maryland, Pennsylvania, the District of Columbia, and Wood County, W. Va. (Gateway to be eliminated: Columbus, Ohio.) (63) *Such baby supplies* (except baby foods) as are sold or distributed by manufacturers of baby foods, from Fremont, Mich., to points in Maryland, the District of Columbia, and points in Wood County, W. Va., and points in Pennsylvania (except Pittsburgh, Pa.). (Gateways to be eliminated: Points in the southeastern quarter of Ohio.) (64) *Empty containers, sheet iron or steel, and parts thereof, and materials and supplies* used or useful in the manufacture, packing and shipping thereof, between points in Maryland, Pennsylvania, the District of Columbia, points in Wood County, W. Va., and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified, and points in that part of Indiana bounded by a line beginning at the Indiana-Ohio State line near Townley, Ind., and extending west along U.S. Highway 30 to junction U.S. Highway 35

near Hamlet, Ind., thence south along U.S. Highway 35 to Logansport, Ind., thence along Indiana Highway 29 to junction U.S. Highway 421, thence along U.S. Highway 421 to Indianapolis, Ind., thence along Indiana Highway 37 to Paoli, Ind., thence along U.S. Highway 150 to the Ohio River, and thence north along the Indiana-Kentucky and the Indiana-Ohio State lines to the point of beginning, including points on the indicated portions of the highways specified. (Gateways to be eliminated: Wood County, W. Va. and Hamilton, Ohio and points in the southeastern quarter of Ohio.) (65) *Used iron or steel barrels*, from points in Maryland, Pennsylvania, the District of Columbia, and points in Wood County, W. Va. to Kalamazoo, Mich. (Gateway to be eliminated: Chillicothe, Ohio.) (66) *Pepper*, in packages, in mixed shipments with salt, from Manistee, St. Clair, and Marysville, Mich., and points within 5 miles thereof, to points in Maryland, the District of Columbia, and points in Pennsylvania (except Allegheny, Beaver, Butler, Mercer and Washington Counties, Pa., and Jeannette, Schenley, and South Connellsville, Pa., and points within 10 miles thereof). (Gateways to be eliminated: Points in the southeastern quarter of Ohio.) (67) *Pulpboard shipping containers*, other than corrugated, from Seymour, Ind., to points in Maryland, Pennsylvania, the District of Columbia, and points in Wood County, W. Va. (Gateway to be eliminated: Columbus, Ohio.)

(68) *Plastic containers and tubing*, between Lapel, Ind., on the one hand, and on the other, points in Maryland, the District of Columbia, and points in Wood County, W. Va., and points in Pennsylvania (except that part of Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, points in Allegheny, Beaver, Butler, Lawrence, Mercer and Washington Counties, Pa., and Brockway, Jeannette, North East, Schenley, and South Connellsville, Pa., and points within 10 miles of Jeannette, Schenley, and South Connellsville, Pa.) (Gateways to be eliminated: Points in the southeastern quarter of Ohio.) (69) *Plastic containers* from Rockdale, Ill., to points in Maryland, the District of Columbia, points in Wood County, W. Va., and points in Pennsylvania (except points in that part of Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, points in Allegheny, Beaver, Butler, Lawrence, Mercer and Washington Counties, Pa., and Brockway, Jeannette, North East, Schenley, and South Connellsville, Pa.) (Gateways to be eliminated: Points in the southeastern quarter of Ohio.) (70) *Dressing and stuffing, bread base, with or without other ingredients, dry, bread crumbs, other than dust and meal, and bread cubes, in boxes*, from Battle Creek, Mich. to points in Maryland, the District of Columbia, points in Wood County, W. Va. and points in Pennsylvania (except that part of Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, points in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeannette, Schenley and South Connellsville, Pa., (Gateways to be eliminated: points in the southeastern quarter of Ohio. (71) *Packaged individual servings of foodstuffs and condiments, in mxied loads with salt*, from St. Clair, Mich., to points in Maryland, Pennsylvania, the District of Columbia, and points in Wood County, W. Va. (Gateways to be eliminated: Points in the southeastern quarter of Ohio.) (72) *Bakery goods*, from the plant site of the Kellogg Co. at Battle Creek, Mich., to points in Maryland, the District of Columbia and points in Wood County, W. Va. and points in Pennsylvania (except that part of Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, points in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeannete, Schenley, and South Connellsville, Pa., and points within 10 miles of Jeannette, Schenley, and South Connellsville, Pa.). (Gateways to be eliminated: Points in the southeastern quarter of Ohio.)

(73) *Foodstuffs* (except butter and commodities in bulk), from Champaign, Ill., to points in Maryland, the District of Columbia, points in Wood County, W. Va.; and points in Pennsylvania (except points in that part of Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, points in Allegheny, Beaver, Butler, Lawrence, Mercer and Washington Counties, Pa., and points within 10 miles of Jeannette, Schenley, and South Connellsville, Pa.). (Gateways to be eliminated: Points in the southeastern quarter of Ohio.) (74) *Metal containers*, from points in Maryland, Pennsylvania, the District of Columbia, and points in that part of Ohio lying on and south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, and thence along U.S. Highway 40 to Columbus, and on and east of a line extending along U.S. Highway 23 from Columbus to Portsmouth, Ohio, to Detroit, Mich. and points in Indiana and those in Illinois (except those in the Chicago, Ill. commercial zone as defined by the Commission). (Gateways to be eliminated: The plant and warehouse sites of Crown Cork & Seal Co. located at or near Rossford, Ohio and points in the southeastern quarter of Ohio.) (75) *Matches*, from the plant site and storage facilities of Hunt Foods and Industries, Inc., near Rossford, Ohio, to points in Maryland, the District of Columbia, and points in Pennsylvania on and east of a line extending from the West Virginia State line along U.S. Highway 119 north to the junction of U.S. Highway 119 and U.S. Highway 22, and points on and south of U.S. Highway 22 to the Pennsylvania-New Jersey State line and points in Wood County, W. Va. (Gateway to be eliminated: Parkersburg, W. Va.) (76) *Cans and closures* therefor, from Sturgis, Mich., to points in Maryland, Pennsylvania, the District of Columbia, and points in Wood County, W. Va., and points in that part of Ohio south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, and east of a line beginning at Columbus and extending along U.S. Highway 23 to Portsmouth, Ohio, including points on the indicated portions of the highways specified. (Gateways to be eliminated: Columbus, Ohio and Wood County, W. Va.)

(77) *Wine*, in bottles, from the facilities of Mogen David Wine Corp., at Westfield, N.Y., to points in the District of Columbia, and points in Maryland, on and west of a line beginning at the Delaware-Maryland State line and extending south and east of U.S. Highway 301 to the Maryland-Virginia State line and points in Pennsylvania on and south of Interstate Highway 70 and 78 and points in Wood County, W. Va. (Gateway to be eliminated: Steubenville, Ohio.) (78) *Paper and paper products*, from the plant and warehouse sites of International Paper Co. at or near Bastrop and Springhill, La., to St. Louis, Mo.; Louisville, Ky.; and points in Illinois, Indiana, the Lower Peninsula of Michigan, and Ohio. (Gateways to be eliminated: Points in Wood County, W. Va., and Chillicothe, Ohio.) (79) *Paper and paper products*, from the plant warehouse sites of International Paper Co. at or near Mobile, Ala., and Moss Point, Miss., to points in Maryland, Ohio, and the District of Columbia, and points in that part of Pennsylvania on the east of U.S. Highway 15, points in New Jersey, and points in that part of New York on and south of New York Highway 7 and on and east of New York Highway 30; Bridgeport, Danbury, and Waterbury, Conn.; Springfield, Mass.; and points in Delaware, Louisville, Kentucky, St. Louis, Mo.; and points in Illinois, Indiana, the Lower Peninsula of Michigan. (Gateways to be eliminated: Wood County, W. Va.; York, Pa.; Philadelphia, Pa.; and Chillicothe, Ohio.) (80) *Paper and paper products*, from plant and warehouse sites of International Paper Co. at or near Jay and Livermore Falls, Maine, to points in Illinois, Indiana, Michigan, Ohio, Louisville, Kentucky; and St. Louis, Mo. (Gateways to be eliminated: Wood County, W. Va., Midland, Pa., and Chillicothe, Ohio.) (81) *Malt beverages*, from Bensenville, Ill., to points in Maryland, Pennsylvania, the District of Columbia, and points in Wood County, W. Va. (Gateways to be eliminated: Points in the Southeastern quarter of Ohio.) (82) *Foodstuffs* (except in bulk, in tank vehicles, and in vehicles equipped with mechanical refrigeration), from Sayreville, N.J., to points in Ohio and points in Wood County, W. Va. (Gateways to be eliminated: Points in Pennsylvania west of U.S. Highway 15 and points in Wood County, W. Va.)

(83) *Paper and paper products*, from points in that part of Ohio lying on and south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, and thence along U.S. Highway 40 to Columbus, and on and east of a line extending along U.S. Highway 23 from Columbus to Portsmouth, and points in Wood County, W. Va., to

Bridgeport, Danbury and Waterbury, Conn.; Springfield, Mass.; and points in New Jersey, Delaware and that part of New York in the New York, N.Y. Commercial Zone, as defined by the Commission. (Gateway to be eliminated: Philadelphia, Pa.) (84) *Paper and paper products*, from points in that part of Ohio on and west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to Mount Vernon, thence along Ohio Highway 13 to Fredericktown, thence along U.S. Highway 23 to Carey, thence along Ohio Highway 95 to Marion, thence along Ohio Highway 15 to the Ohio-Indiana State line, to Bridgeport, Danbury and Waterbury, Conn.; Springfield, Mass.; and points in New Jersey, Delaware, and that part of the New York, N.Y. Commercial Zone, as defined by the Commission. (Gateway to be eliminated: Philadelphia, Pa.) (85) *Potato chips*, in boxes, when moving from the plants or retail or wholesale outlets of manufacturers or distributors of bakery products, from New York, N.Y., to points in that part of Ohio lying on and south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, and thence along U.S. Highway 40 to Columbus, and on and east of a line extending along U.S. Highway 23 from Columbus to Portsmouth, Ohio, and points in Indiana, Illinois, the Lower Peninsula of Michigan, St. Louis, Mo.; Louisville and Covington, Ky.; Davenport, Iowa; and those in West Virginia within 10 miles of the Ohio-West Virginia State line. (Gateways to be eliminated: York, Pa.; points in Wood County, W. Va., points in those parts of Ohio (except Cleveland and Cincinnati) on and west of U.S. Highway 21 to junction U.S. Highway 21 and 50, and on and north of U.S. Highway 50 to the Indiana-Ohio State line.)

(86) *Potato chips, in boxes*, when moving from the plants or retail or wholesale outlets of manufacturers or distributors of bakery products, from New York, N.Y., to points in that part of Ohio on and west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to Mount Vernon, thence along Ohio Highway 13 to Fredericktown, thence along U.S. Highway 23 to Carey, thence along Ohio Highway 95 to Marion, thence along Ohio Highway 15 to the Ohio-Indiana State line. (Gateway to be eliminated: York, Pa.) (87) *Bakery products* (including flour, cereals and dog biscuits), car-bracing material, and machinery, materials, supplies, and equipment (including office furniture and supplies) used in or incidental to the production packing, and sale of bakery products, between New York, N.Y., on the one hand, and, on the other, points in that part of Ohio lying on and south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, and thence along U.S. Highway 40 to Columbus, and on and east of a line extending along U.S. Highway 23 from Columbus to Portsmouth. (Gateways to be eliminated: Allentown, Pa.; Forty Fort, Pa.; Harrisburg, Pa.; Lancaster, Pa.; Scranton, Pa.; Philadelphia, Pa.; Pottsville, Pa.; Reading, Pa.; York, Pa.; and Baltimore, Md.) (88) *Bakery products* (including flour and cereals), from New York, N.Y., to points in Indiana, Illinois, the Lower Peninsula of Michigan; St. Louis, Mo.; Louisville and Covington, Ky.; Davenport, Iowa; and those in West Virginia within 10 miles of Ohio-West Virginia State line. (Gateways to be eliminated: Allentown, Pa.; Forty Fort, Pa.; Harrisburg, Pa.; Lancaster, Pa.; Philadelphia, Pa.; Pottsville, Pa.; Reading, Pa.; Scranton, Pa.; York, Pa.; and Baltimore, Md.; and points in the southeastern quarter of Ohio). (89) *Bakery products* (including flour, cereals and dog biscuits), car-bracing material, and machinery, materials, supplies, and equipment (including office furniture and supplies) used in or incidental to the production packing, and sale of bakery products, between New York, N.Y., on the one hand, and, on the other, points in that part of Ohio on and west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to Mount Vernon, thence along Ohio Highway 13 to Fredericktown, thence along U.S. Highway 23 to Carey, thence along Ohio Highway 95 to Marion, thence along Ohio Highway 15 to the Ohio-Indiana State line. (Gateways to be eliminated: Allentown, Pa.; Harrisburg, Pa.; Lancaster, Pa.; Philadelphia, Pa.; and York, Pa.)

(90) *Bakery products* (including flour, cereals and dog biscuits), car-bracing material, and machinery, materials, supplies, and equipment (including office furniture and supplies) used in or incidental to the production, packing, and sale of bakery products, between Atlantic City, Phillipsburg, Trenton, N.J.; and Wilmington, Del., on the one hand, and, on the other, points in that part of Ohio lying on and south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, and thence along U.S. Highway 40 to Columbus, and on and east of a line extending along U.S. Highway 23 from Columbus to Portsmouth. (Gateway to be eliminated: Philadelphia, Pa.) (91) *Bakery Products* (including flour and cereals) from Atlantic City, Phillipsburg, Trenton, N.J.; and Wilmington, Del., to points in Indiana, Illinois, and the Lower Peninsula of Michigan, St. Louis, Mo.; Louisville and Covington, Ky.; Davenport, Iowa; and those in West Virginia within 10 miles of Ohio-West Virginia State Line. (Gateways to be eliminated: Philadelphia, Pa.; and points in that part of Ohio lying on and south of a line beginning at Cambridge extending along U.S. Highway 22 to Zanesville and thence along U.S. Highway 40 to Columbus, and on and east of a line extending along U.S. Highway 23 from Columbus to Chillicothe, Ohio, points north of a line extending east along U.S. Highway 50 to the Ohio-West Virginia State Line.) (92) *Bakery products* (including flour, cereals and dog biscuits), car-bracing material, and machinery, materials supplies, and equipment (including office furniture and supplies) used in or incidental to the production, packing, and sale of bakery products, between Atlantic City, Phillipsburg, Trenton, N.J.; and Wilmington, Del.; and points in that part of Ohio on and west of a line beginning at the Ohio-West Virginia State Line, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to Mount Vernon, thence along Ohio Highway 13 to Fredericktown, thence along U.S. Highway 23 to Carey, thence along Ohio Highway 95 to Marion, thence along Ohio Highway 15 to the Ohio-Indiana State Line. (Gateway to be eliminated: Philadelphia, Pa.) (93) *Paper and paper articles* (including paper boxes and advertising matter), between Beacon, N.Y.; Garfield, N.J.; and Milford, N.J., on the one hand, and on the other, points in that part of Ohio lying on and south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, and thence along U.S. Highway 40 to Columbus, and on and east of a line extending along U.S. Highway 23 from Columbus to Portsmouth. (Gateways to be eliminated: Baltimore, Md.; Philadelphia, Pa.; and York, Pa.)

(94) *Paper and paper articles* (including paper boxes and advertising matter), from Beacon, N.Y.; Garfield, N.J.; and Milford, N.J., to St. Louis, Mo.; Louisville, Ky.; points in Indiana, Illinois, and the Lower Peninsula of Michigan. (Gateways to be eliminated: Baltimore, Md.; Philadelphia, Pa.; York, Pa.; and Chillicothe, Ohio.) (95) *Paper and paper articles* (including paper boxes and advertising matter), between Beacon, N.Y.; Garfield, N.J.; and Milford, N.J., on the one hand, and, on the other points in that part of Ohio on and west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to Mount Vernon, thence along Ohio Highway 13 to Fredericktown, thence along U.S. Highway 23 to Carey, thence along Ohio Highway 95 to Marion, thence along Ohio Highway 15 to the Ohio-Indiana State line. (Gateways to be eliminated: Philadelphia, Pa.; and York, Pa.) (96) *Chocolate, chocolate coating cocoa, and confectionery* from St. Louis, Mo., points in Indiana; Michigan; Chicago, Ill.; Louisville, Ky.; and points in that part of Illinois on and south of a line beginning at the Illinois-Indiana State line, and extending along U.S. Highway 6 to Peru, Ill., on, and, east of a line beginning at Peru, Ill., and extending along Illinois Highway 29 to Pekin, Ill., and extending along Illinois Highway 9 to the Illinois-Indiana State line; points in that part of Ohio (except Cleveland and Cincinnati) on, and, west of U.S. Highway 21 to junction U.S. Highways 21 and 50, and on, and north of U.S. Highway 50

to the Indiana-Ohio State line, to New York, N.Y.; and Newark, N.J. (Gateways to be eliminated: Points in the Southeastern quarter of Ohio.) (97) *Paper and paper products* not including paper roofing and paper sheathing in rolls, from points in that part of Ohio lying on and south of a line beginning at Stuebenville and extending along U.S. Highway 22 to Zanesville, and thence along U.S. Highway 40 to Columbus, and on and east of a line extending along U.S. Highway 23 from Columbus to Portsmouth to points in New Jersey and points in that part of New York on and south of New York Highway 7, and, on and east of New York Highway 30. (Gateway to be eliminated: York, Pa.) (98) *Paper and paper products* not including paper roofing and paper sheathing in rolls, from points in that part of Ohio on and west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to Mount Vernon, thence along Ohio Highway 13 to Fredericktown, thence along U.S. Highway 23 to Carey, thence along Ohio Highway 95 to Marion, thence along Ohio Highway 15 to the Ohio-Indiana State line, to points in New Jersey and points in that part of New York on and south of New York Highway 7, and, on, and east of New York Highway 30. (Gateway to be eliminated: York, Pa.)

(99) *Machinery and machinery parts, and supplies*, used in the manufacture of paper and paper products, not including machinery and machinery parts, and supplies used in the manufacture of paper roofing. From points in New Jersey, and points in that part of New York on and south of New York Highway 7 and, on, and east of New York Highway 50, to points in that part of Ohio lying on and south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, and thence along U.S. Highway 40 to Columbus, and on and east of a line extending along U.S. Highway 23 from Columbus to Portsmouth. (Gateway to be eliminated: York, Pa.) (100) *Machinery and machinery parts, and supplies*, used in the manufacture of paper and paper products, not including machinery and machinery parts, and supplies used in the manufacturt of paper roofing, from points in New Jersey, and points in that part of New York on and south of New York Highway 7 and, on, and east of New York Highway 50, to points in that part of Ohio on and west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to Mount Vernon, thence along Ohio Highway 13 to Fredericktown, thence along U.S. Highway 23 to Carey, thence along Ohio Highway 95 to Marion, thence along Ohio Highway 15 to the Ohio-Indiana State line. (Gateway to be eliminated: York, Pa.) (101) *Asphalt*, in containers, *asphalt shingles*, in bundles, *paper roofing and paper sheathing* in rolls, *roofing cement*, and *machinery and materials* used in the manufacture of such commodities, from points in that part of Ohio lying on and south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, and thence along U.S. Highway 40 to Columbus, and on and east of a line extending along U.S. Highway 23 from Columbus to Portsmouth, to points in New York and New Jersey. (Gateway to be eliminated: York, Pa.) (102) *Asphalt*, in containers, *asphalt shingles*, in bundles, *paper roofing and paper sheathing* in rolls, *roofing cement*, and *machinery and materials* used in the manufacture of such commodities, from points in that part of Ohio on and west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to Mount Vernon, thence along Ohio Highway 13 to Fredericktown, thence along U.S. Highway 23 to Carey, thence along Ohio Highway 95 to Marion, thence along Ohio Highway 15 to the Ohio-Indiana State line, to points in New York and New Jersey. (Gateway to be eliminated: York, Pa.)

(103) *Machinery and machinery parts and supplies*, used or useful in the manufacture of roofing, from points in New York and New Jersey, to points in that part of Ohio lying on and south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, and thence along U.S. Highway 40 to Columbus, and on and east of a line extending along U.S. Highway 23 from Columbus to Portsmouth. (Gateway to be eliminated: York, Pa.) (104) *Machinery and machinery parts and supplies*, used or useful in the manufacture of roofing, from points in New York and New Jersey, to points in that part of Ohio on and west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to Mount Vernon, thence along Ohio Highway 13 to Fredericktown, thence along U.S. Highway 23 to Carey, thence along Ohio Highway 95 to Marion, thence along Ohio Highway 15 to the Ohio-Indiana State line. (Gateway to be eliminated: York, Pa.) (105) *Bakery products, flour, cereals, dog biscuits, potato chips, car-bracing materials and machinery, supplies and equipment* used in or incidental to tht production, packing and sale of bakery products, between the site of National Biscuit Co. plant, at Fair Lawn, N.J., on the one hand, and on the other, points in that part of Ohio lying on and south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, and thence along U.S. Highway 40 to Columbus, and on and east of a line extending along U.S. Highway 23 from Columbus to Portsmouth. (Gateways to be eliminated: Allentown, Pa.; Forty Fort, Pa.; Harrisburg, Pa.; Philadelphia, Pa.; Reading, Pa.; Lancaster, Pa.; Hershey, Pa.; and York, Pa.)

(106) *Bakery products, flour, cereals, dog biscuits, potato chips, car-bracing material and machinery, supplies and equipment* used in or in incidental to the production, packing and sale of bakery products, between the site of National Biscuit Co. plant at Fair Lawn, N.J., on the one hand, and on the other, points in that part of Ohio on and west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to Mount Vernon, thence along Ohio Highway 13 to Fredericktown, thence along U.S. Highway 23 to Carey, thence along Ohio Highway 95 to Marion, thence along Ohio Highway 15 to the Ohio-Indiana State line. (Gateways to be eliminated: Allentown, Pa.; Harrisburg, Pa.; Philadelphia, Pa.; Reading, Pa.; Lancaster, Pa.; Hershey, Pa.; and York, Pa.) (107) *Pretzels*, from Detroit, Mich., and points in that part of Michigan within 10 miles of Detroit; Chicago, Ill.; Louisville, Ky.; St. Louis, Mo.; the plantsite of Kelloggs Co. at Battle Creek, Mich.; Champaign, Ill.; and points in that part of Illinois on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 6 to Peru, Ill., on and east of a line beginning at Peru, Ill., and extending along Illinois Highway 29 to Pekin, Ill., and extending along Illinois Highway 9 to the Illinois-Indiana State line, points in that part of Indiana on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 224 to Peru, Ind., on and east of a line beginning at Peru and extending along U.S. Highway 31 to Columbus, Ind., and on and north of a line beginning at Columbus and extending along Indiana Highway 46 to the Indiana-Ohio State line, to Belleville, Dunellen, Jersey City, Orange, Paterson, and Livingston, N.J. (Gateways to be eliminated: Points in the Southeastern quarter of Ohio and York, Pa.) (108) *Bakery products*, from Sayreville, N.J., to points in that part of Ohio lying on and south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, and thence along U.S. Highway 40 to Columbus, and on and east of a line extending along U.S. Highway 23 from Columbus to Portsmouth, and Wood County, W. Va. (Gateway to be eliminated: Allentown, Pa.) (109) *Fertilizer*, from Louisville, Ky., to points in Maryland, Pennsylvania, and the District of Columbia. (Gateway to be eliminated: Columbus, Ohio.) (110) *Fertilizer*, from Chicago, Ill., to points in Maryland, Pennsylvania, District of Columbia, and points in Wood County, W. Va. (Gateway to be eliminated: Columbus, Ohio.) (111) *Fertilizer*, from East St. Louis, Ill., to points in Maryland, Pennsylvania, and the District of Columbia and points in Wood County, W. Va. (Gateway to be eliminated: Columbus, Ohio.) (112) *Fertilizer*, from points in Maryland, Pennsylvania, and the District of Columbia, to points in Illinois. (Gateway to be eliminated: Columbus, Ohio.)

(113) *Canned foodstuffs and canned food preparations*, from points in Maryland; and points in that part of Pennsylvania, on and east and south of a line

beginning at the Pennsylvania-New Jersey State line, thence along U.S. Highway 15 to the Maryland-Pennsylvania State line to Green Bay, La Crosse, Milwaukee, Racine, Stevens Point, Wauwatosa, and Wausau, Wis. (Gateways to be eliminated: Points in that part of Ohio north and west of a line beginning at the Indiana-Ohio State line extending east along U.S. Highway 33, thence north along Interstate Highway 75 to Findlay, thence north and west along Ohio Highway 15 to the Ohio-Michigan State line.) (114) *Canned foodstuffs and canned food preparations,* from Rochelle, Mendota and De Kalb, Ill., to points in Maryland, Pennsylvania (except Pittsburgh), and the District of Columbia. (Gateways to be eliminated: Points in the Covington, Ky., Commercial Zone in Ohio.) (115) *Foodstuffs and food preparations (except canned goods),* from Vandalia, Ill., to points in Maryland, Pennsylvania, and the District of Columbia. (Gateways to be eliminated: Points in the southeastern quarter of Ohio.) (116) *Foodstuffs and food preparations (except canned goods),* from Collinsville, Ill., to points in Maryland, Pennsylvania, and the District of Columbia. (Gateways to be eliminated: Points in the Southeastern quarter of Ohio.) (117) *Foodstuffs and food preparations (except canned goods),* from Millstadt and Trenton, Ill., to points in Maryland, Pennsylvania, and the District of Columbia. (Gateways to be eliminated: Points in the Southeastern quarter of Ohio.) (118) *Glass containers,* from points in Maryland, and the District of Columbia and points in Pennsylvania (except that part of Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, and points in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeannett, Schenley, and South Connellsville, Pa., and points within 10 miles of Jeannette, Shenley, and South Connellsville, Pa.), to Memphis, Tenn. (Gateways to be eliminated: Points in the Southeastern quarter of Ohio.) (119) *Mineral wool roofing materials,* from Waukegan, Ill., to points in Maryland, Pennsylvania, and the District of Columbia. (Gateways to be eliminated: Points in the Southeastern quarter of Ohio.) (120) *Mineral wool, building, insulating and roofing materials,* from Joilet, Ill., to points in Maryland, Pennsylvania, and the District of Columbia. (Gateways to be eliminated: Points in the Southeastern quarter of Ohio.)

(121) *Mineral wool, building, insulation, and roofing materials,* from East. St. Louis, Ill.; and Marseilles, Ill., to points in Maryland, Pennsylvania, and the District of Columbia. (Gateways to be eliminated: Points in the Southeastern quarter of Ohio.)

NOTE.—This application is directly related to MC–F 13355 B & L Motor Freight, Inc., Merger Prunty Motor Express, published in a previous section of this FEDERAL REGISTER; both carriers are now commonly controlled by The Capitol Corp. pursuant to authorization at MC–F 12857. Wherever the gateway to be eliminated is referred to above as "points in the Southeastern quarter of Ohio" the exact description of the gateway is "Points in that part of Ohio lying on and south of a line beginning at Steubenville and extending along U.S. Highway 22 to Zanesville, and thence along U.S. Highway 40 to Columbus, and on and east of a line extending along U.S. Highway 23 from Columbus to Portsmouth." If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 135129 (Sub-No. 2), filed September 27, 1977. Applicant: BEYOND EXPRESS, INC., 20 Fairview Place, Freeport, N.Y. 11520. Applicant's representative: William J. Augello, P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, explosives, commodities in bulk, those of unusual value, and those requiring special equipment, and commodities, baggage, or personal effects having a prior or subsequent movement by air), between points in Nassau County, Suffolk County, and the New York, N.Y., commercial zone, to eliminate the gateway of New York, N.Y.

NOTE.—This application is directly related to a finance proceeding in MC–F–13361, published in a previous section of this FEDERAL REGISTER. If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 135129 (Sub-No. 3), filed October 5, 1977. Applicant: BEYOND EXPRESS, INC., 20 Fairview Place, Freeport, N.Y. 11520. Applicant's representative: William J. Augello, P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of: *General commodities* (except household goods, explosives, commodities in bulk, those of unusual value and those requiring special equipment, and commodities, baggage, or personal effects having a prior or subsequent movement by air), between New York, N.Y., and Suffolk County, N.Y.

NOTE.—Applicant states the purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity, and to simultaneously expand the territorial scope of New York, N.Y., to include all points in the commercial zone of New York, N.Y. This is a matter related to a finance proceeding in MC–F–13361, published in a previous section of this FEDERAL REGISTER. If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

By the Commission.

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

[FR Doc.77–29926 Filed 10–13–77;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).

CONTENTS

	Item
Equal Employment Opportunity Commission	15, 16
Federal Home Loan Bank Board	6, 7
Federal Maritime Commission	10
Federal Reserve System	8
Federal Trade Commission	12, 13, 14
Indian Claims Commission	4
International Trade Commission	1, 2, 3
Interstate Commerce Commission	9
Parole Commission	11
Postal Rate Commission	5
Securities and Exchange Commission	17

1

[7020–02]

INTERNATIONAL TRADE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 53717, October 3, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: October 13, 1977, 9:30 a.m.

CHANGES IN THE MEETING: Additional item added to the agenda as follows:

11. Possible 337 complaint on steel.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202–523–0161.

[S–1557–77 Filed 10–11–77;2:22 pm]

2

[7020–02]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, October 20, 1977.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Light Shields (Inv. 337–TA–33)—see recommended determination by the Presiding Officer.
2. Briefing on Inv. 332–82—(Chief Weight-Chief Value).
3. Animal Glue and Inedible Gelatin Inv. AA 1921–169–172)—vote.
4. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kennth R. Mason, Secretary, 202–523–0161.

[S–1558–77;Filed 10–11–77;2:22 pm]

3

[7020–02]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, October 18, 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. Reclosable Plastic Bags (Inv. 337–TA–22)—action by the Commission, if any, on the Presiding Officer's order of October 3, 1977.
5. Status report on the Equal Employment Opportunity.
6. Petitions and complaints—if necessary.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202–523–0161.

[S–1559–77 Filed 10–11–77;2:22 pm]

[7030–01]

4

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., October 19, 1977.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open to the Public.

Docket 197, Nisqually.
Docket 206, Squaxin.
Docket 208, Steilacoom.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone 202–653–6174.

[S–1560–77 Filed 10–11–77;2:22 pm]

5

[7715–01]

POSTAL RATE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 54079, October 4, 1977, and 42 FR 54357, October 5, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: October 5, 1977. 9:30 a.m.

CHANGES IN THE MEETING: Meeting date changed to October 12, 1977. "Open" portion of the meeting will begin at 9:30 a.m. to be followed by the "Closed" portion: Addition of the following items to the closed agenda:

Draft of Tentative Decision Concerning Officer of the Commission's Proposal to (1) Eliminate Single Piece Third-Class and (2) Expand Parcel Post to Include Pieces Weighing Less than One-Pound. (Docket Nos. MC76–3, MC76–4.)

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, telephone 202–254–5614.

[S–1561–77 Filed 10–11–77;2:22 pm]

6

[6320–01]

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., October 18, 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:

Agency Office Application—Glendale Federal Savings & Loan Association, Glendale, Calif.

Branch Office Application—First Federal Savings & Loan Association of Vancouver, Vancouver, Wash.

Consideration of Report on Proposal to Eliminate "Definitive Form" FHLB Securities.

EFTS–RSU Application—Capitol Federal Savings & Loan Association, Topeka, Kans.

Determination and Adjustment of Over-Valued Assets; Definition of "Appraisal", "Market Value", and "Over-Valuation".

No. 79, October 11, 1977.

[S-1562-77 Filed 10-12-77;10:06 am]

7

[6320-01]

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: At the conclusion of the open meeting to be held at 9:30 a.m., October 18, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-376-3012.

MATTERS TO BE CONSIDERED:

Consideration of Request for Board Consent to Employ an Individual Pursuant to the Provisions of Section 5(d)(12)(B) of the Home Owners' Loan Act of 1933, as Amended.

No. 80, October 11, 1977.

[S-1563-77 Filed 10-12-77;10:06 am]

8

[6210-01]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, October 19, 1977.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed salary increases for Board employees. (This matter was originally announced for a meeting on September 28, 1977.)
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

THEODORE E. ALLISON,
Secretary of the Board.

OCTOBER 11, 1977.

[S-1564-77 Filed 10-12-77;10:06 am]

9

[7035-01]

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, October 18, 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. Ex Parte No. 331, Expeditious Procedures for Permitting Publication of Separate Rates for Rates for Distinct Rail Services; see Section of Rates memorandum of September 6, 1977. For discussion only.
2. Issuance of stay orders and stay dandos in cases where no exceptions are filed (per Stafford memo of August 1, 1977) (for possible vote).
3. Ex Parte No. 272, Investigation Into Limitations of Carrier Service on C.O.D. and Freight-Collect Shipments. At the request of the Office of Proceedings, for briefing, discussion and straw vote.
4. Status Report by Chairman on Commission activities with respect to owner operators.

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-1565-77 Filed 10-12-77;10:06 am]

10

[6730-01]

FEDERAL MARITIME COMMISSION.

TIME AND DATE: October 19, 1977—10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Trailer Marine Corp.—Increased appliance rates in the U.S. Atlantic/Puerto Rico Trade.
2. Docket No. 77-9—*United Nations* v. *Hellenic Lines Limited*—Determination as to whether to hear oral argument.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-1566-77 Filed 10-12-77;10:06 am]

11

[4410-01]

PAROLE COMMISSION.

National Commissioners (the three Commissioners presently maintaining offices at Washington, D.C., Headquarters).

TIME AND DATE: Wednesday, October 26, 1977; 9:30 a.m.

PLACE: Room 338, Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed—Pursuant to 5 U.S.C. 552(b)(10) and 28 CFR 16.205(b)(1).

MATTERS TO BE CONSIDERED: Referrals from regional directors of approximately 20 cases in which inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

Lee H. Chait, Analyst, 202-724-3094.

[S-1567-77 Filed 10-12-77; 10:06 am]

12

[6750-01]

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, October 19, 1977.

PLACE: Room 432, Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:

The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Wednesday, October 19, 1977, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information, 202-523-3830; recorded message, 202-523-3806.

[S-1568-77; Filed 10-12-77;10:23 am]

13

[6750-01]

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, October 18, 1977.

PLACE: Room 432, Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUE: Closed.

MATTERS TO BE CONSIDERED:

Nonadjudicative Matters: Approval of Minutes of Nonadjudicative Matters Considered at Meeting of October 11, 1977.

Adjudicative Matters Under Part 3 of the Rules of Practice: Discussion of the Status of Pending Part III Decisions.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., office of Public Information, 202-523-3830; recorded message, 202-523-3806.

[S-1569-77 Filed 10-12-77;10:23 am]

14

[6750–01]

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Monday, October 17, 1977.

PLACE: Room 532 (open), Room 540 (closed), Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to Public:

(1) Oral Argument in Capax, Inc., et al. Docket No. 9058.

Portions closed to the Public:

(2) Consideration of Oral Argument in Capax, Inc., et al., Docket 9058, in executive session following oral argument.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information, 202–523–3830; recorded message, 202–523–3806.

[S–1570–77 Filed 10–12–77;10:33 am]

15

[6570–06]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 2 p.m. (Eastern Time), Thursday, October 13, 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: Closed to the public.

MATTERS TO BE CONSIDERED:

FY 1978 Supplemental Budget Request and Amendment to FY 1979 Request.

A majority of the entire membership of the Commission determined by recorded vote that Commission business required that this meeting be called for this date, and that no earlier announcement was possible.

The vote was as follows:

In favor of change:

Eleanor Holmes Norton, Chair
Ethel Bent Walsh, Commissioner
Daniel E. Leach, Commissioner

Opposed: None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat at 202–634–6748.

[S–1571–77 Filed 10–12–77;11:13 am]

16

[6570–06]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, October 18, 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: Part of the meeting will be open to the public, and parts will be closed to the public.

MATTERS TO BE CONSIDERED:

Part open to the public:

State and Local Agencies; Recommendations for Fiscal Year Allocation of Funds; Policy Recommendations; and Contract Provisions.

Parts closed to the public:

Litigation Authorization; General Counsel Recommendations; Matters closed to the public under Sec. 1612.13 (a) of the Commission's regulations (42 FR 13830, March 14, 1977).

Briefing on Litigation: Matters closed to the public under Sec. 1612.13(a)(3) of the Commission's regulations cited above.

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.

[S–1572–77 Filed 10–12–77;11:13 am]

17

[8010–01]

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 October 17, 1977, in Room 825, 500 North Capitol Street, Washington, D.C

A closed meeting will be held on Wednesday, October 19, 1977, at 2 p.m. An open meeting will be held on Thursday, October 20, 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 Evans and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, October 19, 1977, at 2 p.m. will be:

Formal orders of investigation.

Institution of injunctive actions.

Settlement of injunctive actions.

Institution of administrative proceedings.

Settlement of administrative proceedings.

Referral of investigative files to Federal, State, or Self Regulatory authorities.

Regulatory matters arising from or bearing enforcement implications.

Request for hearing.

The subject matter of the open meeting scheduled for Thursday, October 20, 1977, at 10 a.m. will be:

1. Meeting with representatives of Bradford National Corporation ("BNC") to hear their views on BNC's role in a national clearing and settlement system.

2. Proposed publication of notice regarding the filing of plans for the allocation of regulatory responsibilities by self-regulatory organizations pursuant to Rule 17d–2.

3. Application of Money Market Management, Inc. and Trust for Short-Term U.S. Government Securities requesting an order exempting the companies from certain provisions of the Investment Company Act of 1940 to the extent necessary to permit valuation of portfolio securities on an amortized cost basis.

4. Application of Cyanamid International Development Co., a wholly owned subsidiary of American Cyanamid Co., requesting an order exempting the company from certain reporting provisions under the Securities Exchange Act of 1934.

5. Application of Warner Communications, Inc. requesting an order exempting Knickerbocker Toy Co., Inc., a wholly owned subsidiary, from certain reporting requirements under the Securities Exchange Act of 1934.

6. Consideration of soliciting public comments on proposed amendments to Form S–16. These proposals would expand the usage of this short registration form to permit the registration of (1) securities being offered to the public for cash by certain issuers about which information is widely disseminated among the investing public and (2) securities being offered by issuers eligible to use the form to existing shareholders through either rights offerings or dividend investment plans.

7. Consideration of soliciting public comment on proposals (1) to amend registration and annual report forms together with related rules and disclosure guidelines applicable to foreign private issuers under the Securities Exchange Act and (2) to adopt a new disclosure guideline under the Securities Act dealing with disclosures by foreign registrants of management remuneration.

8. Consideration of the delegation of authority to the Office of Reports and Information Services to act on requests to waive or reduce search and duplication fees in connection with requests for access to records under the Freedom of Information Act and duplicating fees under the Privacy Act.

9. Consideration of soliciting public comment on proposed rules which would amend the Commission's regulations to provide for the disclosure in financial statements of certain operating and financial data relating to oil and gas producing activities.

10. Consideration of soliciting public comments on proposed rules concerning common trust funds. Such proposals would, in effect, cause such common trust funds maintained by a bank in a bank holding company for itself and other bank members of the same holding company, and interests or participations therein, to be treated the same as traditional common trust funds. The Commission will also consider approval of a no-action position to be taken by the staff pending final action on the proposed rules.

FOR FURTHER INFORMATION CONTACT:

Sam Knight at 202–376–7130.

OCTOBER 12, 1977.

[S–1573–77 Filed 10–12–77;12:15 pm]

federal register

FRIDAY, OCTOBER 14, 1977
PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

■

HOME HEALTH SERVICES

Availability of Project Grants

[4110–84]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

ASSISTANCE UNDER PUBLIC LAW 94–63; PROJECT GRANTS FOR HOME HEALTH SERVICES

Announcement of Availability of Grants

Notice is hereby given that competitive applications are being accepted for Home Health Services project grants under the authority of Section 602(a) of Pub. L. 94–63 (42 U.S.C. 1395x note). Section 602(a) authorizes grants to public and private nonprofit entities for support of the development and expansion of home health services.

Regulations governing such grants, published in the FEDERAL REGISTER on June 3, 1977 (42 FR 28692), stipulate that the Secretary will give preference to approvable applications for projects that will serve catchment areas in which a high percentage of the population is elderly, medically indigent, or both. (42 CFR 51e.107)

Applications which meet the preference criteria in accordance with the regulations can receive consideration for funding during the first funding cycle. Completed applications must be received at the Regional Office by January 2, 1978. If funds are not exhausted at the end of the first funding cycle, grant applications to serve preference areas or other areas received at the Regional Office by June 1, 1978, will be considered for funding.

Application kits containing the necessary forms, instructions, and information may be obtained from the representative of the Home Health Services Grant Program at the appropriate Regional Office (listed below). The representative may be contacted for consultation and technical assistance relative to development of an application.

Dated: October 3, 1977.

GEORGE I. LYTHCOTT,
Administrator, Health Services Administration.

Ms. Rita Pope, DHEW/PHS/Region I, Division of Health Services, Family Health Branch, Room 1401, John F. Kennedy Federal Building, Boston, Mass. 02203, (617–223–5845).

Mr. Robert Shaw, DHEW/PHS/Region II, Division of Health Services, Family Health Branch, 26 Federal Plaza, New York, N.Y. 10007, (212–264–2546).

Ms. Dorothy DeLoof, DHEW/PHS/Region III, Division of Health Services, Family Health Branch, P.O. Box 13716, Philadelphia, Pa. 19101 (215–596–1563).

Ms. Pat Atkinson, DHEW/PHS/Region IV, Division of Health Services, Family Health Branch, 50 Seventh St. NE., Room 764, Atlanta, Ga. 30323 (404–881–4231).

Ms. Susan Kamp, DHEW/PHS/Region V, Division of Health Services, Family Health Branch, 300 South Wacker Dr., Chicago, Ill. 60606 (312–353–1720).

Mrs. Vicki Wright, DHEW/PHS/Region VI, Division of Health Services, Family Health Branch, 1200 Main Tower Building, 17th Floor, Dallas, Tex. 75202 (214–655–3041).

E. June Smith, R.N., DHEW/PHS/Region VII, Division of Health Services, Family Health Branch, 601 E. 12th St., 5th Floor W., Kansas City, Mo. 64106, (816–374–2403).

Mr. Michael Oliva, DHEW/PHS/Region VIII, Division of Health Services, Family Health Branch, 11037 Federal Bldg., 19th and Stout Streets, Denver, Colo. 80202, (303–837–4781).

Ms. Mary Garcia, DHEW/PHS/Region IX, Division of Quality and Standards, Federal Office Bldg., Room 239, 50 United Nations Plaza, San Francisco, Calif. 94102, (414–556–3110).

Ms. Marilyn Thaden, DHEW/PHS/Region X, Division of Health Services, Family Health Branch, Arcade Plaza Bldg., Mail Stop 506, 1321 Second Ave., Seattle, Wash. 98101, (206–442–1020).

[FR Doc.77-29826 Filed 10-13-77;8:45 am]

federal register

FRIDAY, OCTOBER 14, 1977

PART III



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

AMPHETAMINES

Public Hearing

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 77N-0273]

AMPHETAMINES

Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice of Public Hearing.

SUMMARY: This is an announcement that a public hearing will be held on December 2, 1977 before the Commissioner of Food and Drugs to receive information and views from interested persons on the issue of the current patterns of medical use and abuse of amphetamines. Legally manufactured and marketed amphetamines continue to be abused at a level that constitutes an apparently significant public health problem. The Food and Drug Administration (FDA) concontemplates undertaking new regulatory actions if the current level of abuse is confirmed, in the administrative record of this hearing, to be unacceptably high.

DATES: Notices of appearance by November 14, 1977; the hearing will be held on December 2, 1977.

ADDRESS: Written notices of appearance to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 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:

DEFINITION

For the purpose of this notice, the term amphetamine, the name ordinarily used to designate the racemic form of the drug, is used to cover several drugs or isomers within a class and the term dl-amphetamine is used when reference to the racemate is intended. The term amphetamine includes dextroamphetamine, dl-amphetamine, methamphetamine (which is used in this notice to cover both the dextro-isomer and the racemate), a mixture of dextroamphetamine and dl-amphetamine, and salts of the drugs unless otherwise stated in the text.

BACKGROUND

Among the earliest attempts to impose Federal controls on distribution of amphetamines in the United States were legislative proposals made in the early 1950's, culminating in congressional hearings in 1954. Although no legislation resulted, in the late 1950's FDA began taking enforcement action under the Federal Food, Drug, and Cosmetic Act ("the act"), as then written, against individuals who were diverting amphetamines from legitimate channels to illicit use, on the grounds that they were dispensing amphetamines without a prescription. During the debates leading to the Drug Amendments of 1962, legislation was again proposed to curb amphetamine usage, but again, no action was taken. A Presidential commission in the same period recommended strong Federal efforts against the diversion and use of amphetamines and other nonnarcotic drugs. Congress enacted the Drug Abuse Control Amendments of 1965 (DACA) which placed responsibility for law enforcement against diversion of nonnarcotic drugs in FDA. Shortly thereafter, FDA created a new unit, the Bureau of Drug Abuse Control (BDAC) whose exclusive mandate was to enforce DACA. In 1968, BDAC was transferred from FDA to the Department of Justice in a move to centralize all drug abuse law enforcement activities into one agency, the Bureau of Narcotics and Dangerous Drugs (BNDD). (In 1973, BNDD was renamed the Drug Enforcement Administration (DEA).)

Congress revised all the Federal statutes relating to narcotic and nonnarcotic drugs in 1970. The enactment of the Controlled Substances Act (CSA) repealed DACA and provided a new range of regulatory controls that could be imposed upon drugs of abuse by administrative, rather than legislative action. In 1971, BNDD and FDA worked together to transfer amphetamines from Schedule III to Schedule II of the CSA (which imposed the strictest regulatory controls possible over drugs having legitimate medical use in the United States). This action required that (1) prescriptions be in writing and be nonrefillable, (2) special order forms issued by BNDD be used for all sales of amphetamines other than those dispensed to patients on prescription, (3) manufacturers and wholesalers utilize stringent precautions to prevent the theft or diversion of amphetamines from their facilities, (4) the drugs not to be imported or exported across boundaries of the United States without prior permission of BNDD, and (5) the quantities that could be manufactured in any given year be subject to quotas imposed by the government.

Beginning in 1972, parallel to the CSA actions to restrict the availability of amphetamines, FDA undertook its anorectic review which included detailed statistical analyses of all of the controlled studies in FDA files regarding the effectiveness of these drugs in the treatment of obesity, as well as meetings with consultants and advisory groups. The scope of the review was extensive, involving over 1,100 volumes of data concerned with 12 anorectic drugs. The products in which these drugs were present, either alone or in combination with other drugs, were marketed by 40 firms. Over 200 double-blind and controlled studies on the effectiveness of the drugs were included in the review. These studies, which had been carried out on almost 10,000 subjects, were then evaluated by the medical staff of the Bureau of Drugs to determine whether there was, for each anorectic drug, substantial evidence that patients taking the drug sustained on the average a greater degree of weight loss over a 12-week period than patients taking a placebo. The 12-week period was selected because it was the longest period for which there were reasonably comparable data on all of the anorectic drugs in the review.

Since completion of the anorectic review and implementation of the Schedule II controls under the CSA in 1972, the following actions have been taken by the Federal government to restrict the availability of and reduce the abuse of amphetamines: (a) in the FEDERAL REGISTER of February 12, 1973 (38 FR 4249), FDA announced its findings of the anorectic review that single-entity oral-anorectic drug products containing dextroamphetamine and dl-amphetamine are effective as a short-term adjunct in the management of obesity; (b) dextroamphetamine, dl-amphetamine, and methamphetamine were the subject of a Drug Efficacy Study (DESI) notice published in the FEDERAL REGISTER of July 19, 1974 (39 FR 26459) (in that notice, dextroamphetamine and dl-amphetamine were evaluated as effective for the treatment of narcolepsy and minimal brain dysfunction in children, and all the drugs included in the notice were determined to be effective as short-term adjuncts in the management of obesity); (c) all parenteral forms and all but a very few combination drug products containing amphetamines have been removed from the market; (d) all single-entity anorectic drug products were relabeled to emphasize warnings about their potential for abuse and the limitations on their effectiveness in the treatment of obesity (this information was also publicized in a December 1972 issue of the "FDA Drug Bulletin"); (e) the production quotas for amphetamines were substantially reduced by DEA, thereby reducing the quantity of amphetamines produced in the United States; (f) all other prescription anorectic drugs were placed within the control system of the CSA to reduce the likelihood that they would replace amphetamines as primary stimulant drugs of abuse; (g) the advertising and promotion of anorectic drugs were under regular surveillance (including 27 regulatory actions in the last 4 years against inadequate or misleading information or implied claims of usefulness in the advertising of these products).

The Commissioner recognized and so stated in the February 12, 1973 notice that use of amphetamines for long periods of time may lead to drug dependence and abuse. The potential for abuse of these drugs is related to their action as a central nervous system stimulant; they can produce intense psychological dependence and severe social dysfunction. When the drugs were approved for use as an adjunct in the management of obesity, they were approved on a benefit/risk basis which took into consideration their potential for abuse. By limiting the use of these drugs to a short period of time and reducing the opportunity for misuse through regulatory action, the Commissioner concluded that

these drugs met the safety requirements of the act, and were appropriate, on a benefit/risk basis, for the treatment of obesity for a few weeks as an adjunct to a regimen of weight reduction based on caloric restriction. However, he also cautioned that persistent abuse of these drugs would necessitate taking further steps to restrict their availability and use.

The supply of these drugs has therefore been reduced, and labeling now restricts their use to a short-term period of time and requires a box warning regarding their potential for abuse. In addition, regulatory actions taken by FDA have removed from the market all injectable products and most combination products containing an amphetamine and/or methamphetamine hydrochloride, because of lack of safety or effectiveness. Those anorectic products now on the market which contain amphetamines are also in the most restricted schedule (Schedule II) under the CSA.

Summary of Current Abuse of Amphetamines

Recent information made available to FDA has revealed that, in spite of the restrictions imposed over the last 5 years, there is evidence for the following conclusions:

1. Among prescription drugs, the anorectic agents are commonly used for nonmedical purposes.

2. Among the anorectic drugs, amphetamines account for more abuse episodes than other drugs in the class and also have the highest rate of abuse of all drugs in the class.

3. There has been no significant decrease in the rate of abuse of amphetamines over the past 3 years. The major reduction in the abuse of these agents appears to have taken place between 1970 and 1973 as a result of regulatory actions taken during that time, and little incremental change has occurred since then.

4. A significant amount of the amphetamines used for abuse purposes comes from supplies that are legally manufactured, shipped, or prescribed.

5. There is no new evidence to challenge the previous FDA conclusion that amphetamines have no advantage over the nonamphetamine anorectic drugs as an adjunct in the treatment of obesity.

Because of this continuing level of abuse of amphetamines, the Commissioner believes that, consistent with his stated intent in the February 12, 1973 notice, further action under the act may be necessary to protect the public health. The specific actions under consideration and their objectives are described later in this notice.

Evidence Relating to the Continued Abuse of Amphetamines

The following sections describe the evidence available in support of the conclusions enumerated above. The relevant reports, studies, and testimony are summarized below, and full copies of the references have been placed on file with the Hearing Clerk, Food and Drug Administration.

1. *Among prescription drugs the anorectic agents are commonly used for nonmedical purposes.* The National Institute on Drug Abuse (NIDA) has reported to FDA the results of a household survey conducted in 1975 and 1976 on drug use among a sample population in communities throughout the United States (Ref. 1). Questions were asked of 2,590 adults (ages over 18 years) and 986 youth (ages 12 to 17 years) about drug use activity during their lifetimes. The percentages of those questioned who indicated that at some time in their lives they had used a prescription stimulant, tranquilizer, or sedative drug for a nonmedical purpose are given in Table 1 as follows:

Table 1.—*Nonmedical drug use*

Substance	Percent all youth 12 to 17 yr (N*=986)	Percent young adults 18 to 25 yr (N*=882)	Percent older adults 26+ yr (N*=1708)	Percent all adults 18+ yr (N*=2,590)
Rx stimulants	4.4	16.6	5.6	7.9
Rx tranquilizers	3.3	9.1	2.7	4.0
Rx sedatives	2.8	11.9	2.4	4.4

*N=Number of persons.

These data indicate that the nonmedical use of prescription stimulants is greater than that for prescription sedatives and prescription tranquilizers in the population sampled. The greatest incidence occurs among young adults aged 18 to 25 years, where approximately one in every six persons reported having engaged in nonmedical use of a stimulant.

A second report was received in 1977 from NIDA from the Client Oriented Data Acquisition Process (CODAP) system (Ref. 2). In the CODAP system, a client is anyone presenting himself or herself to a NIDA-funded clinic for the treatment of drug abuse. The report was based on two studies exploring drug abuse treatment as it affects the rural population of eight States. To learn about the rural abuse client, "urban" clients (clients in communities of 500,000 or more) were compared with "rural" clients (clients in communities of 25,000 or less). Information was obtained through client profiles drawn from admission data on 10,279 persons in 110 treatment units in 8 States (Arizona, Colorado, Georgia, Iowa, Maine, Minnesota, Montana, and Vermont). Table 2 below taken from the report, shows the primary drug of abuse (the drug that has been abused by the client or, in the case of multiple drug users, the one for which the client was seeking treatment) at the time of a client's admission to a rural or urban treatment program. These data indicate that the anorectic stimulants are approximately equal to sedative/hypnotics as the primary drugs of abuse. In this study anorectic stimulants and sedative/hypnotics taken together (the category of prescription drugs of abuse) ranked first in rural settings and second only to opiates in urban settings.

Clients are not admitted to the treatment program when alcohol is the only substance of abuse. Therefore the figure for alcohol in Table 2 is a limited indicator as it represents only multiple drug users who are abusing alcohol as the "primary drug" along with other drugs.

Table 2.—*Rural and urban admissions—primary drug at admission*

Substance reported	Rural communities of 25,000 or less (N*=2,262) percent of clients	Urban communities of 500,000 or more (N*=8,017) percent of clients
Opiates	8.1	65.7
Alcohol	5.7	3.8
Sedative/hypnotics	16.6	6.9
Anorectic stimulants	15.8	5.8
Cocaine	1.4	1.5
Marijuana	30.7	10.7
Hallucinogens	9.5	3.0
Inhalants	4.5	.6
Other	5.1	.6
None	2.6	1.4

*N=Number of persons.

A third report received in 1977 from NIDA stated that next to marijuana, amphetamines are the class of drugs used most commonly by a sample of 571 veterans and 384 nonveterans interviewed in late 1974 (Ref. 3). In addition, next to marijuana, amphetamines were reported to be the drugs most likely to be used more than once a week for a period of more than a month. The report also describes a striking correlation between the degree of amphetamine use in the last 2 years and current adjustment problems, for veterans and nonveterans. The adjustment problems included arrests, job problems, divorces and separations, credit difficulties, transiency, violence, and drinking problems. Not only was the relationship between amphetamine use and adjustment problems high, but for both groups, veterans and nonveterans, it was higher than the correlation between adjustment problems and other drugs investigated, including heroin, codeine, barbiturates, cocaine, opium, methaqualone, peyote, mescaline, propoxyphene, chlordiazepoxide, LSD, and marijuana. Among regular users of amphetamines, whether veterans or nonveterans, about two-thirds reported using amphetamines to "get high," and one-third of both groups claimed they were only trying to stay awake or work better.

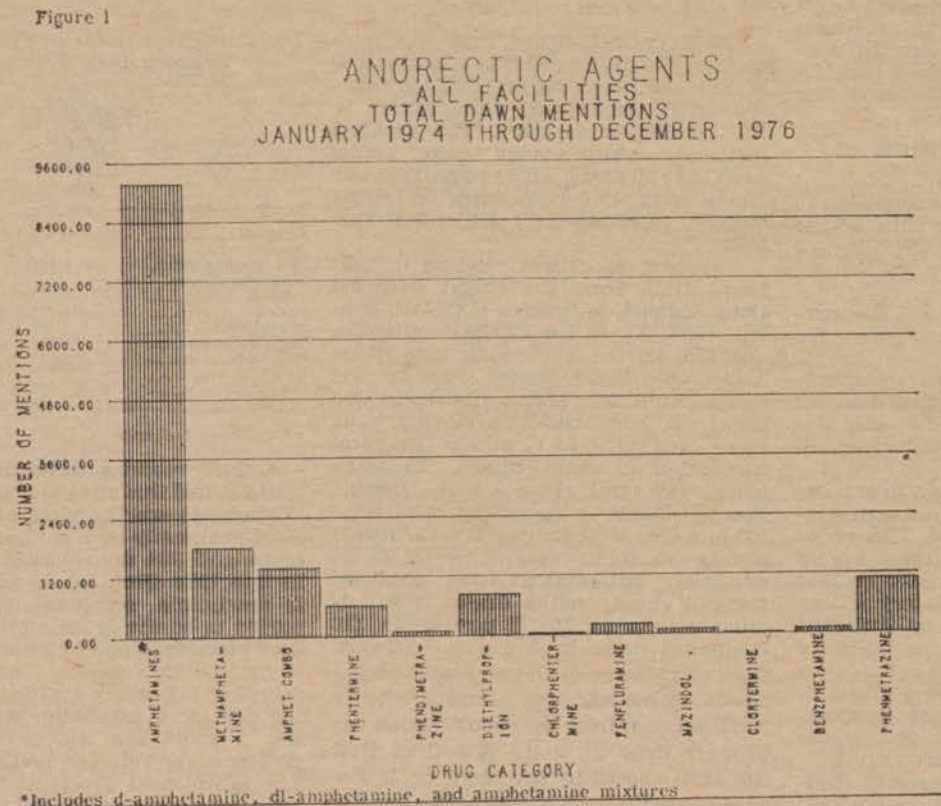
2. *Among the anorectic drugs, amphetamines account for more abuse*

episodes than other drugs in the class and also have the highest rate of abuse of all drugs in the class. Data have been provided to FDA by the DEA from the Drug Abuse Warning Network (DAWN) system showing the high degree and rate of abuse of amphetamines. The DAWN system is a large-scale data-collecting system, initiated in September of 1972 and operated on contract by IMS America, Ambler, PA. The data include monthly reports, special reports, and computer printouts, used to identify drugs currently abused and/or associated with harm to the individual and society. The episodes reported within the DAWN system are the result of nonmedical use of a drug for psychic effects, dependence, or self-destruction. The data collected by DAWN consist of the number of "mentions" of a drug, as recorded following contact with or treatment of individuals by three types of facilities: emergency rooms (ER) in non-Federal short-term general hospitals (as defined by the American Hospital Association), offices of medical examiners or coroners (ME), and crisis intervention centers (CC) in the continental United States. The "mention" of a drug may range from a telephone call to an overdose death.

Although the DAWN system was initiated in 1972, data obtained before January 1974 are unsuitable for making valid trends of drug abuse. The initial period from September 1972 through December 1973 involved feasibility studies and revisions with the DAWN system to determine the best methods of operation.

Figure 1 shows the number of total DAWN mentions from all facilities for all anorectic drugs for the period from January 1974 through December 1976. It is apparent that the amphetamines have accounted for many more total mentions in this system than any other anorectic drug during the past 3 years.

Figure 1

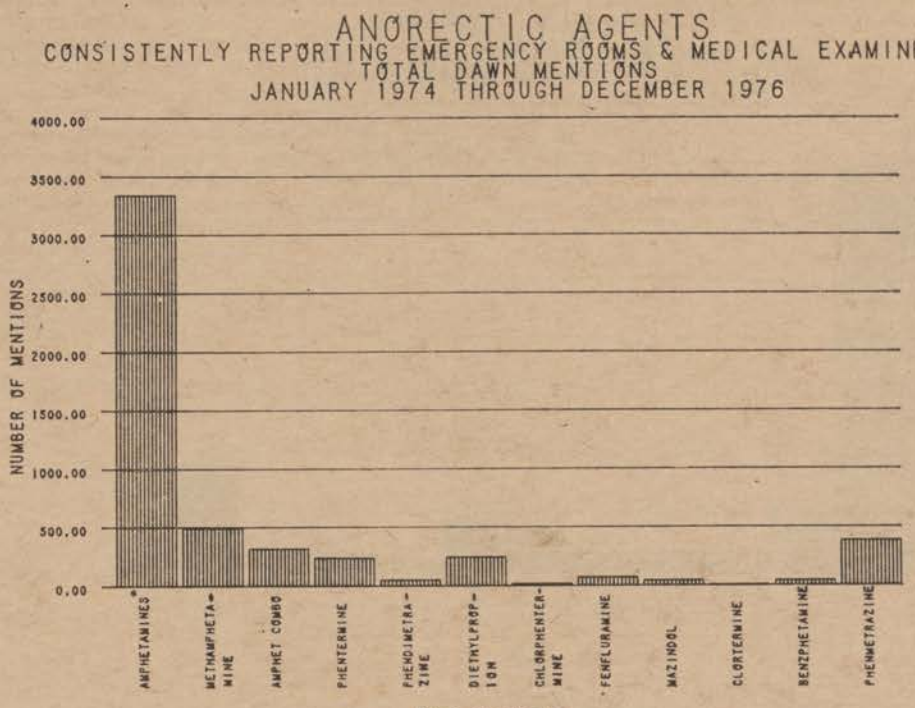


*Includes d-amphetamine, dl-amphetamine, and amphetamine mixtures

The use of total DAWN mentions from all facilities as a reliable index of the rate of anorectic drug abuse in our society can be criticized for the following reasons: (1) the category of total mentions includes everything from a telephone inquiry by a concerned parent to a report of a serious event like hospitalization; (2) in many DAWN episodes the name of the drug involved is reported in jargon terms such as "speed," "minibennies," and "joy pills," which makes it impossible to assign the mention precisely to a particular drug in the stimulant class; (3) reporting from various crisis centers is erratic and is subject to considerable variation in reliability; and (4) the number and characteristics of the facilities in the DAWN system fluctuate. To minimize errors from these sources and stabilize the drug abuse mention base, FDA conducted an analysis of DAWN mentions for specially named anorectic drugs during the period from January 1974 through December 1976. The analysis of DAWN mentions includes only those mentions that came from emergency rooms and medical examiners that have consistently reported since January 1974.

These data on consistently reported ER and ME mentions are shown below in Figure 2. Although the scale of the graph has changed relative to Figure 1 in that fewer mentions are involved, the general pattern illustrated in Figure 1 is the same. Whether one looks at total mentions or consistent ER and ME mentions, abuse episodes related to amphetamines are several times greater than for any other anorectic drug.

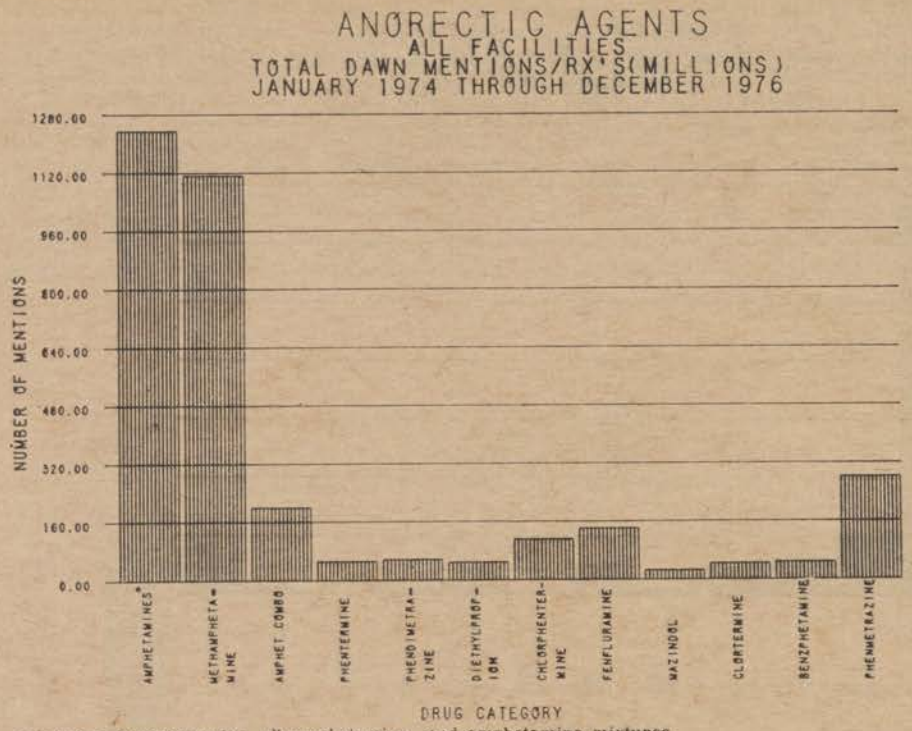
Figure 2



*Includes d-amphetamine, dl-amphetamine, and amphetamine mixtures

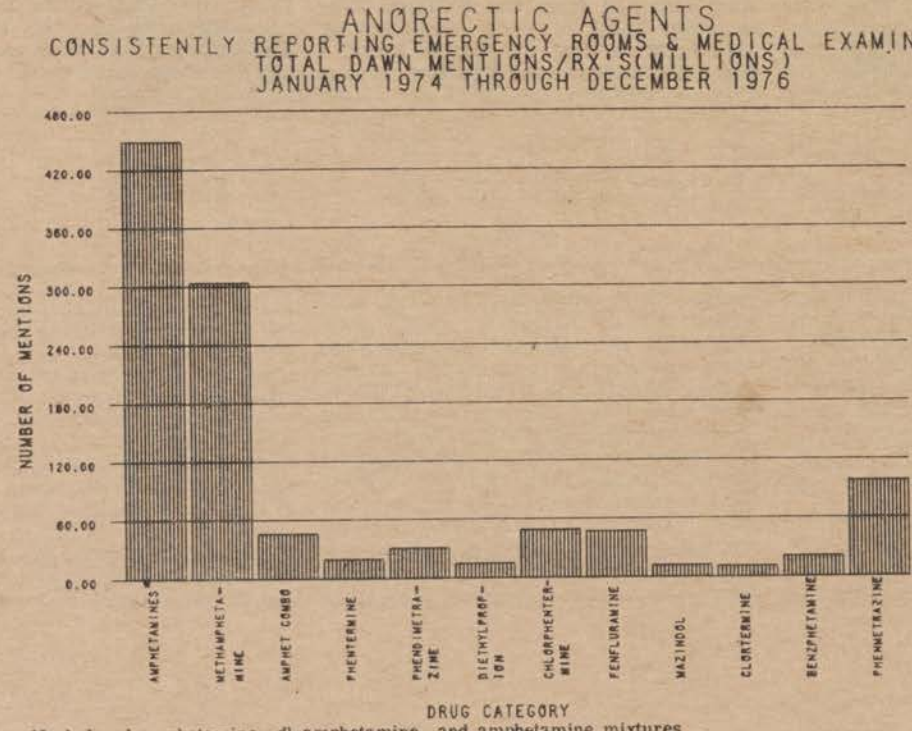
Figures 3 and 4 below are similar to Figures 1 and 2 except that the number of mentions has in each case been divided by the number of prescriptions (in millions) dispensed for each drug during the relevant time period from January 1974 through December 1976. The ratio of DAWN mentions to total prescriptions is taken to be an index of abuse rate, i.e., of the degree of abuse per amount of drug available for abuse. The data for the number of prescriptions were obtained from the National Prescription Audit, a survey conducted by IMS America (Ref. 4). Figures 3 and 4 again illustrate the same pattern as seen in Figures 1 and 2. Regardless of whether the numerator in these ratios is taken to be total mentions (Figure 3) or consistently reported ER and ME mentions, the single-entity amphetamines demonstrate a rate of abuse several times higher than that associated with any other anorectic drug.

Figure 3



*Includes d-amphetamine, dl-amphetamine, and amphetamine mixtures

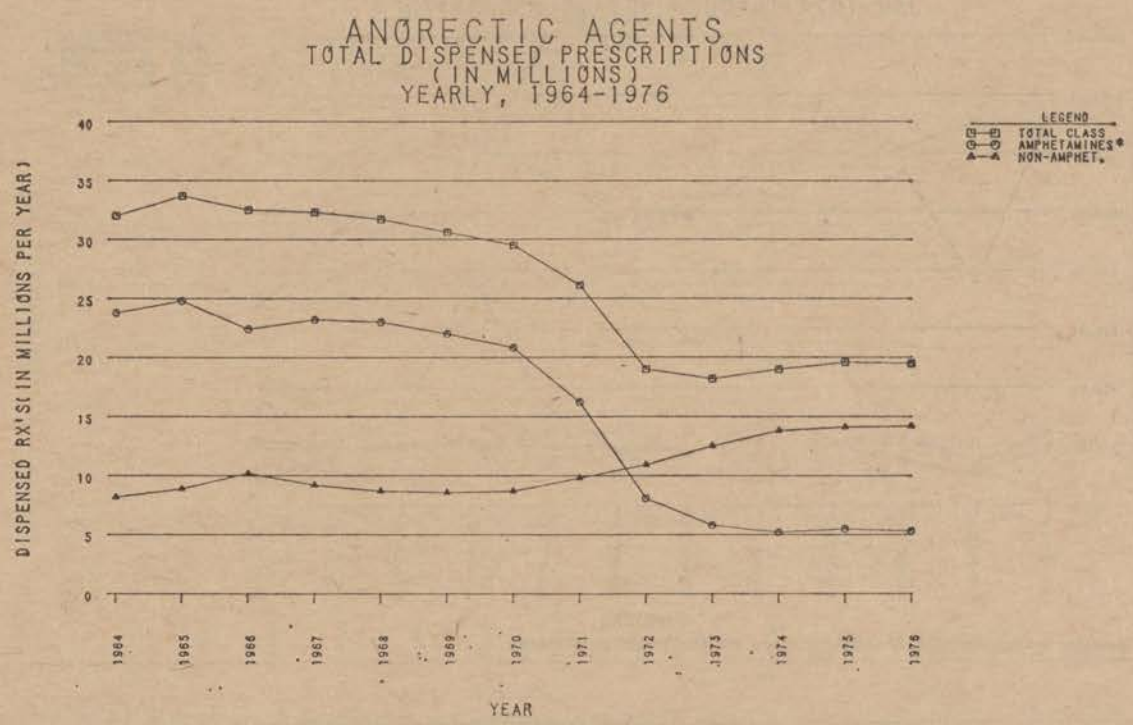
Figure 4



*Includes d-amphetamine, dl-amphetamine, and amphetamine mixtures

Although the abuse rate is higher for amphetamines, Figure 5 below indicates that the number of prescriptions prescribed for amphetamines is comparatively low in relation to the total prescriptions prescribed for anorectic drugs (amphetamines comprise only 25 percent of the total prescriptions prescribed for anorectic drugs in 1976).

Figure 5



*Includes all products containing d-amphetamine, dl-amphetamine, and methamphetamine

3. *There has been no significant decrease in the rate of abuse of amphetamines over the past 3 years.* The major reduction in the abuse (and use) of these agents appears to have taken place between 1970 and 1973 as a result of their control under the CSA and the other regulatory actions cited. No significant change has occurred since 1973.

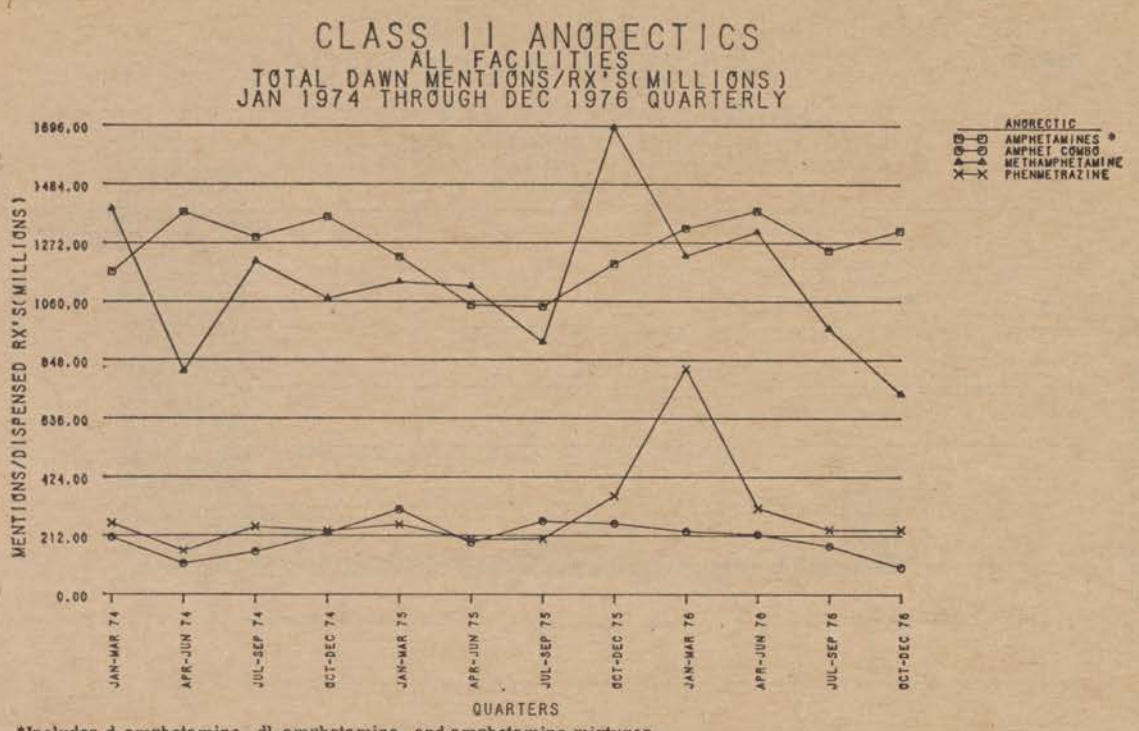
There is considerable evidence to indicate that the abuse of amphetamines is much reduced today by comparison with the problem that existed in the late 1960's and early 1970's. Many factors have undoubtedly contributed to this reduction, but certainly an important one is the reduced prescribing of amphetamines that has taken place in recent years. Figure 5 shows the number of prescriptions dispensed by retail pharmacies for the amphetamine class and for the class of other anorectic drugs for the 13-year period from 1964 through 1976. The major reduction in usage of the amphetamine class occurred between 1970 and 1973 after these drugs were placed in Schedule II of the CSA. The withdrawal of parenteral methamphetamine and combination amphetamine products from the market, the revision of the package inserts to indicate that these drugs are effective only as adjunctive therapy for a short-term period, and the requirements that prescriptions be in writing and be nonrefillable have all probably contributed to this decline. Since 1974, prescription sales of amphetimines have remained relatively constant, as have the production quotas approved by DEA. Quotas for the years 1974, 1975, 1976, and 1977 are 3,657.1, 3,291.3, 3,586, and 3,564 kg respectively.

The decline in amphetamine usage since 1970 has been offset to a significant degree by an increase in the use of other anorectic drugs for the treatment of obesity so that overall prescribing of drugs in this class is reduced only moderately since the late 1960's (Figure 5).

It is not possible to quantitate the decline in abuse of amphetamines that has occurred since the 1960's because the DAWN system, which is the only national system providing such data, was not established until 1972. (Data were not available until 1974 for making valid trends of drug abuse.) There is no reason to doubt, however, the generally held opinion of experts that the decline in prescribing amphetamines has been paralleled by a reasonably comparable decline in the amount of abuse. On the other hand, there is reason to believe from data collected by the DAWN system since 1974 that the rate of abuse of amphetamines is now reasonably stable, albeit at a rate lower than that which once prevailed in the United States.

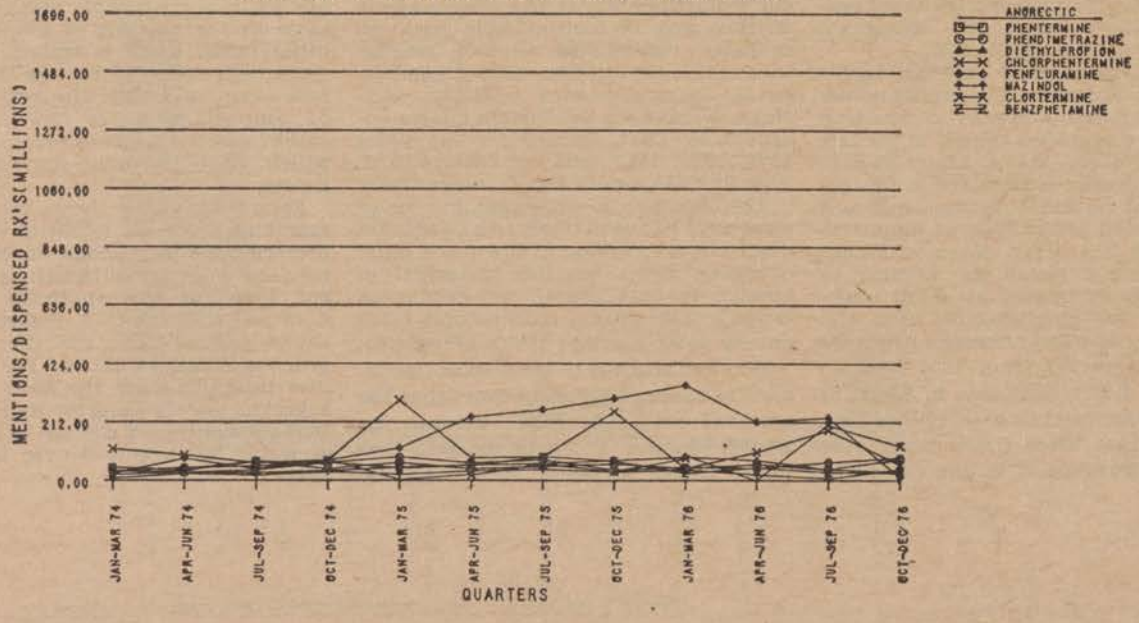
Figure 6A below shows total DAWN mentions from all facilities divided by prescriptions in millions for each quarter from January 1974 through December 1976 for the anorectic drugs in Schedule II of the CSA. Figure 6B below shows similar data for the anorectic drugs in Schedules III and IV. These figures basically show the data in Figure 3 broken out by quarter and illustrate that no significant change in this index of abuse has occurred over the past 3 years.

Figure 6A



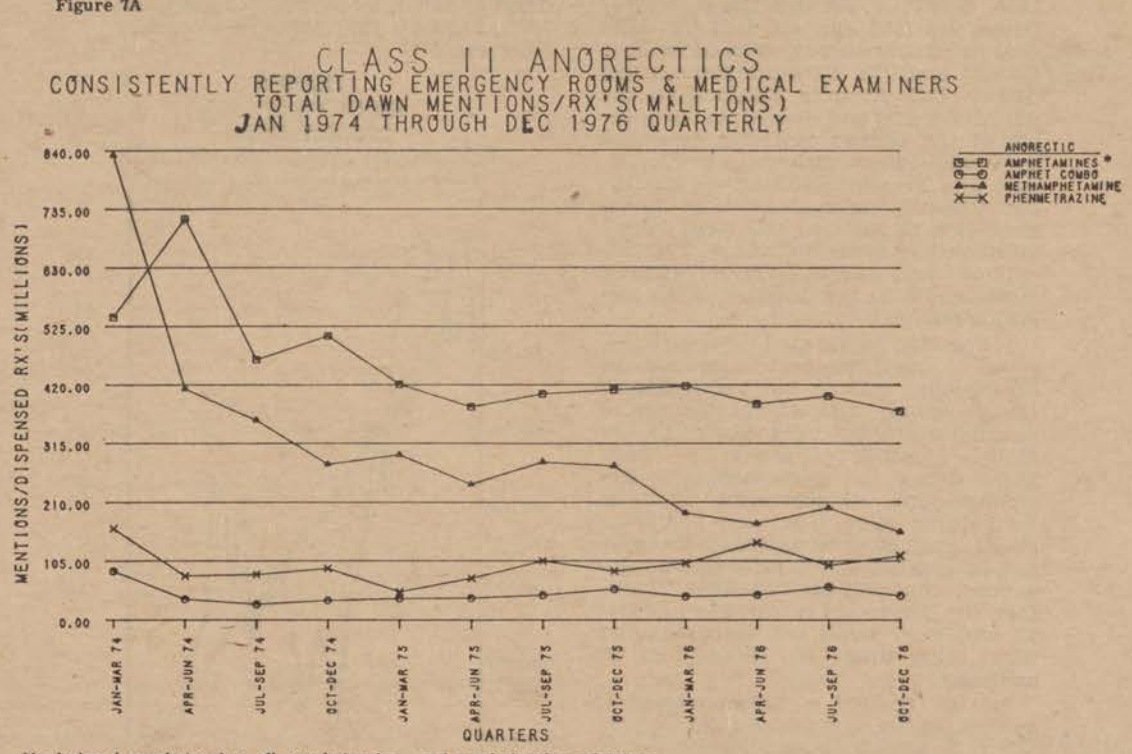
*Includes d-amphetamine, dl-amphetamine, and amphetamine mixtures

Figure 6B



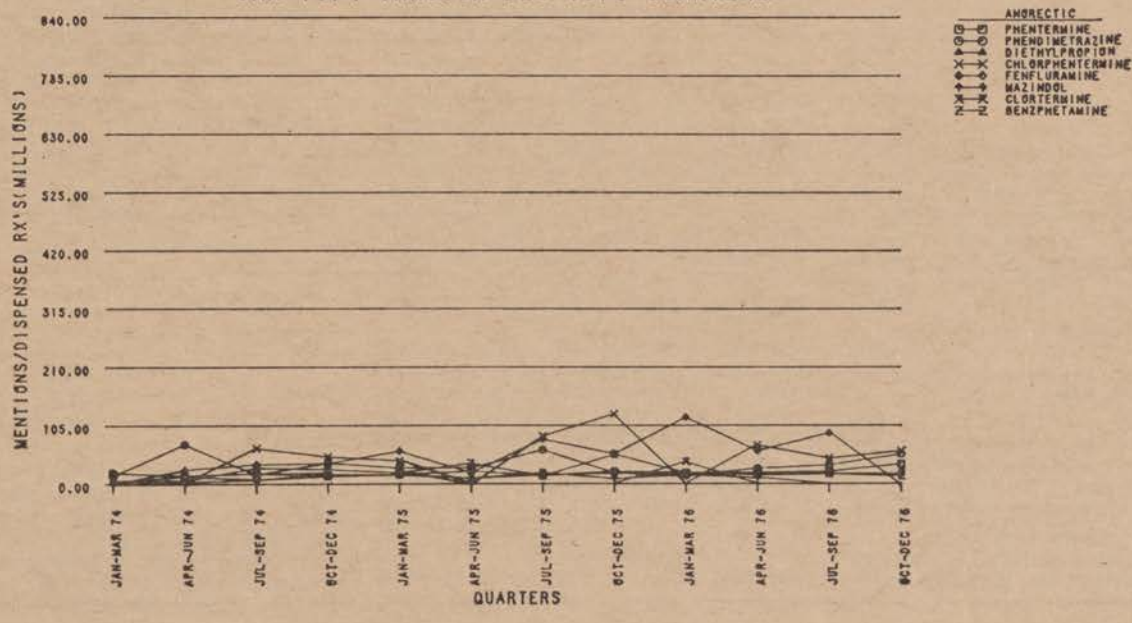
Figures 7A and 7B below are comparable to 6A and 6B, except in this instance the numerator of the ratios shown is consistently reported ER and ME mentions. Figures 7A and 7B thus show the data in Figure 4 broken out by quarter for the years 1974 through 1976, and again no significant time trend is evident.

Figure 7A



*includes d-amphetamine, dl-amphetamine, and amphetamine mixtures

Figure 7B



The conclusion that there has been no significant decline in the rate of abuse of amphetamines in the past 3 years is challenged by a report on prescription and drug abuse trends of the anorectic drugs developed by IMS America for the DEA (Ref. 5). Although the Bureau of Drugs and IMS America used the same data in making their analyses (data from DAWN and the National Prescription Audit), IMS America manipulated the data differently and thereby, in the opinion of the Bureau of Drugs, produced some misleading conclusions. In this report (Ref. 5), the conclusion was reached that there is a continuing rate of decline since 1974 in basically the same indices illustrated in Figures 6 and 7. The Bureau of Drugs considers this report to be erroneous in its conclusions for the following reasons:

1. The IMS report used different categories of anorectic drugs in its analysis. Specifically, "speed" (an unidentifiable jargon group) and phenmetrazine (a nonamphetamine) were added to the groups reflective of generic or trade name drugs, i.e., d-amphetamine, dl-amphetamine, amphetamine mixtures (containing more than one amphetamine), amphetamine combinations (containing another drug besides an amphetamine), and methamphetamine. Therefore, the IMS report cannot identify valid trends of abuse for amphetamines when other drugs are included in its analysis.

2. IMS applied a linear regression analysis to the time period from December 1973 through November 1976, thus providing the erroneous conclusion that amphetamine mentions are decreasing (Fig. 8 below). According to the analysis made in the Bureau of Drugs with information from DEA, there was a statistically decreasing trend from January 1974 through August 1974; however, no significant change is apparent after that time and the rate of DAWN mentions has remained relatively constant (Fig. 9 below). A possible explanation for the higher level of mentions in the first half of 1974 may be that amphetamines were being used secondarily with other drugs. If only those mentions are considered where amphetamines were the only drugs of abuse, there is no obvious trend from January 1974 through December 1976 (Fig. 9).

FIGURE 8
MENTIONS OF CSA II
DRUGS FROM ALL
CONSISTENTLY REPORTING FACILITIES

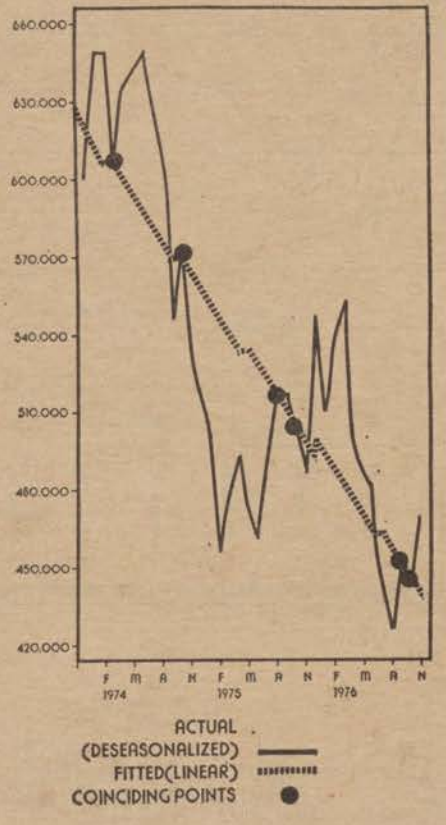
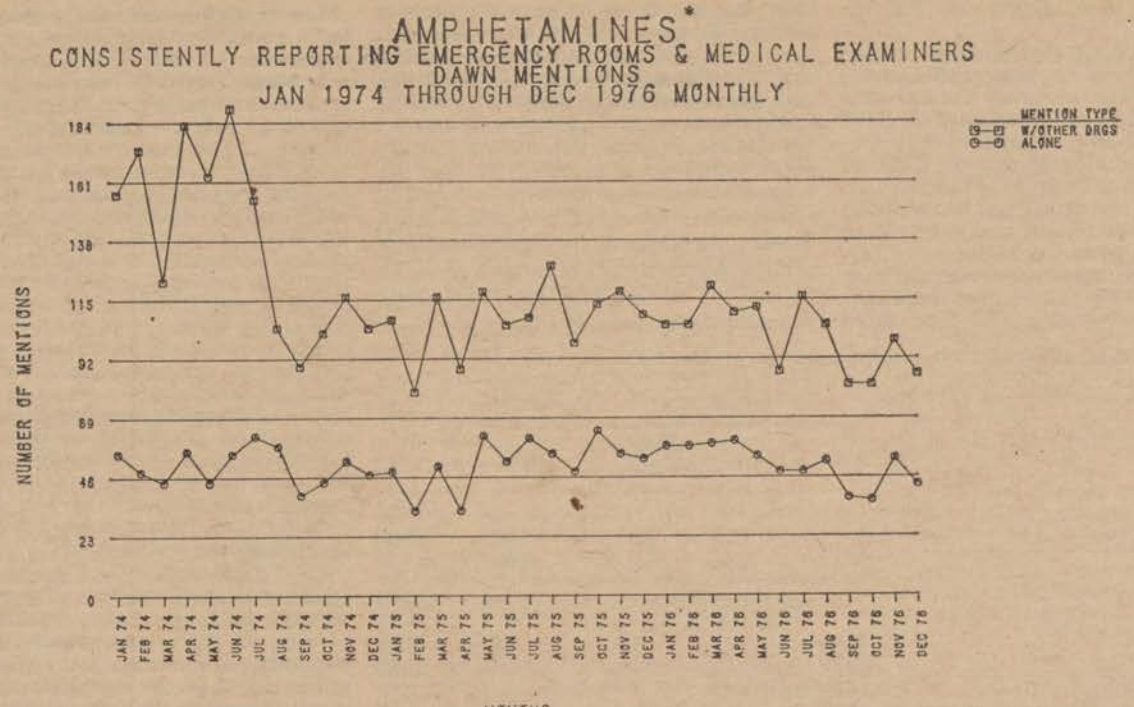


Figure 9



*Includes d-amphetamine, dl-amphetamine, amphetamine mixtures, amphetamine combinations and methamphetamine

The conclusion that no significant reduction in the rate of abuse of amphetamines has occurred since January 1974 is supported by data from the National Clearinghouse for Poison Control Centers (Ref. 6). The National Clearinghouse records the collective experience of the 580 poison control centers throughout the United States. A standard reporting form, FD–2294, is sent to all centers with the request that it be filled out whenever treatment or response is made to telephone inquiries about poisoning.

Table 3 below summarizes Schedule II amphetamines and Schedule III and IV anorectic reports for the period of 1972 through 1975. These data agree with the DAWN findings; Schedule II drug products containing amphetamines were reported more often each year as causing injury to individuals than the total of the anorectics in Schedules III or IV.

TABLE 3.—Poison control centers

Reports	Number of reports			
	1972	1973	1974	1975
Schedule II amphetamines and methamphetamines	471	422	375	405
Schedule III anorectics	71	79	94	93
Schedule IV anorectics	115	138	138	162

4. *A significant amount of the amphetamines used for abuse purposes comes from supplies that are legally manufactured, shipped, or prescribed.* Of the total number of amphetamine mentions that are reported by the emergency facilities in the DAWN system, approximately 25 percent identify the drug as having come from legal prescriptions, while the remaining 75 percent are attributed to drugs from other sources, e.g., "street buy," or stolen. Although amphetamines from other sources are not further broken down in the DAWN system as to whether they were legally or illegally manufactured, available information from DEA indicates that the amount of amphetamines diverted from legal sources constitutes a significant supply of these drugs for illicit use. According to the information from DEA, two major sources for the diversion of these drugs from legal sources are: (a) health professionals who engage in illegal or questionable practices with them, e.g., selling them without a prescription or prescribing them for nonmedical purposes, and (b) thefts from pharmacies, physicians, and suppliers.

Reports from Diversion Investigation Units (DIU) indicate that health professionals are involved in diverting a substantial amount of these legal drugs to illicit use (Ref. 7). Diversion Investigation Units are combined Federal-State task forces composed of State and local law enforcement personnel assisted by DEA and funded by the Law Enforcement Assistance Administration. These units identify and seek prosecution of practitioners and others involved in the illegal diversion and selling of legally manufactured drugs.

Of the DIU investigations reported from January 1975 to April 1977 that resulted in arrests, the following types of health professionals were involved in the illegal diversion of amphetamines:

Category	Arrests in which amphetamine was involved	Arrests in which methamphetamine was involved
Medical doctors and doctors of osteopathy	22	6
Registered pharmacists	3	
Dentists	1	
Persons not employed in a health profession	42	17

In addition, the "Amphetamine Diversion" report transmitted to FDA on December 20, 1976 (Ref. 7) reveals the following.

1. There are physicians (cited in the report) who have ordered more than 3 million dosage units of amphetamines per year for their medical practice. This is sufficient to provide 15,000 12-week courses of therapy for the treatment of obesity, and proper use of such an amount would require that physicians initiate between 50 and 60 new patients on amphetamine therapy every day of every week during the year.

2. Some physicians are prescribing amphetamines to their patients for periods of up to 2 years. No substantial evidence of effectiveness for obesity exists after 90 days and significant evidence of tolerance and/or psychological dependence after prolonged use does exist.

3. A substantial amount of the illegal diversion of amphetamines by physicians occurs through the operation of "fat clinics" (a jargon term denoting that

the entire clinical practice is devoted to the treatment of obesity). The clinics usually order the amphetamines directly from the manufacturer or distributor and dispense them directly to the patient.

Currently, DEA is gathering additional information from its field staff to estimate with greater accuracy the amounts of amphetamines it believes are diverted through these mechanisms.

The other major source of diverted amphetamines is theft. Five million dosage units of these drugs were stolen from pharmacies, physicians, and suppliers in 1976 (Table 4 below; data from Ref. 4). The single greatest category of theft of anorectics in 1976 was theft of amphetamines from pharmacies. In fact, those anorectic drugs in Schedule II of the CSA were stolen from pharmacies in greater amounths than the drugs in Schedules III and IV. A special case in 1976 was the theft of approximately 2 million dosage units of diethylpropion as a single theft of bulk powder from a truck, which accounts for the high figures attributed to this drug. For the amphetamines, about 10 percent of quantities stolen were at the manufacturer/distributor level, while 88 percent of the approximately 5 million dosage units stolen were taken at the retail level. These data indicate that amphetamines are the anorectic drugs most frequently desired by those who steal anorectic drugs to divert them to illicit use.

TABLE 4.—*Theft of anoretic drugs*—national totals for 1976*

	Facility type				Totals
	Pharmacy	Doctor	Manufacturer/distributor	Other	
Schedule II:					
Amphetamines	3,198,788	545,901	295,135	64,039	4,073,863
Methamphetamine	729,531	0	235,538	559	965,628
Phenmetrazine	711,666	14,700	38,028	3,296	767,690
Total					5,807,181
Schedule III:					
Benzphetamine	22,810	0	43,300	4,100	70,210
Phendimetrazine	81,860	185,669	355,606	102,600	725,135
Mazindol	9,209	36	4,632	1,088	14,965
Chlorphentermine	4,704	0	4,700	570	9,974
Clortermine	1,487	0	100	235	1,822
Total					822,106
Schedule IV:					
Diethylpropion	42,083	14,828	2,674,031	433	2,731,375
Phentermine	97,572	12,322	205,796	7,196	322,886
Fenfluramine	4,277	720	2,400	676	8,073
Total					3,884,440
Grand total					10,513,727

* Numbers represent dosage units. Data from Ref. 4.

The available data from the DAWN systems indicate that approximately 25 percent of the amphetamines leading to DAWN mentions are from legal prescriptions, and the theft and DIU reports suggest that an additional increment of unknown magnitude can reasonably be attributed to diversion from the medical care system.

Additionally, DEA has provided data to FDA on anorectic drugs submitted to their laboratories for analysis between January 1974 and December 1976 (Ref. 8). Of the samples of 52 million tablets and capsules of anorectics submitted for analysis, only 2 percent (representing approximately 1 million dosage units) were produced by legitimate domestic manufacturers, while 90 percent (representing approximately 47 million dosage units) were identified as clandestinely manufactured. Because most drug samples sent to DEA laboratories are from investigations conducted to expose and prosecute clandestine manufacturing and illicit importation, the large percentage of illegitimate drugs from these laboratories is to be expected. These data, therefore, cannot reasonably be interpreted as suggesting that legally manufactured amphetamines do not contribute significantly to the abuse problem associated with these drugs.

5. *There is no new evidence to challenge the previous FDA conclusion that amphetamines do not have any advantage over the nonamphetamine anorectic drugs as an adjunct in the treatment of obesity.* The anorectic review initiated by FDA in 1972 resulted in the conclusion that there are no significant differences among the anorectic drugs in their effectiveness in enhancing weight loss over the short-term as adjunctive treatments to diet in the management of obesity. Since that time no evidence has been presented to the agency to indicate that this conclusion was in error. Specifically, no adequate and well-controlled trials are known to the Bureau of Drugs which demonstrate that amphetamines carry any relative advantage over other anorectic drugs in the management of obesity.

RECENT EVENTS IN REGARD TO AMPHETAMINES

Testimony was given before the Subcommittee on Monopoly of the Select Committee on Small Business of the United States Senate, at hearings held November 9, 10, 11, 18, and 19, 1976, regarding the safety and effectiveness of antiobesity drugs (Refs. 9 through 18). Experts brought before the subcommittee offered the following information and opinions:

Lester Grinspoon, M.D., Director of Information and Evaluation at the Massachusetts Mental Health Center, Boston, Mass., stated in response to a question as to whether or not some action should be taken concerning the amphetamines, "The near epidemic extent of amphetamine abuse which exists in this country today is at least in part a result of the medical community's basic unwillingness to recognize that fulfillment of its first responsibility is not always identical with the most immediate alleviation of pain and suffering." Dr. Grinspoon stated that in his opinion there seem to be few conditions that justify the prescribing of amphetamines. The exceptions are a very select group of patients suffering from certain varieties of narcolepsy and a number of truly hyperkinetic children. Dr. Grinspoon indicated that, in these cases, amphetamines should be prescribed only after a careful weighing of their potential dangers against their possible value.

Dr. Thaddeus E. Prout, Associate Professor of Medicine at Johns Hopkins University, Baltimore, Md., testified concerning the use of amphetamines for the treatment of obesity: "It has been demonstrated that the amphetamines and related compounds have such trivial effectiveness in the treatment of obesity that we should look again at questions of whether or not obesity should continue as an indication for their use. Obesity is the major medical excuse for the manufacture of amphetamines. It now seems reasonable to state that the risk of overproduction of the drugs and their excessive abuse far exceeds the benefits that might be cited in the treatment of obesity. Only a few patients believe that the so-called anorectic drugs in association with rigid dieting were the causative agent in their weight reduction. Most patients get no benefit from their use and risk the development of addiction. I would therefore recommend that obesity be withdrawn as an indication for the therapeutic use of these drugs."

Dr. Everett Ellingwood, Professor of Psychiatry at Duke University, stated at the hearing that the more potent stimulants, such as dextroamphetamine, methamphetamine and phenmetrazine currently under Schedule II should be considered for possible discontinuance as anorectics. Dr. Ellingwood also said that the chronic high-dose use of amphetamines, which leads to behavioral aberrations including psychosis, is considered by clinical observers to be a volatile state that is not infrequently implicated in violent or assaultive behavior.

Dr. John Henderson of Ottawa, Canada, representing the Canadian Medical Association, testified that on January 1, 1973, Canadian law designated five conditions as the only medical diagnoses for which the amphetamines could be prescribed. These five conditions were: narcolepsy, hyperkinetic disorders in children, minimal brain dysfunction, epi-

lepsy and Parkinsonism. The amphetamines were not indicated for weight reduction in Canada. Dr. Henderson stated that the Canadians did not feel that amphetamines should be used for the treatment of obesity, especially as other drugs were available for this purpose.

Dr. Thomas Gellert of Huntington, New York, testified that after Huntington physicians had evaluated scientific data concerning the use of amphetamines in the treatment of obesity, the physicians decided that amphetamines have no use in the practice of medicine except in the treatment of rare problems such as narcolepsy and in certain types of hyperactive children. Although the majority of the Huntington physicians cooperated in the implementation of a voluntary ban on the use of amphetamines in the treatment of obesity, Dr. Gellert stated that some physicians are still confining their practices to the treatment of obesity and dispensing an unusually excessive amount of legal amphetamines. According to his calculations, some of the doctors are prescribing more than a million dosage units of amphatamines a year. He felt that additional controls are needed for amphetamines to prevent injudicious distribution of legal amphetamines by a small number of physicians.

Dr. Barrett Scoville, former Director of the Division of Neuropharmacological Drug Products of FDA, discussed the review of anorectic drugs and stated that in his opinion the efficacy decision was proper, but that the decision regarding safety appeared to need revision. Dr. Scoville stated that if the amphetamines continue to be abused, it would seem reasonable to withdraw approval of them for the obesity indication, for which safer drugs are available. Dr. Scoville believes the amphetamines to be the most dangerous class of anorectic drugs, but does not believe that obese patients should be deprived of all drugs for that indication.

Mr. Frederick Rody, Jr., Acting Deputy Administrator of the Drug Enforcement Administration, testified on the history of the control of anorectics under the CSA. Based on data available to DEA, Mr. Rody concluded that increasing amounts of abused amphetamines come from home supplies and these supplies are created largely through prescriptions and direct dispensing by physicians. He suggested that significant numbers of physicians are prescribing and dispensing in excess of the amount of the drug necessary to meet the patient's actual medical needs. Mr. Rody also discussed the problems of drugs that are manufactured within the United States, exported to another country, and then smuggled back into the United States for illicit sale.

Dr. J. Richard Crout, Director of the Bureau of Drugs, testified concerning the activities of FDA with respect to anorectic drugs. Dr. Crout stated that from 1971 through 1973 there was a dramatic decrease in the amount of amphetamines prescribed. However, since 1973 the use of amphetamines has remained fairly constant and at a rate about one-fifth the use seen during the peak year of 1965. With regard to non-amphetamine anorectics, these drugs have increased in popularity since 1971 and are prescribed approximately twice as often as the amphetamines. Dr. Crout stated that, based on the DAWN data, the amphetamines and to a lesser extent phenmetrazine are associated with more DAWN contacts per number of sales than the other anorectics. Available information indicates that the Schedule II drugs are a greater problem than the other anorectics in Schedules III and IV of the CSA. Dr. Crout stated that FDA would further evaluate in more detail and decide whether definitive action should be taken regarding amphetamine drugs.

On February 3, 1977, the evidence relating to the use of dl-amphetamine, dextroamphetamine, and methamphetamine in the treatment of narcolepsy and of children with hyperkinesis and minimal brain dysfunction was reviewed by the Neurologic Drugs Advisory Committee of FDA (Ref. 19). Representatives of various parties, including the American Medical Association and several drug manufacturers, presented testimony at the meeting. The committee advised FDA that removal of the indication of narcolepsy from dl-amphetamine and dextroamphetamine would have a deleterious effect on patients with this condition. It was also the opinion of the committee that dl-amphetamine, dextroamphetamine, and methamphetamine were needed for the treatment of minimal brain dysfunction, in spite of the availability of methylphenidate and pemoline as alternatives, because not all children respond well enough to these drugs that the amphetamines can be replaced. The Bureau of Drugs has accepted these recommendations and will incorporate them into any plan for regulatory action in regard to this class of drugs.

References

1. Director, National Institute on Drug Abuse, memorandum to Director, Bureau of Drugs, Food and Drug Administration, March 24, 1977, and attached reports: "Anorectics," 15 pp., "Anorectics II," 18 pp., "Anorectics III," 19 pp., tabulation "Drug Use Among High School Seniors in 1975 and 1976," 2 pp.

2. National Institute on Drug Abuse, "An Investigation of Selected Rural Drug Abuse Programs," DHEW Publication No. (ADM) 77-451, U.S. Government Printing Office, Washington, 1977, 20 pp.

3. Robins, L., "The Relationship of Amphetamine Use to Current Adjustment," unpublished paper, 1977, 13 pp.

4. "National Prescription Audit, Therapeutic Category Report," IMS America, Ambler, PA.

5. Drug Enforcement Administration, U.S. Department of Justice, "Study of Prescription and Drug Abuse Trends of CSA II, III, and IV Amphetamine and Other Anorectic Drugs, January 1, 1974–December 30, 1976," IMS America, Ambler, PA, 1977, 83 pp.

6. Food and Drug Administration data from Poison Control Center reports on anorectics for the years 1972, 1973, 1974, 1975, 4 pp.

7. Administrator, Drug Enforcement Administration, letter to Commissioner of Food and Drugs, December 20, 1976, and attached DEA report, "Amphetamine Diversion," 96 pp.

8. Drug Enforcement Administration, U.S. Department of Justice, "DEA Laboratory Analyses: Schedule II, III, & IV Anorectics," March 16, 1976, 36 pp.

9. Hearings before the Subcommittee on Monopoly of the Select Committee on Small Business, United States Senate, 94th Cong., 2d Sess., on Present Status of Competition in the Pharmaceutical Industry, U.S. Government Printing Office, 1977. Statement of J. R. Crout, Nov. 19, 1976, pp. 14,640–14,665.

10. Ibid. Statement of L. Grinspoon, M.D., November 10, 1976, p. 14,449.

11. Ibid. Statement of T. E. Prout, M.D., Nov. 10, 1976, p. 14,456.

12. Ibid. Statement of E. R. Jolly, M.D., Nov. 10, 1976, p. 14,495.

13. Ibid. Statement of E. H. Ellingwood, M.D., Nov. 10, 1976, p. 14,504.

14. Ibid. Statement of Edward King, Nov. 10, 1976, p. 14,524.

15. Ibid. Statement of John W. D. Henderson, M.D. Nov. 10, 1976, p. 14,531.

16. Ibid. Statement of T. M. Gellert, M.D., Nov. 10, 1976, pp. 14,551 and 14,556.

17. Ibid. Statement of B. Scoville, M.D., Nov. 10, 1976, pp. 14,961–14,966.

18. Ibid. Statement of F. A. Rody, Jr., Nov. 19, 1976, pp. 14,942–14,960.

19. Minutes of the Sixth Meeting, Neurologic Drugs Advisory Committee, Food and Drug Administration, Bureau of Drugs, Feb. 3-4, 1977, 24 pp.

20. "National Disease and Therapeutic Index—Drug File," IMS America, Ambler, PA.

21. Drug Enforcement Administration data on NPA drug list and Project DAWN code numbers, 9 pp.

22. Person, P. H., Jr., "The Drug Abuse Warning Network: A Statistical Perspective," Public Health Reports, 91(5):395–402, 1976.

Consideration of Additional Regulatory Actions Relating to the Amphetamines

In view of the evidence in the previous section, the Commissioner is considering initiating new administrative proceedings in regard to these drugs. The intent of such actions would be to limit the approved indications of amphetamines to those in which the drug serves an essential medical purpose and to inform patients taking these drugs of these indications. As a consequence of such actions, the production quotas for these drugs could be reduced to a fraction of their current level, thereby reducing the legal domestic supply available for diversion.

Specifically, the Commissioner is considering the initiation of proceedings intended to accomplish the following:

1. Remove the anorectic indication from the labeling of amphetamine products. Information on legitimate medical usage of Schedule II drugs is provided to DEA for use in setting production quotas. Because at least 88 percent of the legal medical usage of these drugs has been for weight reduction (Ref. 20), the recommended production quotas for amphetamines could be sharply reduced following such action.

2. Retain the indication of narcolepsy for dl-amphetamine and dextroamphetamine, and retain the indication of minimal brain dysfunction for dl-amphetamine, dextroamphetamine, and methamphetamine. These are the indications, other than obesity, for which these drugs are currently labeled.

3. Require patient labeling for amphetamine products. A short insert stating the warnings in layman's terms about using these drugs in weight reduction (and in the treatment of narcolepsy for methamphetamines) would be given to the patient when the drug is dispensed.

Other anorectic drug products, other than amphetamines, will remain on the market labeled for their anorectic indication. At the present time, available evidence from DEA and NIDA does not indicate an unacceptable level of abuse for any of these remaining anorectic drug products; however, these drugs will be reviewed periodically by the Controlled Substances Advisory Committee of FDA to determine whether additional controls are necessary.

If the steps outlined are ultimately taken and are successful in reducing the abuse level of amphetamines, it is possible that the abuse of one or more of these other anorectic drugs will increase. If any one drug in the class could then be shown to have a degree of abuse significantly higher than other drugs in the class (a situation similar to that which exists today with amphetamines), it is anticipated that action would be taken to remove that drug from the market. The regulatory action under consideration should therefore be seen not as an isolated proceeding against amphetamines but rather as the next step in a long-existing policy to take action, on relative safety grounds, against any anorectic drug that becomes abused at a rate substantially higher than other drugs in the class. Implementation of such a policy through the years should result in the long-term marketing of only those anorectic drugs which have the lowest potential for abuse.

Public Hearing

The Commissioner announces that a public hearing will be held to provide an open forum for comment and discussion on the information in this notice regarding the abuse of legally manufactured amphetamines. The hearing is open to all interested persons. Participants are invited to comment on the evidence presented in this notice, including the data relating to the abuse of amphetamines, any aspect of the regulatory plan proposed, and on the policies underlying this plan. He specifically seeks well-documented comment on the merits of the following possible course of action:

1. Removal of the anorectic indication from the labeling of amphetamine drug products.

2. Retention of the indication of narcolepsy for dextroamphetamine and dl-amphetamine products, and retention of the indication of minimal brain dysfunction for dextroamphetamine, dl-amphetamine and methamphetamine products.

3. Requiring patient labeling which would provide certain information on use and warnings concerning the potential for abuse of these drugs.

After the completion of the hearing, the Commissioner will consider the administrative record of the hearing to determine whether the abuse of legally manufactured and marketed amphetamines requires additional regulatory action. If a decision is made that additional action is required for these drugs, he will initiate proceedings on the basis of the administrative record of the hearing which includes the information cited in this notice.

The Commissioner advises that the evidence presented in this notice may be taken into account in recommending to DEA changes in the schedules of certain anorectic drugs under the CSA. Separate forums are available for these matters, however, and it is requested that participants not use this particular hearing for discussion of these issues.

The hearing will begin at 9 a.m. on December 2, 1977, in Conference Room E, third floor, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857. The presiding officer will be J. Richard Crout, M.D., Director of the Bureau of Drugs.

Persons wishing to comment or present views at this hearing must file by November 14, 1977, a written notice of appearance under 21 CFR 15.21 with the Hearing Clerk (HFC–20), Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Md. 20857. The envelope containing the notice should be prominently marked "Amphetamine Hearing." The notice of appearance shall contain the Hearing Clerk Docket No. [77N–0273]; the name, address and telephone number of the person desiring to make a statement; business affiliation, if any; a summary of the presentation; and the approximate amount of time being requested for the presentation. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations. The Commissioner may require joint presentations by persons with common interests. He will allocate the time available for the hearing among the persons who properly file a notice of appearance and will make a schedule of the hearing available to such persons. Persons may use their allotted time on any aspect of the proposed action, consistent with the conduct of a reasonable and orderly hearing. Formal written statements on the issues may be presented to the presiding officer on the day of the hearing for inclusion in the record.

The hearing will be open to the public. At the discretion of the presiding officer, and as time permits, any interested person in attendance may be heard with respect to matters relevant to the issue under consideration.

Dated: October 6, 1977.

Sherwin Gardner,
Acting Commissioner of Food and Drugs.

[FR Doc.77-29827 Filed 10-13-77;8:45 am]

federal register

FRIDAY, OCTOBER 14, 1977

PART IV

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

■

PROCEDURAL REGULATIONS

Authority Delegations and Miscellaneous Amendments

[6570–06]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Delegations of Authority and Other Amendments

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission published its procedural regulations on September 22, 1977 (42 FR 47828). Subsequent to the publication of the procedural regulations, the Commission adopted a plan for the reorganization of its headquarters offices. The regulations are herein amended to reflect appropriated delegations of authority stemming from the reorganization, and other, minor changes, as explained below.

EFFECTIVE DATE: October 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Constance L. Dupre, Associate General Counsel, Legal Counsel Division, Office of the General Counsel, Room 2224, EEOC, 2401 E Street NW., Washington, D.C. 2506, a/c (202) 634–6460.

SUPPLEMENTARY INFORMATION: On August 19, 1977, the Equal Employment Opportunity Commission published a proposed revision of its procedural regulations (42 FR 42022) which appear at 29 CFR Part 1601. Those regulations were printed in final form on September 22, 1977 (42 FR 47828), effective September 23, 1977.

Subsequent to the publication of the procedural regulations, the Commission adopted a comprehensive plan for the reorganization of its headquarters offices in order to insure effective implementation of the new procedures. Consequently, certain delegations of authority have been changed. All references to the Director of the Office of Compliance Programs have been deleted and, with four exceptions, the Director of the Office of Field Services and the Director of the Office of Systemic Programs have been inserted. In §§ 1601.16(b) and 1601.56(b) the General Counsel has been inserted and in §§ 1601.70(a) and 1601.73 the Director of the Office of Field Services has been inserted.

Section 1601.5 has been changed to clarify the supervisory authority of the Director of the Office of Field Services over regional directors and directors of model offices.

Section 1601.13(d)(i)(ii) has been changed to delete the first sentence and modify the second sentence of the subsection. In order to expedite the processing of charges deferred to 706 Agencies, the Commission will not endeavor before deferral to obtain a charge meeting the requirements of § 1601.12(a). The 706 Agency will perform this function.

Section 1601.50, and the title to Subpart G, have been modified to indicate expressly that Subpart G only applies to the processing of 707 charges by the General Counsel.

Minor errors in § 1601.13(c)(2) and (d)(2) have been corrected as well as changes to correct the designations of 706 Agencies in § 1601.74.

NOTE.—It is hereby certified that the revised regulation has been assessed for the need of an Inflationary Impact Statement. Because of the nature of the changes this revision does not require an Inflationary Impact Statement.

Dated: October 11, 1977.

ELEANOR HOLMES NORTON,
Chairman, Equal Employment Opportunity Commission.

Accordingly, the procedural regulations of the Equal Employment Opportunity Commission, 29 CFR Part 1601, are amended to read as follows:

Sec.

1601.1 Purpose.

Subpart A—Definitions

1601.2 Terms defined in Title VII of the Civil Rights Act of 1964, as amended.
1601.3 Other definitions.
1601.4 Vice Chairman's functions.
1601.5 Region; district; supervisory authority.

Subpart B—Procedure for the Prevention of Unlawful Employment Practices

1601.6 Submission of information.
1601.7 Charges by or on behalf of persons claiming to be aggrieved.
1601.8 Where to make a charge.
1601.9 Form of charge.
1601.10 Withdrawal of a charge by a person claiming to be aggrieved.
1601.11 Charges by members of the Commission.
1601.12 Contents of charge; amendment of charge.
1601.13 Filing; deferrals to State and local agencies.
1601.14 Service of charge or notice of charge.

INVESTIGATION OF A CHARGE

1601.15 Investigative authority.
1601.16 Access to and production of evidence; testimony of witnesses: procedure and authority.
1601.17 Witnesses for public hearings.
1601.18 Right to inspect or copy data.

PROCEDURE FOLLOWING FILING OF A CHARGE

1601.19 Dismissal: Procedure and authority.
1601.20 Negotiated settlement.
1601.21 Reasonable cause determination: Procedure and authority.
1601.22 Confidentiality.

PROCEDURE TO RECTIFY UNLAWFUL EMPLOYMENT PRACTICES

1601.23 Preliminary or temporary relief.
1601.24 Conciliation: Procedure and authority.
1601.25 Failure of conciliation; notice.
1601.26 Confidentiality of endeavors.

PROCEDURE CONCERNING THE INSTITUTION OF CIVIL ACTIONS

1601.27 Civil Actions by the Commission.
1601.28 Notice of right to sue: Procedure and authority.
1601.29 Referral to the Attorney General.

Subpart C—Notices to Employees, Applicants for Employment and Union Members

Sec.
1601.30 Notices to be posted.

Subpart D—Interpretations and Opinions by the Commission

1601.31 Request for interpretation or opinion.
1601.32 Contents of request; where to file.
1601.33 Issuance of interpretation or opinion.

Subpart E—Construction of Rules

1601.34 Rules to be liberally construed.

Subpart F—Issuance, Amendment or Repeal of Rules

1601.35 Petitions.
1601.36 Action on petition.

Subpart G—Case Processing by the General Counsel Under Section 707 of Title VII

1601.50 Scope.
1601.51 Delegation of authority.
1601.52 Initiation of section 707 charge.
1601.53 Service of notice of charge.
1601.54 Deferral.
1601.55 Investigation.
1601.56 Issuance of subpoenas; petitions to revoke subpoenas; enforcement of subpoenas.
1601.57 Commission reasonable cause finding.
1601.58 Voluntary compliance; settlements; Commission authority to file suit.
1601.59 Notice to persons claiming to be aggrieved.

Subpart H—706 Agency Designation Procedures

1601.70 706 Agency designation.
1601.71 Commission determinations on 706 Agency applications.
1601.72 706 Agency performance standards.
1601.73 706 Agency conference.
1601.74 Designated 706 and Notice Agencies.

AUTHORITY: Sec. 713(a), Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e–12(a).

§ 1601.1 Purpose.

The regulations set forth in this part 1601 contain the procedures established by the Equal Employment Opportunity Commission for carrying out its responsibilities in the administration and enforcement of Title VII of the Civil Rights Act of 1964, as amended. Based upon its experience in the administration of the Act and upon its evaluation of suggestions and petitions for amendments submitted by interested persons in accordance with § 1601.35, the Commission may from time to time amend and revise these procedures.

Subpart A—Definitions

§ 1601.2 Terms defined in Title VII of the Civil Rights Act of 1964, as amended.

The terms "person," "employer," "employment agency," "labor organization," "employee," "commerce," "industry affecting commerce," "State" and "region" as used herein shall have the meanings set forth in section 701 of Title VII of the Civil Rights Act of 1964, as amended.

§ 1601.3 Other definitions.

For the purposes of this Part, the term "Title VII" or "the Act" shall mean Title VII of the Civil Rights Act of 1964 as

amended by the Equal Employment Opportunity Act of 1972; the term "Commission" shall mean the Equal Employment Opportunity Commission or any of its designated representatives; the term "706 Agency" shall mean a state or local agency which the Commission has determined satisfies the criteria stated in section 706(c) of Title VII; and the term "verified" shall mean sworn to or affirmed before a notary public, designated representative of the Commission, or other person duly authorized by law to administer oaths and take acknowledgements, or supported by an unsworn declaration in writing under penalty of perjury.

(b) The delegations of authority in subpart B of this part are applicable to charges filed pursuant to either section 706 or section 707 of Title VII.

§ 1601.4 Vice Chairman's functions.

The member of the Commission designated by the President to serve as Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

§ 1601.5 Region; district; supervisory authority.

The term "region" as used herein shall mean that part of the United States or any territory thereof fixed by the Commission as a particular region. The term "regional director" shall refer to that person designated as the Commission's chief officer in each region. The term "district" shall mean that area within a region fixed by the Commission as a particular sub-unit of a region. The term "district director" shall refer to that person designated as the Commission's chief officer in each district. The term "model office" shall refer to a district office which, although located within a region, has been designated by the Commission to operate under the supervision of the Executive Director, through the Director of the Office of Field Services, and the General Counsel; a model office does not operate under the supervision of a regional director. The regional director is hereby delegated all of the authority granted in this part to district directors to be exercised within the scope of his or her supervisory authority over each district director in his or her region, except with regard to model offices. The Director of the Office of Field Services is hereby delegated all of the authority granted in this part to regional directors and to directors of model offices to be exercised within the scope of his or her supervisory authority over such directors. The regional offices of the General Counsel are under direct control of the Commission's General Counsel.

Subpart B—Procedure for the Prevention of Unlawful Employment Practices

§ 1601.6 Submission of information.

The Commission shall receive information concerning alleged violations of Title VII from any person. Where the information discloses that a person is entitled to file a charge with the Commission, the appropriate office shall render assistance in the filing of a charge. Any person or organization may request the issuance of a Commissioner charge for an inquiry into individual or systematic discrimination. Such request, with any pertinent information, should be submitted to the nearest District Office.

§ 1601.7 Charges by or on behalf of persons claiming to be aggrieved.

(a) A charge that any person has engaged in or is engaging in an unlawful employment practice within the meaning of Title VII may be made by or on behalf of any person claiming to be aggrieved. A charge on behalf of a person claiming to be aggrieved may be made by any person, agency, or organization. The written charge need not identify by name the person on whose behalf it is made. The person making the charge, however, must provide the Commission with the name, address and telephone number of the person on whose behalf the charge is made. During the Commission investigation, Commission personnel shall verify the authorization of such charge by the person on whose behalf the charge is made. Any such person may request that the Commission shall keep his or her identity confidential. However, such request for confidentiality shall not prevent the Commission from disclosing the identity to federal, state or local agencies that have agreed to keep such information confidential. If this condition is violated by a recipient agency, the Commission may decline to honor subsequent requests for such information.

(b) The person claiming to be aggrieved has the responsibility to provide the Commission with notice of any change in address and with notice of any prolonged absence from that current address so that he or she can be located when necessary during the Commission's consideration of the charge.

§ 1601.8 Where to make a charge.

A charge may be made in person or by mail at the offices of the Commission in Washington, D.C., or any of its district or regional offices or with any designated representative of the Commission. The addresses of the Commission's district offices appear in § 1610.4.

§ 1601.9 Form of charge.

A charge shall be in writing and signed and shall be verified.

§ 1601.10 Withdrawal of a charge by a person claiming to be aggrieved.

A charge filed by or on behalf of a person claiming to be aggrieved may be withdrawn only by the person claiming to be aggrieved and only with the consent of the Commission. The Commission hereby delegates authority to District Directors, the Director of the Office of Field Services and the Director of the Office of Systemic Programs, or their designees, to grant consent to a request to withdraw a charge, other than a Commissioner charge, where the withdrawal of the charge will not defeat the purposes of Title VII.

§ 1601.11 Charges by members of the Commission.

Any member of the Commission may file a charge with the Commission. Such charge shall be in writing and signed and shall be verified.

§ 1601.12 Contents of charge; amendment of charge.

(a) Each charge should contain the following: (1) The full name, address and telephone number of the person making the charge except as provided in § 1601.7;

(2) The full name and address of the person against whom the charge is made, if known (hereinafter referred to as the respondent);

(3) A clear and concise statement of the facts, including pertinent dates, constituting the alleged unlawful employment practices: See § 1601.15(b);

(4) If known, the approximate number of employees of the respondent employer or the approximate number of members of the respondent labor organization, as the case may be; and

(5) A statement disclosing whether proceedings involving the alleged unlawful employment practice have been commenced before a State or local agency charged with the enforcement of fair employment practice laws and, if so, the date of such commencement and the name of the agency.

(b) Notwithstanding the provisions of paragraph (a) of this section, a charge is sufficient when the Commission receives from the person making the charge a written statement sufficiently precise to identify the parties, and to describe generally the action or practices complained of. A charge may be amended to cure technical defects or omissions, including failure to verify the charge, or to clarify and amplify allegations made therein. Such amendments and amendments alleging additional acts which constitute unlawful employment practices related to or growing out of the subject matter of the original charge will relate back to the date the charge was first received. A charge that has been so amended shall not be required to be redeferred.

§ 1601.13 Filing; deferrals to State and local agencies.

(a) The timeliness of a charge shall be measured for purposes of satisfying the filing requirements of section 706(e) of Title VII by the date on which the charge is received by the Commission.

(b) The Commission shall assume jurisdiction over charges not subject to the jurisdiction of a 706 agency upon receipt.

(c) Deferral policy. (1) In order to give full weight to the policy of section 706(c) of the Act, which affords State and local fair employment practice agencies that come within the provisions of that section an opportunity to remedy alleged discrimination concurrently regulated by Title VII and State or local law, the Commission adopts the following procedures with respect to allegations of discrimination filed with the Commission where there is no evidence

that such allegations were earlier presented to an appropriate 706 Agency. It is the intent of the Commission to thereby encourage the maximum degree of effectiveness in the State and local agencies. The Commission shall endeavor to maintain close communication with the State and local agencies with respect to all matters forwarded to such agencies and shall provide such assistance to State and local agencies as is permitted by law and as is practicable.

(2) Section 706(c) of Title VII grants States and their political subdivisions the exclusive right to process allegations of discrimination filed by a person other than a Commissioner for a period of sixty days or 120 days during the first year after the effective date of the qualifying State or local law. This right exists where pursuant to Subpart H of this part it has been demonstrated to the Commission that a State or local law prohibits the employment practice alleged to be unlawful and a State or local agency has been authorized to enforce and does enforce that law through civil or criminal proceedings. After the expiration of the exclusive processing period, the Commission may commence processing the allegation of discrimination.

(3) A 706 Agency may waive its right to the period of exclusive processing of charges provided under section 706(c) of Title VII with respect to any charge or category of charges. Where a 706 Agency has waived its right to the exclusive processing period with respect to any category of charges, the Commission will assume jurisdiction over charges within that category upon receipt. Copies of such charges shall be forwarded to the appropriate 706 Agency.

(d) The following procedures shall be followed with respect to cases arising in the jurisdiction of "706 Agencies."

(1) Where any document, whether or not verified, is received by the Commission as provided in § 1601.8 which may constitute a charge cognizable under Title VII, and where the 706 Agency has not waived its right to the period of exclusive processing with respect to that document, that document shall be deferred to the appropriate 706 Agency as provided in the procedures set forth below:

(i) All such documents shall be dated and time stamped upon receipt.

(ii) A copy of the original document shall be transmitted by registered mail, return receipt requested, to the appropriate State or local agency, or, where the State or local agency has consented thereto, by certified mail, by regular mail or by hand delivery. State or local proceedings are deemed to have commenced on the date such document is mailed or hand delivered.

(iii) The person claiming to be aggrieved and any person filing a charge on behalf of such person shall be notified, in writing, that the document which he or she sent to the Commission has been forwarded to the State or local agency pursuant to the provisions of section 706(c).

(2) For purposes of satisfying the filing requirement of section 706(c) of Title VII, the Commission shall assume jurisdiction over a document described in paragraph (d)(1) of this section as follows:

(i) Where the document on its face constitutes a charge within a category of charges over which the 706 Agency has waived its right to the period of exclusive processing referred to in paragraph (b)(3) of this section, the Commission will assume jurisdiction over the charge upon receipt of the document;

(ii) Where the document is submitted to the Commission within 180 days from the date of the alleged violation but beyond the period of limitation of the appropriate 706 Agency, the Commission shall assume jurisdiction on receipt of the document;

(iii) Where the proceedings of a 706 Agency have been commenced pursuant to paragraph (d)(1) of this section, the Commission shall assume jurisdiction sixty (or where appropriate 120) days after the 706 Agency proceedings have been commenced, except where the Commission is earlier notified of the termination of State proceedings, it shall immediately assume jurisdiction upon receipt of such notice.

(iv) Where the proceedings of a 706 Agency have been commenced less than sixty (or, where appropriate, 120) days prior to the time the Commission receives the document and those proceedings have not previously been terminated, the Commission shall assume jurisdiction 60 (or, where appropriate, 120) days after the 706 Agency proceedings have been commenced, except where the Commission is earlier notified of the termination of state proceedings, it shall immediately assume jurisdiction upon receipt of such notice.

(e) In addition to the provisions in paragraphs (a), (b), and (c) of this section and pursuant to section 705(g)(1) and section 709(b) of Title VII, the Commission shall endeavor to enter into agreements with 706 Agencies and other fair employment practice agencies to establish effective and integrated resolution procedures. Such agreements may include, but need not be limited to, cooperative arranagements to provide for processing of certain charges by the Commission, rather than by the 706 Agency during the period specified in section 706(c) and section 706(d) of Title VII.

(f) Notwithstanding the deferral provisions of this section, the Commission may make a preliminary investigation and commence judicial action for immediate, temporary or preliminary relief pursuant to section 706(f)(2) of Title VII.

(g) A charge made by a member of the Commission shall be deemed filed upon receipt by the Commission office responsible for investigating the charge. The Commission will notify a 706 Agency when an allegation of discrimination is made by a member of the Commission concerning an employment practice occurring within the jurisdiction of the 706 Agency. The 706 Agency will be entitled to process the charge exclusively for a period of not less than sixty days if the 706 Agency makes a written request to the Commission within ten days of receiving notice that the allegation has been filed. The sixty day period shall be extended to one-hundred and twenty days during the first year after the effective date of the qualifying State or local law.

§ 1601.14 Service of charge or notice of charge.

(a) Within ten days after the filing of a charge in the appropriate Commission office, the Commission shall serve respondent a copy of the charge, by mail or in person, except when it is determined that providing a copy of the charge would impede the law enforcement functions of the Commission. Where a copy of the charge is not provided, the respondent will be served with a notice of the charge within ten days after the filing of the charge (including the date, place, circumstances and identity of the person filing the charge, or, in the case of a charge filed on behalf of any individual, the identity of the person or organization so filing).

(b) The District Directors, the Director of the Office of Field Services and the Director of the Office of Systemic Programs, or their designees, are hereby delegated the authority to issue the notice described in paragraph (a) of this section.

Investigation of a Charge

§ 1601.15 Investigative authority.

(a) The investigation of a charge shall be made by the Commission, its investigators, or any other representative designated by the Commission. During the course of such investigation, the Commission may utilize the services of State and local agencies which are charged with the administration of fair employment practice laws or appropriate Federal agencies, and may utilize the information gathered by such authorities or agencies. As part of each investigation, the Commission will accept any statement of position or evidence with respect to the allegations of the charge which the person claiming to be aggrieved, the person making the charge on behalf of such person, if any, or the respondent wishes to submit.

(b) As part of the Commission's investigation, the Commission may require the person claiming to be aggrieved to provide a statement which includes:

(1) a statement of each specific harm that the person has suffered and the date on which each harm occurred;

(2) for each harm, a statement specifying the act, policy or practice which is alleged to be unlawful;

(3) for each act, policy, or practice alleged to have harmed the person claiming to be aggrieved, a statement of the facts which lead the person claiming to be aggrieved to believe that the act, policy or practice is discriminatory.

(c) The Commission may require a fact-finding conference with the parties prior to a determination on a charge of discrimination. The conference is primarily an investigative forum intended to define the issues, to determine which

elements are undisputed, to resolve those issues that can be resolved and to ascertain whether there is a basis for negotiated settlement of the charge.

(d) The Commission's authority to investigate a charge is not limited to the procedures outlined in paragraphs (a), (b) and (c) of this section.

§ 1601.16 Access to and production of evidence; testimony of witnesses; procedure and authority.

(a) To effectuate the purposes of Title VII, any member of the Commission shall have the authority to sign and issue a subpoena requiring:

(i) the attendance and testimony of witnesses;

(ii) the production of evidence including, but not limited to, books, records, correspondence, or documents, in the possession or under the control of the person subpoenaed; and

(iii) access to evidence for the purposes of examination and the right to copy.

Any District Director, the Director of the Office of Field Services and the Director of the Office of Systemic Programs, or any representatives designated by the Commission, may sign and issue a subpoena on behalf of the Commission. The subpoena shall state the name and address of its issuer, identify the person or evidence subpoenaed, the person to whom and the place, date, and the time at which it is returnable or the nature of the evidence to be examined or copied, and the date and time when access is requested. A subpoena shall be returnable to a duly authorized investigator or other representative of the Commission. Neither the person claiming to be aggrieved, the person filing a charge on behalf of such person nor the respondent shall have the right to demand that a subpoena be issued.

(b) Any person served with a subpoena who intends not to comply therewith shall within five days (excluding Saturdays, Sundays and Federal legal holidays) after the date of service of the subpoena upon him or her, petition the General Counsel by mail to revoke or modify the subpoena. Such petition shall be mailed to 2401 E Street NW., Washington, D.C. 20506, and a copy thereof shall be served on the person who issued the subpoena. The petition shall separately identify each portion of the subpoena with which the petitioner does not intend to comply and shall state, with respect to each such portion, the grounds upon which the petitioner relies. A copy of the subpoena shall be attached to the petition and shall be designated "Attachment A." Within eight days after receipt thereof or as soon thereafter as practicable, the General Council shall make a determination upon the petition, stating reasons, and shall submit the petition and determination to the Commission for its review. The Commission shall review the petition and make a final determination. A commissioner who has issued a subpoena shall abstain from reviewing any petition to modify or revoke the subpoena. The Commission shall serve a copy of the final determination of the petition upon the petitioner. For purposes of this section, service shall be made and proof thereof established pursuant to section 11(4) of the National Labor Relations Act, as amended, 29 U.S.C. 161(4), as made applicable to Commission hearings and investigations by section 710 of Title VII: *Provided, however*, That whenever the subpoena was issued by the Director of a Model Office, the petition to revoke or modify the subpoena shall be mailed to that Director, within the 5-day period specified above, who will make a determination on the petition. Any petitioner who wishes to appeal the determination of the Director shall do so by following the standard procedures specified above. Such appeal shall, in addition, be clearly labeled as "Appeal of Petition to Revoke or Modify Subpoena," and shall attach the initial petition and determination, designated as "Attachments B and C." No argument not presented to the Director of the Model Office will be considered by the Commission.

(c) Upon the failure of any person to comply with a subpoena issued under this section, the Commission may utilize the procedures of section 11(2) of the National Labor Relations Act, as amended, 29 U.S.C. 161(2), to compel enforcement of the subpoena.

(d) Witnesses who are subpoenaed pursuant to § 1601.16(a) shall be entitled to the same fees and mileage that are paid witnesses in the courts of the United States.

§ 1601.17 Witnesses for public hearings.

(a) To effectuate the purposes of Title VII, any Commissioner, upon approval of the Commission, may demand in writing that a person appear at a stated time and place within the State in which such person resides, transacts business, or is served with the demand, for the purpose of testifying under oath before the Commission or its representative. If there be noncompliance with any such demand, the Commission may utilize the procedures of section 710 of Title VII to compel such person to testify. A transcript of testimony may be made a part of the record of each investigation.

(b) Witnesses who testify as provided in paragraph (a) of this section shall be entitled to the same fees and mileage that are paid witnesses in the courts of the United States.

§ 1601.18 Right to inspect or copy data.

A person who submits data or evidence to the Commission many retain or, on payment of lawfully prescribed costs, procure a copy of transcript thereof, except that a witness may for good cause be limited to inspection of the official transcript of his or her testimony.

PROCEDURE FOLLOWING FILING OF A CHARGE

§ 1601.19 Dismissal: Procedure and authority.

(a) Where a charge on its face, or as amplified by the statements of the person claiming to be aggrieved discloses, or where after investigation the Commission determines, that the charge and every portion thereof is not timely filed, or otherwise fails to state a claim under Title VII, the Commission shall dismiss the charge. A charge which raises a claim exclusively under section 717 of Title VII shall not be taken and persons seeking to raise such claims shall be referred to the appropriate federal agency.

(b) Where the Commission determines after investigation that there is not reasonable cause to believe that Title VII has been violated, the Commission shall dismiss the charge.

(c) Where the person claiming to be aggrieved fails to provide requested necessary information, fails or refuses to appear or to be available for interviews or conferences as necessary, fails or refuses to provide information requested by the Commission pursuant to § 1601.15 (b), or otherwise refuses to cooperate to the extent that the Commission is unable to resolve the charge, and after due notice, the charging party has had thirty days in which to respond, the Commission may dismiss the charge.

(d) Where the person claiming to be aggrieved cannot be located, the Commission may dismiss the charge: *Provided*, That reasonable efforts have been made to locate the charging party and the charging party has not responded within 30 days to a notice sent by the Commission to the person's last known address.

(e) Where a respondent has made a settlement offer described in § 1601.20 which is in writing and specific in its terms, the Commission may dismiss the charge if the person claiming to be aggrieved refuses to accept the offer: *Provided*, That the offer would afford full relief for the harm alleged by the person claiming to be aggrieved and the person claiming to be aggrieved fails to accept such an offer within 30 days after actual notice of the offer.

(f) Written notice of disposition, pursuant to paragraphs (a), (b), (c), (d), or (e) of this section, shall be issued to the person claiming to be aggrieved and to the person making the charge on behalf of such person, where applicable; in the case of a Commissioner charge, to all persons specified in § 1601.28(b)(2); and to the respondent. Appropriate notices of right to sue shall be issued pursuant to § 1601.28.

(g) The Commission hereby delegates authority to District Directors, the Director of the Office of Field Services and the Director of the Office of Systemic Programs, as appropriate, to dismiss charges, as limited by § 1601.21(d). The authority of the Commission to reconsider decisions and determinations as set forth in § 1601.21 (b) and (d) shall be applicable to this section.

§ 1601.20 Negotiated settlement.

(a) Prior to the issuance of a determination as to reasonable cause, the Commission will encourage the parties to settle the charge on terms that are mutually agreeable. District Directors, the Director of the Office of Field Services and the Director of the Office of Sys-

temic Programs, or their designees, shall have the authority to sign any settlement agreement which is agreeable to both parties. The Commission shall limit its undertaking in such settlements to an agreement not to process that charge further. Such settlements shall note that the Commission has made no judgment on the merits of the charge. Such an agreement shall not affect the processing of any other charge, including, but not limited to, a Commissioner charge or a charge, the allegations of which are like or related to the individual allegations settled.

(b) In the alternative, the Commission may facilitate a settlement between the person claiming to be aggrieved and the respondent by permitting withdrawal of the charge pursuant to § 1601.10.

§ 1601.21 Reasonable cause determination: Procedure and authority.

(a) Where a charge has not been settled or dismissed, the Commission shall, after making investigative efforts, determine whether reasonable cause exists to believe that Title VII has been violated. A determination as to reasonable cause is based on, and limited to, evidence obtained by the Commission and does not reflect any judgment on the merits of allegations not addressed in the determination.

(b) The Commission shall provide prompt notification of its determination under paragraph (a) of this section to the person claiming to be aggrieved, the person making the charge on behalf of such person, if any, and the respondent, or in the case of a Commissioner charge, the person named in the charge or identified by the Commissioner in the third-party certificate, if any, and the respondent. The Commission's determination is final when issued. The Commission may, however, on its own initiative reconsider its decision or the determination of any of its designated officers who have authority to issue Letters of Determination. When it does reconsider, the Commission shall provide prompt notification of its decision to amend, alter or revoke such decision or Letter of Determination to the person claiming to be aggrieved, the person making the charge on behalf of such person, if any, and the respondent, or in the case of a Commissioner charge, the person named in the charge or identified by the Commissioner in the third-party certificate, if any, and the respondent.

(c) Where a member of the Commission has filed a Commissioner charge, he or she shall abstain from making a determination in that case.

(d) The Commission hereby delegates to District Directors, the Director of the Office of Field Services and the Director of the Office of Systemic Programs the authority, in those cases in which previously issued Commission Decisions serve as precedent for the determination and in those cases in which the Commission's Guidelines provides a statement of policy which serves as authority for the determination, upon completion of an investigation, to dismiss a charge, make a determination, issue a Letter of Determination and serve a copy thereof upon the parties. Such determination is final when the Letter of Determination is issued. However, the Director of the Office of Field Services, the Director of the Office of Systemic Programs and each District Director for determinations issued by his or her office may on his or her own initiative reconsider determinations. When he or she has done so, the issuing Director shall promptly notify the person claiming to be aggrieved, the person making the charge on behalf of such person, if any, and the respondent, or in the case of a Commissioner charge, the person named in the charge or identified by the Commissioner in the third-party certificate, if any, and the respondent of his or her decision to amend, alter or revoke such Letter of Determination.

(e) In making a determination as to whether reasonable cause exists, substantial weight shall be accorded final findings and orders made by designated 706 Agencies to which the Commission defers charges pursuant to § 1601.13. For the purposes of this section, the following definitions shall apply:

(1) "Final findings and orders" shall mean: (i) The findings of fact and order incident thereto issued by a 706 Agency on the merits of a charge; or

(ii) The consent order or consent decree entered into by the 706 Agency on the merits of a charge.

Provided, however, That no findings and order of a 706 Agency shall be considered final for purposes of this section unless the 706 Agency shall have served a copy of such findings and order upon the Commission and upon the person claiming to be aggrieved and shall have informed such person of his or her rights of appeal or to request reconsideration, or rehearing or similar rights; and the time for such appeal, reconsideration, or rehearing request shall have expired or the issues of such appeal, reconsideration or rehearing shall have been determined.

(2) "Substantial weight" shall mean that such full and careful consideration shall be accorded to final findings and orders, as defined above, as is appropriate in light of the facts supporting them when they meet all of the prerequisites set forth below:

(i) The proceedings were fair and regular; and

(ii) The practices prohibited by the State or local law are comparable in scope to the practices prohibited by Federal law; and

(iii) The final findings and order serve the interest of the effective enforcement of Title VII: *Provided,* That giving substantial weight to final findings and orders of a 706 Agency does not include according weight, for purposes of applying Federal law, to such Agency's conclusions of law.

§ 1601.22 Confidentiality.

Neither a charge, nor information obtained pursuant to section 709(a) of Title VII, nor information obtained from records required to be kept or reports required to be filed pursuant to section 709 (c) and (d) of Title VII, shall be made matters of public information by the Commission prior to the institution of any proceedings under this Title involving such charge or information. This provision does not apply to such earlier disclosures to charging parties, or their attorneys, respondents or their attorneys, or witnesses where disclosure is deemed necessary for securing appropriate relief. This provision also does not apply to such earlier disclosures to representatives of interested Federal, State, and local authorities as may be appropriate or necesary to the carrying out of the Commission's function under Title VII, nor to the publication of data derived from such information in a form which does not reveal the identity of charging parties, respondents, or persons supplying the information.

PROCEDURE TO RECTIFY UNLAWFUL EMPLOYMENT PRACTICES

§ 1601.23 Preliminary or temporary relief.

(a) In the interest of the expeditious procedure required by section 706(f)(2) of Title VII, the Commission hereby delegates to the Director of the Office of Field Services, the Director of the Office of Systemic Programs and each District Director the authority, upon the basis of a preliminary investigation, to make the initial determination on its behalf that prompt judicial action is necessary to carry out the purposes of the Act and recommend such action to the General Counsel. The Commission authorizes the General Counsel to institute an appropriate action on behalf of the Commission in such a case not involving a government, governmental agency, or political subdivision.

(b) In a case involving a government, governmental agency, or political subdivision, any recommendation for preliminary or temporary relief shall be transmitted directly to the Attorney General by the Director of the Office of Field Services, the Director of the Office of Systemic Programs or the District Director.

(c) Nothing in this section shall be construed to prohibit private individuals from exercising their rights to seek temporary or preliminary relief on their own motion.

§ 1601.24 Conciliation: Procedure and authority.

(a) Where the Commission determines that there is reasonable cause to believe that an unlawful employment practice has occurred or is occurring, it shall endeavor to eliminate such practice by informal methods of conference, conciliation, and persuasion. In conciliating a case in which a determination of reasonable cause has been made, the Commission shall attempt to achieve a just resolution of all violations found and to obtain agreement that the respondent will eliminate the unlawful employment practice and provide appropriate affirmative relief. Where such conciliation attempts are successful, the terms of the conciliation agreement shall be reduced to writing and shall be signed

by the Commission's designated representative and the parties. A copy of the signed agreement shall be sent to the respondent and the person claiming to be aggrieved who are signatories thereto.

(b) District Directors, the Director of the Office of Field Services and the Director of the Office of Systemic Programs, or their designees, are hereby delegated authority to enter into informal conciliation efforts. District Directors, the Director of the Office of Field Service and the Director of the Office of Systemic Programs are hereby delegated the authority to sign conciliation agreements. When a suit brought by the Commission is in litigation, the General Counsel is hereby delegated the authority to negotiate and sign conciliation agreements where, pursuant to section 706(f)(1) of Title VII, a court has stayed proceedings in the case pending further efforts of the Commission to obtain voluntary compliance.

(c) Proof of compliance with Title VII in accordance with the terms of the agreement shall be obtained by the Commission before the case is closed. In those instances in which a person claiming to be aggrieved or a member of the class claimed to be aggrieved by the practices alleged in the charge is not a party to such an agreement, the agreement shall not extinguish or in any way prejudice the rights of such person to proceed in court under section 706(f)(1) of Title VII.

§ 1601.25 Failure of conciliation; notice.

Where the Commission is unable to obtain voluntary compliance as provided by Title VII and it determines that further efforts to do so would be futile or nonproductive, it shall, through the appropriate District Director, the Director of the Office of Field Services and the Director of the Office of Systemic Programs, or their designees, so notify the respondent in writing.

§ 1601.26 Confidentiality of endeavors.

(a) Nothing that is said or done during and as part of the informal endeavors of the Commission to eliminate unlawful employment practices by informal methods of conference, conciliation, and persuasion may be made a matter of public information by the Commission, its officers or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. This provision does not apply to such disclosures to the representatives of Federal, State or local agencies as may be appropriate or necessary to the carrying out of the Commission's functions under Title VII: *Provided, however,* That the Commission may refuse to make disclosures to any such agency which does not maintain the confidentiality of such endeavors in accord with this section or in any circumstances where the disclosures will not serve the purposes of the effective enforcement of Title VII.

(b) Factual information obtained by the Commission during such informal endeavors, if such information is otherwise obtainable by the Commission under section 709 of Title VII, for disclosure purposes will be considered by the Commission as obtained during the investigatory process.

Procedure Concerning the Institution of Civil Actions

§ 1601.27 Civil actions by the Commission.

The Commission may bring a civil action against any respondent named in a charge not a government, governmental agency or political subdivision, after thirty (30) days from the date of the filing of a charge with the Commission unless a conciliation agreement acceptable to the Commission has been secured: *Provided, however,* That the Commission may seek preliminary or temporary relief pursuant to section 706(f)(2) of Title VII, according to the procedures set forth in § 1601.23 hereof, at any time.

§ 1601.28 Notice of right to sue: Procedure and authority.

(a) Issuance of notice of right to sue upon request. (1) When a person claiming to be aggrieved requests, in writing, that a notice of right to sue be issued and the charge to which the request relates is filed against a respondent other than a government, governmental agency or political subdivision, the Commission shall promptly issue such notice as described in § 1601.28(e) to all parties, at any time after the expiration of one hundred eighty (180) days from the date of filing of the charge with the Commission, or in the case of a Commissioner charge 180 days after the filing of the charge or 180 days after the expiration of any period of reference under section 706(d) of Title VII as appropriate.

(2) When a person claiming to be aggrieved requests, in writing, that a notice of right to sue be issued, and the charge to which the request relates is filed against a respondent other than a government, governmental agency or political subdivision, the Commission may issue such notice as described in § 1601.28(e) with copies to all parties, at any time prior to the expiration of 180 days from the date of filing the charge with the Commission; *Provided,* that the District Director, the Director of the Office of Field Services or the Director of the Office of Systemic Programs has determined that it is probable that the Commission will be unable to complete its administrative processing of the charge within 180 days from the filing of the charge and has attached a written certificate to that effect.

(3) Issuance of a notice of right to sue shall terminate further processing of any charge not a Commissioner charge unless the Director of the Office of Field Services, the Director of the Office of Systemic Programs, the appropriate District Director, or the General Counsel, determines at that time or at a later time that it would effectuate the purposes of Title VII to further process the charge. Issuance of a notice of right to sue shall not terminate the processing of a Commissioner charge.

(4) The issuance of a notice of right to sue does not preclude the Commission from offering such assistance to a person issued such notice as the Commission deems necessary or appropriate.

(b) Issuance of notice of right to sue following Commission disposition of a charge.

(1) Where the Commission has found reasonable cause to believe that the Act has been violated, has been unable to obtain voluntary compliance with Title VII, and where the Commission has decided not to bring a civil action against the respondent, it will issue a notice of right to sue on the charge as described in § 1601.28(e) to:

(i) The person claiming to be aggrieved, or,

(ii) In the case of a Commissioner charge, to any member of the class who is named in the charge, identified by the Commissioner in a third-party certificate, or otherwise identified by the Commission as a member of the class,

and provide a copy thereof to all parties.

(2) Where the Commission has entered into a conciliation agreement to which the person claiming to be aggrieved is not a party, the Commission shall issue a notice of right to sue on the charge to the person claiming to be aggrieved.

(3) Where the Commission has dismissed a charge pursuant to § 1601.19, it shall issue a notice of right to sue as described in § 1601.28(e) to:

(i) The person claiming to be aggrieved, or,

(ii) In the case of a Commissioner charge, to any member of the class who is named in the charge, identified by the Commissioner in a third-party certificate, or otherwise identified by the Commission as a member of the class,

and provide a copy thereof to all parties.

(4) The issuance of a notice of right to sue does not preclude the Commission from offering such assistance to a person issued such notice as the Commission deems necessary or appropriate.

(c) The Commission hereby delegates authority to District Directors, the Director of the Office of Field Services and the Director of the Office of Systemic Programs, or their designees, to issue notices of right to sue, in accordance with this section, on behalf of the Commission.[1]

(d) Notices of right to sue for charges against Governmental respondents. Notices of right to sue in cases where the respondent is a government, governmental agency, or a political subdivision thereof, shall be issued by the Attorney

[1] *Formal Ratification*—Notice is hereby given that the EEOC at a Commission meeting on March 12, 1974, formally ratified the acts of the District Directors of EEOC District Offices in issuing notices of right to sue pursuant to Commission practice instituted on October 15, 1969, and continued through March 18, 1974, 39 FR 10178 (March 18, 1974).

General, who has the authority to issue such notices.

(e) Content of notice of right to sue. The notice of right to sue shall include:

(1) Authorization to the aggrieved person to bring a civil action pursuant to section 706(f)(1) of the Act within 90 days from receipt of such authorization;

(2) Advice concerning the institution of such civil action by the person claiming to be aggrieved, where appropriate;

(3) A copy of the charge;

(4) The Commission's decision, determination, or dismissal, as appropriate.

§ 1601.29 Referral to the Attorney General.

If the Commission is unable to obtain voluntary compliance in a charge involving a government, governmental agency or political subdivision, it shall inform the Attorney General of the appropriate facts in the case with recommendations for the institution of a civil action by him or her against such respondent or for intervention by him or her in a civil action previously instituted by the person claiming to be aggrieved.

Subpart C—Notices to Employees, Applicants for Employment and Union Members

§ 1601.30 Notices to be posted.

(a) Every employer, employment agency, labor organization, and joint labor-management committee controlling an apprenticeship or other training program, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, members, and trainees, are customarily posted the following notice:

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW
DISCRIMINATION IS PROHIBITED

By the Civil Rights Act of 1964, as amended, and by Executive Order Numbers 11246 and 11375.

Title VII of the Civil Rights Act of 1964, as amended, administered by the Equal Employment Opportunity Commission prohibits discrimination because of Race, Color, Religion, Sex, or National Origin by employers with 15 or more employees, by Labor Organizations having a hiring hall or 15 or more members, by Employment Agencies, and by Joint Labor-Management Committees for Apprenticeship or Training.

Any person who believes he or she has been discriminated against should contact: The Equal Employment Opportunity Commission, 2401 E Street N.W., Washington, D.C. 20506 or any of its district offices.

Executive Order Numbers 11246 and 11375 administered by the Office of Federal Contract Compliance Programs prohibits discrimination because of Race, Color, Religion, Sex or National Origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment by all Federal Government Contractors and Subcontractors, and by contractors and subcontractors performing work under a Federally assisted construction contract regardless of the number of employees in either case.

Any person who believes he or she has been discriminated against should contact: The Office of Federal Contract Compliance Programs, U.S. Department of Labor, Washington, D.C. 21210.

(b) Copies of such notice may be obtained on request from the Commission.

(c) Section 711(b) of Title VII makes failure to comply with this section punishable by a fine of not more than $100 for each separate offense.

Subpart D—Interpretations and Opinions by the Commission

§ 1601.31 Request for interpretation or opinion.

Any interested person desiring a written interpretation or opinion from the Commission may make a request therefor. However, issuance of such interpretations or opinions is discretionary.

§ 1601.32 Contents of request; where to file.

A request for an "opinion letter" shall be in writing, signed by the person making the request, addressed to the Chairman, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506, and shall contain:

(a) The names and addresses of the person making the request and of other interested persons.

(b) A statement of all known relevant facts.

(c) A statement of reasons why the interpretation or opinion should be issued.

§ 1601.33 Issuance of interpretation or opinion.

Only (a) a letter entitled "opinion letter" and signed by the General Counsel on behalf of the Commission or (b) matter published and specifically designated as such in the FEDERAL REGISTER may be relied upon as "written interpretation or opinion of the Commission" within the meaning of section 713 of Title VII.

Subpart E—Construction of Rules

§ 1601.134 Rules to be literally construed.

These rules and regulations shall be liberally construed to effectuate the purpose and provisions of Title VII.

Subpart F—Issuance, Amendment, or Repeal of Rules

§ 1601.35 Petitions.

Any interested person may petition the Commission, in writing, for the issuance, amendment, or repeal of a rule or regulation. Such petition shall be filed with the Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506, and shall state the rule or regulation proposed to be issued, amended, or repealed, together with a statement of grounds in support of such petition.

§ 1601.36 Action on petition.

Upon the filing of such petition, the Commission shall consider the same and may thereupon either grant or deny the petition in whole or in part, conduct an appropriate proceeding thereon, or make other disposition of the petition. Should the petition be denied in whole or in part, prompt notice shall be given of the denial, accompanied by a simple statement of the grounds unless the denial be self-explanatory.

Subpart G—Case Processing by the General Counsel Under Section 707 of Title VII

§ 1601.50 Scope.

When the General Counsel processes charges under the Commission's authority as set forth in section 707 of the Act, the General Counsel shall process such charges in accordance with this subpart. When the General Counsel does not process such charges, the provisions of this subpart shall not apply and such charges shall be processed under Subpart B of part.

§ 1601.51 Delegation of authority.

The General Counsel is hereby delegated authority to give notice of and to defer charges to State and local 706 Agencies as defined in § 1601.3, to give notice of charges to respondents, to investigate charges, to sign and issue subpoenas, and to conciliate charges of employment discrimination.

§ 1601.52 Initiation of Section 707 charge.

Any member of the Commission may designate a charge for section 707 processing under this subpart. Any related charge shall be processed under this subpart if the General Counsel determines that it should be consolidated with the charge designated for section 707 processing by a member of the Commission.

§ 1601.53 Service of notice of charge.

Within 10 days of the filing of a charge, the General Counsel shall furnish the respondent with a notice of the charge (including the date, place and circumstances of the alleged unlawful employment practice) by mail or in person. The General Counsel need not furnish such notice if, prior to the designation of the charge for section 707 processing, the notice has been furnished pursuant to § 1601.14.

§ 1601.54 Deferral.

(a) Where the alleged unlawful employment practice occurs in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local agency to grant or seek relief from such practice (or to institute criminal proceedings), the General Counsel shall notify, on behalf of the Commission, the appropriate State or local 706 Agency, as defined in § 1601.3, before taking any action with respect to a Commissioner charge.

(b) The General Counsel, on behalf of the Commission, shall not defer such Commissioner charge unless the State or political subdivision notified in paragraph (a) of this section within 10 days of receipt of such notice requests submission of the charge to its jurisdiction.

(c) Where deferral is made by the General Counsel in paragraph (b) of this section, the deferral shall be for no less than 60 days, unless a shorter period is requested.

(d) Charges filed by individuals shall be deferred pursuant to the provisions

of § 1601.13, except that they shall be deferred by the General Counsel.

§ 1601.55 Investigation.

The General Counsel shall investigate any charge designated for Section 707 processing or any charges consolidated with that charge pursuant to § 1601.52.

§ 1601.56 Issuance of subpoenas; petitions to revoke subpoenas; enforcement of subpoenas.

(a) To effectuate the purposes of Title VII the General Counsel of the Commission shall have the authority to sign and issue a subpoena requiring:

(1) The attendance and testimony of witnesses;

(2) The production of evidence including, but not limited to, books, records, correspondence, or documents, in the possession or under the control of the person subpoenaed; and

(3) Access to evidence for the purposes of examination and the right to copy.

The subpoena shall state the name and address of the issuer; and identify the person or evidence subpoenaed, and the person to whom and the place, date, and time at which it is returnable or the nature of the evidence to be examined or copied, and the date and time when access is requested. A subpoena may be returnable to any attorney designated in the subpoena. The General Counsel shall not issue a subpoena upon the request of a person filing a charge, a person on whose behalf a charge was filed or a respondent.

(b) Any person served with a subpoena who intends not to comply with the subpoena shall, within five days (excluding Saturdays, Sundays and Federal legal holidays) of the service of the subpoena, petition the Commission in writing to revoke or modify the subpoena. The petition shall be served on the General Counsel by mail at the Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506, and a copy shall be served on the Commission attorney to whom the subpoena is returnable. The petition shall separately identify each portion of the subpoena with which the petitioner does not intend to comply and shall state, with respect to each portion, the grounds upon which petitioner relies. A copy of the subpoena shall be attached to the petition and shall be designated "Attachment A." Within eight days of receipt, or as soon thereafter as practicable, the Commission shall pass on the petition and shall serve a copy of its determination on the petitioner. For the purposes of this section, service shall be made and proof thereof established pursuant to Section 11(4) of the National Labor Relations Act, as amended, 29 U.S.C. Section 161(4), as made applicable to the proceeding hereunder by Section 710 of Title VII, 42 U.S.C. (Supp. II) 2000e9.

(c) If any person fails to comply with a subpoena, the General Counsel may institute enforcement proceedings in the appropriate district court pursuant to Section 11(2) of the National Labor Relations Act, as amended, 29 U.S.C. 161(2).

(d) Witnesses who are subpoenaed pursuant to § 1601.56(a) shall be entitled to the same fees and mileage that are paid witnesses in the courts of the United States.

§ 1601.57 Commission reasonable cause finding.

Upon completion of the investigation, the Commission shall determine whether there exists reasonable cause to believe that the respondent is engaged in a pattern or practice of unlawful discrimination within the meaning of section 707 (a) of Title VII. A finding of no reasonable cause shall constitute dismissal of the charge.

§ 1601.58 Voluntary compliance; settlements; Commission authority to file suit.

A finding of reasonable cause by the Commission shall be deemed to authorize the General Counsel to endeavor to eliminate the alleged unlawful employment practices by informal methods of conference, conciliation and persuasion. Should such endeavors fail to produce a conciliation agreement satisfactory to the General Counsel, the General Counsel may commence litigation upon approval by the Commission.

§ 1601.59 Notice to persons claiming to be aggrieved.

In any charge designated for processing under this subpart, the General Council shall issue the notice as required by § 1601.28.

Subpart H—706 Agency Designation Procedures

§ 1601.70 706 Agency Designation.

(a) Because of the large number of State and local fair employment practice agencies, only those agencies which notify the Commission of their qualifications under section 706(c) of Title VII and this section and request designation as "706 Agencies" or "Notice Agencies" or both will be eligible for such designation. Such notification must be submitted by written request to the Director of the Office of Field Services. The request shall include the following materials and information:

(1) A copy of the agency's fair employment practices law and any rules, regulations and guidelines of general interpretation issued pursuant thereto.

(2) A chart of the organization of the agency responsible for administering and enforcing said law.

(3) The amount of funds made available to or allocated by the agency for fair employment purposes.

(4) The identity and telephone number of the agency attorney whom the Commission may contact in reference to any legal questions that may arise in the process of its review of the agency's application.

(5) A statement certifying the following:

(i) That the State or political subdivision has a fair employment practice law;

(ii) That such law authorizes the applicant agency to grant or seek relief from employment practices found to be illegal under such law or that it authorizes the agency to institute criminal proceedings; and

(iii) That such agency has been established and is operational and processing charges filed under such law.

(b) Where both State and local 706 Agencies exist, the Commission reserves the right to defer to the State 706 Agency only. However, if the Commission determines that it would best serve the purposes of the Act, it may defer to either or both State and local 706 Agencies.

(c) The continued designation of a 706 Agency for certain bases of discrimination will be dependent upon the 706 Agency's continuing operation and ability to grant or seek relief or to institute criminal proceedings with respect to those bases of discrimination.

§ 1601.71 Commission determinations on 706 Agency applications.

The Commission, after examining the materials and application required in § 1601.70(a) and after applying criteria outlined in section 706(c) of Title VII, shall make a determination.

(1) If the Commission determines that an agency shall be designated as a 706 Agency, it shall notify the agency that it proposes to issue such designation. Such proposed designation shall be published in the FEDERAL REGISTER and shall provide any person or organization not less than 15 days in which to file written comments with the Commission. If after evaluating any comments so received, the Commission is still of the opinion that issuance of the proposed designation as published in the FEDERAL REGISTER is appropriate, it shall effect such designation by issuance and publication of an amendment to § 1601.74. Thereafter, the procedure in § 1601.13(c) and § 1601.13(f) shall be followed for charges in the jurisdiction of the 706 Agency, except as modified by agreement pursuant to § 1601.13(d).

(2) If the Commission determines that any agency shall not be designated as a 706 Agency, it shall notify the applicant agency of its decision and such notice shall provide the reason(s) why it proposes not to designate the agency and shall grant it not less than 15 days to request a conference concerning the matter in accordance with § 1601.73.

(3) Where the Commission determines that a State or local agency does not come within the definition of a 706 Agency for purposes of a particular basis of discrimination or where the agency applies for designation as a Notice Agency, the Commission shall notify that agency of the filing of charges for which the agency is not a 706 Agency. For such purposes that State or local agency will be deemed a Notice Agency.

§ 1601.72 706 Agency performance standards.

(a) The continued designation of a 706 Agency will be dependent upon the 706 Agency's willingness and ability to

administer its law in such a manner that, in fact, the practices prohibited are comparable in scope to those practices prohibited under Federal law and satisfy the performance standards set forth below:

(1) In all cases where the 706 Agency finds cause to credit the allegations of a charge, it shall effectively eliminate the discrimination and provide for full compensatory and prospective relief consistent with applicable Federal law, except where State or local law authorizes no relief except to allow the agency to institute criminal proceedings. Where State or local law does no more than authorize the agency to institute criminal proceedings, the agency must utilize its authority effectively to eliminate the discrimination.

(2) In all cases where the 706 Agency enters into a conciliation agreement, consent order, or order after public hearing, it shall include in any such agreement or order mechanisms for monitoring compliance with the terms thereof and mechanisms for enforcing compliance in the event any terms thereof are not implemented.

(b) The Commission may upon its own motion, withdraw the designation as a 706 Agency previously issued to any agency based upon:

(1) Reconsideration of the request and materials and the information referenced in § 1601.70; or,

(2) Consideration of the agency's performance as set forth in paragraph (a) of this section.

Whenever the Commission has reason to believe that such designation as a 706 Agency no longer serves the interest of effective enforcement of Title VII, it may, after following the procedures below, including the opportunity for a conference provided for in § 1601.73, withdraw such designation. Before taking such action it shall notify the 706 Agency of its proposed withdrawal of such designation. Such notification shall set forth the reasons for the proposed withdrawal and provide the agency not less than 15 days to submit data, views, and arguments in opposition and to request a conference in accordance with § 1601.73. Such proposed withdrawal of designation shall also be published in the FEDERAL REGISTER and shall provide any persons or organizations who take an interest at least 15 days in which to file written comments on the proposal with the Commission and to request a conference. If a request for a conference in accordance with § 1601.73 is not received within the time period provided, the Commission shall evaluate any arguments or comments it has received from the agency and from any persons and organizations who take an interest. If, after such evaluation, the Commission still is of the opinion that designation should be withdrawn because it has determined that such designation no longer serves the interest of effective enforcement of Title VII, the Commission shall so notify the Agency. The withdrawal shall be effected by the issuance and publication of an amendment to § 1601.74.

§ 1601.73 706 Agency Conference.

In order to provide a State or local agency full opportunity to present its views whenever, pursuant to § 1601.71 or § 1601.72(b), a conference is requested within the time allowed by said section for making such request, the Director of the Office of Field Services or his or her designee shall hold such a conference. Said conference official shall issue a pre-conference order. The order shall indicate the issues to be resolved and any initial procedural instructions which might be appropriate for the particular conference. It shall fix the date time, and place of the conference. The date shall not be less than 20 days after the date of the order. The date and place shall be subject to change for good cause.

(1) A copy of such pre-conference order shall be served on the State or local agency. After service of the order or of a notice designating a conference officer, and until such officer submits his or her recommended determination, all communications relating to the subject matter of the conference shall be addressed to him or her. The conference officer shall have authority to regulate the course and conduct of the conference. A transcript shall be made of the proceedings at the conference. The transcript and all comments and petitions relating to the proceedings shall be made available for inspection by interested persons.

(2) The conference officer shall prepare his or her proposed findings and recommended determination, a copy of which shall be served on the agency. Within 20 days after such service the agency may file written exceptions. After the expiration of the period for filing exceptions, the conference officer shall certify the entire record, including his or her proposed findings, and recommended determination and exceptions thereto to the Commission, which shall review the record and issue a final determination.

(3) Such determination shall become effective by the issuance and publication of an amendment to § 1601.74.

§ 1601.74 Designated 706 and notice agencies.

(a) The designated 706 Agencies are:

Alaska Commission for Human Rights.
Alexandria Human Rights Office.
Allentown Human Relations Commission.
Arizona Civil Rights Division.
Baltimore Community Relations Commission.
Bloomington Human Rights Commission.
California Fair Employment Practices Commission.
Charleston Human Rights Commission.
Colorado Civil Rights Commission.
Connecticut Commission on Human Rights and Opportunities.
Dade County Fair Housing and Employment Commission.
Delaware Department of Labor.
District of Columbia Office of Human Rights.
East Chicago Human Relations Commission.
Evansville (Indiana) Human Relations Commission.
Fairfax County Human Rights Commission.
Fort Wayne (Indiana) Metropolitan Human Relations Commission.
Fort Worth (Texas) Human Relations Commission.
Gary Human Relations Commission.
Howard County (Maryland) Human Rights Commission.
Hawaii Department of Labor and Industrial Relations.
Idaho Commission on Human Rights.
Illinois Fair Employment Practices Commission.
Indiana Civil Rights Commission.
Iowa Commission on Civil Rights.
Kansas Commission on Civil Rights.
Kentucky Commission on Human Rights.
Lexington-Fayette Urban County Human Rights Commission.
Madison (Wisconsin) Equal Opportunities Commission.
Maine Human Relations Commission.
Maryland Commission on Human Relations.
Massachusetts Commission Against Discrimination.
Michigan Civil Rights Commission.
Minneapolis Department of Civil Rights.
Minnesota Department of Human Rights.
Missouri Commission on Human Rights.
Montana Commission for Human Rights.
Montgomery County Human Relations Commission.
Nebraska Equal Opportunity Commission.
Nevada Commission on Equal Rights of Citizens.
New Hampshire Commission for Human Rights.
New Jersey Division on Civil Rights, Department of Law and Public Safety.
New York City Commission on Human Rights.
New York State Division of Human Rights.
Ohio Civil Rights Commission.
Oklahoma Human Rights Commission.
Omaha Human Relations Department.
Oregon Bureau of Labor.
Orlando (Florida) Human Relations Department.
Pennsylvania Human Relations Commission.
Philadelphia Commission on Human Relations.
Pittsburgh Commission on Human Relations.
Prince Georges County (Maryland) Human Relations Commission.
Rhode Island Commission for Human Rights,
Rockville (Maryland) Human Rights Commission.
St. Paul Department of Human Rights.
Seattle Human Rights Commission.
Sioux Falls (South Dakota) Human Relations Commission.
South Bend (Indiana) Human Rights Commission.
South Carolina Human Affairs Commission.
South Dakota Division of Human Rights.
Springfield (Ohio) Human Relations Department.
Tacoma Human Rights Commission.
Utah Industrial Commission.
Vermont Attorney General's Office, Civil Rights Division.
Virgin Island Department of Labor.
Washington State Human Rights Commission.
West Virginia Human Rights Commission.
Wheeling Human Rights Commission.
Wichita Commission on Civil Rights.
Wisconsin Equal Rights Division, Department of Industry, Labor and Human Relations.
Wyoming Fair Employment Practices Commission.

(b) The designated Notice Agencies are:

Arkansas Governor's Committee on Human Resources.
Florida Commission on Human Relations.
Georgia Office of Human Affairs.
Montana Department of Labor and Industry.
North Dakota Commission on Labor.
Ohio Director of Industrial Relations.
Raleigh (North Carolina) Human Resources Department, Civil Rights Unit.

[FR Doc.77-30108 Filed 10-13-77;11:09 am]

federal register

FRIDAY, OCTOBER 14, 1977
PART V



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

[4510-27]

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.

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:	
AR77–4285; AR77–4287	Sept. 30, 1977.
Arizona:	
AZ77–5058; AZ77–5059	June 17, 1977.
California:	
CA77–5090; CA77–5091; CA 77–5092; CA77–5093; CA 77–5094; CA77–5095.	Sept. 30, 1977.
Iowa:	
IA77–4223; IA77–4226; IA 77–4229; IA77–4230; IA 77–4268.	Do.
Kansas:	
MO77–4266; MO77–4267	Do.
Louisiana:	
LA77–4219; LA77–4220	Sept. 23, 1977.
Maryland:	
MD77–3080	June 24, 1977.
Missouri:	
MO77–4266; MO77–4267	Sept. 30, 1977.
Minnesota:	
MN77–2048	May 20, 1977.
Nebraska:	
NE77–4281	Sept. 30, 1977.
Oklahoma:	
OK77–4275	Do.
Pennsylvania:	
PA77–3043	Apr. 8, 1977.
South Carolina:	
SC76–1008	Jan. 9, 1976.
SC76–1053	May 14, 1976.
SC77–1008	Jan. 21, 1977.
SC77–1019	Feb. 11, 1977.
SC77–1070	May 20, 1977.
Texas:	
TX76–4039	Feb. 13, 1976.
TX77–4193; TX77–4197; TX77–4201.	Aug. 19, 1977.
TX77–4221; TX77–4222	Sept. 23, 1977.
TX77–4252; TX77–4253; TX 77–4254; TX77–4255; TX 77–4256; TX77–4257; TX 77–4258; TX77–4259; TX 77–4260; TX77–4261; TX 77–4262; TX77–4264; TX 77–4265; TX77–4280.	Sept. 30, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL77–1086 (AL77–1112)	July 1, 1977.
Connecticut:	
CT77–5001 (CT77–3135)	Jan. 4, 1977.
Delaware:	
DE77–5001 (CT77–3135)	Do.
Maine:	
CT77–5001 (CT77–3135)	Do.
Maryland:	
CT77–5001 (CT77–3135)	Do.
Massachusetts:	
CT77–5001 (CT77–3135)	Do.
New Hampshire:	
CT77–5001 (CT77–3135)	Do.
New Jersey:	
CT77–5001 (CT77–3135)	Do.
New York:	
CT77–5001 (CT77–3135)	Do.
Pennsylvania:	
CT77–5001 (CT77–3135)	Do.
Rhode Island:	
CT77–5001 (CT77–3135)	Do.
Tennessee:	
CT77–5001 (CT77–3135)	Do.
TN77–1051 (TN77–1131)	May 6, 1977.
Washington:	
WA77–5076 (WA77–5096)	Aug. 19, 1977.

Signed at Washington, D.C., this 7th day of October 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

DECISION NO. AR77-4285 - Mod. #1
(42 FR 52898 - September 30, 1977)
Garland, Hot Springs and Clark Counties, Arkansas

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	$10.50		3%		1/4%
Cable splicers	10.625		3%		1/4%

DECISION NO. AR77-4287 - Mod. #1
(42 FR 52903 - September 30, 1977)
Pulaski County, Arkansas

CHANGE:

BRICKLAYERS-STONEMASONS	$8.85	.40	.35		.04
ELECTRICIANS:					
Electricians	10.45	.40	3%		1/4%
Cable splicers	10.575	.40	3%		1/4%
PLUMBERS & PIPEFITTERS:					
Within 10 mile radius of Pulaski County Courthouse	10.20	.60	.55		.05
Over 10 miles from Pulaski County Courthouse	10.50	.60	.55		.05

DECISION NO. AZ77-5058 - Mod. #4
(42 FR 31056 - June 17, 1977)
Statewide, Arizona

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$11.94	.50	$1.20		.02
Bricklayers; Stonemasons (Phoenix Area):					
Zone A	10.65	.65	.90		.09
Zone B	11.50	.65	.90		.09
Zone C	12.04	.65	.90		.09
Zone D	12.57	.65	.90		.09
Zone E	12.99	.65	.90		.09
Zone F	13.85	.65	.90		.09
Drywall Tapers (Phoenix, Mesa, Luke and Williams Air Force Bases)					
Zone A	10.21	.59	.50		.07
Zone B	11.21	.59	.50		.07
Zone C	12.46	.59	.50		.07
Electricians (Yuma Area):					
Zone A					
Electricians	11.88	5.25%	3%+8.35%		1%
Cable Splicers	12.13	5.25%	3%+8.35%		1%
Zone B					
Electricians	12.58	5.25%	3%+8.35%		1%
Cable Splicers	12.83	5.25%	3%+8.35%		1%
Zone C					
Electricians	13.18	5.25%	3%+8.35%		1%
Cable Splicers	13.43	5.25%	3%+8.35%		1%
Zone D					
Electricians	13.88	5.25%	3%+8.35%		1%
Cable Splicers	14.13	5.25%	3%+8.35%		1%

DECISION NO. AZ77-5059 - Mod. #3
(42 FR 31065 - June 17, 1977)
Maricopa County, Arizona

Change:

Asbestos Workers	$11.94	.50	$1.20		.02
Bricklayers; Stonemasons:					
Zone A	10.65	.65	.90		.09
Zone B	11.50	.65	.90		.09
Zone C	12.04	.65	.90		.09
Zone D	12.57	.65	.90		.09
Zone E	12.99	.65	.90		.09
Zone F	13.85	.65	.90		.09
Drywall Tapers (Phoenix, Mesa, Luke and Williams Air Force Bases)					
Zone A	10.21	.59	.50		.07
Zone B	11.21	.59	.50		.07
Zone C	12.46	.59	.50		.07

MODIFICATIONS P. 3

DECISION NO. CA77-5090 - Mod. #1
(42 FR 52905-September 30, 1977)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Solano, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California					
Change:					
Bricklayers; Stonemasons:					
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	$11.70	$1.00	$1.30	$1.00	
Alameda and Contra Costa Counties	12.55	1.35	1.25		.25
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	12.50	1.03	1.21		.25
San Benito and Santa Clara Counties	12.55	1.35	1.25		.25
Electricians:					
Mariposa, Merced, Stanislaus, and Tuolumne Counties					
Electricians	12.73	.94	3%+1.50		1/4%
Cable Splicers	14.00	.94	3%+1.50		1/4%
Lathers:					
Amador, El Dorado, Sacramento and Yolo Counties	11.72	.67	1.75		.02
Painters:					
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	9.92	.70	2.34	1.11	
Spray; Sheetrock Tapers; Swing Stage; Scaffold; Sandblaster; Paperhangers	10.32	.70	2.34	1.11	

MODIFICATIONS P. 4

DECISION NO. CA77-5090 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Parking Lot Striping Work and/or Highway Markers:					
Fresno, Kings and Tulare Counties					
Traffic Delineating Device Applicator	$9.37	.55	.40	b	
Wheel Stop Installer; Traffic Surface Sandblaster; Striper	8.98	.55	.40	b	
Helper (wheel stop installer, traffic surface sandblaster; striper)	7.08	.55	.40	b	
Slurry Seal Operation:					
Mixer Operator	8.98	.55	.40	b	
Squeegee Man	7.98	.55	.40	b	
Applicator Operator	7.08	.55	.40	b	
Shuttleman	6.90	.55	.40	b	
Top Man	6.08	.55	.40	b	
Remaining Counties					
Traffic Delineating Device Applicator; Wheel Stop Installer, Traffic Surface Sandblaster	9.37	.55	.40	b	
Helper (traffic delineating device applicator, wheel stop installer, traffic surface sandblaster)	7.97	.55	.40	b	
Striper	10.47	.55	.40	b	
Helper (striper)	8.47	.55	.40	b	
Slurry Seal Operation:					
Mixer Operator	9.37	.55	.40	b	
Squeegee Man	8.87	.55	.40	b	
Applicator Operator	7.97	.55	.40	b	
Shuttleman	6.90	.55	.40	b	
Top Man	6.47	.55	.40	b	
Plumbers:					
Contra Costa County	14.37	1.25	2.29		.26
Roofers:					
Amador, Sacramento and Yolo Cos.					
Roofers (slate, tile and composition)	11.15	1.04	1.10	1.00	.10
Enameler and Pitch	12.65	1.04	1.10	1.00	.10

DECISION NO. CA77-5090 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fresno, Kings, Madera and Tulare Counties	$11.65	.60	.90		
Sheet Metal Workers:					
Alameda, Contra Costa, Napa and Solano Counties	11.94	.73	2.11	12%	.04
San Mateo County	13.54	.73	1.84		.10
Tile Setters:					
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	9.17	1.00	.70	2.00	
Add:					
Plumbers; Steamfitters:					
San Benito and Santa Clara Counties	15.15	1.08	1.77		.14
San Mateo County	14.41	1.14	2.30		.25

DECISION NO. CA77-5091 - Mod. #1
(42 FR 52927-September 30, 1977)
Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California

Change:

Bricklayers; Stonemasons:					
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	11.70	1.00	1.30	1.00	
Alameda and Contra Costa Cos.	12.55	1.35	1.25		.25
Eldorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Counties	12.50	1.03	1.21		.25
San Benito and Santa Clara Counties	12.55	1.35	1.25		.25

DECISION NO. CA77-5091 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians:					
Mariposa, Merced and Tuolumne Counties					
Electricians	$12.73	.94	3%+1.50		1/4%
Cable Splicers	14.00	.94	3%+1.50		1/4%
Lathers:					
Amador, El Dorado, Sacramento and Yolo Counties	11.72	.67	1.75		.02
Painters:					
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	9.92	.70	2.34	1.11	
Spray; Sheetrock Tapers; Swing Stage; Scaffold; Sandblaster; Structural Steel; Paperhangers	10.32	.70	2.34	1.11	
Plumbers:					
Contra Costa County	14.37	1.25	2.29		.26
Plumbers; Steamfitters:					
San Mateo County	14.41	1.14	2.30		.25

DECISION NO. CA77-5092 - Mod. #1
(42 FR 52941-September 30, 1977)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

Change:

Drywall Installers	11.40	1.49	1.95	.90	.07
Painters:					
Parking Lot Striping Work and/or Highway Markers:					
Inyo and Mono Counties					
Striper	10.47	.55	.40	b	
Striper Helper	8.47	.55	.40	b	
Traffic Delineating Device Applicator; Wheel Stop Installer; Traffic Surface Sandblaster	9.37	.55	.40	b	

MODIFICATIONS P. 7

DECISION NO. CA77-5092 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Helper (traffic delineating device applicator, wheel stop installer, traffic surface sandblaster)	7.97	.55	.40	b	
Slurry Seal Opearation:					
Mixer Operator	9.37	.55	.40	b	
Squeegee Man	8.87	.55	.40	b	
Applicator Operator	7.97	.55	.40	b	
Shuttleman	6.90	.55	.40	b	
Top Man	6.47	.55	.40	b	
Remaining Counties:					
Traffic Delineating Device Applicator	9.37	.55	.40	b	
Striper; Wheel Stop Installer; Surface Sandblaster	8.98	.55	.40	b	
Helper (striper, wheel stop installer, traffic surface sandblaster)	7.08	.55	.40	b	
Slurry Seal Operation:					
Mixer Operator	8.98	.55	.40	b	
Squeegee Man	7.98	.55	.40	b	
Applicator Operator	7.08	.55	.40	b	
Shuttleman	6.90	.55	.40	b	
Top Man	6.08	.55	.40	b	
Plaster Tenders:					
Ventura County	11.23	1.05	2.45	1.10	
Santa Barbara County (Santa Maria)	10.23	1.05	2.30	.60	
Santa Barbara County (except Santa Maria)	10.13	1.05	2.30	.60	
Kern County (China Lake Naval Ordnance Test Station, Edwards AFB)	12.225	1.05	2.30	.60	
Kern County (Remainder of County	9.60	1.05	2.30	.60	
Plumbers; Stemafitters: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	12.41	10%	16%	13%	3/4%

MODIFICATIONS P. 8

DECISION NO. CA77-5092 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Soft Floor Layers: Los Angeles, Orange, Riverside, Santa Barbara, San Luis Obispo, San Bernardino and Ventura Cos.	$11.00	.70	.82	..60	.06

DECISION NO. CA77-5093 - Mod. #1 (42 FR 52953-September 30, 1977) Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

Change:					
Drywall Installers	11.40	1.49	1.95	.90	.07
Plaster Tenders:					
Ventura County	11.23	1.05	2.45	1.10	
San Barbara County (Santa Maria)	10.23	1.05	2.30	.60	
San Barbara County (except Santa Maria)	10.13	1.05	2.30	.60	
Kern County (China Lake Naval Ordnance Test Station, Edwards AFB)	12.225	1.05	2.30	.60	
Kern County (Remainder of County)	9.60	1.05	2.30	.60	
Plumbers; Steamfitters: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.	12.41	10%	16%	13%	3/4%
Soft Floor Layers: Los Angeles, Orange, Riverside, Santa Barbara, San Luis Obispo, San Bernardino and Ventura Cos.	11.00	.70	.82	.60	.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CA77-5094 - Mod. #1 (42 FR 52961-September 30, 1977) San Diego County, California					
Change:					
Drywall Installers	12.85	.66	1.20	.80	.07
Painters:					
Parking Lot work and/or Highway Markers:					
Traffic Delineating device applicator	9.37	.55	.40	b	
Wheel stop installer; Traffic surface sandblaster; striper	8.98	.55	.40	b	
Helper (traffic surface sandblaster; wheel stop installer; stiper)	7.08	.55	.40	b	
Slurry Seal Operation:					
Mixer Operator	8.98	.55	.40	b	
Squeegee Man	7.98	.55	.40	b	
Applicator Operator	7.08	.55	.40	b	
Shuttleman	6.90	.55	.40	b	
Top Man	6.08	.55	.40	b	
Plumbers; Steamfitters	12.41	10%	16%	13%	3/4%
Sheet Metal Workers	12.96	1.04	2.24		.01
DECISION NO. CA77-5095 - Mod. #1 (42 FR 52969-September 30, 1977) San Diego County, Califonria					
Change:					
Drywall Installers	$12.85	.66	$1.20	.80	.07
Plumbers; Steamfitters	12.41	10%	16%	13%	3/4%
Sheet Metal Workers	12.96	1.04	2.24		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #IA77-4223-Mod. # 1 (42 FR 53002- September 30,1977) Change:					
Laborers:					
Group 1	$ 7.60	.45	.20		
Group 2	7.70	.45	.20		
Group 3	7.85	.45	.20		
Decision #IA77-4226- Mod. # 1 (42 FR 53007- September 30,1977) Change:					
Bricklayers	11.50		.20		
Decision #IA77-4229- Mod. # 1 (42 FR 53013- September 30,1977) Change:					
Plumbers and Steamfitters	11.39	.50	.61		.10
Decision #IA77-4230- Mod. # 1 (42 FR 53015- September 30, 1977) Change:					
Soft Floor Layers	9.625	.40	.50		.04
Plumbers and Steamfitters	11.40	.60	.85		.10
Sheet Metal Workers	11.06	.50	.77		.07

Decision #IA77-4268- Mod. # 1
(42 FR 53026- September 30,1977)
Change:
Definition of Zones
Carpenters and Piledrivermen - Zone 3- City of Council Bluffs and abutting municipalities (excluding work on or pertaining to the Missouri River)
Cement Masons- Zone 3- City of Council Bluffs and abutting municipalities (excluding work on or pertaining to the Missouri River)
Laborers- Zone 10- City of Council Bluffs and abutting municipalities (excluding work on or pertaining to the Missouri River)
Power Equipment Operators- Zone 1- City of Council Bluffs and abutting municipalities (excluding work on or pertaining to the Missouri River)
Truck Drivers-Zone 10- City of Council Bluffs and abutting municipalities (excluding work on or pertaining to the Missouri River)

DECISION #LA77-4219 - Mod. #1 (42 FR 48638 - September 23, 1977) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement masons (Highway Construction):					
Zone 3	$ 8.45	.35			
Zone 4	8.80				
Glaziers - Zone 1	9.15				.02
Ironworkers (Highway Construction):					
Zone 5	10.06				
Laborers (Building Construction):					
Zone 6 - Group 4	7.41	.15	.27		.05
Group 5	7.51	.15	.27		.05
Zone 7 - Group 1	6.925	.15	.27		.05
Group 2	7.075	.15	.27		.05
Group 3	7.125	.15	.27		.05
Laborers (Highway Construction):					
Group 1 - Zone 3	5.40	.15	.10		.05
Zone 4	6.10	.15	.10		.05
Group 2 - Zone 3	5.50	.15	.10		.05
Zone 4	6.20	.15	.10		.05
Group 3 - Zone 3	5.95	.15	.10		.05
Zone 4	6.65	.15	.10		.05
Group 4 - Zone 3	6.20	.15	.10		.05
Zone 4	6.90	.15	.10		.05
DECISION #LA77-4220 - Mod. #1 (42 FR 48658 - September 23, 1977) Bossier, Caddo & Calcasieu Pars., La					
Change:					
Glaziers - Calcasieu Par.	9.15				.02
DECISION #MD77-3080 - Mod. #2 (42 FR-32476 - June 24, 1977) Baltimore City, Maryland					
Change:					
Laborers	$ 6.35	.30	.50		.075
Truck Drivers:					
Pickups	6.95	.95	.70	a+b	
Dumps	7.13	.95	.70	a+b	
Drop-frame, gooseneck, trailer driver	7.33	.95	.70	a+b	
Euclids & dumpsters	7.44	.95	.70	a+b	
Power Equipment Operators:					
Highway Construction:					
Group I	9.18	.85	.85	a	.11
Group II	8.68	.85	.85	a	.11
Group III	8.18	.85	.85	a	.11
Group IV	7.18	.85	.85	a	.11
Group V					
a	9.58	.85	.85	a	.11
b	9.78	.85	.85	a	.11
c	9.98	.85	.85	a	.11
d	10.18	.85	.85	a	.11
e	10.43	.85	.85	a	.11

DECISION NO. MO77-4266 - Mod. #1 (42 FR 53056 - September 30, 1977)
Cass, Clay, Jackson, Platte & Ray Counties, Missouri; Johnson & Wyandotte Counties, Kansas
DECISION NO. MO77-4267 - Mod. #1 (42 FR 53061 - September 30, 1977)
Cass, Clay, Jackson, Platte & Ray Counties, Missouri; Johnson & Wyandotte Counties, Kansas

CHANGE: Power Equipment Operators Building Construction (Zone 1)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	$10.60	.75	1.00	.75	.10
Group II	10.35	.75	1.00	.75	.10
Group III	8.95	.75	1.00	.75	.10
Group IV	9.45	.75	1.00	.75	.10
Group V	9.70	.75	1.00	.75	.10
Group VI	10.85	.75	1.00	.75	.10
Group VII	11.10	.75	1.00	.75	.10
Group VIII	10.60	.75	1.00	.75	.10
Group IX	11.60	.75	1.00	.75	.10
Group X	11.10	.75	1.00	.75	.10
Group XI					
(a)	10.35	.75	1.00	.75	.10
(b)	10.10	.75	1.00	.75	.10
(c)	10.10	.75	1.00	.75	.10
(d)	9.20	.75	1.00	.75	.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS * ZONE 1

GROUP I - Asphalt paver & spreader, asphalt plant mixer, asphalt plant, backfillers, backhoe, barber-green loader & similar type, blade-power, boats-power, boilers (2), boring mach., cableways, cherry pickers, chip spreader, concrete ready-mix plant (portable), concrete mixer paver, crane-overhead, rock crusher, power operated derricks & derrick cars, ditching mach., dozers, power dredges any type, gradeall-similar type, hoist, endless chain power op. w/power travel, loaders, mechanic & welder, mucking mach., orange peels, material pumps, push cats, scoops, self-propelled rotary drill, power shovel, side boom skimmer scoop, testhole mach., throttle man.
GROUP II - Boilers (1), broom-power, chip spreader front man, clef plane, compressor (1) 105' or over not more than 20' apart, compressors-tandem, single compressors truck mounted, concrete saws, crab power , curb fininhing mach., elevator, finishing mach., firemen on rigs, flex plane, floating mach., form grader, greaser, endless chain-power operated hoist, power operated hopper, hydra hammer, lad-a-vator or similar type, rollers, siphons, jets & jennies, sub-grader, tractor over 50 H.P.
GROUP III - Oiler
GROUP IV - Fork lift, masonry; oiler-driver
GROUP V - "A" frame trucks, forklifts except masonry, mixers w/side loaders, pumps w/well points, dewatering system, tractors hauling Mat., less than 50 H.P.
GROUP VI - clamshells 80' of boom or over, crane or rigs 80' of boom or over, draglines 80' of boom or over, piledrivers 80' of boom or over. all including jib.
GROUP VII - Crane or rigs over 200' of boom.
GROUP VIII - Hoists each additional drum over 1 drum
GROUP IX - Master mechanic
GROUP X - Tower or climbing crane
GROUP XI - Ready mix concrete plants: (a) crane op. (b) loader op. (c) plant man (d) conveyor op.

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MN77-2048 - Mod. #4 (42 FR 26157 - May 20, 1977) Aitken, Anoka, Benton, Blue Earth, Carlton, Carver, Chisago, Cook, Dakota, Dodge, Fairbault Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Itasca, Kanabec, Koochiching, Lake, LeSueur, Meeker, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Nobles, Olmstead, Pine, Ramsey, Rice, Rock, Scott, Sherburne, Sibley, Stearns, Steel, St. Louis, Wabasha, Waseca, Washington, Winona & Wright Counties, Minnesota					
OMIT: Martin County					
Decision #NE77-4281 - Mod. #1 (42 FR 53087 - September 30, 1977)					
CHANGE:					
Plumbers and Pipefitters	11.72	.68	.70		.10
DECISION NO. OK77-4275 - Mod. #1 42 FR 53097 - September 30, 1977 Comanche County, Oklahoma					
CHANGE:					
CEMENT MASONS	$7.80				
PLASTERERS	8.05				
DECISION #PA77-3043 - Mod. #6 (42 FR 18783 - April 8, 1977) Carbon, Monroe County, including Tobyhanna Army Depot and Pike County, Pennsylvania					
Change:					
Electricians:					
Zone 5	$11.40	.50	3%+.50	.50	.10

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # SC76-1008 - Mod. # 2 (41 FR-1699 - January 9, 1976) Sumter County, South Carolina					
Change:					
Sprinkler fitters	7.575				
Decision # SC76-1053 - Mod. # 1 (41 FR-20146 - May 14, 1976) Abbeville, Cherokee, Laurens, Newberry, and Union Counties, South Carolina					
Omit:					
Sprinkler fitters	5.80				
Change:					
Sprinkler fitters:					
Cherokee County	7.70	.65	.95		.05
Laurens County	7.00				
Newberry County	7.46				
Decision # SC77-1008 - Mod. # 1 (42 FR-4101 - January 21, 1977) Lexington and Richland Counties South Carolina					
Omit:					
Sprinkler fitters	8.52	.50	.80		.08
Add:					
Sprinkler fitters:					
Richland County	7.70	.65	.95		.08
Decision # SC77-1019 - Mod. # 2 (42 FR-8990 - February 11, 1977) Chester, Fairfield and Lancaster Counties, South Carolina					
Add:					
Sprinkler fitters:					
Fairfield	7.50				
Lancaster	7.825				
Decision # SC77-1070 - Mod. # 1 (42 FR-26182 - May 20, 1977) Beaufort County, South Carolina					
Change:					
Sprinkler fitters	7.70	.65	.95		.05

MODIFICATIONS P. 15

DECISION #TX77-4193 - Mod. #1 (42 FR 42121 - August 19, 1977) Bexar Co., Tx.
DECISION #TX77-4197 - Mod. #1 (42 FR 42127 - August 19, 1977) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Tx.
DECISION #TX77-4221 - Mod. #1 (42 FR 48723 - September 23, 1977) Travis Co., Tx.
DECISION #TX77-4222 - Mod. #2 (42 FR 48725 - September 23, 1977) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Tx.
DECISION #TX77-4252 - Mod. #1 (42 FR 53147 - September 30, 1977) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Tx.
DECISION #TX77-4254 - Mod. #1 (42 FR 4254 - September 30, 1977) Bee, Kleberg & Nueces Cos., Tx.
DECISION #TX77-4255 - Mod. #1 (42 FR 53152 - September 30, 1977) Bowie Co., Tx.
DECISION #TX77-4256 - Mod. #1 (42 FR 53154 - September 30, 1977) Brazos Co., Tx.
DECISION #TX77-4257 - Mod. #1 (42 FR 53156 - September 30, 1977) El Paso Co., Tx.
DECISION #TX77-4258 - Mod. #1 (42 FR 53158 - September 30, 1977) Galveston & Harris Cos., Tx.
DECISION #TX77-4259 - Mod. #1 (42 FR 53161 - September 30, 1977) Gregg Co., Tx.
DECISION #TX77-4261 - Mod. #1 (42 FR 53165 - September 30, 1977) Lubbock Co., Tx.
DECISION #TX77-4262 - Mod. #1 (42 FR 53167 - September 30, 1977) Smith Co., Tx.
DECISION #TX77-4263 - Mod. #1 (42 FR 53167 - September 30, 1977) Taylor Co., Tx.
DECISION #TX77-4264 - Mod. #1 (42 FR 53168 - September 30, 1977) Tom Green Co., Tx.
DECISION #TX77-4265 - Mod. #1 (42 FR 53169 - September 30, 1977) Wichita Co., Tx.
DECISION #TX77-4280 - Mod. #1 (42 FR 53171 - September 30, 1977) Cameron, Hidalgo, Starr & Willacy Cos., Tx.

Change Description of Work to Read as Follows:
Building Construction (does not include single family homes & garden type apartments up to & including 4 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 & equipment, both above & below ground level, as well as excavation & foundation; includes site preparation & incidental paving & utilities outside the building.

DECISION #TX76-4039 - Mod. #1 (41 FR 7014 - February 13, 1976) Dimmit, Jim Hogg, LaSalle, Maverick, Webb, Zapata & Zavala Cos., Tx.
DECISION #TX77-4201 - Mod. #2 (42 FR 42136 - August 19, 1977) Howard Co., Tx.
DECISION #TX77-4260 - Mod. #1 (42 FR 53162 - September 30, 1977) Jefferson & Orange Cos., Tx.

Change Description of Work to Read as Follows:
Building (including Residential) Construction. 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 & equipment both above & below ground level, as well as excavation & foundation; includes site preparation & incidental paving & utilities outside the building.

DECISION #TX77-4221-Mod. #1(CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Marble setters' finishers	$ 5.87				
Terrazzo workers' finishers:					
Terrazzo finishers	5.87				
Floor machine operators	6.07				
Base machine operators	6.22				
Tile setters' finishers	5.87				

MODIFICATIONS P. 16

DECISION #TX77-4252-Mod #1(CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Zone 1 - Carpenters	$ 9.54		.40		.01
Millwrights	9.89		.40		.01
Zone 2 - Carpenters	9.28	.48	.40		.07
Millwrights	9.78	.48	.40		.07
Painters - Group 1	8.45		.40		
Group 2	8.57		.40		
Group 3	9.20		.40		
Group 4	8.70		.40		
DECISION #TX77-4253 - Mod. #1 (42 FR 53149 - September 30, 1977) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas					
Change:					
Carpenters	9.54		.40		.01
Painters	8.45		.40		
DECISION #TX77-4254-Mod. #1(CONT'D)					
Change:					
Marble setters' finishers	5.87				
Terrazzo workers8 finishers:					
Terrazzo finishers	5.87				
Floor machine operators	6.07				
Base machine operators	6.22				
Tile setters' finishers	5.87				
DECISION #TX77-4256-Mod. #1(CONT'D)					
Change:					
Asbestos workers	10.60	.80	.80		.06
DECISION #TX77-4257-Mod. #1(CONT'D)					
Change:					
Carpenters:					
Carpenters & floor layers	8.17	.67			.02
Millwrights	8.68	.67			.02
Stationary radial arm power saw operator	8.34	.67			.02
Cement masons	6.86	.68			.03
Drywall - Group 1	7.38	.30	.10		.02
Group 2	7.60	.30	.10		.02
Group 3	8.08	.30	.10		.02
Glaziers	7.29	.30	.10		.02

DECISION #TX77-4257-Mod. #1(CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers	$ 8.55	.55	1.00		.10
Laborers - Group 1	6.42	.42	.45		
Group 2	6.17	.42	.45		
Group 3	5.92	.42	.45		
Group 4	5.80	.42	.45		
Group 5	5.67	.42	.45		
Group 6	5.52	.42	.45		
Lathers	8.98				.01
Painters - Group 1	7.48	.30			.02
Group 2	7.89	.30			.02
Group 3	8.185	.30			.02
Group 4	7.70	.30			.02
Group 5	8.84	.30			.02
Plasterers	8.31	.67			.01
Roofers; Waterproofers; Pipe-wrappers	7.00				
Soft floor layers	7.23	.30	.10		.02
Terrazzo workers' helpers	5.13	.57	.20		
Tile setters' helpers	5.13	.57	.20		
Power Equipment Ops. - Group 1	7.14	.60	.60		.10
Group 2	7.72	.60	.60		.10
Group 3	7.81	.60	.60		.10
Group 4	7.86	.60	.60		.10
Group 5	7.95	.60	.60		.10
Group 6	8.18	.60	.60		.10
Group 7	8.34	.60	.60		.10
Group 8	7.81	.60	.60		.10
Group 9	8.04	.60	.60		.10
Group 10	8.34	.60	.60		.10
DECISION #TX77-4258-Mod. #1(CONT'D)					
Change:					
Asbestos workers	10.60	.80	.80		.06
Plumbers - Harris County	11.17	.65	.70		.12
Roofers	9.11	.20	.35	.25	.03
Omit:					
Pipefitters - That part of Galveston Co. east of the Trinity River:					
Commercial work up to $50,000	10.55	.445	.50		.03
Co,,ercial work $50,000 & over	11.005	.445	.50		.03
Plumbers - Galveston County:					
Commercial work up to $50,000	10.55	.445	.50		.03
Commercial work $50,000 & over	11.005	.445	.50		.03
Add:					
Pipefitters - That part of Galveston Co. east of the Trinity River	11.345	.545	.60		.10
Plumbers - Galveston County	11.345	.545	.60		.10

DECISION #TX77-4260-Mod. #1(CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers-Jefferson Co.	$10.60	.80	.80		.06
Electricians	12.40	.40	3%+.285		.06
Roofers	9.11	.20	.35	.25	.03
Power Equipment Ops. - Group 1	10.985		.25		
Group 2	9.25		.25		
Group 3	8.58		.25		
Group 4	8.39		.25		
DECISION #TX77-4265-Mod. #1(CONT'D)					
Change:					
Bricklayers & stonemasons	9.94		.30		.05
Carpenters - Carpenters	9.28	.48	.40		.07
Millwrights	9.78	.48	.40		.07

SUPERSEDEAS DECISION

STATE: Alabama COUNTIES: Jefferson & Shelby
DECISION NUMBER: AL77-1112 DATE: Date of Publication
Supersedes Decision No.: AL77-1086 dated July 1, 1977 in 42 34153
DESCRIPTION OF WORK: Building Construction, (does not include residential construction consisting of single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	10.51	.45	.40		.05
Boilermakers	9.50	.75	1.00		.02
Bricklayers:					
Bricklayers; pointers, caulkers; stonemasons	9.60	.35	.40		.12
Cleaners	8.50	.35	.40		.12
Carpenters:					
Carpenters, soft floor layers	8.95	.55	.30		.07
Millwrights	10.55				.07
Piledrivermen	9.15	.55	.30		.07
Cement masons	7.33	.50			
Electricians:					
Electricians	10.65	.55	3%+.40		½%
Cable splicers	10.90	.55	3%+.40		½%
Elevator constructors	9.14	.495	.32	4%+a+b	.02
Elevator constructors' helpers	6.40	.495	.32	4%+a+b	.02
Elevator constructors' helpers (prob.)	4.905				
Glaziers	8.58	.50	.50		.01
Ironworkers	9.25	.60	.815		.06
Linemen:					
Linemen	8.88	.35	1%		½%
Groundmen under one year	4.21	.35	1%		½%
Groundmen one year and over	4.97	.35	1%		½%
Hole and ditch digging equipment, tractor with winch and derrick, truck with winch and derrick	7.55	.35	1%		½%
Tractor with towing machine truck with winch only	6.22	.35	1%		½%
Truck without winch	5.33	.35	1%		½%
Marble setters	8.20		.40		
Painters:					
Brush (Commercial)	8.65		.60		
Spray; Structural steel	9.15		.60		
Paperhangers	8.80		.60		
Plasterers	7.47	.50			
Plumbers and Pipefitters	11.10	.58	.65		.09
Roofers	8.35	.	.20		.10
Sheet metal workers	9.90	.65	.70		.09
Sprinkler fitters	10.35	.65	.70		.08
Terrazzo workers, Tile setters	8.20		.40		
Tile, Marble terrazzo helpers	6.30				

AL77-1112 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Up to but not including 1½ tons	6.60	.35			
1½ to but not including 3 tons	6.80	.35			
3 tons but not including 5 tons	7.05	.35			
5 tons and over including special equipment	7.20	.35			
Heavy Duty - off the road trucks	7.30	.35			
Welders, riggers, riveters - receive rate prescribed for craft performing operation to which welders, riggers, and riveters are incidental.					

PAID HOLIDAYS:
A-New Year's Day: B-Memorial Day: C-Independence Day: D-Labor Day: E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:
a. 6 paid holidays: A through F.

b. Employer contributes 1% 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.

AL77-1112 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
GROUP A	6.40	.30	.35		.03
GROUP B	6.35	.30	.35		.03
GROUP C	6.30	.30	.35		.03
GROUP D	6.25	.30	.35		.03
GROUP E	6.65	.30	.35		.03
GROUP F	7.10	.30	.35		.03
GROUP G	7.00	.30	.35		.03
GROUP H	7.05	.30	.35		.03
GROUP I	6.95	.30	.35		.03
GROUP J	6.80	.30	.35		.03
GROUP K	7.75	.30	.35		.03

GROUP A
Air or electric tool operators and asphalt rakers

GROUP B
Vibrator operators, chain saw ops. of mechanical equipment which replaces (wheelbarrows or buggies), power mowers, mortar mixers, pipe layers, conc. & clay and muckers

GROUP C
Plasterers' tenders and hod carriers

GROUP D
Mason tenders, building laborers and wagon drill operators' helpers

GROUP E
Burners on demolition, wagon drill operators and tunnel laborers

GROUP F
Powderman

GROUP G
Caisson-driller (10' Dia)

GROUP H
Tunnel miner

GROUP I
Pneumatic concrete gun operator and nozzleman

GROUP J
Chuck tender

GROUP K
Oxagon operator

AL77-1112 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
GROUP A	9.34	.40	.30		.10
GROUP B	8.91	.40	.30		.10
GROUP C	7.94	.40	.30		.10
GROUP D	10.04	.40	.30		.10
GROUP E	9.43	.40	.30		.10
GROUP F	8.07	.40	.30		.10

GROUP A
Asphalt plant, boom tractor, bulldozer, cableways, core driller, compressors (2 or more), crane-derrick-dragline, dinky locomotive, dredges, fork lift, front end loader, gradall, heavy duty mechanic, hoist (1 drum or more), mixers, push tractor, scrapers, shovels, trenching machine (and all similar equipment), winch trucks, motor graders, concrete pump, piledriver, rotary drill

GROUP B
Air compressor (over 125), asphalt spreaders, blade graders (pull type), boat operator, conveyor (2 or more up to 4), crawler tractor, distributors, (bituminous surface), farm tractors, finishing machine, pumps over 4 inches, rollers, welding machine (4 or more)

GROUP C
Air compressor (125 & under), oilers-firemen, conveyor (1) tended by oiler), pumps (under 4 inches), welding machines (3 or under), mechanic helpers

GROUP D
ON STEEL ERECTION: Crane, dragline, derrick, hoist, piledriver, winch truck, fork lift, tower cranes, climbing cranes, cherry picker, mechanics, locomotives, tug boat

GROUP E
Tractors, welding machine, gas or diesel driven welding machine (4 or more), air compressors over 125 (2 or less), power generating units (gas or diesel)

GROUP F
Gas or diesel driven welding machine (3 or less), mechanic helper, air compressor 125 and under (2 or less), oiler, fireman, small boat

SUPERSEDEAS DECISION

STATE: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Rhode Island

DECISION NUMBER: CT77-3135 DATE: Date of Publication

Supersedes Decision No. CT77-5001 dated January 4, 1977, 42 FR 999.

DESCRIPTION OF WORK: All dredging on the Atlantic Coast from the Canadian Border to the southerly border of the State of Maryland and tributary waters emptying into the Atlantic Ocean, the Chesapeake and Delaware Canal, Baltimore City and Baltimore County, Maryland.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Dipper and Clamshell Dredges:					
Operator	9.80	.63	.50	7%+a	
Engineer	9.71	.63	.50	7%+a	
Craneman	9.48	.63	.50	7%+a	
Maintenance engineer	9.31	.63	.50	7%+a	
Welder	9.15	.63	.50	7%+a	
Mate	8.60	.63	.50	7%+a	
Fireman and oiler	7.77	.63	.50	7%+a	
Deckhand, handyman and tug deckhand	7.53	.63	.50	7%+a	
Scowman	7.42	.63	.50	7%+a	
Hydraulic Dredges:					
Leverman	9.60	.63	.50	7%+a	
Engineer and derrick operator	9.48	.63	.50	7%+a	
Maintenance engineer	9.31	.63	.50	7%+a	
Boilerman; dredge carpenter; blacksmith; electricians and welders	9.15	.63	.50	7%+a	
Spider barge operator	9.04	.63	.50	7%+a	
Mate	8.60	.63	.50	7%+a	
Fireman and oiler	7.77	.63	.50	7%+a	
Tug deckhand	7.53	.63	.50	7%+a	
Deckhand; handyman and shoreman	7.42	.63	.50	7%+a	
Tug Boats over 400 H. P. (with master or captain having license endorsed for 200 miles off shore)					
Tug engineer	9.10	.63	.50	7%+a	
Tug Deckhand	7.58	.63	.50	7%+a	
Tug Boats over 400 H. P. (without master or captain having license endorsed for 200 miles off shore)					
Tug engineer	8.67	.63	.50	7%+a	
Tug deckhand	7.53	.63	.50	7%+a	
Drill Boats:					
Engineers	10.57	.63	.50	b	
Blasters	10.71	.63	.50	b	
Firemen	10.17	.63	.50	b	
Drillers, welders or machinists	10.58	.63	.50	b	
Oilers	9.96	.63	.50	b	

DECISION NO. CT77-3135

FOOTNOTES:

a. Holidays; A through F, plus Washington's Birthday and Veterans' Day.

b. Holidays: A through F, plus Washington's Birthday and Veterans' Day; 6 1/2 days vacation with pay for 84 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation as set forth above will receive one day's vacation with pay for each full 20 days of service in one calendar year.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Tennessee
COUNTY: Madison
DECISION NO.: TN77-1131
DATE: Date of Publication
Supersedes Decision No.: TN77-1051 dated May 6, 1977 in 42 FR 23426.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	7.25	.30			
Carpenters	7.35				
Cement masons	7.00				
Electricians	6.50				
Glaziers	9.00	.75	.40		
Ironworkers, structural and ornamental	7.49				
Laborers:					
Laborers	4.00				
Mason tenders	4.75				
Painters, brush	6.20				
Plumbers	8.70		.50		.03
Roofers/waterproofers	9.40	.25			.03
Sheet metal workers	6.43				
Tile setters	6.15	.30			
Power Equipment Operators:					
Backhoe	5.00				
Cranes	5.00				
Front end loader	4.86				

SUPERSEDEAS DECISION

STATE: Washington COUNTIES: Statewide
DECISION NUMBER: WA77-5096 DATE: Date of Publication
Supersedes Decision No. WA77-5076 dated August 19, 1977, in 42 FR 42145
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kitttias, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$ 12.95	.51	$ 1.20		.06
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	13.16	.57	1.20		.12
Remaining Counties	11.75	.51	.95		
BOILERMAKERS	11.60	.75	1.00	.50	.02
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Grand Coulee Dam area in Okanogan County	11.01	.65	.70		.04
Benton, Franklin and Walla Walla Counties	11.06	.55	.50		
Chelan, Douglas and Okanogan (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	11.22	.65	.65		.11
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and ten mile strip bordering the Columbia River in Klickitat County	$ 11.83	.75	.85		.15
Grant County and that portion of Adams County including the City of Othello	10.50	.40			
Kittitas, Yakima and Klickitat (except a ten mile strip bordering the Columbia River) Counties	10.95	.65	.75		
Grays Harbor, Lewis, Mason, Thurston and northern portion of Pacific County	11.35	.65	.50		
Pierce County	11.03	.65	.75		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS: (Cont'd)					
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties	10.87	.65	.95		
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima east of the 120th Meridian)					
Carpenters	10.84	.60	.55		.055
Piledriver; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	10.99	.60	.55		.055
Shingler (wood or composition)	11.04	.60	.55		.055
Boom Men; Carpenters (Creosoted material)	11.09	.60	.55		.055
Piledriver (creosoted material)	11.24	.60	.55		.055
Millwright and Machine Erector	11.34	.60	.55		.055
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Carpenters and Drywall Applicators	$ 11.00	.50	.70		.02
Carpenters on Creosoted material	11.10	.50	.70		.02
Sawfilers; Stationary power saw; Floor Finisher; Floor Layer; Shingles; Floor Sander and other stationary power woodworking tools	11.13	.50	.70		.02
Millwrights and Machine Erectors	11.50	.50	.70		.02
Piledrivers; Bridge, dock and wharf builders	11.15	.50	.70		.02
Acoustical Workers	11.16	.50	.70		.02
Boommen	11.20	.50	.70		.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Carpenters; Form Strippers; Manhole Builders; Acoustical Applicators, Drywall Applicators	10.65	.55	.85	.50	.03
Piledrivermen, bridge, dock and wharf builders	10.75	.55	.85	.50	.03
Floor Layers; Floor Finishers; Stationary Power Saw Operator	10.80	.55	.85	.50	.03
Boomman	10.85	.55	.85	.50	.03
Millwrights; Machine Erectors	10.90	.55	.85	.50	.03

CEMENT MASONS

Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, Yakima Counties

	Zone A	Zone B	Zone C	Zone D	Zone E
Cement Masons	$10.28	$10.88	$11.13	$11.58	$11.98
Power Troweling Machine Gunnite Operator	10.43	11.03	11.28	11.73	12.13
Power Tool Operator (grinding, bushing of toxic material)	10.73	11.33	11.58	12.03	12.43

FRINGE BENEFITS:
Health & Welfare $.70 Pensions $.85 App. Tr. $.05

*SEE Page following TRUCK DRIVERS for ZONE DEFINITIONS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Clallam, Grays Harbor, Jefferson, King, (except City of Auburn), Kitsap, Kittitas, (western portion lying one mile west of the City of Easton), Mason, Pacific (Northern portion)					
Cement Masons	10.50	.55	1.00		.02
Composition, Color, Mastic, Trowel Machine; Grinder, Power Tool Gunnite Nozzleman	10.75	.55	1.00		.02
Island, Skagit, Snohomish and Whatcom Counties					
Cement Masons	10.92	.94	.70		.09
Composition, Color, Mastic, Trowel Machine, Grinder, Power Tools, Gunnite Nozzleman	11.17	.94	.70		.09
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Cement Masons	$ 10.37	.75	.70	.60	.10
Composition materials and power machinery	10.52	.75	.70	.60	.10
Lewis, Pierce, Thurston and the City of Auburn in King County	10.50	.55	1.00	.50	.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	$ 13.13	.57	3%+.40		.02
Cable Splicers	13.53	.57	3%+.40		.02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	12.58	.57	3%+.40		.02
Cable Splicers	13.21	.57	3%+.40		.02
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	13.03	.57	3%+.40		.02
Cable Splicers	14.33	.57	3%+.40		.02
Clallam, Jefferson, King and Kitsap Counties					
Electricians	13.20	.70	3%+.65		.03
Cable Splicers	14.52	.70	3%+.65		.03
Clark, Klickitat and Skamania Counties					
Electricians	12.80	.65	3%+1.00		.05
Cable Splicers	13.55	.65	3%+1.00		.05
Cowlitz and Wahkiakum Counties					
Electricians	12.80	.65	3%	5%	.02
Cable Splicers	14.08	.65	3%	5%	.02
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Counties					
Electricians	12.04	.65	3%+.55	8%	.07
Cable Splicers	13.24	.65	3%+.55	8%	.07
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	13.52	.65	3%+.40		.04
Cable Splicers	14.87	.65	3%+.40		.04
ELECTRONIC TECHNICIANS: (Installation and repair of low-voltage communication and alarm systems, excluding any work under the jurisdiction of a journeyman wireman);					
Adams, Ferry, Lincoln, Pend Orielle, Spokane, Stevens, and Whitman Cos.					
Journeyman Installer	$ 7.30	.43			.02
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties					
Elevator Constructors	11.95	.545	.35	4%+a	.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS: (Cont'd)					
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason Pacific, (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties					
Elevator Constructors	12.445	.545	.35	3%+a	.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Elevator Constructors	12.205	.745	.35	3%+a	.02
GLAZIERS:					
Adams (northeastern portion), Lincoln (eastern half); Pend Oreille, Spokane and Stevens Counties	10.49	.35	.10	b+.43	
Adams (southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	9.83	.40	.45	.64	
Adams (southwestern corner), Chelan, Douglas, Grant, Lincoln, (western half) and Okanogan Counties	8.25	.40	.70	.5%	.02
Asotin, Garfield and Whitman Counties	8.03	.31	.25	b+.28	
Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, (Northern portion), Pierce, San Juan, Snohomish and Thurston Counties	$10.40	.34	.75	b	
Yakima and Kittitas Counties	9.46	.35	.50		
Clark, Cowlitz, Klickitat, Pacific, (Southern portion), Skamania and Whakiakum Cos.	10.03	.51	.65	6.8%	.01
IRONWORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	11.85	.93	1.00		.10
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.					
Reinforcing; Structrual; Fence Erectors; Ornamental; Riggers; Signalmen	11.85	.93	1.00		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	9.95	.70	.85		
Clallam, Island, Jefferson, King, Kitsap, Lewis, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish and Whatcom Counties	10.90	.55	1.00		.04
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	11.05	.60	1.00		.01
MARBLE SETTERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties, and Grand Coulee Dam Area in Okanogan County	$11.01	.65	.70		.04
Benton, Franklin and Walla Walla Counties	10.39	.55	.50		
Chelan, Douglas and Okanogan Counties (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	11.22	.65	.65		.11
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkaikum Counties and a ten mile strip bordering the Columbia River in Klickitat County	11.83	.75	.85		.15
Grant County and that portion of Adams County including the City of Othello	10.50	.40			
Grays Harbor, Lewis, Mason, Thurston and northern half of Pacific Counties	11.35	.65	.50		
Pierce County	11.03	.65	.75		.06
San Juan, Skagit (including the Cities of Burlington, Sedro-Wolley, Concrete and north thereof) and Whatcom Counties	10.87	.65	.75		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE, TILE and TERRAZZO WORKERS HELEPRS:					
All Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	9.52	.65	.30		
MASON TENDERS:					
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties (including tenders to plasterers, bricklayers, tile setters, marble setters and terrazzo workers; topping for cement finishers and mortar mixers)	$ 9.19	.90	$1.10		.10
PAINTERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties					
Brush	10.52	.40	.80		.02
Steel; Spray; Steam Cleaning; Roller over 9" or 10' handle; Drywall Taper	10.77	.40	.80		.02
Swing Stage work or high rate (over 30')	10.87	.40	.80		.02
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	10.92	.40	.80		.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.					
Brush	9.53	.55	.60	.50	.10
Spray	9.93	.55	.60	.50	.10
Bridges, High work over 50' (brush),	10.28	.55	.60	.50	.10
Bridges, High work over 50' (spray)	10.68	.55	.60	.50	.10
Drywall Finishers	10.65	.65	.60	.50	.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (northern portion and Whatcom Counties					
Brush; Roller; Drywall Tapers, Paperhangers	$10.53	.60	.70		.04
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Toxic Material	10.77	.60	.70		.04
Tower Painters	10.88	.60	.70		.04
Statewide except Wahkiakum, Cowlitz and Skamania Counties					
Striper	10.43	.44	.31		
PLASTERERS:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof); Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	10.13	.70	.85		
Chelan, Douglas, Kittitas (north of the City of Ellensburg), and Okanogan Counties	9.98	.50	.65		
Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Skagit Snomomish and Thurston Cos.	10.90	.55	1.00		.06
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	11.05	.60	1.00		.01
PLASTERERS' TENDERS:					
All Counties and portions of Counties East of the 129th Meridian	9.35	.82	.70		.05
PLUMBERS:					
Chelan, Clallam, King, Kittitas (north of 47°15' N. Lat.), Douglas (west of the 119°30' W. Long.), Jefferson and Okanogan (except the area lying east of 119°30' W. Long., North to 48°30' W. Long., North lines) Counties	$12.80	.89	$ 1.41	$ 1.10	.07

DECISION NO. WA77-5096 Page 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: (Cont'd)					
Adams (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, Yakima, Douglas (east of 119°30' W. Long.), Ferry (west of a line drawn frpm Creston in Lincoln County northward to the Canadian Border), Kittitas (south of 47°15' N. Lat.), Lincoln (west of a line drawn from Schrag in Adams County northward to the Ferry County County Line), and Okanogan (east of 119°30' west Long. and south of 48°30' N. Lat.) Counties	12.77	.65	1.55	1.20	.11
Adams (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin, cowlitz, Ferry (east of a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Ktsap, Lewis, Lincoln (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman and Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line Counties	$12.66	.75	$ 1.26	$ 1.25	.12
Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line	13.12	1.21	1.60		.13

DECISION NO. WA77-5096 Page 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman Counties	9.69	.60	.75		.02
Benton, Franklin, Kittitas, Klickitat and Yakima Counties Roofers; Kettlemen; Waterproofing; Shinglers; Spraying	10.50	.60	.30		
Clallam, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, Snohomish, Thurston and Wahkiakum Counties Roofers; Waterproofers	$10.18	.60	.40		.02
Slate and Tile Roofers	10.43	.60	.40		.02
Island, San Juan, Skagit and Whatcom Counties Roofers and Waterproofers	8.55	.50	.40		
Slate and Tile Roofers	9.05	.50	.40		
Clark and Skamania Counties Roofers	10.45	.65	.80		
Handling of irritating material (coal, tar or epoxy) in unconfined area	10.95	.65	.80		
Handling of irritating material (coal, tar or epoxy) in confined area	11.20	.65	.80		
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	12.70	3%+.61	1.14		.14
Clallam, Jefferson, Kitsap and Mason Counties	11.99	3%+.37	.82	1.50	.03
Clark and Skamania Counties	11.13	3%+.81	.93	1.00	.04
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	13.25	3%+.56	.90		.02
King, Kittitas, Island and Snohomish Counties	13.23	3%+.61	1.10		.06
Whatcom, Skagit and San Juan Counties	11.18	.61	.83		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS:					
Adams (N.E. portion), Ferry, Lincoln (E.½), Pend Oreille, Spokane and Stevens Counties	$9.79	.40	.60		
Adams (S.E. portion), Benton, Columbia, Franklin and Walla Walla Counties	9.09	.40	.70	1.21	
Adams (S.W. portion), Chelan, Douglas, Grant, Lincoln (Western ½), and Okanogan Cos.	10.25	.40	.70	.40	
Asotin, Garfield, and Whitman Counties	8.83	.40	.26		
King and Snohomish Counties	10.36	.56	1.00		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	9.435	.50	.90	c	.08
Grays Harbor, Mason, Pacific (Northern portion), Pierce and Thurston Counties	9.91	.56	1.00		.05
Yakima and Kittitas Counties	9.44	.40	.35		
Island, Skagit, Whatcom Cos.	9.94	.56	1.00		.05
Skagit, Snohomish, King, Island, Kitsap, Pierce and Thurston Counties	14.12	.65	1.45		.10
Remaining Counties	11.65	.65	.95		.08
TERRAZZO WORKERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	10.75	.65	.70		
Benton, Franklin and Walla Walla Counties	10.39	.55	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	11.46	.65	.75		.05
San Juan, Skagit (incl. cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	10.87	.65	.75		
Grant County and that portion of Adams County including the City of Othello	$10.50	.40			
Grays Harbor, Lewis, Mason and Thurston Counties	9.20	.55	.30		
Pierce County	11.47	.65	.80		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or
TILE SETTERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	10.75	.65	.70		
Benton, Franklin and Walla Walla Counties	10.39	.55	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	11.46	.65	.75		.05
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat County	10.44	.70	.75		.15
Grant County and that portion of Adams County including the City of Othello	10.50	.40			
Grays Harbor, Lewis, Mason and Thurston Counties	9.20	.55	.30		
Pierce County	11.47	.65	.80		.05
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Cos.	10.87	.65	.75		

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

*Where Pacific County is stated as "Northern Portion" or "Southern Portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due west to the Pacific Ocean

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% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.

c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable Splicers, Leadman Pole Sprayer	$12.88	.45	3%	.10	1/2%
Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	11.63	.45	3%	.10	1/2%
Tree Trimmer	10.50	.45	3%	.10	1/2%
Line Equipment Man	10.02	.45	3%	.10	1/2%
Head Groundman (chipper), Head Groundman, Powderman, Jackhammer Man	8.76	.45	3%	.10	1/2%
Groundman, Tree Trimmer Helper	8.24	.45	3%	.10	1/2%

ZONE PAY

Each classification will receive the base rate plus Zone A - $1.25, Zone B - $2.00, Zone C - $2.75, Zone D - $4.00

BASE ZONE - 0 to 3 miles from geographical center of towns listed below

ZONE A - 3 to 20 miles radius from geographical center of towns listed below.

ZONE B - 20 to 35 miles radius from geographical center of towns listed below.

ZONE C - 35 to 50 miles radius from geographical center of towns listed below

ZONE D - in excess of 50 miles.

Base hourly rate will be paid to all men working out of employers' permanent shop.

Spokane	Ellensburg	Astoria	Portland	Coeur D' Alene
Tacoma	Ephrata	Baker	Pendleton	Kellog
Walla Walla	Everett	Burns	Salem	Lewiston
Wenatchee	Kennewick	Bend	Roseburg	Orofino
Yakima	Longview	Eugene	The Dalles	Sand Point
Wilbur	Olympia	Klamath Falls	Umatilla	
Bellingham	Seattle	Lakeview	Corvallis	
		Medford		

LABORERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group No.	Zone A	Zone B	Zone C	Zone D	Zone E
1	$8.80	$9.40	$9.65	$10.10	$10.50
2	9.05	9.65	9.90	10.35	10.75
3	9.30	9.90	10.15	10.61	11.00
4	9.55	10.15	10.40	10.85	11.25
5-A	9.50	10.10	10.35	10.80	11.20
5-B	9.55	10.15	10.40	10.85	11.25
5-C	9.95	10.55	10.80	11.25	11.65
5-D	10.00	10.60	10.85	11.30	11.70

FRINGE BENEFITS: Health & Welfare $.82
Pensions .70
App. Tr. .05

NOTE: See Zone Definitions following Truck Drivers Classifications
For Building Construction use base rates (zone A)
Zone rates apply to Heavy & Highway construction only.

LABORERS (Area 2) (All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and the Northern portion of Pacific County)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 8.94	.90	$1.10		.08
Group 2	9.28	.90	1.10		.08
Group 3	9.42	.90	1.10		.08
Group 4	9.52	.90	1.10		.08

LABORERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush Hog Feeder; Concrete Crewman (to include: stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, signaling, handling the nozzle of squeezecrete or similar machine - 6 inches and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: guard rials, guide and reference posts, sign posts, and right-of-way markers); Flagman; General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaffld Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Brucker and Faller (by hand); Track Laborer (railroad); Truck Loader; Well-point Man; Window Cleaner

Group 2: Asphalt Raker; Asphalt Roller, walking; Carpenter Tender; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Helper (when required to more and position machine); Form Cleaning Machine Feeder, Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: squeeze and flow-crete nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Helper; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Railroad Equipment, power dirven, except dual mobile power spiker or puller; Railroad Power Spiker or Puller, dual mobile; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar tampers, and pavement breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power dirven

Group 3: Air Track Drill; Brush Machine (to include: horizontal construction joint clean-up brush machine, power-propelled); Caisson Worker, free air; Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when working on free standing concrete stacks for smoke or fume control above 40 ft. high); Gunite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: grade checkers and elevation control); Monitor Operator, air track or similar mounting); Mortar Mixer; Nozzleman (to include: jet blasting nozzleman, over 1200 lbs., jet blast machine power-propelled, sandblast nozzle); Pipelayer (to include: working topman, caulker, collarman, jointer, mortarman, rigger, jacker, shorer, valve or meter installer); Pipewrapper; Vibrator, 4 inches and over

Group 4: Drills with dual Masts; Powderman; Welder, electric, manual or automatic

Group 5: Tunnel and Shaft, free air
Class A: Bull Gang, Pump Crete Crewman including distribution pipe, Assembling and dismantle and nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for concrete and laser beam operator on tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts

LABORERS (Area 2)
All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 1: General Laborer: Asphalt Laborers; Batch Weighman; Broomers; Brush Cutter; Brush Hog Feeder; Burners; Car and Truck Loader; Carpenter Helper; Cement Handler; Changehouse or Dry Shack; Chocker Setter; Clean Up Laborer; Concrete Form Stripper; Concrete and Monolithic Laborer; Crusher Feeder; Curing Laborer; Demolition: Wrecking and Moving (including charred material); Ditch Digger; Drierman; Dumpman; Elevator Feeders; Epoxy Technician; Faller and Bucker: Hand; Fence Laborer; Fine Graders; Flagman; Form Setter; Grout Machine Header Tender; Header Laborer and Guardrail Erector; House Wrecker; Landscaping or Planting; Material Yard Man (including electrical); Nipper-Swamper; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Scaleman; Signalman; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (at job site); Track Laborer; Truck Spotter; Window Cleaner

Group 2: Air, Gas or Electric Vibrating Screed; Anchor Machines; Ballast Regulator Machines; chippers; chocker Splicer; Chuck Tender; Clary Power Spreader and others; Concrete Saw Operator; Gabian Basket Builder; Grinders; Groutman (pressure), including Post Tension Beams; Jackhammer; Multiple Tampers; Pipe Pot Tender; Pipe Wrapper; Powderman's Helper; Power Jacks; Power Wheelbarrow or Buggy; Railroad Spike Puller; Ribbon Setter, head; Rip Rap Man, head; Rodder; Sloper (over 20'); Stake Hopper; Swinging Scaffold or Boatswain Chair over water or 25' in height; Tamper (multiple and self propelled); Tamper and similar electric and air operated tools; Topman - Tailman; Track Liners; Vibrator; Wagon Driller and Air Trac Helper; Well Point Laborer

Group 3: Bit Grinder and Drill Doctor; Cement Dumper - paving; Cement Finisher Helper; Faller and Bucker - Chain Saw; Grade Checker and Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman and Hodcarrier; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sandblast, gunnite, shotcrete); Water Blaster; Pipe Layer and Caulker; Powderman; Raker - asphalt; Spreader (carries grade with rodder); Timberman - sewer; Tugger Operator; Vibrator 4" and over; Wagon Driller and Air Trac Operator

Group 4: Caisson Worker; Laser Beam Operator (tunnel); Miner; Spader (tunnel); Powderman; Re-timberman; Maintenance Man

LABORERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group No.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
1	$8.29	$8.69	$9.04	$9.29	$9.54	$9.79
2	8.64	9.04	9.39	9.64	9.89	10.14
3	8.94	9.34	9.69	9.94	10.19	10.44
4	9.19	9.59	9.94	10.19	10.44	10.69

FRINGE BENEFITS:

Health and Welfare	$ .90
Pension	1.10
Vacation	.65
Apprenticeship Tr.	.10

NOTE: See Zone Definitions following Truck Drivers Classifications

LABORERS (Area 4) (Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties lying West of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 8.74	.90	$ 1.10		.08
Group 2	9.08	.90	1.10		.08
Group 3	9.22	.90	1.10		.08
Group 4	9.32	.90	1.10		.08

LABORERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Changehouse Man or Dry Shack Man; Choke Setter; Clean-up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, wrecking and moving Laborers; Drillers Helpers; Dumpers, road oiling crew; Dumpman (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); Landscaping or Planting Laborers; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Helper; Pittsburgh Chipper Operator or similar types Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weight Man - Crusher (aggregate when used)

Group 2: Applicator (including pot tender for same); Applying protective Material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary, Power Spreader and similar types: Clean-up Nozzleman-Greencutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite and Sand Blasting Post Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers, Ribbon Setter, head, Rip Rap Man (head) hand placed, Sand Blasting (wet), Stake Setter, Tunnel-Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills, and other similar typed; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Laser Beam (pipe laying) - Applicable when employee assigned to move, set up, align Laser Bean; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sandblasting (dry); Sewer Pipe Layers; Sewer Timberman; Track Liners; Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (Tunnel) - Tunnel Miners; Tunnel Powderman

LABORERS (Area 4)
Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties lying West of the 120th Meridian

Group 1: General Laborer: Asphalt Laborers; Batch Weighman; Broomers; Brush Cutter; Brush Hog Feeder; Burners; Car and Truck Loader; Carpenter Helper; Cement Handler; Changehouse or Dry Shack; Chocker Setter; Clean Up Laborer; Concrete Form Stripper; Concrete and Monolithic Laborer; Crusher Feeder; Curing Laborer; Demolition: wrecking and moving (including charred material); Ditch Digger; Drierman; Dumpman; Elevator Feeders; Epoxy Technician; Faller and Bucker: hand; Fence Laborer; Fine Graders; Flagman; Form Setter; Grout Machine Header Tender; Header Laborer and Guardrail Erector; House Wrecker; Landscaping or Planting Material Yard Man (including electrical); Nipper-Swamper; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Scaleman; Signalman; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (at job site); Track Laborer; Truck Spotter; Window Cleaner

Group 2: Air, Gas or Electric Vibrating Screed; Anchor Machines; Ballast Regulator Machines; Chippers; Chocker Splicer; Chuck Tender; Clary Power Spreader and others; Concrete Saw Operator; Gabian Basket Builder; Grinders; Groutman (pressure), including Post Tension Beams; jackhammer; Multiple Tampers; Pavement Breaker; Pit Pot Tender; Pipe Wrapper; Powderman's Helper; Power Jacks; Power Wheelbarrow or Buggy; Railroad Spike Puller; Ribbon Setter, head; Rip Rap Man, head; Rodder; Sloper (over 20'); Stake Hopper; Swinging Scaffold or Boatswain Chain over water or 25' in height; Tamper (multiple and self propelled); Tamper and similar Electric and air operated tools; Topman- Tailman; Track Liners; Vibrator; Wagon Driller and Air Trac Helper; Well Point Laborer

Group 3: Bit Grinder and Drill Doctor; Cement Dumper - paving; Cement Finisher Helper; Faller and Bucker, chain saw; Grade checker and Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman and Hodcarrier; Nozzleman (concerte Pump, green cutter when using combination of high pressure air and water on concrete and rock, sandblast, gunnite, shotcrete); Water Blaster; Pipe Layer and Caulker; Powderman; Raker - asphalt; Spreader (carries grade with rodder); Timberman - sewer; Tugger Operator; Vibrator 4" and over; Wagon Driller and Air Trac Operator

Group 4: Caisson Worker; Laser Beam Operator (tunnel); Miner; Spader (tunnel); Powderman; Re-Timberman; Maintenance Man

POWER EQUIPMENT OPERATORS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group No.	Zone A	Zone B	Zone C	Zone D	Zone E
1	$9.30	$9.90	$10.15	$10.60	$11.00
2	9.60	10.20	10.45	10.90	11.30
3	10.15	10.75	11.00	11.45	11.85
4	10.30	10.90	11.15	11.60	12.00
5	10.45	11.05	11.30	11.75	12.15
6	10.70	11.30	11.55	12.00	12.40
7	10.95	11.55	11.80	12.25	12.65

FRINGE BENEFITS: Health & Welfare $.90 Pension $1.15 App. Tr. $.03

NOTE: See Zone definitions following Truck Drivers classifications

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Driller's Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hot; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Posts (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drums; Loader (bucker elevator and conveyors); Longitudinal Float; Mixer Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator (self-propelled); Railroad Power Tamper Operator (self-propelled); Railroad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Jack Operator (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator; Ditch Witch or similar

POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Beltcrete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loader (Overhead and Front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking machines; Paver or Curb Extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator, Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler, including Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine power, with one Scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

POWER EQUIPMENT OPERATORS (AREA 1) Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 5: Automatic subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 3 yards); Drilling Equipment (8" bit and over) (Robbins' reverse circulation and similar); Loader Operator (Front end and Overhead 4 yards to 8 yards); Pile-driving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with tow scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 gons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader 360 degrees revolving Koehring Scooper or similar); Loaders (overhead and Front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (Overhead and Front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$11.02	.75	1.00		.11
Group 2	11.12	.75	1.00		.11
Group 3	11.23	.75	1.00		.11
Group 4	11.28	.75	1.00		.11
Group 5	11.30	.75	1.00		.11
Group 6	11.35	.75	1.00		.11
Group 7	11.36	.75	1.00		.11
Group 8	11.40	.75	1.00		.11
Group 9	11.42	.75	1.00		.11
Group 10	11.55	.75	1.00		.11
Group 11	11.58	.75	1.00		.11
Group 12	11.61	.75	1.00		.11
Group 13	11.71	.75	1.00		.11
Group 14	11.68	.75	1.00		.11
Group 15	11.70	.75	1.00		.11
Group 16	11.73	.75	1.00		.11
Group 17	11.76	.75	1.00		.11
Group 18	11.80	.75	1.00		.11
Group 19	11.87	.75	1.00		.11
Group 20	11.88	.75	1.00		.11
Group 21	11.93	.75	1.00		.11
Group 22	11.98	.75	1.00		.11
Group 23	12.20	.75	1.00		.11
Group 24	12.24	.75	1.00		.11
Group 25	12.29	.75	1.00		.11
Group 26	12.37	.75	1.00		.11
Group 27	12.59	.75	1.00		.11
Group 28	12.79	.75	1.00		.11
Group 29	12.90	.75	1.00		.11
Group 30	12.92	.75	1.00		.11
Group 31	13.20	.75	1.00		.11

POWER EQUIPMENT OPERATORS (Area 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (heavy duty)

Group 2: Oilers, Grade Checkers and Stakemen and/or Brakemen

Group 3: Firemen; Firemen (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotive (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oiler; Oiler Driver on Truck Cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p.)

Group 10: Post Hole Diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw and similar types); Bulldozers (under D9 or similar); Loaders (Fork Lifts or Lumber Stacker - on construction job site - Drott Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saw (concrete); Scrapers (carry-all type, single)

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock); Washing and Screening Plants; Finishing Machine Operator, Concrete Paving; Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Athey, Barber Greene and similar types, and Overhead and Front-end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Fuller Kenyon and Concrete and Pumpcrete); Rollers, Tampers and Vibrators (on plant, road mix or multi-lifts materials); Screed Man; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similar types); Trenching Machine (under 16 inches)

POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 13: Mechanics or Welder (heavy duty)

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating Grader type, Dumor and similar); Locomotive (geared or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (farmall type, used as Backhoes, Rubber-tired, Ford, Ferguson, Case and similar type 60 h.p. and under)

Group 18: Bull Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Bump Cutter (Concut, Christianson or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, 4 tons and over, per batch, and concrete mixers and batch - over 200 yards per hour through 400 yards per hour, and paving dual)

Group 22: Bulldozer engaged in Yo Yo Operating (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" Frame Trucks, double power drum: and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under: and Hydralifts, Hyster Cat Cranes and attachments and Chipper, wood with boom attachment); Derricks, all; Drilling Machine (Core, Cable Rotary and Exploration); Loader (fork lift with power boom and swing attachment, and overhead and front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Graders (over Model 14 and similar); Mucking Machines (Mole, Tunnel Drill, and/or Shield); Paydozer and Linker Pusher (Quad-9 and similar); Piledriver Engineer, (L.B. Foster Puller or similar, Paving Breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Gurries, CMI and similar types); Tractors (Farmall type, used as Backhoes, Rubber-tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 25 yards through 40 yards

POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scrapers and similar type(over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Crane (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons: and, Tower Cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

Group 30: Cranes (Crawler, Truck type, floating, Locomotive, Whirley, either 5 yards and over 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 85 yards through 100 yards)

POWER EQUIPMENT OPERATORS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkaikum, and the Southern portion of Pacific, Counties

Group No.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
1	$9.79	$10.19	$10.54	$10.79	$11.04	$11.29
2	9.93	10.33	10.68	10.93	11.18	11.43
3	10.03	10.43	10.78	11.03	11.28	11.53
4	10.19	10.59	10.94	11.19	11.44	11.69
5	10.21	10.61	10.96	11.21	11.46	11.71
6	10.29	10.69	11.04	11.29	11.54	11.79
7	10.35	10.75	11.10	11.35	11.60	11.85
8	10.45	10.85	11.20	11.45	11.70	11.95
9	10.51	10.91	11.26	11.51	11.76	12.01
10	10.57	10.97	11.32	11.57	11.82	12.07
11	10.59	10.99	11.34	11.59	11.84	12.09
12	10.65	11.05	11.40	11.65	11.90	12.15
13	10.73	11.13	11.48	11.73	11.98	12.23
14	10.89	11.29	11.64	11.89	12.14	12.39
15	11.05	11.45	11.80	12.05	12.30	12.55
16	11.23	11.63	11.98	12.23	12.48	12.73
17	11.37	11.77	12.12	12.37	12.62	12.87
18	11.55	11.95	12.30	12.55	12.80	13.05
19	11.69	12.09	12.44	12.69	12.94	13.19

FRINGE BENFITS:

Health and Welfare	$ 1.00
Pension	1.00
Vacation	.50
Apprenticeship Training	.05

POWER EQUIPMENT OPERATORS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Helper; Auger Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 2,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber-Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy phones, etc.; Tamping Machine, mechanical self-propelled; Hygrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulvamixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled.

Group 7: Roller(any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Cement Pump, Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loaders, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type Lifting Device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Aspahlt Plant Operator

Group 10: Bulldozer, twin engine (TC12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired dozers and Pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with Push-pull attachments, self-loader, Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, Multi-engines; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 50 tons; Piledriver Operator; Floating Clamshell, etc. under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater Equipment, remote or otherwise

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (DREDGING) (Area 1) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	$10.94	.75	$1.00		.11
Group 2	11.04	.75	1.00		.11
Group 3	11.38	.75	1.00		.11
Group 4	11.43	.75	1.00		.11
Group 5	11.48	.75	1.00		.11
Group 6	11.80	.75	1.00		.11
Group 7:					
(a)	12.19	.75	1.00		.11
(b)	12.74	.75	1.00		.11
DREDGING (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County)					
Group 1	10.94	.75	1.00		.11
Group 2	11.04	.75	1.00		.11
Group 3	11.38	.75	1.00		.11
Group 4	11.43	.75	1.00		.11
Group 5	11.48	.75	1.00		.11
Group 6	11.80	.75	1.00		.11
Group 7:					
(a)	12.19	.75	1.00		.11
(b)	12.74	.75	1.00		.11
DREDGING (Area 3) (Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties)					
Group 1	11.14	1.00	1.00	.50	.05
Group 1A	11.80	1.00	1.00	.50	.05
Group 2	10.78	1.00	1.00	.50	.05
Group 3	10.54	1.00	1.00	.50	.05
Group 4	10.28	1.00	1.00	.50	.05

POWER EQUIPMENT OPERATORS (Areas 1 and 2)
(DREDGING)

Group 1: Assistant Mate (deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster pump); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator Operator for primary pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

POWER EQUIPMENT OPERATORS (Area 3)
(DREDGING)

Group 1: Leverman, Hydraulic

Group 1A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, Attending Dredge Plant); Fireman

Group 4: Assistant Mate (Deckhand), Oiler

TRUCK DRIVERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group No.	Zone A	Zone B	Zone C	Zone D	Zone E
1	$10.18	$10.78	$11.03	$11.48	$11.88
2	10.22	10.82	11.07	11.52	11.92
3	10.28	10.88	11.13	11.58	11.98
4	10.37	10.97	11.22	11.67	12.07
5	10.58	11.18	11.43	11.88	12.28
6	10.62	11.22	11.47	11.92	12.32
7	10.68	11.28	11.53	11.98	12.38
8	10.72	11.32	11.57	12.02	12.42
9	10.83	11.43	11.68	12.13	12.53
10	10.87	11.47	11.72	12.17	12.57
11	11.18	11.78	12.03	12.48	12.88
12	11.32	11.92	12.17	12.62	13.02
13	11.48	12.08	12.33	12.78	13.18
14	11.62	12.22	12.47	12.92	13.32

FRINGE BENEPITS: Health & welfare $1.07 Pension $.75

NOTE: See Zone definitions following Truck Drivers Classifications

Group 1: Escort Driver or Pilot Car; Flat Bed Truck, single rear axle; Fork Lift, 3000 lbs. and under; Helper and Swamper; Leverperson loading trucks at bunkers; Pickup hauling employees or material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Water Tank Truck, up to 1800 gallons; Tractor (small, rubber-tired, pulling trailer or similar equipment)

Group 2: Bus Driver or Employeehaul; Flatbed Truck, dual rear axle; Power boat hauling employees or material; Tireperson No. 1

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Straddle Carrier (Ross, Hyster and similar); Oil Tank Driver; Power Operated Sweeper; Transite Mixers and Trucks hauling concrete: 3 yards and under; Trucks, side, end and bottom dump: under 6 yards; Water Tank Truck: 1801-4000 gallons

Group 4: Auto Crane: 2000 lb. capacity; Bulk Cement Spreader; Dumptor: 6 yards and under; Flat Bed Truck, using power takeoff; Flaherty Spreader, Box Driver; Fork Lift: 3001-16,000 lbs.; Fuel Truck Driver (steam cleaner and washer); Rubber-tired Tunnel Jumbo; Scissors Truck; Slurry Truck Driver; Transite Mixers and Trucks hauling concrete: over 3 yards to and including 6 yards); Warehouseperson; Water Tank Truck: 4001-6000 gallons; Wrecker and Tow Truck

TRUCK DRIVERS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 5: Burner Cutter and Welder; Oil Distributor Driver (road, bootperson, leverperson, helper); Service Greaser; Tireperson No. 2; Trucks, side, end and bottom dump: over 6 yards to and including 12 yards

Group 6: A-Frame (Swedish Crane, Iowa 3000, Hydrolift); Water Tank Truck: 6001-8000 gallons

Group 7: Dumptor, over 6 yards; Semi-truck and Trailer, 50 ton and under Lowboy; Transit Mixers and Trucks hauling concrete: over 6 yards to and including 10 yards; Trucks, side, end and bottom dump: over 12 yards to and including 20 yards

Group 8: Lowboy, over 50 ton; Tractor with Steer Trailer; Water Tank Truck: 8001-10,000 gallons

Group 9: Fork Lift, 16,000 lbs. and over; Transit Mixers and Trucks hauling Concrete; over 10 yards to and including 15 yards; Trucks, side, end and bottom dump: over 20 yards to and including 30 yards; Water Tank Truck: 10,001-12,000 gallons

Group 10: Mechanic, Field

Group 11: Tournarocker, DW's and similar, with 2 or 4 wheel-power tractor; with trailer, gallonage or yardage scale, whichever is greater; Transite Mixers and Trucks hauling Concrete: over 15 yards to and including 20 yards; Trucks, side, end and bottom dump: over 30 yards to and including 40 yards; Water Tank Truck: 12,001-14,000 gallons

Group 12: Transit Mixers and Trucks hauling concrete: over 20 yards; Truck, side, end and bottom dump: over 40 yards to and including 50 yards

Group 13: Trucks, side, end and bottom dump: over 50 yards to and including 100 yards

Group 14: Trucks, side, end and bottom dump over 100 yards; Helicopter Pilot hauling employees or material

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and all of Kittitas and Yakima Counties)					
Group 1	$11.15	.94	.70		.09
Group 2	11.20	.94	.70		.09
Group 3	11.25	.94	.70		.09
Group 4	11.36	.94	.70		.09
Group 5	11.42	.94	.70		.09
Group 6	11.46	.94	.70		.09
Group 7	11.47	.94	.70		.09
Group 8	11.53	.94	.70		.09
Group 9	11.58	.94	.70		.09
Group 10	11.60	.94	.70		.09
Group 11	11.63	.94	.70		.09
Group 12	11.73	.94	.70		.09
Group 13	11.75	.94	.70		.09
Group 14	11.79	.94	.70		.09
Group 15	11.91	.94	.70		.09
Group 16	11.95	.94	.70		.09
Group 17	12.07	.94	.70		.09
Group 18	12.12	.94	.70		.09
Group 19	12.28	.94	.70		.09
Group 20	12.44	.94	.70		.09
Group 21	12.60	.94	.70		.09

TRUCK DRIVERS (Area 2)

All Counties and portins of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at bunkers and batch plants; Pickup Truck, Escort or Pilot Car; Warehouseman and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks - side, end and bottom dump, including Semi-trucks and Trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Truck (up to 1,600 gallons); Winch Truck, single rear axle; Wrecker, tow truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Truck, 1,600 gallons to 3,000 gallons)

Group 6: Transit-mix, 0 to and including 41 yards

Group 7: Dumpsters and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive Truck (field mix) and similar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tanker; Dumpsters and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

TRUCK DRIVERS (Area 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpsters and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix, over 20 yards

TROCK DRIVERS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group No.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
1	$9.81	$10.21	$10.56	$10.81	$11.06	$11.31
2	9.86	10.26	10.61	10.86	11.11	11.36
3	9.91	10.31	10.66	10.91	11.16	11.41
4	9.96	10.36	10.71	10.96	11.21	11.46
5	10.01	10.41	10.76	11.01	11.26	11.51
6	10.11	10.51	10.86	11.11	11.36	11.61
7	10.21	10.61	10.96	11.21	11.46	11.71
8	10.31	10.71	11.06	11.31	11.56	11.81
9	10.41	10.81	11.16	11.41	11.66	11.91
10	10.58	10.98	11.33	11.58	11.83	12.08
11	10.68	11.08	11.43	11.68	11.93	12.18
12	10.78	11.18	11.53	11.78	12.03	12.28
13	10.88	11.28	11.63	11.88	12.13	12.38
14	10.98	11.38	11.73	11.98	12.23	12.48

FRINGE BENEFITS:

Health & Welfare	$ .68
Pension	.70
Vacation	.60
Apprenticeship Training	.05

TRUCK DRIVERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers of doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters of similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains of combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and wet or dry mix truck, over7 cu. yds. and including 9 cu. yds.; Truck Mechanic-Welder - Body Repairman; Water Wagons (rated capacity 5000 to 7000 gallons

TRUCK DRIVERS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and wet or dry mix trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity), over 7000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinatins thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and wet or dry mix trucks, over 11 cu. yds. and including 15 cu. yds.; Water Wagons (rated capacity), over 10,000 gallons to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combination thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and wet or dry mix trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement - add $.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

ZONE WAGE SCALE (AREA 1)

Cement Masons

Travel Zone Centers:
Moses Lake Wenatchee Pasco Yakima Spokane
*Coeur d'Alene *Walla Walla Lewiston

Laborers (Heavy and Highway)
Power Equipment Operators
Truck Drivers

Travel Zone Centers:
Moses Lake Pasco Spokane Lewiston
*Coeur d'Alene *Walla Walla

*15 mile free zone

Zone A - Within a 15 mile radius from the center of the above named cities
Zone B - 15-30 miles radius from the center of the above named cities
zone C - 30-45 miles radius from the center of the above named cities
Zone D - 45-90 miles radius from the center of the above named cities
Zone E - Over 90 miles radius from the center of the above named cities

ZONE WAGE SCALE (AREA 3) ONLY

LABORERS
Goldendale, Lonview and Vancouver

POWER EQUIPMENT OPERATORS
Astoria, Goldendale, Hood River, Longview
The Dalles and Vancouver

TRUCK DRIVERS
Astoria, Goldendale, Longview, the Dalles and Vancouver

ZONE A: All jobs or projects located within 10 miles of the respective City Hall

ZONE B: More than 10 miles but less than 25 miles from the City Hall

ZONE C: More than 25 miles but less than 35 miles from the respective City Hall

ZONE D: More than 35 miles but less than 45 miles from the City Hall

ZONE E: More than 45 miles but less than 75 miles from the respective City Hall

ZONE F: More than 75 miles from the respective City Hall

[FR Doc.77-29917 Filed 10-13-77;8:45 am]

federal register

FRIDAY, OCTOBER 14, 1977

PART VI



PRIVACY ACT ISSUANCES, ANNUAL PUBLICATION

Department/ Agency — FR Page Numbers

Systems of Records

Interstate Commerce Commission 55434

[7035-01]

INTERSTATE COMMERCE COMMISSION PRIVACY ACT OF 1974

System of Records; Annual Publication

Pursuant to 5 U.S.C. 552a(e)(4), as added by section 3 of the Privacy Act of 1974, the Interstate Commerce Commission hereby publishes the System of Records as currently maintained by this agency. The Systems of Records identified in the notice published in the Federal Register, at 41 FR 40430, continue in effect and are republished in their entirety without change.

JOHN P. KRATZKE,
Privacy Officer.

ICC—I

System name: Operating personnel files (Nonpermanent records), ICC

System location: ICC Headquarters Bureaus and Offices Washington, D.C., and Regional Detached Offices (49 CFR 1001)

Categories of individuals covered by the system: ICC employees

Categories of records in the system: Working papers and documents developed during the course of an individual's employment which are not permanently retained. These will include the Standard Form 7B (OF 4B), Employee Record Card, and nonofficial records generally limited to information on experience, education, training, special qualifications and skills, position descriptions, performance appraisals and conduct. The Regional Managers' files may contain duplicate copies of official documents (SF 171, SF 50, etc.)

Authority for maintenance of the system: Federal Personnel Manual Supplement 293-31

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the use of operating officials as a source of data to initiate requests for personnel actions, to plan and schedule employee training, to counsel employees on their performance, to establish a basis for proposing commendations or disciplinary actions, and to carry out their personnel management responsibilities in general. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statue, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation or order issued pursuant thereto. The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Disclosure may be made to a congresssional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in individual file folders.

Retrievability: Indexed by name.

Safeguards: Kept in locked file cabinets under direct control of responsible official.

Retention and disposal: Retained until employee leaves the agency through transfer or other separation and then forward to the Personnel Office where it is screened to insure that it contains no documents that should be permanently filed in the Official Personnel Folder, and then is destroyed.

System manager(s) and address:

Administrative Officer (Assistant), ICC
Headquarters Bureaus and Officers, Washington, D.C.
Regional Managers and Officer-in-charge—Detached Offices

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Employees and their supervisors

Systems exempted from certain provisions of the act: None

ICC—II

System name: National Defense Executive Reserve files, ICC

System location: Recruitment and assignment files Bureau of Operations, Interstate Commerce Commission, 12th and Constitution Avenue, Northwest, Washington, D.C. 20423 Appointment files Personnel Office, Interstate Commerce Commission, 12th and Constitution Avenue, Northwest, Washington, D.C. 20423

Categories of individuals covered by the system: Letters and/or memorandums addressed to members of the Commission's National Defense Executive Reserve or to staff involving recruitment of reservists.

Categories of records in the system: Letters, Memorandum or NDER Forms 1,2, and 3, or Form BOp D11 concerning reservists' assignments or responsibilities in connection with the National Defense Executive Reserve program, letters of appointment and statement of understanding.

Authority for maintenance of the system: EO 11179 and EO 11490

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintaining management control system of the Commission's membership and staff responsibilities in connection therewith and of individuals selected to participate in the National Defense Executive Reserve program. The information in this system of records will be exchanged as a matter of routine use with the Federal Preparedness Agency, General Services Administration, in connection with both agencies' responsibilities for administering the National Defense Executive Reserve and Emergency Preparedness programs, assigned by Executive Orders Nos. 11179, dated September 22, 1964, and 11490, dated October 30, 1969. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulations, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Disclosure may be made to a congresssional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and card file, 3 inch x 5 inch cards, basic control of quarterly computer printouts, membership listing of National Defense Executive Reserves, listing names, addresses and employment information about each reservist.

Retrievability: Files maintained by individual name.

Safeguards: Kept in locked file cabinets under control of responsible official.

Retention and disposal: Permanent for card file; correspondence and rosters, etc., three-year active file and then destroyed.

System manager(s) and address:

Recruitment and assignment files
Bureau of Operations
Assistant to the Director
Interstate Commerce Commission
12th and Constitution Avenue, Northwest
Washington, D.C. 20423
Appointment files
Director of Personnel
Interstate Commerce Commission
12th and Constitution Avenue, Northwest Washington, D.C. 20423

Notification procedure: Same as above

Record access procedures: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Employee

Systems exempted from certain provisions of the act: None

ICC—III

System name: Health Unit Medical Records, ICC

System location: Occupational Health Unit, ICC 12th and Constitution Avenue, Northwest Washington, D.C. 20423

Categories of individuals covered by the system: ICC employees

Categories of records in the system: Contains employee's Name, date of birth, address, telephone number, Bureau or Office where employed, name of person to contact in case of emergency, name of employee's personal physician. Nurse's Notes visits and treatment in the Health Unit, records pertaining to blood donations and individual records of physcial examinations, laboratory test results, x-rays and other individual health records with pertinent medical opinions.

Authority for maintenance of the system: Federal Personnel Manual Supplement 792-1

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintained expressly for the well-being of employees in relation to work assignments. For use of Director of Personnelin providing counseling services to employees and agency officials. In the event that a system of records maintained by this agency to carry its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation or order issued pursuant thereto. The information contained in thie system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearence process as set forth in that Circular.

Disclosure may be made to a congresssional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in individual file folders.

Retrievability: Indexed by name.

Safeguards: Kept in locked file, with access only by the Occupational Health Nurse and/or Physician.

Retention and disposal: Retained until one year after the employee leaves the agency, and then destroyed. Upon separation, will be given to employee at his request or to his personal physician, if so desired.

System manager(s) and address:

Occupational Health Nurse
Room 1414
Interstate Commerce Commission
12th and Constitution Avenue, Northwest
Washington, D.C. 20423

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Employee

Systems exempted from certain provisions of the act: None

ICC—IV

System name: Automated Personnel and Payroll System, ICC

System location: Section of Systems Development, ICC 12th and Constitution Avenue, Northwest Washington, D.C. 20423

Categories of individuals covered by the system: ICC employees

Categories of records in the system: Contains the name, social security number, employee number, date of birth, employment status, leave status, pay status, tax status, insurance status, saving bond and charity deductions, time and attendance data, and the organization of each ICC employee.

Authority for maintenance of the system: 49 U.S.C. 12

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: File is used for the: Transfer of information to the Internal Revenue Service for wage, levy and tax requirements—transfer of information to the Treasury Department for completion of payroll processing—transfer of information to the American Federation of Government Employees, Graphic Arts International Union, and the Professional Association of the ICC for the processing of union dues—transfer of information to state and city revenue offices for tax unemployment processing—transfer of information to the Civil Service Commission for personnel requirements—employee separation and retirement processing—employee time attendance accounting—employee salary payment and deduction control—employee bond, charity and health benefits processing—employee leave control—employee parking assignment control—employee telephone directory—employee personnel action processing and contro)—Commission budget planning, monitoring and control—creation of internal management reports, summaries and work files which are located throughout the agency.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statue or particular program statue, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing implementing the statue, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance as set forth in legislative coordination and clearance process as set forth in that Circular.

Disclosure may be made to a congresssional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on magnetic tape.

Retrievability: Indexed by social security number.

Safeguards: Stored in secure computer facility under the supervision of the tape librarian.

Retention and disposal: Fifty-two week retention for files. A five-year retention period for year-end files. At the end of each of these periods, files are destroyed.

System manager(s) and address:

Chief Section of Systems Development
RoomB-411
Interstate Commerce Commission
12th and Constitution Avenue, Northwest
Washington, D.C.

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Employee

Systems exempted from certain provisions of the act: None

ICC—V

System name: Case Status System (Formal Case Control),ICC

System location: Section of System Development, ICC 12th and Constitution Avenue, Northwest Washington, D.C. 20423

Categories of individuals covered by the system: Administrative Law Judges and Attorney-Advisers who have been assigned to work on cases before the Commission—parties of record and parties to be advised of all proceedings.

Categories of records in the system: Contains the various processing stages that a case passes through as it is reviewed by the Commission—contains Administrative Law Judge and Attorney-Adviser names who are responsible for various processing stages of the case—contains the names of parties of record and parties to be advised of all proceedings—contains hearing locations, when applicable—contains carrier identity.

Authority for maintenance of the system: Commission directive

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provides identification of

all pending cases before the Commission—identifies older cases to expedite processing—identifies cases which normal time allowances—provides an are being processed within inventory of pending cases by stage of processing—indentifies the responsible Administrative Law Judge or Attorney-Adviser and organizational unit responsible for various stages of case processing—identifies parties of record and parties to be advised of all proceedings for a given case—used to produce management reports located throughout the agency. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Disclosure may be made to a congresssional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on magnetic tape and computer disk files.

Retrievability: Indexed by case and carrier identity and Administrative Law Judge or Attorney-Adviser name.

Safeguards: Stored in secure computer facility. Data base access is under the supervision of a data base administrator.

Retention and disposal: Records are maintained on each case until it has been decided. The record is then transferred to an inactive hisrory file for permanentretention.

System manager(s) and address:

Chief, Section of System Development
Room B-411
Interstate Commerce Commission
12th and Constitution Avenue, Northwest
Washington, D.C. 20423

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Carrier(s) involved, and commission staff.

Systems exempted from certain provisions of the act: None

ICC—VI

System name: Correspondence and Management Control, ICC

System location: ICC Headquarters Bureaus and Offices Washington, D.C., and Regional Detached Offices (49 CFR 1001)

Categories of individuals covered by the system: Names of assignments with a control slip, including due dates for either individuals or sections within various organizational elements of the Commission covering letters, memoranda, or other inquiries for which responsibility to reply exists, normal business production transactions, time frames on special projects, and all aspects of overall correspondence and work load control, as well as individual signed records for government property accountability.

Categories of records in the system: The overall Commission performance monitoring system incorporates a series of subsystems which identify the various measurements of productivity which are implicit in the operation of the Commission. Maintenance of records on the performance and the production of Branches, Sections, Offices and individual employees is necessary to enable the Commission to effectively manage its work load. These records include the names of individuals assigned to specific activities, the dates of assignments, dates products recieved, name of signer for correspondence which is going out, and general evaluation criteria of the individual performance of the element being monitored.

Authority for maintenance of the system: 49 U.S.C. 12, 18

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control of the production of the total employee force of the Interstate Commerce Commission and assurance that productivity is achieved by the employees assigned individual organizational elements. Additionally, to maintain a suspense on specific actions being levied upon an individual to assure that the response is timely, as well as qualitative. Used for control of government property assuring individual accountability.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legistative coordination and clearence process as set forth in that Circular.

Disclosure may be made to a congresssional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Both card, suspense special forms, and computer-related assignment records are maintained to control the overall system. Maintained in sequence by the organizational element and/or the individual assigned to a specific task, as well as cross-referenced by the number of the task involved.

Safeguards: Maintained at supervisory levels on an informal basis with access prohibited outside of the Commission.

Retention and disposal: One-year active operation and subsequently destroyed.

System manager(s) and address:

Managing Director
Interstate Commerce Commission
Room 2118
12th and Constituti on Avenue, Northwest
Washington, D.C. 20423

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Employee

Systems exempted from certain provisions of the act: None

ICC—VII

System name: Consumer Complaint System, ICC

System location: Public Information and Consumer Affairs Ofice, ICC 12th and Constitution Avenue, Northwest Washington, D.C. 20423 Headquarters ICC Bureau and Offices and Regional Detached Offices (49 CFR 1001)

Categories of individuals covered by the system: Letters received from consumers and/or shippers regarding the operation of the ICC or carriers subject to its regulations.

Categories of records in the system: These records include letters on virtuall every subject

Categories of records in the system: These records include letters on virtually every subject. They are concentrated in three areas: complaints from individual consumers on household goods shipments, complaints from travelers on rail passenger facilities, and complaints from passenger on motor passenger facilities. Additionally, information on general subjects of the operation of the Interstate Commerce Commission and, specifically, shipper complaints against carrier practices and/or tariffs are included in overall complaint files. Files generally are accessed by name of individual complaining or subject of the complaint or name of the carrier against which the complaint is tendered. Notice is given that when complaints generate an investigative file portions of this overall file are extracted and emempted under the provisions and notice provided in the publication of ICC VIII, Preliminary Investigative Files, and ICC IX, Enforcement Files.

Authority for maintenance of the system: 49 U.S.C. 12, 18

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to complaints from individuals, to correlate information received from individuals to assure policies are developed supporting the overall

public interst in the regulatory process, to provide information to carries relative to shortcomings they are experiencing, and take informal compliance action, as well as to transfer the files to formal investigative or enforcement action, when justified. This is a public file available for public review under the terms of the Freedom of iInformation Act. Individuals submitting special complaint correspondence to the Commission, unless identifying their desire to remain anonymous, will not be protected from discosure of the information contained within the complaint letter. In the event that a system of records maintained by this agency to carry its functions indicates a violation or potenetil violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal. state, local or foreign, charged with the responsibility of investigating or prosecuting such violation orcharged with enforcing or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Disclosure may be made to a congresssional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private legislation as set forth in CMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In conventional file cabinets, alphabetically, by sender, and potentially by subject of complaint, dispersed for filing to office having primary operational use.

Retrievability: Maintained in alphabetical order, by complainant, with potential cross-index for identification of entity against which the complaint has been made, and further cross-reference by subject of complaint.

Safeguards: Minimal, since the files are public in nature.

Retention and disposal: Maintained for approximately two years and then destroyed.

System manager(s) and address:

Public Information Officer, ICC
12th and Constitution Avenue, Northwest
Washington, D.C. 20423

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Consumers and/or shippers

Systems exempted from certain provisions of the act: None

ICC—VIII

System name: Preliminary Investigative Files, ICC

System location: Bureau of Operations Interstate Commerce Commission 12th and Constitution Avenue, Norhtwest Washington, D.C. 20423, and Regional Detached Offices (49 CFR 1001)

Categories of individuals covered by the system: Suspected violators of the Interstate Commerce Act or ICC orders or regulations.

Categories of records in the system: These files contain information indicating or alleging that an individual or entity could be in violation of the Interstate Commerce Act. Such records could be arrest records from the various states received pursuant to Public Law 89-170, which allows cooperative agreements between the states and this Commission in the provision of information. For example, these files could contain warning letters involving alleged violations, miscellaneous coorespondence, newspaper clipings, records of contacts with entities or individuals by Commission personnel, copies of preliminary investigation reports, and prior enforcement actions taken by the Interstate Commerce Commission or the courts because of violations of the Interstate Commerce Act.

Authority for maintenance of the system: 49 U.S.C. 12

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used employees of the Interstate Commerce Commission to administer the Act, increase compliance with orders, regulations and statutes for the regulationof surface transprotation, and initiate appropriate enforcement action.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Disclosure may be made to a congresssional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in individual file folders.

Retrievability: Indexed by name of entity of individual.

Safeguards: Kept in locked file cabinets under direct control of responsible official

Retention and disposal: Maintained for a minimum of five years and then destroyed.

System manager(s) and address:

Washington, D.C.:
Director, Bureau of Operations
Room 7115
Interstate Commerce Commission
12th and Constitution Ave. N. W.
Washington, D.C. 20423
Regional Detached Offices:
Regional Managers (49 CFR 1001)
Field Offices:
Officers in Charge (49 CFR 1001)

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Author of letters

Systems exempted from certain provisions of the act: Under the provisions of Section (j)(2), this file is exempted from any part of Section 5 U.S.C. 552(a), except Subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6),(7), (9), (10), and (11), and (1). This material is collected in the process of investigating all potential violations of the Interstate Commerce Act, whether civil or criminal, and is exempted for the reasons expressed in 5 U.S.C. 552(b)(7). Under the provisions of Section (k)(2), this file is exempted from Subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). This material is collected in the process of investigating all potential violations of the Interstate Commerce Act, whether civil or criminal, and is exempted for the reasons expressed in U.S.C. 552(b)(7).

ICC—IX

System name: Ivestigative and Enforcement Records, cross-indexed, ICC

System location: Bureau of Enforcement (cross-indexed and central file) Interstate Commerce Commission 12th and Constitution Avenue, Northwest Washington, D.C. 20423, and ICC Regional Offices (investigative files with assigned geopraphical jurisdiction)

Categories of individuals covered by the system: Individual, corporation, partnership or sole proprietorship, subject to enforcement actions being taken by the Interstate Commerce Commission as a result of preliminary investigations.

Categories of records in the system: The central cross-index contains the name and address of individual, partnership, corporation, or sole proprietorship, and includes a cross-reference to the enforcement file containing the investigative reports, as well as other information gathered as part of the criminal prosecution and/or civil forfeiture action. The basic cross reference file does not contain significant information other than the name and address of the entity involved, but the cross-reference to the investigative file, which is maintained by case number, does provide access based upon individual name, Individual investigative and enforcement files are

maintained by Enforcement file number, both at Headquarters and Regions.

Authority for maintenance of the system: 49 U.S.C. 12

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to monitor and control the progress of enforcement actions, both within the Commission for civil forfeitures and in relationship with the Department of Justice on those actions that are going through the courts. The central cross index is the only practical method for access to the appropriate file based upon any individual identifier. Actual file information is used for prosecution of civil and criminal actions. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, or regulation or order issued pursuant thereto. The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Disclosure may be made to a congresssional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on folding 5 inch by 8 inch index cards.

Retrievability: Indexed by individual, partnership, corporation, or sole proprietorship (index). Actual files retrieved by enforcement file number.

Safeguards: Stored in a special room of the Bureau of Enforcement with Commission employees present during all duty hours (index).

Retention and disposal: Cards are maintained in the active cross-reference and indexing file while the file is open and transferred to the closed card section after the file is concluded.

System manager(s) and address:

Assistant Director
Bureau of Enforcement
Interstate Commerce Commission
12th and Constitution Avenue, Northwest
Washington, D.C. 20423

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Preliminary investigative files (ICC V111)

Systems exempted from certain provisions of the act: Under the provisions of Section (j)(2), this file is exempted from any part of Section 5 U.S.C. 552(a) except Subsections (b), (c) (1) and (2), (e)(4)(A) through(F), (e)(6), (7),(9),(10) and (11), and (i), This material is collected in the process of investigating all potential violations of the Interstate Commerce Act, whether civil or criminal, and is exempted for the reasons expressed in 5 U.S.C. 552(b)(7). Under the provisions of Section (k)(2) this file is exempted from Subsections (c)(3), (d), (e)(4)(G), and (1) and (f). This material is collected in the process of investigating all potential violations of the Interstate Commerce Act, whether civil or criminal, and is exempted for the reasons expressed in 5 U.S.C. 552(b)(7).

ICC—X

System name: ICC employee parking permit applications for carpools,ICC

System location: Section of Administrative Services, ICC 12th and Constitution Avenue, Northwest Washington, D.C. 20423

Categories of individuals covered by the system: All individuals applying for, or assigned, parking facilities

Categories of records in the system: ICC Form MD-21, Revised 3/75, Interstate Commerce Commission Application for Parking Space, Contents: Carpool member names, home addressed, office telephone number, bureau or office, service computation date, vehicle license number, distance between residence and ICC and the name of the employer.

Authority for maintenance of the system: FDMR Temporary Regulation D-47, May 22, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use is to maintain control of assigned parking spaces. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statue, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation or order is issued pursuant thereto. The information contained this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Disclosure may be made to a congresssional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on 5 inch by 8 inch cards.

Retrievability: Indexed by location of parking space, number of carpool members and order of parking permit number.

Safeguards: Secured in locked metal, laterial file cabinet under the supervision of the space and services unit.

Retention and disposal: Cards are maintained for a three-year period and then discarded.

System manager(s) and address:

Chief, Building Services and Space Management Branch
Room 1315
Interstate Commerce Commission
12th and Constitution Avenue, Northwest
Washington, D.C. 20423

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Individuals seeking parking facilities

Systems exempted from certain provisions of the act: None

ICC—XI

System name: ICC Identification System File

System location: Interstate Commerce Commission, Section of Administrative Services, 12th and Constitution Avenue, Northwest, Washington, D.C. 20423

Categories of individuals covered by the system: A. All ICC Headquarters employees

B. All nongovernment employees requiring access to office space occupied in the ICC Headquarters Building in Washington, D.C.

C. All ICC employees issued investigative credentials

Categories of records in the system: A. Name, date of birth, social security number

B. Name organization (firm), social security number

C. Name, title, Bureau or Office, credential number

Authority for maintenance of the system: 49 CFR 1000.5

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control of ICC Identification System. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, to relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. The information contained is this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Disclosure may be made to a congresssional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: A. 8 inch by 10 inch log book B. 5 inch by 8 inch sheets C. 5 inch by 8 inch sheets

Retrievability: A. Indexed by date issued. B. Indexed by organization and date issued. C. Indexed by Bureau or Office and credential number.

Safeguards: All three segments of the identification system are stored in the Section of Administrative Services under the supervision of the Space and Services Unit.

Retention and disposal: A. Maintained two years after completion of log book, then destroyed. b. Maintained for two years after which cards are destroyed. C. Maintained until credential is returned and destroyed or marked retired upon separation of employee. Inactive records are stored two years and discarded.

System manager(s) and address:

Chief, Building Services Space Management Branch
Section of Administrative Services
Interstate Commerce Commission
12th and Constitution Avenue,N.W.
Washington, D.C. 20423

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Employee.

Systems exempted from certain provisions of the act: None

ICC—XII

System name: Employee Travel Records, ICC

System location: Budget and Fiscal Office, ICC 12th and Constitution Avenue, Northwest Washington, D.C. 20423

Categories of individuals covered by the system: ICC employees

Categories of records in the system: The record consists primarily of a series of Standard And Commission forms and index file cards designed to record pertinent travel information. The information usually includes the employee's name address and organization, the mode, purpose, dates and places of travel, the method and amount of reinbursement and the amount of travel advance outstanding.

Authority for maintenance of the system: 49 U.S.C. 18

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are available for any use by any person. The Commission uses these records to establish approval for travel on official business, the reinbursement of the employee for approved expenses, control of annual budget estimates, input to the Commission's internal accounting system and periodic and special and report required by agencies outside the Commission, and the compilation of information for internal management purposes, Portions of the file are made available to Commission management personnel for monitoring assigned functional and geographical areas of responsibility. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the apprppriate agency, whether Federal, state local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Disclosure may be made to a congresssional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in individual file folders.

Retrievability: Indexed by employee name.

Safeguards: Kept in locked file cabinet under supervision of Budget and Fiscal Officer.

Retention and disposal: Records are destroyed in accordance with GSA retention schedules.

System manager(s) and address:

Chief, Budget and Fiscal Office
Room 1330
Interstate Commerce Commission
12th and Constitution Avenue, Northwest
Washington, D.C. 20423

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Employee

Systems exempted from certain provisions of the act: —None

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

PART 1007—RECORDS CONTAINING INFORMATION ABOUT INDIVIDUALS

Sec.

1007.1 Purpose and scope.
1007.2 Definitions.
1007.3 Requests by an individual for information or access.
1007.4 Procedures for identifying the individual making the request.
1007.5 Disclosure of requested information to individuals; fees for copies of records.
1007.6 Disclosure to third parties.
1007.7 Content of systems or records.
1007.8 Amendment of a record.
1007.9 Appeals to the Chairman.
1007.10 Information supplied by the Commission when collecting information from an individual.
1007.11 Public notice of records systems.
1007.12 Exemptions.

AUTHORITY: Secs. 552, 553, and 559, Administrative Procedure Act (5 U.S.C. 552, 553 and 559).

§ 1007.1 Purpose and scope.

(a) This part contains the rules of the Interstate Commerce Commission implementing the Privacy Act of 1974 (5 U.S.C. 552a). These rules apply to all records maintained by this Commission which are not excepted or exempted as provided for in § 1007.12, insofar as they contain personal information concerning an individual, identify that individual by name or other symbol and are contained in a system of records from which information is retrieved by the individual's name or identifying symbol. Among the primary purposes of these rules are to permit individuals to determine whether information about them is contained in Commission files and, if so, to obtain access to that information; to establish procedures whereby individuals may have inaccurate and incomplete information corrected; and, to restrict access by unauthorized persons to that information.

(b) In this part the Commission is also exempting certain Commission systems of records from some of the provisions of the Privacy Act of 1974 that would otherwise be applicable to those systems.

§ 1007.2 Definitions.

As used in this part:

"Commission" means the Interstate Commerce Commission.

"Chairman" means the Presidentially appointed Commissioner who is the administrative head of the Interstate Commerce Commission.

"Privacy Officer" refers to the individual designated to process requests and handle various other matters relating to the Commission's implementation of the Privacy Act of 1974.

"Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

"Maintain" means the maintenance, collection, use, or dissemination (of records).

"Record" means any item, collection or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

"Statistical Record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of Title 13 of the United States Code.

"System of records" means a group of any records under the control of the Commission retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

"Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose of which the record was compiled.

"Agency" means any executive department, military department, Government corporation, Government-controlled corporation or other establishment in the Executive Branch of the Government or any independent regulatory agency.

§ 1007.3 Requests by an individual for information or access.

(a) Any individual may request information on whether a system of records maintained by the Commission contains any information pertaining to him or her, or may request access to his or her record or to any information pertaining to him or her which is contained in a system of records. All requests shall be directed to the Privacy Officer, Office of the Managing Director, Interstate Commerce Commission, Twelfth Street and Constitution Avenue NW, Washington, D.C. 20423.

(b) A request for information or for access to records under this part may be made by mail or in person. The request shall: (1) Be in writing and signed by the individual making the request; and, (2) include the full name of the individual seeking the information or record, along with his or her home and business addresses and telephone numbers.

(c) For each system of records from which information is sought, the request shall: (1) Specify the title and identifying number as it appears in the system notice published by the Commission; (2) provide such additional identifying information, if any, as may be required by the system notice; (3) describe the specific information or kind of information sought within that system of records; and, (4) set forth any unusual arrangements sought concerning the time, place, or form of access.

(d) The Commission will respond in writing to a request made under this section within ten days (excluding Saturdays, Sundays and legal public holidays) after receipt of the request. If a definitive reply cannot be given within ten days, the request will be acknowledged and an explanation will be given of the status of the request.

(e) The individual either will be notified in writing of where and when he or she may obtain access to the records requested or will be given the name, address and telephone number of the member of the Commission staff with whom he or she should communicate to make further arrangements for access.

§ 1007.4 Procedures for identifying the individual making the request.

When a request for information or for access to records has been made pursuant to § 1007.3, before information is given or access is granted pursuant to § 1007.5 of these rules, the Commission shall require reasonable identification of the person making the request to insure that information is given and records are disclosed only to the proper person.

(a) An individual may establish his identity by:

(1) Submitting with his written request for information or for access to photocopy, two pieces of identification bearing his or her name and signature, one of which shall bear his or her current home or business address; or

(2) Appearing at any office of the Commission during the regular working hours for that office and presenting either:

(i) One piece of identification containing a photograph and signature, such as a driver's license or passport, or, in the case of a Commission employee, his or her ICC identification card; or

(ii) Two pieces of identification bearing the individual's name and signature, one of which shows the individual's current home or business address; and

(3) Providing such other proof of identity as the Commission deems satisfactory in the circumstances of a particular rquest.

(b) Nothing in this section shall preclude the Commission from requiring additional identification before granting access to the records if there is reason to believe that the person making the request may not be the individual to whom the record pertains, or where the sensitivity of the data may warrant.

(c) The requirements of this subsection shall not apply if the records involved would be available to any person under the Freedom of Information Act.

§ 1007.5 Disclosure of requested information to individuals; fees for copies of records.

(a) Any individual who has requested access to his or her record or to any information pertaining to that individual in the manner prescribed in § 1007.3 and has identified himself or herself as prescribed in § 1007.4 shall be permitted to review the record and have a copy made of all or any portion thereof in a form comprehensible to the individual, subject to fees for copying services set forth in paragraph (f) of this section. Upon request, persons of the individual's own choosing may accompany the individual, provided that the individual has furnished a written statement authorizing discussion of his or her record in the accompanying person's presence.

(b) Access will generally be granted in the office of the Commission where the records are maintained during normal business hours, but for good cause shown

the Commission may grant access at another office of the Commission or at different times for the convenience of the individual making the request. When a request for access is from a Commission employee, this request may be granted by forwarding the information desired through registered mail, return receipt requested.

(c) Where a document containing information about an individual also contains information not pertaining to him or her, the portion not pertaining to the individual shall not be disclosed except to the extent the information is available to any person under the Freedom of Information Act. If the records sought cannot be provided for review and copying in a meaningful form, the Commission shall provide to the individual a summary of the information concerning the individual contained in the record or records which shall be complete and accurate in all material aspects.

(d) Where the disclosure involves medical records, the Privacy Officer may determine that such information will be provided only to a physician designated by the individual.

(e) Requests for copies of documents may be directed to the Privacy Officer or to the member of the Commission's staff through whom arrangements for access were made.

(f) Fees for copies of records shall be charged at the rate of 10 cents per letter-size or legal-size exposure duplicated electrostatically. Fees for requests requiring the use of a computer shall be charged at the actual cost for machine time. Payment should be made by check or money order payable to the Treasury of the United States. When it is determined to be in the best interest of the public, the Privacy Officer may waive the fee provision.

(g) Nothing in this subsection or in § 1007.3 shall:

(1) Require the disclosure of records exempted under § 1007.12 of these rules, including the exemption relating to investigative records;

(2) Allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding or a criminal proceeding; or,

(3) Require the furnishing of information or records which in the regular course of business cannot be retrieved by the name or other identifier of the individual making the request.

§ 1007.6 Disclosure to third parties.

(a) The Commission shall not disclose to any agency or to any person by any means of communication a record pertaining to an individual which is contained in a system of records, except under the following circumstances:

(1) The individual to whom the record pertains has given his written consent to the disclosure;

(2) The disclosure is to officers and employees of the Commission who need it in the performance of their duties;

(3) Disclosure is required under the Freedom of Information Act (5 U.S.C. 552).

(4) Disclosure is for a routine use as defined in § 1007.2 of these rules and described in the system notice for that system of records;

(5) The disclosure is made to the Bureau of the Census for the purposes of planning or carrying out a census or survey or related activity;

(6) The disclosure is made to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(7) The disclosure is made to another agency or to an instrumentality of any Governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to the Commission specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) The disclosure is made to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value.

(9) The disclosure is made to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(10) The disclosure is made to either House of Congress, or, to the extent of matter(s) within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(11) The disclosure is made to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or,

(12) Pursuant to the order of a court of competent jurisdiction.

(b) The Commission, with respect to each system of records under its control, shall keep for at least five years an accurate accounting of certain disclosures:

(1) A record shall be kept of all disclosures made under paragraph (a) of this section, except disclosures made with the consent of the individual to whom the record pertains (paragraph (a)(1) of this section), disclosures to authorize employees (paragraph (a)(2) of this section), and disclosures required under the Freedom of Information Act (paragraph (a)(3) of this section).

(2) The record shall include:

(i) The date, nature, and purpose of each disclosure of a record made to any person or to another agency;

(ii) The name and address of the person or agency to whom the disclosure was made.

(c) The accounting described in paragraph (b) of this section will be made available to the individual named in the record upon his written request, directed to the Privacy Officer, Interstate Commerce Commission, Twelfth Street and Constitution Avenue NW., Washington, D.C. 20423, except that the accounting will not be revealed with respect to disclosures made under paragraph (a)(7) of this § 1107.6 pertaining to law enforcement activity, and will not be maintained as to disclosures involving systems of records exempted under § 1007.12.

(d) Whenever an amendment or correction of a record or a notation of dispute concerning the accuracy of records is made by the Commission in accordance with §§ 1007.8 and 1007.9, the Commission will inform any person or other agency to whom the record was previously disclosed, if an accounting of the disclosure was made pursuant to the requirements of paragraph (b) of this section.

§ 1007.7 Content of systems or records.

(a) The Commission will maintain in its records only such information about an individual as is relevant and necessary to accomplish the purposes of the Interstate Commerce Act and other purposes required to be accomplished by statute or by Executive Order of the President.

(b) The Commission will maintain no record describing how any individual exercises rights guaranteed by the First Amendment of the United States Constitution unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(c) The Commission will collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs.

(d) The Commission will maintain all records which are used by the Commission in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination.

§ 1007.8 Amendment of a record.

(a) Any individual may request amendment of information pertaining to him which is contained in a system of records maintained by the Commission and which is filed under his name or other individual identifier if he believes the information is not accurate, relevant, timely or complete. A request for amendment shall be directed to the Privacy Officer.

(b) A request for amendment may be made by mail or in person and shall: (1) Be in writing and signed by the person making the request; (2) describe the particular record to be amended with sufficient specificity to permit the record to be located among those maintained by the Commission; and (3) specify the nature of the amendment sought and the justification for the requested change. The person making the request may be required to provide the information specified in §§ 1007.3 and 1007.4 in order to simplify identification of the record and permit verification of the identity of the person making the request for amendment.

(c) Receipt of a request for amendment will be acknowledged in writing within ten days (excluding Saturdays,

Sundays and legal public holidays); except that if the individual is given notice within the ten-day period that his or her request will or will not be complied with, no acknowledgement is required.

(d) Assistance in preparing a request to amend a record may be obtained from the Privacy Officer, Office of the Managing Director, Interstate Commerce Commission, Twelfth Street and Constitution Avenue NW., Washington, D.C. 20423.

(e) Upon receipt of a request for amendment the Privacy Officer or a person designated by him shall promptly determine whether the record is materially inaccurate, incomplete, misleading, or is irrelevant or not timely, as claimed by the individual, and, if so, shall cause the record to be amended in accordance with the individual's request.

(f) If the Privacy Officer or designee grants the request to amend the record, the individual shall promptly be advised of the decision and of the action taken, and notice shall be given of the correction and its substance to each person or agency to whom the record had previously been disclosed, as shown on the record of disclosures maintained in accordance with § 1007.6(b).

(g) If the Privacy Officer or designee disagrees in whole or in part with a request for amendment of a record, the individual shall promptly be notified of the complete or partial denial of his request and the reasons for the refusal. The individual shall also be notified of the procedures for administrative review by the Chairman of any complete or partial denial of a request for amendment, which are set forth in § 1007.9.

(h) If a request is received for amendment of a record prepared by another agency which is in the possession or control of the Commission, the request for amendment will be forwarded to that agency. If that agency determines that the correction should be made, the Commission will amend its records accordingly and notify the individual making the request for amendment of the change. If the other agency declines to make the amendment, the Privacy Officer or designee will independently determine whether the amendment will be made to the record in the Commission's possession or control, considering any explanation given by the other agency for its decision.

§ 1007.9 Appeals to the Chairman.

(a) Any individual may petition the Chairman:

(1) To review a refusal to comply with an individual request for access to records pursuant to the Privacy Act (5 U.S.C. 552a(d)(1)), and §§ 1007.3 and 1007.5 in this part;

(2) To review denial of a request for amendment made pursuant to § 1007.8;

(3) To correct any determination that may have been made adverse to the individual based in whole or in part upon inaccurate, irrelevant, untimely or incomplete information; and,

(4) To correct a failure to comply with any other provision of the Privacy Act and the rules of this Part 1007, which has had an adverse effect on the individual.

(b) The petition to the Chairman shall be in writing and shall: (1) State in what manner it is claimed the Commission or any Commission employee has failed or refused to comply with provisions of the Privacy Act or of the rules contained in this Part 1007, and (2) set forth the corrective action the petitioner wishes the Commission to take. The petitioner may, if he or she wishes, state such facts and cite such legal or other authorities as are considered appropriate.

(c) The Chairman will make a determination of any petition filed pursuant to this subsection within thirty days (excluding Saturdays, Sundays and legal public holidays) after receipt of the petition, unless for good cause shown, the Chairman extends the 30-day period. If a petition is denied, the petitioner will be notified in writing of the reasons for such denial, and the provisions for judicial review of that determination which are set forth in section 552a(g)(1)(A) and (2)(A), of Title 5 of the United States Code and the provisions for disputed records set forth in paragraph (d) of this section.

(d) If, after review, the Chairman declines to amend the records as the individual has requested, the individual may file with the Privacy Officer a concise statement setting forth why he or she disagrees with the Chairman's denial of the request. Any subsequent disclosure containing information about which a statement of disagreement has been filed shall clearly note the portion which is disputed and include a copy of a concise statement explaining its reasons for not making the amendments requested. Prior recipients of the disputed record will be provided a copy of any statement of dispute to the extent that an accounting of disclosures was maintained.

§ 1007.10 Information supplied by the Commission when collecting information from an individual.

The Commission will inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual, of:

(a) The authority which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(b) The principal purpose or purposes for which the information is intended to be used;

(c) The routine uses which may be made of the information, as published in the FEDERAL REGISTER; and,

(d) The effects on the individual of not providing all or any part of the requested information.

§ 1007.11 Public notice of records systems.

(a) The Commission will publish in the FEDERAL REGISTER, at least annually, a notice of the existence and character of each of its system of records, which notice shall include:

(1) The name and location of the system;

(2) The categories of individuals on whom records are maintained in the system;

(3) The categories of records maintained in the system;

(4) Each routine use of the records contained in the system, including the categories of users and purpose of such use;

(5) The policies and practices of the Commission regarding storage, retrieval, access controls, retention, and disposal of the records;

(6) The title and business address of the Commission official who is responsible for the system of records;

(7) The procedures whereby an individual can be notified at his or her request if the system of records contains a record pertaining to that individual;

(8) The procedures whereby an individual can be notified at his or her request how he or she can gain access to any record pertaining to that individual contained in the system of records, and how the content of the record can be contested; and,

(9) The categories of sources of records in the system.

(b) Copies of the notices as printed in the FEDERAL REGISTER will be available in each office of the Commission. Mail requests should be directed to the Privacy Officer, Office of the Managing Director, Interstate Commerce Commission, Twelfth Street and Constitution Avenue NW., Washington, D.C. 20423. The first copy will be provided free of charge; additional copies are subject to charge provided for in paragraph (e) of this § 1007.5.

§ 1007.12 Exemptions.

(a) Investigatory materials compiled for law enforcement purposes are exempt from portions of the Privacy Act of 1974 and of these rules on the basis and to the extent that individual access to these files could impair the effectiveness and orderly conduct of the Commission's enforcement program. Provided, however, that if any individual is denied any right, privilege, or benefit to which he or she would otherwise be entitled by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of such material, such materials shall be provided to the individual; except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

(b) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for employment with or contracts with the Commission are exempt from portions of the Privacy Act of 1974 and of these rules to the extent that it identifies a confidential source. This is done in order to encourage persons from whom information is sought to provide information to the Commission which, absent assurances of confidentiality, they might otherwise be unwilling to give. However, if practicable, material identifying a confidential source shall be extracted or summarized in a manner which protects the source, and the summary or extract shall be provided to the requesting individual.

Department	Billing Code
Legal Services Corporation	6820–35
Libraries and Information Science, National Commission	7527–01
Library of Congress/Copyright Office	1410–03
Management and Budget Office	3110–01
Marine Mammal Commission	6820–31
National Aeronautics and Space Administration	7510–01
National Capital Planning Commission	7520–01
National Credit Union Administration	7535–01
National Endowment for the Humanities	7536–01
National Institute of Education	4110–39
National Mediation Board	7550–01
National Labor Relations Board	7545–01
National Science Foundation	7555–01
Navy Department:	
DCPA U 8	3810–01
Defense, Office of Secretary SD–0859	3810–70
Navy: Judge Advocate General	3810–71
Nuclear Regulatory Commission	7590–01
Occupational Safety and Health Review Commission	7600–01
Overseas Private Investment Corporation	3210–01
Panama Canal Company	3640–01
Pennsylvania Avenue Development Corporation	7630–01
Pension Benefit Guaranty Corporation	7708–01
Postal Rate Commission	7715–01
Postal Service	7710–12
Railroad Retirement Board	7905–01
Renegotiation Board	7910–01
Science and Technology Policy, Office of	7555–02
Securities and Exchange Commission	8010–01
Selective Service System	8015–01
Small Business Administration	8025–01
Smithsonian Institution	8030–01
State Department	4710–01
Susquehanna River Basin Commission	7040–01
Technology Assessment, Office of	1630–01
Telecommunications Policy Office	3160–01
Tennessee Valley Authority	8120–01
Trade Negotiations, Special Representative for	3190–01
Transportation Department:	
Office of Secretary	4910–62
Federal Railroad Administration	4910–06
Federal Aviation Administration	4910–13
Coast Guard	4910–14
Federal Highway Administration	4910–22
Urban Mass Transportation Administration	4910–57
National Transportation Safety Board	4910–58
National Highway Traffic Safety Administration	4910–59
Materials Transportation Board	4910–60
St. Lawrence Seaway Development Corporation	4910–61
Treasury Department:	
Customs Service	4810–22
Administrative Programs	4810–25
Revenue Sharing	4810–28
Alcohol, Tobacco and Firearms	4810–31
Federal Law Enforcement Training Center	4810–32
Comptroller of the Currency	4810–33
Engraving and Printing	4810–34
Government Finance Operations	4810–35
Mint, Bureau	4810–37
Public Debt	4810–40
Secret Service	4810–42
Internal Revenue Service	4830–01
U.S. Information Agency	8230–01
Veterans Administration	8320–01
Water Resources Council	8410–01
White House Office	3195–01

If your agency's name does not appear above, GPO may not have received your printing and binding requisition (Standard Form 1). Your documents can not be printed in the FEDERAL REGISTER without a billing code.

INFORMATION AND ASSISTANCE: Mr. William Rose, 202–275–2867.

NEW BILLING PROCEDURES FOR AGENCIES

As part of the new billing procedures announced in the FEDERAL REGISTER of August 24, 1977, and to insure that each agency is correctly billed for only its own documents, the Office of the Federal Register requests agencies to insert the proper billing code on all of their documents. The six-digit billing code should be typed or handwritten in ink at the top of the first page on all three copies of documents submitted to the Office of the Federal Register for publication, as follows:

BILLING CODE: 0000-00

The list of agency billing codes assigned by the Government Printing Office follows:

Department	*Billing Code*
Action	6050-01
Administrative Conference of the United States	6110-01
Agency for International Development	4710-02
Agriculture Department:	
Agricultural Marketing Service	3410-02
Agricultural Research Service	3410-03
Agricultural Stabilization and Conservation Service	3410-05
Farmer Cooperative Service	3410-06
Farmer's Home Administration	3410-07
Federal Crop Insurance Corporation	3410-08
Extension Service	3410-09
Forest Service	3410-11
National Agricultural Library	3410-12
Rural Electrification Administration	3410-15
Soil Conservation Service	3410-16
Economic Research Service	3410-18
Statistical Reporting Service	3410-20
Cooperative State Research Service	3410-22
Food and Nutrition Service	3410-30
Rural Development Service	3410-32
Animal and Plant Health Inspection Service	3410-34
Economic Management Support Center	3410-35
Food Safety and Quality Service	3410-37
National Agriculture Library	3410-12
WFAO	3410-38
Office of Management and Finance	3410-90
Office of Automated Data Systems	3410-94
Office of Personnel	3410-96
Office of Operations	3410-98
Foreign Agricultural Service	3410-10
Air Force Department	3910-01
American Battle Monuments Commission	6120-01
Arms Control and Disarmament Agency	6820-32
Army Adjutant General Center	3710-08
Defense Communications	3710-04
Chief of Engineers/Civil Works	3710-92
Blind and Other Severely Handicapped Committee	6820-33
Civil Aeronautics Board	6320-01
Civil Rights Commission	6335-01
Civil Service Commission	6325-01
Commerce Department:	
Maritime Administration	3510-03
National Technical Information Service	3510-04
Bureau of Economic Analysis	3510-06
Census Bureau	3510-07
U.S. Travel Service	3510-11
National Oceanic and Atmospheric Administration	3510-12
Standards, National Bureau	3510-13
Patents and Trademark Office	3510-16
Office of Secretary	3510-17
Office of Secretary	3510-18
Office of Secretary	3510-19
Economic Development Administration	3510-24
Domestic and International Business Administration	3510-25
National Fire-Prevention and Control Administration	3510-49
Telecommunications Office	3510-60
Commodity Futures Trading Commission	6351-01
Community Services Administration	6315-01
Consumer Product Safety Commission	6355-01
Cost Accounting Standards Board	1620-01
Defense Logistics Agency	3620-01
Economic Advisers Council	3120-01
Energy Research and Development Administration	6170-01
Environmental Protection Agency	6560-01
Environmental Quality Council	3125-01
Equal Employment Opportunity Commission	6570-06
Export-Import Bank of the United States	6690-01
Farm Credit Administration	6705-01
Federal Communications Commission	6712-01
Federal Deposit Insurance Corporation	6714-01
Federal Election Commission	6715-01
Federal Energy Administration	3128-01
Federal Home Loan Bank Board	6720-01
Federal Maritime Commission	6730-01
Federal Mediation and Conciliation Service	6732-01
Federal Power Commission	6740-02
Federal Reserve System/Board of Governors	6210-01
Federal Trade Commission	6750-01
Fine Arts Commission	6330-01
Foreign Claims Settlement Commission	6770-01
General Accounting Office	1610-01
General Services Administration:	
OAD	6820-34
Administrative Management Division, Public Buildings Service	6820-22
Public Buildings Service	6820-23
Federal Supply Service	6820-24
Automated Data and Telecommunications Service	6820-25
NAA	6820-26
NARS	6820-27
Office of Stockpile Disposal, Federal Preparedness Agency	6820-28
Executive Director, Federal Preparedness Agency	6820-29
Office of Personnel	6820-30
Government Printing Office	1505-01
Health, Education and Welfare Department:	
Office of Education (EA)	4110-89
Office of Education (EECS)	4110-02
Food and Drug Administration	4110-03
National Institutes of Health	4110-08
Health Resources Administration	4110-83
Health Services Administration	4110-84
Office of Assistant Secretary for Health	4110-85
Center for Disease Control	4110-86
Center for Disease Control/National Institute for Occupational Safety and Health	4110-87
Alcohol, Drug Abuse and Mental Health Administration	4110-88
Social Security Administration	4110-07
Health Care Financing Administration	4110-35
Secretary	4110-12
Housing and Urban Development Department	4210-01
Indian Claims Commission	7030-01
Inter-American Foundation	7025-01
Intergovernmental Relations, Advisory Commission	6115-01
Interior Department:	
Office of Secretary	4310-10
Indian Affairs Bureau	4310-02
Outdoor Recreation Bureau	4310-03
Surface Mining, Office of	4310-05
Reclamation Bureau	4310-09
Bonneville Power Administration	4310-11
Solicitor	4310-17
Geological Survey	4310-31
Mines Bureau	4310-53
Fish and Wildlife Service	4310-55
National Park Service	4310-70
Land Management Bureau	4310-84
Water Research and Technology Office	4310-49
Mine Enforcement and Safety Administration	4310-68
Alaska Power Administration	4310-37
Southwestern Power Administration	4310-47
Southeastern Power Administration	4310-76
International Broadcasting, Board for	6155-01
International Trade Commission	7020-02
Interstate Commerce Commission	7035-01
Justice Department	4410-01
Labor Department:	
Employment and Training Administration	4510-30
Secretary (Administrative Law Judges)	4510-20
Secretary (Audit and Investment)	4510-21
Secretary (Office of Information)	4510-22
Secretary	4510-23
Labor Statistics	4510-24
OSHA (Standards)	4510-26
Employment Standards Administration	4510-27
International Labor Affairs Bureau	4510-28
Labor-Management Services Administration	4510-29

(Continued on inside back cover)