AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol.42—No.208
10-28-77
PAGES
56713–56946

federal register

FRIDAY, OCTOBER 28, 1977

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

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.

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for November are being accepted for the free Wednesday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L St. N.W., Washington, D.C. in Room 9409, from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, 202–523–3517.

SUNSHINE ACT MEETINGS 56834

ICE CREAM
USDA/FSQS establishes quality standard; effective 10–29–77 56717

NONCLINICAL LABORATORY STUDIES
HEW/FDA announces availability of results of good laboratory practice pilot compliance program 56799

OTC PRODUCTS
HEW/FDA clarifies proposed dosage statements for phenylpropanolamine and eliminates an inconsistency regarding products containing an oral bronchodilator and an antitussive; comments by 12–27–77 56756

COSMETIC LABELING
HEW/FDA proposes recognition of new sources for names of ingredients; comments by 12–27–77 56757

BIOLOGICS
HEW/FDA announces opportunity for hearing on intent to revoke certain U.S. licenses for skin test antigens; requests for hearing by 11–28–77 56780

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.	523–3187
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5237
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–3517
Code of Federal Regulations (CFR)	523–3419
	523–3517
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5286
Weekly Compilation of Presidential Documents.	523–5284
Public Papers of the Presidents	523–5285
Index	523–5285

PUBLIC LAWS:

Public Law dates and numbers	523–5266
	523–5282
Slip Laws	523–5266
	523–5282
U.S. Statutes at Large	523–5266
	523–5282
Index	523–5266
	523–5282
U.S. Government Manual	523–5287
Automation	523–5240
Special Projects	523–4534

HIGHLIGHTS—Continued

NEW ANIMAL DRUGS
HEW/FDA approves revised labeling and a tolerance for the safe and effective use of nicarbazin premix in the treatment of chickens; effective 10–28–77 ..... **56729**

LEAD-BASED PAINT
SBA, as part of a consolidation of regulations, prohibits use in structures built with SBA financing; effective 10–28–77 ..... **56720**

PESTICIDES
EPA announces rebuttable presumption against registration of products containing maleic hydrazine (Part IV of this issue) **56920**

CADMIUM, ARSENIC, AND POLYCYCLIC ORGANIC MATTER
EPA requests information by 12–31–77 on possible health hazards from ambient air exposure **56786**

WATER QUALITY STANDARDS
EPA deletes obsolete rules and lists State standards, their adoption and approval dates (2 documents); comments by 12–27–77; effective 12–27–77 ..... **56739**

CHLORAMBEN BIOASSAY
HEW/NIH announces availability of carcinogenicity report **56805**

OCCUPATIONAL SAFETY
HEW/PHS solicits information on certain chemical agents and processes; comments by 12–27–77 ..... **56805**

NARCOTIC TREATMENT PROGRAMS
HEW/FDA and the National Institute on Drug Abuse issue proposals on use of methadone and other drugs; comments by 12–27–77 (2 documents) (Part II of this issue) **56896, 56897**

HOSPITAL AND MEDICAL FACILITIES
HEW/PHS proposes construction and equipment standards (Part III of this issue); comments by 12–12–77 ..... **56916**

DENTAL TEAM PRACTICE GRANTS
HEW/HRA begins accepting applications for fiscal year 1978; apply by 11–10–77 ..... **56801**

NATIONAL SCHOOL LUNCH PROGRAM
USDA/FNS apportions child care nonfood assistance funds; effective 10–19–77 ..... **56714**

PLANT VARIETY PROTECTION
USDA/AMS proposes limits of reciprocity for Israeli nationals; comments by 11–28–77 ..... **56751**

NATIONAL FOREST SYSTEM
USDA/FS amends regulations on grazing and livestock use; effective 11–28–77 ..... **56730**

ALIEN STUDENTS
Justice/INS proposes to allow immigration judges to reinstate nonimmigrant alien students in lawful status; comments by 11–28–77 ..... **56753**

RURAL RENTAL HOUSING LOANS
USDA/FmHA adds square-footage guidelines, and also amends regulations on projects of more than two stories (2 documents); effective 10–28–77 ..... 56715, 56716

MULTI-BANK COMMON TRUST FUNDS
SEC proposes treatment similar to traditional single-bank common trust funds; comments by 11–30–77 56754

SMALL BUSINESS INVESTMENT COMPANIES
SBA amends regulations on maintenance and disposal of assets acquired through liquidation proceedings; effective 10–28–77 56720

RAILROAD SAFETY
DOT/FRA sets forth enforcement procedures; effective 10–28–77 56742

TRAVEL AGENTS
CAB issues rules on free and reduced-rate transportation in various charter plans (3 documents); effective 12–27–77 ..... 56722, 56725, 56726

ANIMAL GLUE AND INEDIBLE GELATIN FROM THE NETHERLANDS
Treasury modifies determination of sales at less than fair value 56829

PRIVACY ACT
Commerce publishes new system of records; comments by 11–28–77 56771
DOD/AF publishes three new systems of records; comments by 11–28–77 56774
CSC amends routine uses for two systems of records; effective 10–28–77 56766

MEETINGS—
Commerce/DIBA: Computer Systems Technical Advisory Committee, 11–11–77 56766
Electronic Instrumentation Technical Advisory Committee, 11–9–77 56767
Management-Labor Textile Advisory Committee, 11–17–77 56769
Six Technical Advisory Committees, Joint Meeting, 11–10–77 56768
NOAA: Pacific Fishery Management Council and its Scientific and Statistical Committee and Advisory Panel, 11–14 and 11–15–77 56770
DOD: Wage Committee, 1–2, 1–9, 1–16, 1–23, and 1–30–78 56776
GSA: Archives Advisory Council, 12–1 thru 12–3–77 56798
HEW/OE: National Advisory Council on Women's Educational Programs, 11–16 and 11–17–77 56801
HRA: National Council on Health Planning and Development, 11–11–77 56801
NIH: Biotechnology Resources Advisory Committee, 12–15 and 12–16–77 56802
Board of Scientific Counselors, NICHD, 11–28–77 56802
Board of Scientific Counselors, NEI, 11–28 and 11–29–77 56802
Cancer Immunotherapy Committee, 11–14–77 56803
Clinical Applications and Prevention Advisory Committee, 11–14–77 56802
Clinical Trials Review Committee, 11–15 and 11–17–77 56803
Dental Research Institutes and Special Programs Advisory Committee, 11–29 thru 12–1–77 56803
Digestive Diseases National Commission, 12–7 and 12–8–77 56804
National Advisory Research Resources Council, General Clinical Research Centers Program Group, 12–15–77 56803
National Cancer Advisory Board, its subcommittees, and the President's Cancer Panel, 11–13 thru 11–16–77 56804
Pharmacology-Toxicology Research Program Committee, 11–16–77 56804
Labor/ETA: Federal Advisory Council on Unemployment Insurance, 11–7–77 56810
National Capital Planning Commission, 10–3 and 10–10–77 56813
National Commission for Manpower Policy: Role of Labor Market Intermediaries in Manpower, 11–17 77 56814
Science and Technology Policy Office: Intergovernmental Science, Engineering and Technology Advisory Panel, Human Resources Task Force, 11–16 and 11–17–77 56815
State: Study Group 1 of the U.S. National Committee of the International Telegraph and Telephone Consultative Committee (CCITT), 11–16–77 56828

POSTPONED MEETING—
HEW/NIH: Maternal and Child Health Research Committee, postponed from 11–14 and 11–15–77 to 11–28–77 56804

SEPARATE PARTS OF THIS ISSUE
Part II, HEW/FDA 56896
Part III, HEW/PHS 56916
Part IV, EPA 56920
Part V, Labor/ESA 56938

contents

AGRICULTURAL MARKETING SERVICE

Rules

Lemons grown in Calif. and Ariz.. 56714
Milk marketing orders:
New York-New Jersey; correction 56715
Potato research and promotion plan:
Payments; correction 56715

Proposed Rules

Plant variety protection:
Reciprocity limits for Israeli nationals 56751

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Proposed Rules

Feed grain program, 1978; national program acreages, program allocation factors, etc.; republication 56751

Notices

Environmental statements; availability, etc.:
Wheat and feed grain, 1978 set-aside program 56762

AGRICULTURE DEPARTMENT

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

Notices

Committees; establishment, renewals, terminations, etc.:
Agricultural Research Policy Advisory Committee et al 56762

AIR FORCE DEPARTMENT

Notices

Privacy Act; systems of records.. 56774

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Notices

Narcotic drugs other than methadone, clinical standards and conditions for use in narcotic treatment programs; cross reference 56896
Narcotic drugs other than methadone, use in narcotic treatment programs; inquiry; cross reference 56897

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Animal and poultry import restrictions:
Horses from Australia, Ireland, France, UK and countries affected with contagious equine metritis 56718
Overtime services relating to imports and exports:
Animals; commuted traveltime allowances 56719

Proposed Rules

Livestock and poultry quarantine:
Hog cholera; withdrawn 56753

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Notices

Procurement list, 1977; additions and deletions (2 documents) 56772

CIVIL AERONAUTICS BOARD

Rules

Charters:
Advance booking; travel agents free and reduced-rate transportation 56722
Inclusive tour; travel agents free and reduced-rate transportation 56725
One-stop inclusive tours; travel agents free and reduced-rate transportation 56726

Notices

Hearings, etc.:
Airport Security Council 56763
Airport Security Council; correction 56763
Louisville service case 56765

CIVIL SERVICE COMMISSION

Rules

Excepted service:
Community Services Administration 56713
Executive Office of President 56713
Federal Maritime Commission 56713
Justice Department 56713
Labor Department 56713

Notices

Noncareer executive assignments:
ACTION 56765
Agriculture Department 56765
Community Services Administration 56766
Treasury Department (3 documents) 56766
Privacy Act; systems of records.. 56766

COMMERCE DEPARTMENT

See also Domestic and International Business Administration; Economic Development Administration; National Oceanic and Atmospheric Administration.

Notices

Commitees; establishment, renewals, terminations, etc.:
Electronic Instrumentation Technical Advisory Committee 56770
Privacy Act; systems of records.. 56771

DEFENSE DEPARTMENT

See also Air Force Department.

Notices

Meetings:
Wage Committee 56776

DISEASE CONTROL CENTER

Notices

Occupational safety and health standards for certain chemical agents:
Exposure levels, safe standards for employment; inquiry 56799

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Meetings:
Computor Systems Technical Advisory Committee 56766
Electronic Instrumentation Technical Advisory Committee 56767
Management-Labor Textile Advisory Committee 56769
Six technical advisory committees; joint meeting 56768

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices

Import determination petitions:
Dirzis Products Co., Inc 56769
Gutman Kesslen Shoes, Inc 56769

EDUCATION OFFICE

Notices

Meetings:
Women's Educational Programs National Advisory Council 56801

EMPLOYMENT AND TRAINING ADMINISTRATION

Notices

Employment transfer and business competition determinations; financial assistance applications 56810
Meetings:
Unemployment Insurance Federal Advisory Council; republication 56810

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and federally assisted construction; general wage determination decisions, modifications, and supersedeas decisions 56938

ENERGY DEPARTMENT

See Federal Energy Regulatory Commission.

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air pollution control, new motor vehicles and engines:
Editorial changes and corrections 56736
Water quality standards; State program regulations removed.. 56739

Notices

Air pollution; health effects and ambient air concentrations; cadmium, arsenic, and polycyclic organic matter; inquiry.. 56786

Pesticide applicator certification and interim certification; State plans:
Kansas ... 56786
Pesticide programs:
Maleic hydrazide ... 56920
Water quality standards, State; adoptions and approvals ... 56786

ENVIRONMENTAL QUALITY COUNCIL

Notices

Environmental statements; availability, etc ... 56772

FARMERS HOME ADMINISTRATION

Rules

Rural housing loans and grants:
Policies, procedures and authorizations; financing rental projects ... 56716
Policies, procedures and authorizations; rental project units and community rooms, footage guidelines ... 56715

FEDERAL COMMUNICATIONS COMMISSION

Rules

Expermental broadcast services:
FM translator stations, unattended operation permission ... 56741

Notices

FM broadcast applications ready and available for processing ... 56796
Mexican standard broadcast stations; notification list ... 56797
Hearings, etc.:
A&A Ready Mixed Concrete, Inc ... 56792
American Telephone & Telegraph Co ... 56793
Sims, Bill ... 56795

FEDERAL ENERGY REGULATORY COMMISSION

Rules

Electric utilities and natural gas companies:
Rate schedules and tariffs, filing; research, development and demonstration expenditures; extension of time ... 56728

Proposed Rules

Electric plants; cost and quality of fuel data; extension of comment period ... 56756

Notices

Hearings, etc.:
Alabama-Tennessee Natural Gas Co ... 56776
Columbia Gas Transmission Corp. (4 documents) ... 56777, 56778
Consolidated Gas Supply Corp. et al ... 56778
Cree, Albert A., et al ... 56779
El Paso Natural Gas Co ... 56779
Florida Power & Light Co ... 56779
Georgia Power Co ... 56780
Louisiana Power & Light Co ... 56780
Michigan Wisconsin Pipe Line Co ... 56781
Michigan Wisconsin Pipe Line Co et al ... 56780
Mississippi Power Co. (2 documents) ... 56782, 56783
Mountain Fuel Supply Co ... 56783
Orange & Rockland Utilities, Inc., et al ... 56783
Sea Robin Pipeline Co ... 56784
Sea Robin Pipeline Co. et al ... 56783
Tennessee Gas Pipeline Co ... 56784
Transcontinental Gas Pipe Line Corp ... 56785
Virginia Electric & Power Co ... 56785
Western Gas Interstate Co ... 56785

FEDERAL HIGHWAY ADMINISTRATION

Proposed Rules

Engineering and traffic operations:
Design standards, geometric; resurfacing, restoration, and rehabilitation projects; extension of time ... 56741

FEDERAL RAILROAD ADMINISTRATION

Rules

Safety enforcement procedures ... 56742

FEDERAL REGISTER OFFICE

Notices

Air Force Department and Federal Energy Administration; Privacy Act; systems of records; annual publication; correction ... 56814

FEDERAL RESERVE SYSTEM

Rules

Information availability and practice rules ... 56719

Notices

Federal Open Market Committee:
Domestic policy directives ... 56798
Applications, etc.:
Cahokia Bancshares, Inc ... 56798

FEDERAL TRADE COMMISSION

Rules

Freedom of information; inspection of public records, change of hours ... 56727

FISH AND WILDLIFE SERVICE

Rules

Hunting:
Cibola National Wildlife Refuge, Calif., et al ... 56748

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products:
Nicarbazin ... 56729
Food for human consumption:
Reorganization and recodification; correction ... 56728

Proposed Rules

Cosmetics:
Labeling, ingredient ...
Human drugs:
Narcotic drugs other than methadone, clinical standards and conditions for use in narcotic treatment programs ... 56897
Narcotic drugs other than methadone, use in narcotic treatment programs; inquiry ... 56896
Over-the-counter drugs; phenylpropanolamine dosage, etc ... 56756

Notices

Biological products:
Skin test antigens; license revocations, hearing ... 56800
Laboratory studies, nonclinical; good laboratory practices, compliance program results availability ... 56799

FOOD AND NUTRITION SERVICE

Rules

Child care food program:
Funds, nonfood assistance, first apportionment for 1978 FY ... 56714

FOOD SAFETY AND QUALITY SERVICE

Rules

Ice cream; grade standards ... 56717

Proposed Rules

Meat and poultry products, inspection:
Tissue from ground bone; labeling and identity standards; correction ... 56754

FOREST SERVICE

Rules

Grazing and livestock use of National Forest System and range management ... 56730

Notices

Environmental statements; availability, etc.:
Eldorado National Forest, Volcanoville Planning Unit, Calif. ... 56762

GENERAL ACCOUNTING OFFICE

Notices

Regulatory reports review; proposals, approvals, etc. (OSM) ... 56798

GENERAL SERVICES ADMINISTRATION

See also Federal Register Office; National Archives and Records Service.

Rules

Procurement:
Federal; construction contractors ... 56740
Property management:
Federal; automated data management services, computer security ... 56740

Notices

Meetings:
National Archives Advisory Council ... 56798

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Alcohol, Drug Abuse, and Mental Health Administration; Disease Control Center; Education Office; Food and Drug Administration; Health Resources Administration; National Institutes of Health; Public Health Service.

HEALTH RESOURCES ADMINISTRATION

Notices

Grants:
Dental team practice; applications ---- 56801
Meetings:
Health Planning and Development National Council---- 56801

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Rules

Low-income housing:
Multi-family projects, HUD-owned; disposition; interim procedures ---- 56729

IMMIGRATION AND NATURALIZATION SERVICE

Proposed Rules

Immigration regulations:
Students; reinstatement in lawful status in deportation proceedings ---- 56753

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau; Mining Enforcement and Safety Administration; Reclamation Bureau.

Notices

San Luis Task Force; availability of report---- 56809

INTERNAL REVENUE SERVICE

Notices

Authority delegations:
Fiscal Management Officer et al.; corrections (2 documents) ---- 56829

INTERSTATE COMMERCE COMMISSION

Notices

Hearing assignments (2 documents) ---- 56829
Motor carriers:
Temporary authority applications ---- 56830

JUSTICE DEPARTMENT

See also Immigration and Naturalization Service.

Rules

Organization, functions, and authority delegations:
Assistant Attorney General, Antitrust Division---- 56730

Notices

Pollution control; consent judgments; U.S. versus listed companies, etc.:
Scott Paper Co---- 56809
U.S. Steel Corp---- 56810

LABOR DEPARTMENT

See also Employment and Training Administration; Employment Standards Administration; Occupational Safety and Health Administration.

Notices

New Hampshire State Department of Employment Security; tax credits; hearing; postponement; republication ---- 56811

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
Colorado ---- 56806
New Mexico (8 documents) --- 56806–56808
Wyoming (3 documents)---- 56808
Withdrawal and reservation of lands, proposed, etc.:
California ---- 56806
Colorado ---- 56806

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests (2 documents) ---- 56814, 56815

MANPOWER POLICY NATIONAL COMMISSION

Notices

Meetings:
Role of labor market intermediates in manpower---- 56814

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Proposed Rules

Respiratory protective devices:
Testing and approval; meeting; cross reference ---- 56761

NATIONAL ARCHIVES AND RECORDS SERVICE

See also Federal Register Office.

Proposed Rules

Property management:
Historical materials, etc.; restrictions on records use---- 56761

NATIONAL CAPITAL PLANNING COMMISSION

Notices

Meetings, agenda addition---- 56813

NATIONAL INSTITUTES OF HEALTH

Notices

Chloramben, carcinogenesis bioassay report; availability---- 56805
Meetings:
Biotechnology Resources Advisory Committee---- 56802
Cancer Immunotherapy Committee ---- 56803
Cancer National Advisory Board, et al---- 56804
Child Health and Human Development Institute, Scientific Counselors Board---- 56802
Clinical Applications and Prevention Advisory Committee- 56802
Clinical Trials Review Committee ---- 56803
Dental Research Institutes and Special Programs Advisory Committee ---- 56803
Digestive Diseases National Commission ---- 56804
Eye Institute, Scientific Counselors Board---- 56802
Heart, Lung, and Blood National Institute ---- 56802
Maternal and Child Health Research Committee---- 56804
Pharmacology-Toxicology Research Program Committee-- 56804
Research Resources National Advisory Council---- 56803

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Fishery management plans, preliminary; draft; environmental statements, meetings, etc.:
Troll, commercial, and salmon, recreational, fisheries---- 56769
Meetings:
Pacific Fishery Managment Council, Scientific and Statistical Committee and Advisory Panel ---- 56770

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Notices

State plans; development, enforcement, etc.:
Oregon ---- 56811
Washington ---- 56812

PUBLIC HEALTH SERVICE

Proposed Rules

Grants:
Hospital and medical facilities, construction and equipment standards ---- 56916

Notices

Health maintenance organizations, qualified---- 56805
Respiratory protective devices:
Testing and approval; meeting- 56805

RECLAMATION BUREAU

Notices

Environmental statements; availability, etc.:
Skywater Project, Colo---- 56809

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Notices

Meetings 56828

SCIENCE AND TECHNOLOGY POLICY OFFICE

Notices

Committees; establishment, renewals, terminations, etc.:
Energy Department Basic Research Working Group 56816
Meetings:
Intergovernmental Science, Engineering and Technology Advisory Panel 56815

SECURITIES AND EXCHANGE COMMISSION

Rules

Organization, functions, and authority delegations:
Director, Reports and Information Services Office 56727

Proposed Rules

Investment Company Act, Securities Act, and Securities Exchange Act:
Multi-bank common trust funds definitions 56754

Notices

Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc. 56816
Boston Stock Exchange 56817
Chicago Board Options Exchange, Inc 56818
Midwest Stock Exchange, Inc 56820
Midwest Clearing Corp 56821
New York Stock Exchange, Inc. (2 documents) 56823
Hearings, etc.:
British Petroleum Co., Ltd. et al 56817
Consolidated Services, Inc 56819
IDS Life Insurance Co., et al 56819
Money Market Management, Inc., et al 56821
Monongahela Power Co 56822
Pacific Resources, Inc 56824
Philadelphia Stock Exchange, Inc. 56824
Potomac Edison Co 56824
Public Service Co. of Oklahoma et al 56825
State Mutual Life Assurance Co. of America 56826
West Penn Power Co 56827

SMALL BUSINESS ADMINISTRATION

Rules

Lead-based paint, veterans preference, and flood insurance protection 56720
Small business investment companies:
Licensee's expenditure authorization to render assets, etc 56720

STATE DEPARTMENT

Notices

Meetings:
International Telephone and Telegraph Consultative Committee, U.S. National Committee, Study Group 1 56828

TRANSPORTATION DEPARTMENT

See Federal Highway Administration; Federal Railroad Administration; Saint Lawrence Seaway Development Corporation.

TREASURY DEPARTMENT

See also Internal Revenue Service.

Notices

Antidumping:
Gelatin, inedible, and animal glue from Netherlands 56829

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 (5 documents) 56713

7 CFR

226 56714
910 56714
1002 56715
1207 56715
1822 (2 documents) 56715, 56716
2858 56717

PROPOSED RULES:

180 56751
728 56751

8 CFR

PROPOSED RULES:

242 56753

9 CFR

92 56718
97 56719

PROPOSED RULES:

76 56753
317 56754
319 56754

12 CFR

261 56719
262 56719

13 CFR

107 56720
116 56720
117 56720

14 CFR

371 56722
378 56725
378a 56726

16 CFR

4 56727

17 CFR

200 56727

PROPOSED RULES:

230 56754
240 56754
270 56754

18 CFR

35 56728
154 56728

PROPOSED RULES:

141 56756

21 CFR

25 56728
121 56728
172 56728
173 56728
177 56728
181 56728
182 56728
189 56729
556 56729
558 56729

PROPOSED RULES:

291 (2 documents) 56896, 56897
341 56756
701 56757

23 CFR

PROPOSED RULES:

625 56751

24 CFR

290 56729

28 CFR

0 56730

30 CFR

PROPOSED RULES:

11 56761

36 CFR

222 56730
231 56730

40 CFR

86 56736
120 56739

41 CFR

1–18 56740
101–32 56740

PROPOSED RULES:

105–61 56761

42 CFR

PROPOSED RULES:

124 56916

47 CFR

74 56741

49 CFR

209 56742

50 CFR

32 56748

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

Reorganization Plan No. 1 of 1977 .. 56101

PROCLAMATIONS:

4528 53591
4529 53893
4530 53895
4531 53897
4532 55443
4533 56313
4534 56593

EXECUTIVE ORDERS:

10033 (Amended by EO 12013) .. 54931
10253 (Amended by EO 12013) .. 54931
10717 (Amended by EO 12014) .. 56105
11541 (Amended by EO 12013) .. 54931
11961 (Amended by EO 12013) .. 54931
11183 (Amended by EO 12012) 54249
12011 53899
12012 54249
12013 54931
12014 56105

MEMORANDUMS:

September 20, 1977 55081

4 CFR

331 54254

PROPOSED RULES:

331 ..... 56130, 56618
416 54296

5 CFR

213 ..... 53901, 53902, 54295, 54554, 55189, 55595, 55596, 56107, 56315, 56713
591 54554

PROPOSED RULES:

713 56348

7 CFR

2 55083
17 54397
21 55807
26 54793
53 53902
226 56714
301 ..... 55189, 56334
331 55804
354 55596
722 55597
908 ..... 53593, 54793
910 ..... 53593, 53921, 54555, 54794, 55190, 56107, 56714
915 54556
927 53594
966 ..... 54935, 55191, 56487
980 55192
981 56487
989 54794
1002 56715
1133 53595
1207 ..... 55879, 56715
1435 54556
1446 54559
1802 55472
1804 56444
1822 ..... 54401, 55193, 56715, 56716
1861 55090

7 CFR—Continued

1888 ..... 53966, 55194
1904 55195
1933 54401
1980 55196
2851 ..... 54562, 55598
2852 ..... 54561, 55197
2853 ..... 53921, 56335
2858 56717

PROPOSED RULES:

180 56751
220 54831
722 54660
725 56134
728 ..... 55242, 56511, 56751
729 56135
792 55243
905 54949
906 56618
927 56512
929 ..... 54950, 55094
931 54566
932 55095
944 54949
971 ..... 55821, 56336
982 ..... 55245, 55821
984 55821
989 ..... 54423, 56512
999 54950
1049 54831
1068 55896
1097 56337
1102 56337
1108 56337
1425 54566
1427 54660
1464 54951
1701 55622
1487 53628
2852 54952

8 CFR

103 55879
316a 55445

PROPOSED RULES:

242 ..... 54423, 56753

9 CFR

73 53947
92 56718
97 ..... 55598, 56718
350 54829
351 54829
354 54829
362 54829

PROPOSED RULES:

1 53968
3 ..... 53968, 55221
76 56753
92 54834
114 53968
317 ..... 54437, 55221, 56618, 56754
319 ..... 54437, 55226, 56618, 56754

10 CFR

10 54402
Ch. II 54255
205 54255
211 ..... 54257, 54261, 54403
212 54257
430 ..... 54110, 54264, 55599, 55608

10 CFR—Continued

440 54268
1000 55534

PROPOSED RULES:

210 54423
211 ..... 54298, 54423, 54424, 56618
212 ..... 54301, 54423, 55246, 56348
791 53630

11 CFR

PROPOSED RULES

109 55622

12 CFR

226 ..... 53947, 55880
261 56719
262 56719
265 ..... 53949, 55203
303 54407
404 56315
506 56316
506a 56316
525 56595
545 ..... 55083, 56595
555 56596

PROPOSED RULES:

9 ..... 56338, 56339
202 54834
226 53969
338 54566
545 55822

13 CFR

107 ..... 54271, 56720
116 56720
117 56720
303 56488
317 56488
570 55611

14 CFR

21 54408
39 ..... 53590–53597, 54408, 54794–54796, 55445–55447, 55882, 55883, 56596–56600
71 ..... 53598, 54409–54413, 54796, 55447, 55883, 55884, 56317, 56601, 56602
73 ..... 53598, 54797, 56601, 56602
75 ..... 54796, 55448, 56602
97 ..... 54414, 55448, 55885, 56603
371 56722
378 56725
378a 56726
385 ..... 53599, 54798

PROPOSED RULES:

21 55176
23 ..... 55427, 55474
25 ..... 54427, 55474
27 55474
29 55474
33 55474
36 55176
39 ..... 53631, 54428, 54429, 55102, 55475, 55476, 55896, 56339
47 55897
49 55897
71 ..... 53632, 54430, 54836, 55103, 55104, 55477–55480, 55898–55900, 56340–56344, 56619–56621
73 55900
75 54430

14 CFR—Continued

PROPOSED RULES—Continued

91 ..... 53632, 54427, 55176, 55480
121 ..... 54427, 55900
135 ..... 54427, 56702
221 56621
234 54303
241 ..... 55226, 55823
245 55823
246 55823
296 56509
371 55823
378a 55823
399 ..... 54431, 55226

15 CFR

17 54415
30 56604
370 55807
371 ..... 55886, 55887
376 55887
387 ..... 54529, 55809
388 ..... 54529, 55809
390 ..... 54530, 55809
399 55887
2002 55611
2006 55611

16 CFR

3 56489
4 56727
13 ..... 56108, 56501
1009 53950
1012 56107
1505 54273
1615 55887
1616 55887

PROPOSED RULES:

13 ..... 54573, 56622
433 56135
1013 54304
1201 53798
1205 54573
1302 54836
1304 53970
1305 53970
1500 54308
1615 56568
1616 56568
1700 55901

17 CFR

200 ..... 54530, 56727
210 54935
230 54530
240 ..... 54531, 56706

PROPOSED RULES:

1 ..... 54837, 55538, 56344
32 55538
166 ..... 54837, 56344
230 56754
239 54573
240 ..... 53633, 53635, 54573, 55227, 56754
249 ..... 53633, 53635, 54573
270 56754

18 CFR

0 55450
2 53599
35 56728
154 56728
141 54935

PROPOSED RULES:

141 56756

19 CFR

1 ..... 54274, 54415, 54936
4 ..... 54274, 54936, 56317
18 ..... 54275, 54937
22 54283
24 ..... 54275, 54937
101 ..... 54275, 54937, 56325
111 54283
141 ..... 54282, 54944
148 ..... 54282, 54944
153 56110
159 ..... 54799, 56501
207 56502
208 56502

PROPOSED RULES:

4 55801
6 54310

20 CFR

416 54945

PROPOSED RULES:

416 54953

21 CFR

5 54532
25 56728
73 54800
81 54800
121 56728
146 55204
155 ..... 55204, 56111
172 56728
173 56728
177 ..... 54532, 56728
181 56728
182 56728
184 55205
189 56729
201 53954
330 54800
436 54533
510 ..... 54534, 56111
522 53954
546 ..... 54800, 54801
556 56729
558 ..... 54802, 56111, 56325, 56729
561 53955
570 55206
610 54534
630 56112
650 54546
660 54534
1005 55207
1308 54546
1316 54945

PROPOSED RULES:

16 54837
20 54837
101 55227
133 ..... 53970, 53979
207 54574
291 ..... 56896, 56897
299 54837
341 56756
343 53980
501 55227
510 56254
558 56254
607 54574
700 54837
701 56757
800 54574
807 54574
820 56348
860 54837

22 CFR

PROPOSED RULES:

51 54838
71 54838

23 CFR

PROPOSED RULES:

625 56751

24 CFR

203 55893
207 55893
220 55894
280 54382
290 56729
1914 ..... 55866, 55867
1915 55868
1917 56036–56045
1920 ..... 53742–53752, 56046–56048, 56226–56233

PROPOSED RULES:

200 55229
570 56450
882 56292
888 55826
1917 ..... 53753–53780, 54082–54107, 54360–54378, 55229, 55706–55724, 55828, 55829, 56235–56246
1930 ..... 54432, 55105

25 CFR

PROPOSED RULES:

33 55229
34 55231

26 CFR

1 ..... 53956, 54284, 54947, 55452, 55468
7 56605
301 55611

PROPOSED RULES:

1 ..... 53637, 53956

27 CFR

PROPOSED RULES:

4 54840
181 55233

28 CFR

0 56730
16 54285
50 55470

PROPOSED RULES:

2 ..... 56136, 56137

29 CFR

5 54802
94 55726
95 55734
96 55752
98 55760
99 55774
655 54547
1601 55388
2550 54122

PROPOSED RULES:

1904 55623
1952 55234
1990 54148

30 CFR

250 53956
601 55208
705 56060
706 56060

PROPOSED RULES:

11 56761
50 55568
58 55568
80 55568

31 CFR

214 54803

32 CFR

114 54547
143 55209
581 55810
657 55612
656 56326
706 54947
819b 53958

32A CFR

1505 55211

33 CFR

117 55470
127 55471
208 56328
257 54285

PROPOSED RULES:

154 56625
155 56625
156 56625
157 56625
208 53637

34 CFR

232 56112

36 CFR

67 54548
222 56730
231 56730

PROPOSED RULES:

50 55234
214 54310

37 CFR

201 53961

PROPOSED RULES:

201 ..... 53980, 54840

38 CFR

17 ..... 54804, 55211

PROPOSED RULES:

21 54954

39 CFR

111 55617

PROPOSED RULES:

111 56509

40 CFR

30 56050
33 53600
35 56050
40 56050
45 56050
52 ..... 53961–53968, 54416, 55471, 55810, 56112, 56605, 56607

40 CFR—Continued

55 56607
60 55796
86 56736
120 56739
133 54664
180 ..... 56113, 56114
254 56114
432 54417

PROPOSED RULES:

52 ..... 53981, 55481
60 53782
86 56298
162 55235
180 ..... 54842, 55482, 55829
205 53647
250 54314
710 53804

41 CFR

1–10 56116
1–16 56116
1–18 56740
3–4 54552
6–6 55618
15–19 54552
101–2 55811
101–11 56120
101–20 56121
101–32 56761
101–43 ..... 55813, 56000
101–44 ..... 55813, 56003
101–45 ..... 55813, 56025
101–47 56123
101–48 55813
105–63 54830
105–65 56123
114–38 56894
114–60 56329

PROPOSED RULES:

14–1 56345
14–7 56345
60–4 53982
101–30 56137
105–61 56345

42 CFR

51d 56248
121 54577

PROPOSED RULES:

121 56138
124 56916
460 56626

43 CFR

31 54806
423 56508
3300 53963

PROPOSED RULES:

4 54434
26 54314
426 ..... 55625, 56139

45 CFR

102 56506
103 56506
126 56506
145 56506
150 56506
151 56506
167 56506
174 56506

45 CFR—Continued

178 56506
181 56506
302 55817
614 55619
100a 53828
100b 53828
100c 53828
104 53822
105 53824
116d 56608
250 54420
1061 55187
1068 53600
1224 54286

PROPOSED RULES:

175 53982
179 54926

46 CFR

2 56331
24 56331
32 56331
35 56331
77 56331
110 56331
153 56608
167 56332
184 56332
195 56332
502 ..... 54291, 55818
531 54810
543 55087

PROPOSED RULES:

502 56139
510 56139

47 CFR

0 ..... 54822, 56506
1 56508
17 ..... 54823, 56608
21 55818
68 55819
73 ..... 54420, 54826, 55519
74 56741
76 ..... 56332, 56506
87 ..... 54421, 54552
91 54827

PROPOSED RULES:

2 ..... 54577, 56346
13 54578
67 53647
73 ..... 54435, 54578, 54843, 55105–55109, 56346
83 54436
95 55902
97 56346

49 CFR

71 56608
209 56742
268 55212
386 53764
391 53764
571 56333
1033 ..... 53601, 54291–54294, 54828, 55212–55214, 55819, 56127
1080 ..... 54552, 55819
1091 53601
1102 ..... 53602, 55087
1104 56333
1132 56333
1201A 56610

49 CFR—Continued

1202 56612
1205 56612
1206 56613
1207 ..... 53622, 56614
1208 56614
1209 56615
1210 56616
1249 53622
1252 55620
1310 54553

49 CFR—Continued

PROPOSED RULES:

395 55109
1003 53982
1004 54843
1008 54579
1062 ..... 54437, 54845, 55239–55241
1080 53648
1127 54920
1130 53982
1134 53982
1201 56347
1240 56347
1241 56347

50 CFR

20 ..... 53627, 54554, 55820
26 56616
32 ..... 54422, 54828, 54829, 55087, 55214–55216, 56128, 56748
33 ..... 53966, 55219
216 ..... 54294, 56617
611 56128

PROPOSED RULES:

26 56627
32 54581

FEDERAL REGISTER PAGES AND DATES—OCTOBER

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
53591–53891	Oct. 3	54931–55080	12	55879–56100	20
53893–54247	4	55081–55187	13	56101–56311	21
54249–54395	5	55189–55442	14	56313–56486	25
54397–54527	6	55443–55593	17	56487–56591	26
54529–54792	7	55595–55805	18	56593–56712	27
54793–54930	11	55807–55878	19	56713–56946	28

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

DOT/FAA—Issuance of special flight permits with a continuing authorization to air taxi operators of large aircraft. 51561; 9–29–77

EPA—Approval of revision to District of Columbia State implementation plan. 49811; 9–28–77

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 3 ..... Pub. L. 95–142 "Medicare-Medicaid Anti-Fraud and Abuse Amendments". (Oct. 25, 1977; 91 Stat. 1175). Price: $1.30.

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

Executive Office of the President

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This part is amended to show a change in title from one Confidential Assistant to the Special Representative for Trade Negotiations to Executive Assistant to the Special Representative for Trade Negotiations. This change in title reflects more appropriately the duties of the position.

EFFECTIVE DATE: October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3303(d)(2) is amended as set out below:

§ 213.3303 Executive Office of the President.

* * * * *

(d) *Office of the Special Representative for Trade Negotiations.* * * *

(2) One Executive Assistant to the Special Representative.

(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.77–31286 Filed 10–27–77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Department of Justice

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 Special Assistant to the Commissioner and one position of Special Assistant (Community Relations) to the Commissioner in the Immigration and Naturalization Service and three positions of Attorney Advisor to the Assistant Attorney General for Legislative Affairs.

EFFECTIVE DATE: October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3310(j)(4) is amended and (v)(2) is added as set out below:

§ 213.3310 Department of Justice.

* * * * *

(j) *Immigration and Naturalization Service.* * * *

(4) Two Special Assistants and one Special Assistant (Community Relations) to the Commissioner.

* * * * *

(v) *Office of Legislative Affairs.* * * *

(2) Three Attorney Advisors to the Assistant Attorney General.

(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.77–31288 Filed 10–27–77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Department of Labor

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Staff Assistant to the Director, Office of Workers' Compensation Programs, is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3315(k) is added as set out below:

§ 213.3315 Department of Labor.

* * * * *

(k) *Office of Workers' Compensation Programs.*

(1) One Staff Assistant to the Director.

(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.77–31289 Filed 10–27–77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Federal Maritime Commission

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Special Assistant for International Programs is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3367(g) is added as set out below:

§ 213.3367 Federal Maritime Commission.

* * * * *

(g) One Special Assistant for International Programs.

(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.77–21287 Filed 10–27–77;8:45 am]

[6325–01]

PART 213—EXCEPTED SERVICE

Community Services Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Special Assistant to the Associate Director for Interagency and External Affairs is excepted from the competitive service under Schedule C because it is confidential in nature.

EFFECTIVE DATE: October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3373(g)(2) is amended to read as follows:

§ 213.3373 Community Services Administration.

* * * * *

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

(2) One Staff Assistant and one Special Assistant to the Associate Director.

(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.77-31285 Filed 10-27-77;8:45 am]

[3410-30]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 226—CHILD CARE FOOD PROGRAM

Initial Apportionment of Fiscal Year 1978 Child Care Nonfood Assistance Funds Pursuant to the National School Lunch Act

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This action apportions Child Care Nonfood Assistance Funds among States in compliance with section 17 of the National School Lunch Act, as added by Pub. L. 94-105.

EFFECTIVE DATE: October 19, 1977.

FOR FURTHER INFORMATION:

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

The following appendix is added to 7 CFR Part 226:

APPENDIX—INITIAL APPORTIONMENT OF FISCAL YEAR 1978 CHILD CARE NONFOOD ASSISTANCE FUNDS PURSUANT TO THE NATIONAL SCHOOL LUNCH ACT

Pursuant to Section 17 of the National School Lunch Act, as added by Pub. L. 94-105, Child Care nonfood assistance funds available for the fiscal year ending September 30, 1978, are apportioned among the States as follows:

State:	Total apportionment
Connecticut	$24,481
Maine	19,085
Massachusetts	58,964
New Hampshire	9,081
Rhode Island	12,898
Vermont	7,108
Subtotal	131,617
Delaware	7,021
District of Columbia	12,961
Maryland	39,425
New Jersey	61,860
New York	313,883
Pennsylvania	128,573
Puerto Rico	109,046
Virginia	74,528
Virgin Islands	2,062
West Virginia	36,184
Subtotal	685,543
Alabama	72,006
Florida	102,610
Georgia	98,290
Kentucky	56,150
Mississippi	65,507
North Carolina	100,990
South Carolina	68,047
Tennessee	66,287
Subtotal	629,887
Illinois	117,352
Indiana	51,651
Michigan	86,361
Minnesota	29,063
Ohio	112,807
Wisconsin	45,040
Subtotal	442,274
Arkansas	50,999
Louisiana	100,774
New Mexico	39,771
Oklahoma	40,799
Texas	215,420
Subtotal	447,763
Colorado	36,869
Iowa	22,261
Kansas	20,561
Missouri	49,315
Montana	14,338
Nebraska	15,305
North Dakota	8,348
South Dakota	9,740
Utah	16,728
Wyoming	5,121
Subtotal	198,586
Alaska	5,223
American Samoa	1,982
Arizona	39,771
California	313,371
Guam	1,466
Hawaii	12,856
Idaho	12,290
Nevada	5,803
Oregon	29,730
Trust Territory	1,260
Washington	40,578
Subtotal	464,330
Total	3,000,000

(Sec. 16, Pub. L. 94-105, 89 Stat. 522 (42 U.S.C. 1766 (j)).)

NOTE.—The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A0107.

Date: October 19, 1977.

GENE DICKEY,
Acting Administrator.

[FR Doc.77-31102 Filed 10-27-77;8:45 am]

[3410-02]

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

[Lemon Reg. 117]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period October 30-November 5, 1977. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

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, 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 25, 1977, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons continues good on sizes 75's and 95's, easier on other sizes.

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 is 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. 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.

§ 910.417 **Lemon Regulation 117.**

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period October 30, 1977, through November 5, 1977, is established at 200,000 cartons.

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

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

Dated: October 27, 1977.

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

[FR Doc.77-31549 Filed 10-27-77;11:54 am]

[1505–01]

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

[Milk Order No. 2; Docket No. AO–71–A71]

PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

Order Amending Order

Correction

In FR Doc. 77–28934 appearing in the issue of Friday, September 30, 1977 on page 52379, the caption above the table in § 1002.51(c) on page 52380 was inadvertently omitted. The caption should be included as follows:

§ 1002.51 Transportation differentials.

* * * * *

(c) * * *

[*Cents per hundredweight*]

A	B	C
Freight zone (miles)	Class I–A and I–B.	Class II.

* * * * *

[1505–01]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

[Amdt. 6]

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Subpart—Rules and Regulations

Assessments

Correction

In FR Doc. 77–30638 appearing at page 55879 in the issue for Thursday, October 20, 1977, in the second column, in the amendatory language for § 1207.513, in the paragraph lettered "(E)" the paragraph being added was incorrectly referred to as "paragraph (e)." It should have read "paragraph (a)".

Also, at the bottom of the same column in the authority citation, "2401" should have read "2041".

[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

RENTAL UNITS AND COMMUNITY ROOMS; SQUARE FOOTAGE GUIDELINES

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: This rule amends Farmers Home Administration (FmHA) regulations to add specific maximum square footage area guidelines for rental units and community rooms or buildings in rental housing projects. These guidelines are intended to alleviate inconsistencies in program administration.

EFFECTIVE DATE: October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul R. Conn, Director, Multiple Family Housing, or Mr. Lynn E. Voigt, Multiple Family Housing Loan Officer, 202–447–4207.

SUPPLEMENTARY INFORMATION: This rule amends existing regulations in order to provide guidelines for use in assuring that FmHA finances rental housing units and related facilities that are modest in size and cost.

FmHA gave notice on April 19, 1977, at 42 FR 20302 that it was proposing to amend § 1822.88(a) (1) and (2) of Subpart D of Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations (40 FR 4278) by adding square footage guidelines for rental units and community rooms or buildings, and providing editorial changes. The comment period closed May 19, 1977, and FmHA is now publishing the amendment as a final rule.

FmHA received 11 comments in response to the proposed regulations. All comments were carefully considered, and changes have been made to the proposed regulations, as described below, based on these comments. A discussion of the principal changes and of the more recurrent and significant comments follows:

1. Several comments suggested that the method of calculating the square footage living area be defined. Accordingly, FmHA has defined the method of calculating the square footage living area as follows: The living area of an apartment unit is the square footage area within the living unit including all interior hallways, utility rooms, closets, storage, baths, kitchens, bedrooms, dining areas, and other similar spaces. Square footage living area shall be measured from the exterior faces of exterior walls and from the center line of walls separating the individual living units or other interior spaces, and shall include the area occupied by interior partitions of the living unit.

2. It was suggested that the size guidelines for community rooms or buildings be changed to comply with the Federal Interagency Day-Care Requirements of September 23, 1968. This suggestion has not been accepted because current regulations do not permit the use of rural rental housing loan funds to finance day-care centers or facilities.

3. In response to many comments, living area size guidelines have been provided in § 1822.88(a) (1) of these regulations for living units of 4 or more bedrooms.

4. Comments suggested that no maximum square footage living area guidelines should be set, and expressed the opinion that they could discourage and penalize innovative architects and builders. Careful consideration has been given to this suggestion and FmHA has determined that the guidelines should be established in order to assure the construction and rehabilitation of economical housing that is modest in its size and cost, and not of elaborate or extravagant design or materials. Furthermore, the establishment of a range of figures as a guideline, as opposed to one maximum figure, will still afford architects and builders an opportunity to demonstrate their innovativeness. The range of figures will also provide the latitude necessary to meet the additional handicapped unit design and construction standard requirements of the Department of Housing and Urban Development (HUD) Minimum Property Standards for Multifamily Housing No. 4910.1.

5. While several comments suggested a reduction in the maximum size guidelines published for comment, numerous comments were in favor of increasing the maximum guidelines. FmHA has carefully considered these conflicting comments and has determined that a modest increase is warranted. Accordingly, the maximum square footage area guidelines shown in § 1822.88(a) (1) of these regulations have been increased.

6. One comment expressed concern over the applicability of the proposed guidelines to the rehabilitation of existing structures, and especially the treatment of historic structures under the proposed amendment. The opinion was expressed that some existing structures for which rehabilitation may be economically feasible may not be adaptable to the proposed maximum living area guidelines since the difference in character between contemporary and older construction often extends to the disposition of interior spaces. Accordingly, § 1822.88(a) (1) is changed to provide basic applicability to new rental units to be constructed with rural rental housing loan funds.

Section 1822.88(a) (1) and (2) are revised. Section 1822.88(a) (3) is being revised this date in a separate publication. Also, minor editorial changes have been provided in paragraphs (4), (5), (6), and (7) of § 1822.88(a). Because of the nonsubstantive nature of these editorial changes, publication in proposed rulemaking form for § 1822.88(a) (4), (5), (6), and (7) is unnecessary. Therefore, § 1822.88(a) (1), (2), (4), (5), (6), and (7) read as follows:

§ 1822.88 Special conditions.

(a) *Type and Size of Housing.* All housing must meet the following requirements:

(1) Be economical in construction and not of elaborate or extravagant design or materials. As a general rule, the square footage living area of new rental units to be constructed with RRH loan funds should not be any larger than the guidelines listed below.

Type of units:	Maximum living area in square feet
1-bedroom units	570–700
2-bedroom units	700–850
3-bedroom units	850–1,020
4-bedroom units	1,020–1,200

(i) An additional 100–120 square feet of living area may be added to the 4-bedroom unit guideline listed in paragraph (a)(1) of this section for each bedroom in excess of 4.

(ii) In townhouse units where living is on two floor levels of the rental unit, the maximum square footage of living area listed in paragraph (a)(1) of this section may be exceeded by up to 12 percent, but only to the extent necessary to accommodate interior stairways.

(iii) Room sizes must be in compliance with the HUD Minimum Property Standards (MPS) 4910.1. Minimum room sizes may be determined by the minimum areas and least dimensions listed in the MPS or on a required furnishing basis.

(2) As a general rule, consist of multi-unit type housing with two or more family units and any appropriate related facilities. When community rooms or buildings are provided as part of the related facilities, their gross square footage area should be within the guidelines set forth in the HUD Manual of Acceptable Practices (MAP) 4930.1.

* * * * *

(4) Have consideration given to safety, convenience, and comfort.

(5) Be located in residential areas as a part of a community where essential facilities and services such as schools, medical services, shopping, and generally central sewer and water systems are readily available.

(6) Based on the demand shown by a market analysis, it may include "efficiency" type or one or more bedroom units.

(7) Contain bathroom or kitchen facilities in each unit.

* * * * *

(42 U.S.C. 1480; 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 rule requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: October 20, 1977.

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

[FR Doc.77–31295 Filed 10–27–77;8:45 am]

[3410–07]

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

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

Structures of More Than Two Stories

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations concerning financing rural rental housing projects of more than two-stories so that consideration can be given to financing low-rise rental structures when justified on an individual case-by-case basis. This regulation is being amended as a result of requests from the general public, and is intended to provide more latitude in providing rural residents with necessary housing.

EFFECTIVE DATE: October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul R. Conn, Director, Multiple Family Housing Loan Division or Mr. Lynn E. Voigt, Multiple Family Housing Loan Officer, 202–447–7207.

SUPPLEMENTARY INFORMATION: This rule amends existing regulations in order that consideration can be given to financing rural rental housing structures of more than two-stories. Section 1822.88 (a)(3) of Subpart D of Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations (40 FR 4278) provides that housing financed under the rural rental housing program be residential in character. As a general policy, FmHA has maintained that rental units in rural areas should not be more than two-story structures in order to meet this criteria. Two and one-half-story construction has been permitted in individual cases where the topography of the site or other conditions enabled access to all units by traveling up or down no more than two floors.

FmHA gave notice on June 28, 1977, at 42 FR 32803 that it was proposing to amend § 1822.88(a)(3) of Subpart D of Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations (40 FR 4278) by providing criteria by which low-rise rental structures, especially those designed for occupancy by senior citizens, can also be justified and considered for financing on an individual case-by-case basis. The comment period closed July 28, 1977, and FmHA is now publishing the amendment as a final rule.

FmHA received 2 writted comments and several verbal comments in response to the proposed regulations. All comments were carefully considered and changes have been made to the proposed regulations, as described below, based on these comments. A discussion of the principal changes and of the more recurrent and significant comments follows:

1. Several verbal comments suggested that requiring a proposed low-rise rural rental housing structure to be compatible with other rental structures in a community is unnecessarily restrictive in those cases where the community has no other multi-unit rental structures. Accordingly, § 1822.88(a)(3)(ii) has been revised to permit low-rise rental structures in such a community provided the proposed rental structure is in character with surrounding structures and provided that rental units in a low-rise structure are acceptable in the rental market.

2. A comment was made concerning the need to assure compliance with the Architectural Barriers Act of 1968, as amended, and the standards contained in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, No. A117.1–R 1971," which have been approved by the American National Standards Institute, Inc., (ANSI). The Secretary of the Department of Housing and Urban Development (HUD) has incorporated the provisions of the Architectural Barriers Act of 1968 and the ANSI standards into the HUD Minimum Property Standards for Multi-family Housing No. 4910.1. Since FmHA requires rural rental housing loan applicants to comply with the HUD Minimum Property Standards, compliance with both the Architectural Barriers Act of 1968 and the ANSI standards is, therefore, also required.

3. One comment expressed opposition to the proposed change and expressed the opinion that a lack of building sites and high cost of land do not justify a change in FmHA's policy toward financing more than two-story rental structures. The opinion was expressed that buildings of more than two-stories are not rural in character, and that any cost reduction achieved by higher density housing will only be off-set by increased management and maintenance costs. It was suggested that FmHA could make fuller use of its site loan program and lower its site development standards in order to encourage the development of lower cost building sites. Careful consideration has been given to this comment and suggestion, and FmHA has determined that criteria should be established so that consideration can be given to financing low-rise rental structures in those rural communities where there may be no other alternative to providing the needed residential housing. The establishment of these criteria should in no way prohibit an eligible applicant from utilizing the alternative of obtaining a site loan in order to develop low cost building sites.

4. Section 1822.88(a)(3)(iv) has been revised to remove the requirement that rental units be leased under the HUD Section 8 Housing Assistance Payments Program if the cost of the units is higher than the cost of one- and two-story construction normally financed with RRH loans. The proposed rule publication erroneously contained this requirement.

It should be noted that other paragraphs of § 1822.88(a) are being revised this date in a separate publication.

Therefore § 1822.88(a)(3) is revised to read as follows:

§ 1822.88 Special conditions.

(a) * * *

(3) Be residential in character and location and be designed to meet the needs of eligible occupants who are capable of caring for themselves. Generally, RRH units should not be more than two-story structures. However, in some cases, especially those involving senior citizen projects, low-rise structures with

elevators can be considered on an individual case-by-case basis, with prior written authorization from the National Office, when the following conditions exist:

(i) There is a serious shortage of suitable building sites, and the number of units needed cannot be built due to lack of space on the site and other building sites are not available.

(ii) Land costs are such that one- or two-story construction would result in a unit cost and rental rates in excess of what eligible occupants can afford.

(iii) The number of stories proposed for the rural rental housing structure is compatible with other rental structures in the community. If there are no other low-rise rental structures in the community, the proposed structure must be in character with surrounding structures and the applicant's market survey report, submitted in accordance with Exhibit F-7, must identify market acceptability for the number and type of low-rise rental units proposed.

(iv) The cost of the units should compare favorably with one- and two-story construction financed with RRH loans. If the costs are higher, the loan will not be approved until the FmHA State Architect or Engineer has reviewed the plans, specifications, and cost data to assure that further cost savings cannot be achieved without sacrificing the quality and serviceability of the housing.

(v) Elevators will be provided in accordance with the HUD Minimum Property Standards (MPS) (4910.1. If elevators are included, the subsoil conditions of the site must be adequate for the installation of hydraulic elevators and sufficient service personnel must be available in the area for service and repair work.

* * * * *

(42 U.S.C. 1480; 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: October 20, 1977.

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

[FR Doc.77-31296 Filed 10-27-77;8:45 am]

[3410-37]

PART 2858—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS, AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

United States Department of Agriculture Standard for Ice Cream [1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: Under the Food and Agriculture Act of 1977, Congress has directed that the Secretary of Agriculture establish a standard of quality for ice cream that meets certain compositional and ingredient requirements as set forth by Congress. This final rule establishes such a standard. Ice cream meeting these requirements may bear a symbol indicating that it meets the Department of Agriculture standard for ice cream.

DATE: Effective October 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard W. Webber, Dairy Section, Standardization Branch, Poultry and Dairy Quality Division, FSQS, USDA, Washington, D.C. 20250, 202-447-7473.

SUPPLEMENTARY INFORMATION: § 206 of the Food and Agriculture Act of 1977, Pub. L. 95-113 (Sept. 29, 1977), amends § 203(c) of the Agricultural Marketing Act of 1946, 7 U.S.C. 1627, and directs the Secretary of Agriculture to establish by regulation a standard for ice cream. A preliminary economic impact statement is on file in the United States Department of Agriculture.

The Act mandates that the standard shall provide that ice cream shall contain at least 1.6 pounds of total solids to the gallon, weigh not less than 4.5 pounds to the gallon and contain not less than 20 percent total milk solids, constituted of not less than 10 percent milkfat. In no case shall the content of milk solids not fat be less than 6 percent. They shall not, by weight, be more than 25 percent of the milk solids not fat.

The standard established by the Secretary must prescribe ingredients at least equal to those contained in the standard of identity set forth in 21 CFR Part 20, § 20.1 (1976), for ice cream established by the Food and Drug Administration. Therefore, there has been provided additional requirements for the reduction of the minimum levels for milk fat and total milk solids when optional bulky ingredients, such as chocolate, nuts, or fruits, are used in ice cream.

Packages of ice cream meeting the USDA standard may be voluntarily labeled with the USDA symbol indicated in § 2858.2627 of the new standard. The authority, approval, and withdrawal of use of such a symbol shall follow the regulations contained in Part 2858, Subpart A, "Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products." These regulations require that the dairy ingredients come from a USDA approved plant, that in the case of ice cream the manufacturing plant be a USDA approved plant, and that any ice cream bearing the USDA symbol be produced under continuous inspection. Since this program is under the USDA voluntary service, a fee will be charged for all services. Such fees are contained in Subpart A.

The Department requests comments as to other means of implementing this program. If there are substantial comments supported by appropriate facts and data that would warrant a change in the regulations contained in Subpart A, the Department will propose appropriate amendments.

Also, the Department requests comments as to the interest and desirability of establishing quality grade standards for ice cream. Such grade standards would allow consumers the choice to select the quality (milkfat and milk solids content, flavor, body, texture, color, and appearance) of ice cream they desire.

Comments on these two requests should be sent to the Hearing Clerk, Room 1077, South Building, Washington, D.C. 20250, not later than January 1, 1978.

It is hereby found that it is impractical, unnecessary, and contrary to public interest to give preliminary notice, engage in public rulemaking procedures, and postpone the effective date of this standard until 30 days after publication thereof in the FEDERAL REGISTER in that (1) the Food and Agriculture Act of 1977 directs the Secretary to issue the standard within 30 days of enactment of the Act, and (2) this standard is equivalent to those prescribed (1976) by the Food and Drug Administration.

Therefore, under the authority of the Agricultural Marketing Act of 1946, (60 Stat. 1087 as amended, and as further amended by the Food and Agriculture Act of 1977), a new Subpart W is added to Part 2858 to read as follows:

Subpart W—United States Department of Agriculture Standard for Ice Cream

§ 2858.2825 United States Standard for Ice Cream.

(a) Ice cream shall contain at least 1.6 pounds of total solids to the gallon, weigh not less than 4.5 pounds to the gallon, and contain not less than 20 percent total milk solids, constituted of not less than 10 percent milkfat. In no case shall the content of milk solids not fat be less than 6 percent. Whey shall not, by weight, be more than 25 percent of the milk solids not fat.

(b) When one or more of the bulky optional ingredients, as approved by the Food and Drug Administration, are used, the weights of milk fat and total milk solids (exclusive of such fat and solids in any malted milk used) are not less than 10 percent and 20 percent, respectively, of the remainder obtained by subtracting the weight of such optional ingredients, from the weight of the finished ice cream; but in no case is the weight of milk fat or total milk solids less than 8 percent and 16 percent, respectively, of the weight of the finished ice cream. In calculating the reduction of milk fat and total milk solids from the use of bulky optional ingredients, chocolate and cocoa solids used shall be considered the bulky ingredients. In order to make allowance for additional sweetening ingredients needed when bulky ingredients are used, the weight of chocolate or cocoa solids may be multiplied by 2.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

original weights before drying and this weight multiplied by 1.4. The finished ice cream contains not less than 1.6 pounds to the gallon; except that when the optional ingredient microcrystalline cellulose is used, the finished ice cream contains not less than 1.6 pounds of total solids to the gallon and weighs not less than 4.5 pounds to the gallon exclusive, in both cases, of the weight of the microcrystalline cellulose.

(c) Optional characterizing ingredients, optional sweetening ingredients, stabilizers, and emulsifiers as approved by the Food and Drug Administration may be used.

§ 2858.2826 General identification.

Consumer packaged product shall comply with the applicable labeling regulations of the Food and Drug Administration.

§ 2858.2627 Official identification.

(a) The official symbol to be used to identify product meeting the USDA standard for ice cream shall be as follows:

MEETS USDA

INGREDIENT STANDARD

FOR ICE CREAM

(b) Ice cream manufacturing plants using this symbol shall be USDA approved as set forth in Subpart B of this regulation, and the ice cream bearing the symbol shall be manufactured under continuous resident or continuous nonresident USDA inspection service in accordance with Subpart A of this regulation. The dairy ingredients used in such ice cream shall come from USDA approved plants.

Done at Washington, D.C., this 19th day of October, 1977.

ROBERT ANGELOTTI,
Administrator,
Food Safety and Quality Service.

[FR Doc.77-31426 Filed 10-27-77;8:45 am]

[3410-34]

Title 9—Animals and Animal Products

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Restrictions on Importation of Horses

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document provides for temporary importation of horses for purposes other than breeding from Australia, Ireland, France, and all of the United Kingdom (England, Scotland, Northern Ireland, Wales, and Isle of Man); countries affected with contagious equine metritis, previously known as equine metritis (EM-77), a breeding disease of horses.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. D. E. Herrick, USDA, APHIS, VS, Federal Building, Room 815, Hyattsville, Md. 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: On September 9, 1977, (42 FR 45895) a prohibition was placed on the importation of horses, except geldings, from England, Ireland, and France and on such horses that have been in said countries within the 60 days immediately preceding their exportation to the United States because of the existence of contagious equine metritis in such countries. On September 16, 1977, the prohibition was extended to include Australia and all of the United Kingdom (England, Scotland, Northern Ireland, Wales, and Isle of Man).

On September 22, 1977, an exception to the prohibition was made for weanlings and yearlings provided the age is certified to on the import health certificate. A determination has now been made that a temporary importation of horses for other than breeding purposes, may be permitted without posing an undue risk of introducing or disseminating contagious equine metritis into the United States from such countries if such horses are under temporary customs bond. Additionally, contagious equine metritis is added to the list of diseases for which certification of nonexposure is required. Such certifiication would also state that the horses have not been on any premises at any time when such premises were known to be affected with contagious equine metritis, and that the horses have not been bred by or bred to horses from premises known to be affected with contagious equine metritis and have had no contact with horses that are known to be affected with this disease. Such certification is necessary to insure that such horses are not affected with or have not been exposed to contagious equine metritis.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 92.2, paragraph (i) is amended to read:

§ 92.2 General prohibitions; exceptions.

* * * * *

(i) Notwithstanding the other provisions of this part concerning the importation of horses into the United States, the importation of all horses from the following listed countries and the importation of all horses which have been in any such country within the 60 days immediately preceding their export to the United States is prohibited because of the existence of contagious equine metritis in such countries, except that, the provision of this paragraph shall not apply to geldings, weanlings, or yearlings whose age is certified to on the import health certificate prescribed in § 92.17 of this part, and horses imported for purposes other than breeding only, under temporary customs bond: Australia, Ireland, France, and the United Kingdom (England, Scotland, Northern Ireland, Wales, and Isle of Man).

2. In § 92.17, that part of the first sentence preceding the proviso would be amended to read:

§ 92.17 Horses, certification and accompanying equipment.

Horses offered for importation from any part of the world, except as provided in §§ 92.23 and 92.24, shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals described in the certificate have been in said country during the 60 days preceding exportation; that each animal has been inspected on the premises of origin and found free of evidence of communicable disease and, insofar as can be determined, exposure thereto during the 60 days preceding exportation; that each animal has not been vaccinated with a live or attenuated or inactivated vaccine during the 14 days preceding exportation; and insofar as can be determined, no case of African horsesickness, dourine, glanders, surra, epizootic lymphangitis, ulcerative lymphangitis, equine piroplasmosis, or Venezuelan equine encephalomyelitis has occurred on the premises of origin or on adjoining premises during the 60 days preceding exportation; and the horses have not been on any premises at any time when such premises were known to be affected with contagious equine metritis, and further, that the horses have not been bred by or bred to horses from premises known to be affected with contagious equine metritis and have not had contact with horses that are found affected with this disease: * * *

(Sec. 2, 32 Stat. 792, as amended; secs. 4 and 11, 76 Stat. 130, 132, 21 U.S.C. 111, 134c, and 134f; 37 FR 28464, 28477; 38 FR 19141.)

These amendments relieve certain restrictions presently imposed by excluding horses temporarily imported for purposes other than breeding from the prohibition against the importation of certain horses into the United States from countries in which contagious equine metritis is known to exist and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of October 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

NORVAN L. MEYER,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77–31294 Filed 10–27–77;8:45 am]

[3410–34]

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. This amendment establishes commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. E. R. Mackery, USDA, APHIS, VS, Room 870, Federal Building, Hyattsville, Md. 20782, 301–436–8695.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1977 ed.), as amended April 26, 1977 (42 FR 21269), May 27, 1977 (42 FR 27218), and July 5, 1977 (42 FR 34276), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are hereby amended by adding to or deleting from the respective lists therein as follows:

§ 97.2 Administrative instructions prescribing the commuted travel time.

* * * * *

WITHIN METROPOLITAN AREA

ONE HOUR

Delete: Anchorage, Alaska.

OUTSIDE METROPOLITAN AREA

TWO HOURS

Add: Oakfield, Wisconsin (served from Ripon, Wisconsin).

Delete: Oakfield, Wisconsin (served from Markesan, Wisconsin).

THREE HOURS

Add: Anchorage, Alaska (served from Palmer, Alaska).
Add: Chilton, Wisconsin (served from Ripon, Wisconsin).
Add: Hartford, Wisconsin (served from Ripon, Wisconsin).
Add: Watertown, Wisconsin (served from Ripon, Wisconsin).
Delete: Chilton, Wisconsin (served from Markesan, Wisconsin).
Delete: Hartford, Wisconsin (served from Markesan, Wisconsin).
Delete: Watertown, Wisconsin (served from Markesan, Wisconsin).

FOUR HOURS

Add: Sheboygan Falls Wisconsin (served from Ripon, Wisconsin).
Delete: Anchorage, Alaska (served from Palmer, Alaska).
Delete: Nikiski, Alaska (served from Palmer, Alaska).
Delete: Sheboygan Falls, Wisconsin (served from Markesan, Wisconsin).

SIX HOURS

Add: Barron, Wisconsin (served from Ripon, Wisconsin).
Delete: Seward, Alaska (served from Anchorage, Alaska).

TWELVE HOURS

Delete: Barron, Wisconsin (served from Markesan, Wisconsin). (64 Stat. 561 (7 U.S.C. 2260)).

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of October 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

NORVAN L. MEYER,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77–31092 Filed 10–27–77;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–0121]

PART 261—RULES REGARDING AVAILABILITY OF INFORMATION

PART 262—RULES OF PROCEDURE

Bank Holding Company and Bank Merger Orders

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rules.

SUMMARY: The Board of Governors has amended its Rules Regarding Availability of Information and Rules of Procedure to conform the rules to current practices.

EFFECTIVE DATE: October 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202–452–3257.

SUPPLEMENTARY INFORMATION: The Board of Governors will no longer publish bank holding company and bank merger orders in the FEDERAL REGISTER. Copies of these orders will be available upon request to Publication Services, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

The provisions of section 553 of Title 5, United States Code are not followed in connection with these amendments because the changes involved are procedural in nature and do not constitute substantive rules subject to the requirements of such section.

§ 261.3 [Amended]

1. Section 261.3(a) is amended by revising the last sentence to read as follows:

(a) * * * The Board also publishes in the FEDERAL REGISTER notice of receipt of applications pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1842), and notices of formal hearings ordered by the Board.

* * * * *

§ 262.3 [Amended]

2. Section 262.3(g)(4) is amended by deleting the words, "Each such Order is published in the FEDERAL REGISTER."

Board of Governors of the Federal Reserve System, October 19, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77–31172 Filed 10–27–77;8:45 am]

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 5, Amdt. 11]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Assets Acquired in Liquidation; Control Divestiture Plan; and Fidelity Insurance

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This rule adopts amendments published in proposed form on August 8, 1977 (42 FR 39992), authorizing a Licensee to incur reasonably necessary expenditures which, together with its total investment attributable to such assets, may not exceed 20 percent of its Private Capital to maintain, preserve or (subject to prior SBA approval) make improvements to render assets acquired in liquidation of portfolio securities, saleable pending disposition. In addition, it permits required expenditures to be made for prior mortgage interest and principal payments, taxes, and necessary insurance coverage allocable to such assets in an aggregate amount which, together with Licensee's total investment attributable thereto, does not exceed 35 percent of its Private Capital. Where additional Financing is provided to a Portfolio Concern over which temporary Control has been taken to protect a Licensee's original investment, the plan of divestiture already approved by SBA has to be resubmitted only where it requires significant changes.

The requirement that Licensees maintain fidelity insurance in the minimum amount of $25,000 is rescinded.

EFFECTIVE DATE: The amendment will become effective on October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Peter F. McNeish, Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, 202-653-6584.

SUPPLEMENTARY INFORMATION: The only comments received supported the published proposals. In view of the fact that the amendment relaxes previous restrictions and that it would be in furtherance of the best interests of the SBIC program if promptly applied thereto, SBA has determined that it would serve no useful purpose and not be in the public interest to subject the amendment to the postponed effective date provisions of the Administrative Procedure Act (5 U.S.C. 553). Accordingly, provision has been made for it to become effective immediately on October 28, 1977. Pursuant to the authority contained in Section 308 of the Small Business Investment Act of 1958, 15 U.S.C. 661, et seq., Part 107 is amended as follows:

1. Section 107.810 is amended to read as follows:

§ 107.810 Assets in liquidation.

(a) A Licensee shall dispose of assets acquired in total or partial liquidation of a Portfolio asset, within a reasonable period of time.

(b) (1) A Licensee may incur reasonably necessary expenditures for maintenance and preservation of such assets, and

(2) A Licensee may, subject to prior written SBA approval, incur reasonably necessary expenditures for improvements to render such assets saleable: *Provided, however,* That aggregate expenditures made pursuant to paragraphs (a) and (b) of this section plus Licensee's total investment attributable to such assets, shall not exceed its overline limit under § 107.301(d), except as specifically approved in writing by SBA.

(3) In addition to the amounts authorized by paragraphs (a) and (b) of this section, a Licensee may make the following required expenditures allocable to such assets in an aggregate amount which, together with its total investment attributable thereto, and its expenditures pursuant to paragraphs (a) and (b) of this section do not exceed 35 percent of its Private Capital, except as specifically approved by writing by SBA: (1) Prior mortgage interest and principal payments, (2) taxes and (3) necessary insurance coverage.

(c) Application for SBA approval under paragraphs (b)(2) and (b)(3) of this section shall specify all expenses estimated to be necessary pending disposal of the assets.

2. Section 107.901(f) is amended to read as follows:

§ 107.901 Control of small concern.

* * * * *

(f) A Licensee which has assumed Control of a Small Concern may later provide additional Financing, without an exemption under § 107.1004(b)(1), and shall within 30 days resubmit its divestiture plan for SBA approval only where the additional Financing requires significant changes in such SBA-approved plan on file in order to effect divestiture of Control.

§ 107.1104 [Reserved]

3. Section 107.1104 (Fidelity insurance) is repealed:

Appendix—[Amended]

4. Subdivision X of Appendix A—Audit Guide for Small Business Investment Companies, dealing with fidelity bonds, is rescinded.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: October 19, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-31234 Filed 10-27-77;8:45 am]

[8025-01]

[Rev. 1]

PART 116—POLICIES OF GENERAL APPLICATION

PART 117—SPECIAL CONSOLIDATION FOR VETERANS

Consolidation of Parts 116 and 117 and Addition of Prohibition Against the Use of Lead-Based Paint

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This rule creates a new Part 116 with various subparts which will contain policies and requirements applicable to either all or most of SBA's programs. The old Part 116, which contains the requirements on flood insurance, will become Subpart B of the new Part 116. The old Part 117, which contains the policies on veterans, will become Subpart A of the new Part 116. There has been only one substantive change. The pollution control guarantee program, approved on June 4, 1976, has been added to the list of those covered by flood insurance requirements. Subpart C which contains the prohibition on the use of lead-based paint in residential structures built with SBA assistance is new.

EFFECTIVE DATE: October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Alan N. Heibein, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, 202-653-6649.

SUPPLEMENTARY INFORMATION: On June 24, 1977, SBA published for comment in the FEDERAL REGISTER (42 FR 32257) its proposed regulation on the prohibition against the use of lead-based paint on residential structures built with SBA financial assistance. Interested persons were given 30 days to comment. No comments were received. The proposed regulation also noted that the old Parts 116, flood insurance, and 117, veterans would be consolidated in the new Part 116. Since these two parts had previously been subject to comment and were merely being transferred without material change, they were not subject to comment.

The Small Business Administration has decided to adopt the rule as proposed. Accordingly, Part 117 is deleted [reserved] and Part 116 of Chapter I, Title 13 of the Code of Federal Regulations is amended to read as follows:

Subpart A—Veterans

Sec.
116.1 Purpose and scope.
116.2 Definitions.
116.3 Special consideration.

AUTHORITY: 87 Stat. 1023.

Subpart B—Flood Insurance Protection

116.10 Purpose and scope.
116.11 Requirements.
116.12 Related regulations.

AUTHORITY: Sec. 205(b) of Pub. L. 93-234; 87 Stat. 983.

Subpart C—Lead-Based Paint

116.20 Purpose and scope.
116.21 Definitions.
116.22 Prohibition.
116.23 Penalty.

AUTHORITY: Sec. 204(b) of Pub. L. 94-317; 90 Stat. 705.

Subpart A—Veterans

§ 116.1 Purpose and scope.

This subpart is established by the SBA to set forth the Agency's policies and criteria for giving special consideration to veterans of the Armed Forces and their survivors or dependents in the administration of SBA programs of assistance.

§ 116.2 Definitions.

As used in this subpart:

(a) The term "veteran" means a person who served in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonorable.

(b) The term "Armed Forces" includes the Army, Navy (with the Marine Corps), and Air Force; the Coast Guard; a unit of the National Guard when called into the service of the United States; and Environmental Science Services Administration, Public Health Service, and other organizations when assigned to and serving with the armed forces.

(c) The term "survivor" means a widow or widower who has not remarried, child, or dependent parent of a deceased veteran.

(d) The term "dependent" means the spouse, child, or dependent parent of a veteran as defined further in sections 152-153 of the Internal Revenue Code.

(e) The term "child" shall include dependent children, whether a legitimate child, a legally-adopted child, a stepchild who is a member of the veteran's household, or an illegitimate child if so acknowledged in writing by the veteran or determined to be such by a court of competent jurisdiction.

§ 116.3 Special consideration.

(a) Special consideration as defined below, is available only to the veteran himself, or to one dependent or survivor. That is, it will apply first to the veteran himself or herself if not permanently disabled, and then to a dependent if the veteran does not choose to seek SBA assistance. In the case of a deceased or totally and permanently disabled veteran, the benefit would apply to either the unremarried or supporting spouse, or child, or dependent parent. This policy does not preclude the veteran or other dependents or survivors from later applying for SBA assistance under normal procedures and criteria.

(b) Special consideration will include the following:

(1) In depth management assistance counseling on first interviews. Action will be taken to insure that our management assistance people advise veterans of SBA's programs and the potential benefits to them.

(2) Emphasize to SBA personnel designated as Veterans Affairs Officers the need for close cooperation with the local VA offices and organizations having direct interest in veterans' affairs.

(3) Direct SBA procurement personnel designated as Veterans Procurement Affairs Advisers to emphasize how veterans can obtain procurement contracts from the Government.

(4) Local media campaigns to inform the veteran about SBA ability and desire to help.

(5) Special workshops and training.

(6) Prompt processing of loan applications of any type.

(7) Particular attention to giving maximum loan maturity to veterans.

(8) Loans will not be declined solely because of the lack of collateral, providing the veteran, dependent, or survivor will provide any worthwhile collateral.

(9) On all direct loans, place a liberal interpretation on present deferment policy.

(10) In the awarding of 8(a) contracts, veteran status may be a contributing factor in establishing eligibility as "socially or economically disadvantaged."

(11) In all district offices there shall be one or more loan specialists designated as veterans loan officers.

Subpart B—Flood Insurance Protection

§ 116.10 Purpose and scope.

This subpart is established by the SBA to implement the Agency's responsibilities under section 102(a) of the Flood Disaster Protection Act of 1973, which prohibits Federal financial assistance for acquisition or construction purposes in special flood hazard areas (as designated by the Secretary of Housing and Urban Development), when persons in such areas are eligible for flood insurance which has been made available under the National Flood Insurance Act of 1968, and have not obtained such insurance. The following programs are subject to the legislation: 7(a) Business loans, all 7(b) disaster loans, economic opportunity loans, handicapped assistance loans, water pollution loans, sections 501 and 502 loans, lease guarantees, small business investment companies, and pollution control guarantee program.

§ 116.11 Requirements.

(a) *General.* Flood insurance is required of a recipient of SBA direct or indirect assistance for construction purposes as defined in paragraph (d) of this section on the basis of its availability at the time of approval of a loan subject to a continuing requirement that if flood insurance becomes available during the term of the loan, the borrower will purchase and maintain such insurance.

(b) *Community Participation in Insurance Program.* On and after July 1, 1975, no financial assistance will be authorized by which SBA would provide direct or indirect assistance to an applicant located in an identified special flood hazard area unless (1) the community in which said applicant is located is participating in the flood insurance program or (2) less than a year has elapsed since the community was formally notified of the identification of a special flood hazard area within its boundaries.

(c) *Amount of coverage required.* The amount of flood insurance required is the lesser of:

(1) The maximum amount available,

(2) An amount equal to the Federal assistance for construction purposes, or

(3) The insurable value of the property to be insured.

(d) *Covered loan uses.* For the purpose of this subpart, construction is defined to include the acquisition, construction, reconstruction, repair or improvement of any building or mobile home on a foundation, and any machinery, equipment, inventory, fixtures or furnishings contained or to be contained therein.

(e) *Policy requirements.* For the purpose of this subpart, any flood insurance policy shall be deemed satisfactory if it meets the following requirements:

(1) Is a standard flood insurance policy; or

(2) Is a policy issued by an insurer licensed to do business in the jurisdiction where the property is located; and

(3) The flood insurance policy issued by the insurer includes an endorsement which:

(i) Requires that the insurer give 30 days written notice of cancellation or non-renewal to the insured with respect to the flood insurance coverage. Such notice must be mailed to both the insured and the lender and must include information as to the availability of flood insurance coverage under the National Flood Insurance Program, and (ii) Guarantees that the flood insurance coverage offered by the insurer is at least as broad as the coverage offered by the Standard Flood Insurance Policy, and (iii) Contains a mortgage interest clause similar to that contained in the Standard Flood Insurance Policy.

(f) *Additional assistance.* If SBA provides additional assistance to a borrower previously assisted with respect to real estate at the same facility in the same location, flood insurance will be required on the previously assisted building as well as on personal property covered by the new assistance if said borrower is located in an area in which flood insurance is available and subject to the restrictions of paragraph (b) of this section.

(g) *Non-hazard areas in nonparticipating community.* The restriction against approval of financial assistance as set forth herein applies only to property located within the designated flood hazard area and does not extend to locations outside that area even in a nonparticipating community.

§ 116.12 Related regulations.

It is the intent of the SBA that this regulation be administered in a manner

consistent with regulations issued by the Department of Housing and Urban Development (24 CFR Parts 1909–1920).

Subpart C—Lead-Based Paint

§ 116.20 Purpose and scope.

This subpart implements the requirements of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4801 et seq., and the regulations imposed by the Department of Housing and Urban Development, 24 CFR 35.60–35.65, which has the responsibility of insuring compliance with the Act. All SBA programs of assistance except management assistance are subject to this subpart.

§ 116.21 Definitions.

(a) *Lead-based paint.* Lead-based paint means

(1) Any paint containing more than five-tenths of 1 per centum lead by weight (calculated as lead metal) in the total non-volatile content of the paint or the equivalent measure of lead in the dried film of paint already applied or both; or

(2) With respect to paint which is manufactured after June 22, 1977, any paint containing more than six one-hundreths of 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of the paint or the equivalent measure of lead in the dried film of paint already applied.

(b) *Residential structure.* Residential structure means any house, apartment or structure intended for human habitation, including any institutional structure where persons reside, such as an orphanage, boarding school, dormitory, day care center, or extended care facilities, college housing, hospitals, group practice facilities and community facilities.

(c) *Applicable surfaces.* Applicable surfaces means all interior surfaces, whether accessible or not, and those exterior surfaces such as stairs, decks, porches, railings, windows and doors which are readily accessible to children under 7 years of age.

§ 116.22 Prohibition.

All recipients of SBA assistance granted in connection with the construction or rehabilitation of a residential structure are prohibited from using lead-based paint on the applicable surfaces of such residential structure.

§ 116.23 Penalty.

In the event lead-based paint is improperly used, the recipient will be required to remove the paint and repaint the affected area at its own expense.

(All SBA programs listed in the Catalog of Federal Domestic Assistance under Nos. 59.001–.025.)

Dated: October 19, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-31224 Filed 10-27-77;8:45 am]

[6320-01]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-136, Amdt. 7]

PART 371—ADVANCE BOOKING CHARTERS

Free and Reduced-Rate Transportation for Travel Agents

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule permits charter operators to offer free and reduced-rate transportation to travel agents for a two-year trial period. The rule is in response to a petition for rulemaking from General Tours, Inc., a tour operator. These rules will allow charter and tour operators to offer these seats for promotional and familiarization purposes.

DATES: Effective December 27, 1977. Adopted: October 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen Babcock, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202–673–5442.

SUPPLEMENTARY INFORMATION: Under the Board's charter rules for advanced Booking Charters (ABCs), Inclusive Tour Charters (ITCs), and One-stop-inclusive Tour Charters (OTCs) (14 CFR Parts 371, 378, and 378a), charter and tour operators are not allowed to offer travel agents free or reduced-rate transportation on charter flights. In contrast, scheduled carriers may offer such travel, though on a restricted basis, to promote those discount fares in direct competition to the charter programs. General Tours, Inc., a tour operator, filed a petition for rulemaking, asking the Board to consider permitting these reduced rates on charters for familiarization and promotional purposes. On February 3, 1977, the Board issued Notice of Proposed Rulemaking SPDR–55 (42 F.R. 8151), proposing to allow indirect air carriers (charter and tour operators) to offer free and reduced-rate transportation to travel agents on charters and tours conducted under Parts 371, 378, and 378a of the Special Regulations for ABCs, ITCs, and OTCs. An overwhelming majority of the 31 comments and letters received in response to the notice were in general support of the proposed rule.[1] The Board's Office of the Consumer Advocate (OCA) partially opposed the rule because of its belief that the proposal has the potential to displace full-fare charter passengers with travel agents flying free or at reduced rates. Several individual letters opposed the proposal because agents not appointed by either the International Air Transport Association (IATA), the Air Traffic Conference (ATC), or the National Air Carrier Association (NACA) would be eligible to receive the benefits of the proposed rules.

Upon consideration, the Board has decided to adopt the rules as proposed, with several modifications discussed below. The tentative findings and conclusions set forth in SPDR–55 are incorporated and made final, except as modified. All requests contained in the comments are denied unless specifically granted.

As proposed in SPDR–55, a travel agent would be eligible for reduced-rate transportation on a particular charter only if the agent was currently engaged in the sale of that specific type of charter for the particular operator offering the reduced-rate seat. For example, an agent who sells ABCs for a tour operator could not be offered such transportation on an OTC conducted by the same operator. Nor could a tour operator offer free and reduced-rate transportation to agents not yet engaged in selling any part of his, or any other, charter program. Several commenters argued that this provision is unnecessarily restrictive because it would preclude an operator from demonstrating his charter program to prospective retailers. These commenters contend that the provision would frustrate the underlying purpose of the familiarization flight as a sales promotion device, and that its elimination better serves the public interest since it would permit a travel agent to experience a particular charter program personally before making recommendations to potential travelers.

The Board agrees with this rationale, and has modified the rules accordingly. Although elimination of this provision widens somewhat the class of eligible travel agents for a particular charter, the tour operator should still have the economic incentive to provide to travel agents only those seats which cannot be sold at full price to the public. Otherwise, the operator either will have to absorb the cost of these seats, for which he has already paid the direct carrier, or must

[1] Comments and letters were received from: Association of Retail Travel Agents, Royal Caribbean Tours, United Air Lines, Gogo International, American Express, Anne Storch International—ASTI Tours, Charter Travel Corporation, Duncan Travel Service, Trans World Airlines, Hawaiian Holidays, Member Carriers of the National Air Carriers Association (Overseas National Airways, Trans International Airlines, World Airways), Pan American World Airways, Merpati Nusantara Airlines, MEA Travel, Travel Unlimited, Master Travel, employees of Johnstown Holiday Travel Agency, employees of PT Travel Bureau, Conference and Meeting Assistance Company, East Norwich Tours and Travel, Magic World Travel, ERI Travel Company, Travel Hut, and the Scottsdale Chamber of Commerce. A reply comment was filed by OTC Tours.

The American Society of Travel Agents filed a Motion for Leave to File Late Comments. For good cause shown, the motion is granted.

raise his charter prices, thereby lessening the attractiveness of his charter programs as compared to those of his competitors. Also, other eligibility conditions placed on travel agents for reduced-rate flights remain in force.

The Association of Retail Travel Agents (ARTA), along with many other commenters, strongly urges the Board to restrict the eligibility of travel agents for free or reduced-rate transportation to those agents employed by a travel agency which holds appointments from either the ATC, IATA, or NACA. The Board disagrees with ARTA, and will adhere to its tentative conclusion on this matter, as stated in the notice of proposed rulemaking. The definition of a travel agent now contained in § 223.1 of our Economic Regulations (14 CFR 223.1) is sufficiently precise to delineate the class of those eligible for reduced-rate transportation under these rules. Further, since ATC or other appointments are not required for an agent to sell charters, any such restriction on eligible agents for purposes of free and reduced-rate flights is needlessly and unfairly limiting, and discriminates against agents not holding such appointments.

The American Society of Travel Agents (ASTA) suggested a different method for determining eligibility: a sales productivity standard similar to that proposed by ATC in another case now pending before the Board for similar transportation for travel agents on domestic scheduled flights.[2] Under the ATC proposal, familiarization trips would be allotted to each ATC agency location on the basis of its ticket sales made during the preceding year. ATC claims that not only would this standard recognize the truly productive agent, but would also reduce the incentive for a person to become a travel agent just to receive the benefits of free and reduced-rate transportation.

We disagree that the ATC proposal is suited for free and reduced-rate transportation on charters and tours, as opposed to scheduled service, and affirm our tentative conclusion to depart from our previous policy of parity between the scheduled direct carriers and the indirect carriers in this area. The purpose of the rules adopted here is to allow tour operators to promote their charter programs as they see fit, not to prescribe how—or whether—tour and charter organizers must make such seats available to retail agents.

To protect the integrity of the advance purchase period required by some charter rules, the proposed rules had required the charter operator to affirm that all persons on the travel agent passenger list meet the requirements for reduced-rate transportation. We have amended the proposed rules to specify the form by which ABC charter operators must certify that all persons on the travel agent passenger list are eligible. We believe that this list, together with the reports of travel agents carried on charters under this program, which will be submitted to the Board, will be sufficient to allow us to monitor compliance with the rules without the need for an additional certification by the travel agency. In addition, responsibility for ensuring compliance should rest with the operator, as the authorized indirect air carrier for that charter.

Several commenters recommend changing the definition of the term "travel agent" to provide that an agent need be employed in a travel agency for only 2 to 3 months, rather than 12 months as in the proposed rules. The 12-month employment provision for a travel agent is based on a similar provision found in Part 223 of our Economic Regulations (14 CFR Part 223), however, and has been a reliable measure for the professional travel agent for similar reduced-rate travel on scheduled flights. We thus find no sufficient reason to change the time period when used for like purposes for charters. It is our intent, by this rule, to prevent a person from attempting to become a "travel agent" merely to qualify for reduced-rate charter flights, and a shorter time period would only encourage such efforts.

ARTA and Amexco go somewhat further and argue that there should be a definition of the term "travel agency" in the rules to prevent a firm from falsely declaring itself to be a "travel agency" to qualify members of the public for free or reduced-rate seats on charters. Amexco believes that the rules, without such a definition, would foster instances where the "travel agent" is employed for 12 months, but in activities not related to travel. Amexco also asserts that the absence of a definition of the term "travel agency" could encourage immediate entry into the travel industry of businesses declaring themselves to be a travel agency, thus becoming immediately eligible for reduced-rate flights for their employees, even though the firm has no previous experience in the travel industry.

We do not believe that a definition of the term "travel agency" is necessary or sufficient to prevent the kinds of misuse of this authority adverted to by Amexco. The reports required by these rules, and the definition of the term "travel agent," provide the needed information and criteria for investigation of any abuse of Board regulations of the kinds mentioned by Amexco. In addition, permitting the term "travel agency" to be a flexible one will permit this authority to be used by employees of various types of organizations, such as MEA Travel, which play a much larger role than in the scheduled service market in the selling of seats and the organizing of charter passenger groups for the charter operator. Employees of these types of organizations, of course, must still satisfy the "travel agent" definition to qualify for free or reduced-rate flights.

Many of the tour operators commenting on the proposed rules state that the reporting requirements are onerous and unnecessarily detailed, especially in the requiring of price information. The Board disagrees with this contention. The requirement for the filing of these informal reports allows the Board to assure that there is no misuse of familiarization seats on a charter flight, and to gain information about the charter industry, which several commenters state the Board does not now have. Also, none of the requests in the reports appear to be likely to overburden the operator, since the facts requested should readily be available from his own records.

OTC Tours, in its reply comment, questions whether there is an adequate legal foundation in SPDR–55 for adoption of the reporting requirements, citing the Federal Reports Act, as amended, 82 Stat. 1302 (44 U.S.C. 3501). OTC Tours claims that the reporting requirements are not discussed in the Explanatory Statement of the notice, and argues that, in the absence of any explanation or justification for the reports, the public is unable to respond in a meaningful way.

The Federal Reports Act provides for review by the General Accounting Office of the collection of information by independent regulatory agencies, in order to eliminate duplication and to minimize burdens on reporting persons. The Administrative Procedure Act, as amended, states that in rulemaking proceedings the agency must issue a public notice which includes either the terms or the substance of the proposed rule, or a description of the issues involved. 5 U.S.C. 551, 553. SPDR–55 contains the text of the proposed reporting requirements, and a statement of the issues involved in the proceeding, and thus clearly satisfies the Administrative Procedure Act's mandate. Moreover, since many of those commenting in this proceeding did express their views on the proposed reporting requirements, we cannot accept OTC Tours' contention that the public was deprived of its right to meaningful comment.

The proposed rules required that the charter operator send to the direct carriers a travel agent passenger list no later than 5 days prior to departure, in the case of those charters requiring advance purchase by regular passengers. As pointed out by Amexco, SPDR–55 erroneously stated that a travel agent passenger list would have to be delivered to the direct carrier no later than the sixth day after departure for ITC flights. Since the passenger list is required primarily to protect the advance purchase period for those types of charters having such a restriction, there is no reason to require such a list in the case of the ITC, and the final rules will continue to reflect this fact.

United Air Lines (United), supported by Pan American World Airways (Pan Am), recommends that the 5 day transmittal time to the direct carrier of the travel agent passenger list be changed to 10 days prior to departure for all three types of charters. As stated previously,

[2] *See*, Docket 30312, CAB Agreement 18988; By Order 77–5–27, dated May 6, 1977, the Board deferred consideration of the amendments to this agreement, and requested further justification from ATC.

we see no reason to impose such a requirement on ITCs or OTCs, when there is not now a requirement that an ITC or OTC main passenger list be sent to the direct carrier in advance. We will, however, advance the requirement for ABC travel agent passenger lists to 10 days, which should give the direct carrier more time to forward the list to the departure gate and verify its accuracy.

Pan Am states that it must obtain the approval of some foreign governments for free or reduced-rate transportation on international charters, thus requiring advance warning if any such passengers are to be carried on a flight. We do not believe that this situation warrants the creation of a special provision in our regulations, and require that any additional advance notice requirements for particular destinations can be dealt with between the carrier and the operator on a contractual basis.

The Board's Office of the Consumer Advocate (OCA) expresses concern in its comments about the increasing use of the Board's authority to grant reduced-rate transportation requests, stating that insufficient restrictions on the quantity of such transportation may be injurious to the interests of the traveling public. OCA contends that when the tour operator reserves a certain percentage of seats on a charter flight for promotional trips at reduced rates, the estimated load factor for the flight, on which the individual price of the charter is based, will then reflect these nonrevenue flight miles. Consequently, the cost to the full-price participant ultimately will rise in order to offset the added expense. OCA thus proposes that a limit be placed on the quantity of seats available at the free or reduced rate, at either 5 percent of the capacity of the aircraft, or no more than 2 persons per block of seats for which a separate passenger list has been filed. OCA also recommends that familiarization charter seats be first used to substitute for any cancelling participant, and only thereafter for any unsold seats on the flight, and that reports to the Board include the name of any cancelling participants replaced by a travel agent. This, according to OCA, would guard against an operator selling a seat twice, without refunding the tour price to the cancelling participant.

As discussed previously, in view of the competitive nature of the charter industry, we believe that the restrictions as proposed by OCA are unnecessary. Since the operator must pay in advance for all seats for which he has contracted with the direct air carrier, whether or not occupied by a full fare paying passenger, it is unlikely that the operator would arbitrarily restrict the number of regular fare passengers. Nor is it likely that the operator would offer such a large number of seats at the reduced rate that the price of the charter for regular passengers needed to cover this expense would exceed that of his competitors. Finally, familiarization seats, if they achieve their purpose, should ultimately increase the load factors of charter flights by inducing agents to attempt to increase their sales, and thus could lead to a decrease in charter prices. We thus see no reason to restrict arbitrarily the number of seats which can be made available, or the priority in which the seats are filled, preferring to leave this matter to the discretion and good business sense of the charter operator. Further, we do not share OCA's fear that charter organizers may routinely sell seats twice, first to a regular participant who cancels, and then to a travel agent at a reduced rate, without refunding the charter price paid by the participant. If this should occur, the Board has adequate means of discovery and investigation, without adding still another element to the report required of charter operators. We also have doubts about the efficacy of a reporting requirement to cure any problems of this type that do occur, since OCA's proposal seems to assume that operators who had violated our rules in this respect would voluntarily report that they had done so.

Merpati Nusantara Airlines and Magic World Travel suggest that supplemental carriers should also be authorized to offer reduced-rate transportation to travel agents. As we indicated in SPDR–55, we have chosen not to expand this proceeding to include that issue.

Charter Travel Corporation (CTC), in its comments, (at p. 4) appears to be misinterpreting the concept and purpose of these rules by implying that travel agents can be given "familiarization tours which are shorter than * * * regular tours." Although not adopting restrictions as to minimum group size, trip duration, or itinerary, as required for reduced-rate travel on scheduled flights, the Board is not authorizing separate "familiarization tours" for travel agents but rather is only permitting seats on a regular charter program to be occupied by travel agents at free or reduced rates. Travel agents must participate in the entire charter as would a full price passenger, not just in part of it. To clarify this point, we have amended the proposed rules to make it clear that travel agents are part of the charter or tour groups with which they will travel.

We do agree with CTC, though, that our experiment in this matter should be for two years, rather than just for one year as proposed. As stated by CTC, time is needed for the industry to implement this program, and thereafter for a full year of operation, for proper Board evaluation of the program. We have thus modified the rules accordingly, and have changed the reporting requirements to require a report every six months during the rule's effectiveness.

An editorial amendment has been made to § 378.2(c) of the proposed rules to clarify our intent that an ITC operator is not limited to unused space on an aircraft when offering reduced-rate seats to travel agents.

By SPR–128, adopted July 11, 1977 (42 FR 36815), we permitted the charter operator to retain a maximum $25 administrative fee when required to refund the charter price to a participant for whom a substitute has been found on an ABC flight. In SPDR–56, adopted February 24, 1977 (42 FR 12066), in Docket 29926, we proposed the same maximum administrative fee if we had permitted substitutions for the OTC, rather than eliminate the entire advance purchase requirement. Since a charter operator will now be permitted to retain this same fee when required to make a refund to a participant replaced by a travel agent only on ABCs, and so that there will be consistency in our special charter rules, we will initiate a rulemaking proposing that the same administrative fee as is permitted on ABCs, when a travel agent is substituted for a cancelling participant, and a refund is required, be allowed on both the OTC and the ITC as well.

Due to the Board's recent decision in Docket 29926 to eliminate the advance purchase requirement for OTCs, the proposed rules have been modified accordingly, and are now substantially the same as adopted for the ITC in permitting reduced-rate travel for travel agents.

Accordingly, 14 CFR Part 371 is amended as follows:

1. Amend the Table of Contents by adding, to Subpart B and to Subpart C, new §§ 371.15 and 371.25a, identified as follows:

Subpart B—General Conditions and Limitations

Sec.

371.15 Free and reduced-rate transportation for travel agents.

* * * * *

371.25a Passenger lists for travel agents.

* * * * *

§ 371.2 [Amended]

2. Revise the definition of the term "charter group," within § 371.2, Definitions, to read as follows:

* * * * *

"Charter group" means an aggregate of persons who are assembled by a charter operator or a foreign charter operator for the purpose of participation as a single unit in an advance booking charter, including travel agents being carried in accordance with § 371.15.

* * * * *

3. Add a new definition, at the end of existing § 371.2, Definitions, to read as follows:

* * * * *

"Travel agent" means a person (a) who is employed full time in a travel agency, (b) who has been in the continuous employment of such agency at least 12 months, and (c) who devotes his employment time in the agency primarily to the promotion and sale of transportation and related services.

4. Revise paragraph (f) of § 371.10, to read as follows:

§ 371.10 Advance booking charter general requirements.

* * * * *

(f) Passengers transported on the charter flight shall consist solely of charter participants (including travel agents being carried in accordance with § 371.15), and persons authorized to occupy unused space in accordance with § 371.13.

5. Add a new § 371.15, to read as follows:

§ 371.15 Free and reduced-rate transportation for travel agents.

For a period of two years after the effective date of this section, charter operators may provide free or reduced-rate transportation on charters operated pursuant to this part, on a space-available basis or otherwise, to travel agents as defined by § 371.2. No travel agent may be transported unless that agent has been included on the list required by § 371.25a, and has paid the full price (if any) specified on the list prior to his or her departure. If a travel agent replaces a cancelling charter participant, the participant shall be given a refund in accordance with § 371.14(a).

6. Add a new § 371.25a, to read as follows:

§ 371.25a Passenger lists for travel agents.

Charter operators offering free or reduced-rate transportation to travel agents shall prepare and transmit lists of agents to be transported in accordance with the following:

(a) No less than ten days before the date on which the charter flight is to depart, the charter operator shall transmit to the direct air carrier(s) a list of all travel agents who are or may be participating in the charter. The list shall set forth the name of each travel agent, the name of the agency by whom the agent is employed, the mailing address of the agency, and the travel agent's business and residence telephone numbers. If the agent has no residence telephone, his or her residence mailing address shall be included. The list shall also indicate the total amount paid or to be paid by each agent for the charter trip (or a statement that no charge will be made), and shall state whether the agent has been assigned a seat or is a space-available standby. The information required to be transmitted under this paragraph shall be deemed transmitted on the U.S. Postal Service postmark date imprinted on the envelope.

(b) A certification in the form specified below shall accompany all travel agent passenger lists, or corrections thereto, transmitted to the direct air carrier(s).[3] Corrections to travel agent passenger lists may be made only in accordance with the provisions of paragraph (c) of § 371.25.

The attached list of persons includes those travel agents entitled to free and reduced-rate transportation on the charter flight under this part. Every person as identified on the attached list (1) is employed full time in a travel agency, (2) has been in the continuous employment of such agency at least 12 months, and (3) devotes his employment time in the agency primarily to the promotion and sale of transportation and related services.

Signature of Charter Operator

7. Revise paragraph (b) of § 371.41, to read as follows:

§ 371.41 Direct air carrier to identify enplanements.

* * * * *

(b) The direct air carrier shall, at the time of enplanement, enter on its copy of the passenger list, the documentary source of the identification required by paragraph (a) of this section, including the number appearing on the documents, together with the name of any enplaning passenger, and each travel agent being carried pursuant to § 371.15, whose name does not already appear on the passenger list. The total number of names on the passenger list, thus revised, shall not be greater than the number of names originally appearing on that list, plus any travel agents traveling free or at a reduced rate. The number of newly entered names (other than travel agents traveling free or at a reduced rate) shall not exceed the total amounts (or subtotal amounts, if there is a standby list), specified in §371.14. The direct air carrier shall identify each travel agent enplaned by an appropriate notation on the passenger list, and shall not enplane any travel agent who is not listed on the travel agent passenger list prepared and delivered in accordance with § 371.25a of this part.

8. Amend § 371.50 by adding a new paragraph (c), to read as follows:

§ 371.50 Charter trip reporting.

* * * * *

(c) Within 30 days after the end of the sixth month after the month in which § 371.15 has become effective, and within 30 days after the end of each six month period thereafter, each charter operator which has transported one or more travel agents pursuant to § 371.15 shall file with the Board (Bureau of Accounts and Statistics) a report identifying each charter (including the CAB identification) on which one or more travel agents were so transported. The report shall show, for each such charter, the name of each agent transported, the price which each agent paid, and the percentage relationship between the price paid and the full price of the charter. The report may be in letter form, shall be clearly identified as a "Charter Operator Free and Reduced-Rate Transportation Report," and shall be signed by the charter operator or by an officer or member thereof. If a charter operator has also transported agents on tours conducted pursuant to Parts 378 or 378a of this chapter, one report covering all agents so transported may be filed.

(Secs. 101, 204, 401, 402, 407, and 416 of the Federal Aviation Act, as amended, 72 Stat. 737, 743, 754, 757, 766, 771 (49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

NOTE.—The Civil Aeronautics Board is submitting this rule to the Comptroller General for such review as may be appropriate under the Federal Reports Act, 44 U.S.C. 3512. The effective date of this rule accordingly reflects the inclusion of the 45-day period which that statute allows for such review. 44 U.S.C. 3512 (c) (2).

[FR Doc.77-31219 Filed 10-27-77;8:45 am]

---

[3] Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement of entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., section 1001.

[6320-01]

[Reg. SPR-137, Amdt. 19]

PART 378—INCLUSIVE TOUR CHARTERS

Free and Reduced-Rate Transportation for Travel Agents

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule permits tour operators to offer free and reduced-rate transportation to travel agents for a two year trial period. The rule is in response to a petition from General Tours, Inc., a tour operator. These rules will allow charter and tour operators to offer these seats for promotional and familiarization purposes. Supplementary information concerning this amendment is given in the preamble to SPR-136, which is being issued simultaneously.

DATES: Effective: December 27, 1977. Adopted: October 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen Babcock, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Ave., NW., Washington, D.C. 20428, 202-673-5442.

Accordingly, 14 CFR Part 378 is amended as follows:

1. Amend the Table of Contents by adding to Subpart D a new § 378.32, identified as follows:

Subpart D—Miscellaneous

Sec.

* * * * *

378.32 *Free and reduced-rate transportation of travel agents.*

* * * * *

2. Amend § 378.2, Definitions by revising paragraph (c) to read as follows:

§ 378.2 Definitions.

* * * * *

(c) An "inclusive tour group" means an aggregate of persons who are assembled by a tour operator or a foreign tour operator for the purpose of participation as a single unit in an inclusive tour (including travel agents being carried pursuant to the provisions of § 378.32); *Provided, however,* That nothing contained herein shall preclude a tour operator or a foreign tour operator from utilizing any unused space on an aircraft

chartered by it for an inclusive tour, for the transportation, on a free or reduced basis, of such tour operator's or foreign tour operator's employees, directors and officers, and the parents and immediate families of such persons, subject to the provisions of Part 223 of this chapter.

* * * * *

3. Add a new § 378.32, to read as follows:

§ 378.32 Free and reduced-rate transportation of travel agents.

(a) For a period of two years after the effective date of this section, tour operators and foreign tour operators may transport travel agents, as defined below, on inclusive tour charters, on a space-available basis or otherwise, free of charge or at a reduced rate. For the purposes of this section, "travel agents" means persons (1) who are employed full time in a travel agency, (2) who have been in the continuous employment of such agency at least 12 months, and (3) who devote their employment time in the agency primarily to the promotion and sale of transportation and related services.

(b) Within 30 days after the end of the sixth month after the month in which § 378.32 has become effective, and within 30 days after the end of each six month period thereafter, each tour operator and foreign tour operator which has transported one or more travel agents pursuant to § 378.32 shall file with the Board (Bureau of Accounts and Statistics) a report identifying each tour (including the CAB identification) on which one or more travel agents were so transported. The report shall show for each such tour, the name of each agent transported, the price which each agent paid, and the percentage relationship between the price paid and the full price of the tour. The report may be in letter form, shall be clearly identified as a "Tour Operator Free and Reduced-Rate Transportation Report," and shall be signed by the tour operator or by an officer or member thereof. If a tour operator has also transported agents on charters and tours conducted pursuant to Parts 371 and 378a, one report covering all agents so transported may be filed.

(c) If a travel agent replaces a cancelling tour participant, the participant shall be given a refund of the tour price.

(Secs. 101, 204, 401, 402, 407, and 416 of the Federal Aviation Act, as amended, 72 Stat. 737, 743, 754, 757, 766, 771 (49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386).)

By the Civil Aeronautics Board.

NOTE.—The Civil Aeronautics Board is submitting this rule to the Comptroller General for such review as may be appropriate under the Federal Reports Act, 44 U.S.C. 3512. The effective date of this rule accordingly reflects the inclusion of the 45-day period which that statute allows for such review, 44 U.S.C. 3512(c)(2).

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-31220 Filed 10-27-77;8:45 am]

[6320-01]

[Reg. SPR-138, Amdt. 13]

PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTERS

Free and Reduced-Rate Transportation for Travel Agents

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule permits tour operators to offer free and reduced-rate transportation to travel agents for a two year trial period. The rule is in response to a petition from General Tours, Inc. a tour operator. These rules will allow charter and tour operators to offer these seats for promotional and familiarization purposes. Supplementary information concerning this amendment is given in the preamble to SPR-136, which is being issued simultaneously.

DATES: Effective: December 27, 1977. Adopted: October 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen Babcock, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5442.

Accordingly, 14 CFR Part 378a is amended as follows:

1. Amend the Table of Contents by adding to Subpart B, new § 378a.14, identified as follows:

Subpart B—General Conditions and Limitations

Sec.

* * * * *

378a.14 *Free and reduced-rate transportation for travel agents.*

* * * * *

§ 378a.2 [Amended]

2. Revise the definition of the term "Tour Group," within § 378a.2, Definitions, to read as follows:

* * * * *

"Tour Group" means an aggregate of persons who are assembled by a tour operator or a foreign tour operator for the purpose of participation as a single unit in a one-stop-inclusive tour charter, including travel agents being carried in accordance with § 378a.14.

* * * * *

3. Add a new definition, at the end of existing § 378a.2, Definitions, to read as follows:

* * * * *

"Travel agent" means a person (a) who is employed full time in a travel agency, (b) who has been in the continuous employment of such agency at least 12 months, and (c) who devotes his employment time in the agency primarily to the promotion and sale of transportation and related services.

* * * * *

4. Revise paragraph (f) of § 378a.10, to read as follows:

§ 378a.10 One-stop-inclusive tour general requirements.

* * * * *

(f) Passengers transported on the charter flights shall consist solely of members of the tour group as defined in § 378a.2 (including travel agents being carried in accordance with § 378a.14), and persons authorized to occupy unused space in accordance with § 378a.13.

* * * * *

5. Add a new § 378a.14, to read as follows:

§ 378a.14 Free and reduced-rate transportation for travel agents.

For a period of two years after the effective date of this section, tour operators may provide free or reduced-rate transportation on tours operated pursuant to this part, on a space-available basis or otherwise, to travel agents as defined in § 378a.2. If a travel agent replaces a cancelling tour participant, the participant shall be given a refund of the tour price.

6. Amend § 378a.50 by adding a new paragraph (d), to read as follows:

§ 378a.50 Charter trip reporting.

* * * * *

(d) Within 30 days after the end of the sixth month after the month in which § 378a.14 has become effective, and within 30 days after the end of each six month period thereafter, each tour operator which has transported one or more travel agents pursuant to § 378a.14 shall file with the Board (Bureau of Accounts and Statistics) a report identifying each tour (including the CAB identification) on which one or more agents were so transported. The report shall show, for each such tour, the name of each agent transported, the price which each agent paid, and the percentage relationship between the price paid and the full price of the tour. The report may be in letter form, shall be clearly identified as a "Tour Operator Free and Reduced-Rate Transportation Report," and shall be signed by the tour operator or by an officer or member thereof. If a tour operator has also transported travel agents on charters or tours conducted pursuant to Parts 371 or 378 of this chapter, one report covering all agents so transported may be filed.

(Secs. 101, 204, 401, 402, 407, 416, Federal Aviation Act, as amended, 72 Stat. 737, 743, 754, 757, 766, 771 (49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386).)

By the Civil Aeronautics Board.

NOTE.—The Civil Aeronautics Board is submitting this rule to the Comptroller General for such review as may be appropriate under the Federal Reports Act, 44 U.S.C. 3512. The effective date of this rule accordingly reflects the inclusion of the 45-day period which that statute allows for such review. 44 U.S.C. 3512(c)(2).

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-31221 Filed 10-27-77;8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—ORGANIZATION, PROCEDURES AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Availability of Public Information

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This rule change alters the hours during which the public records of the Commission are available for inspection. The change is designed to facilitate the administration of the Public Reference Room by allowing the staff to organize the records and receive briefings on current matters each morning before the room is opened to the public.

EFFECTIVE DATE: October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Toby G. Singer, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580, 202-523-3994.

Accordingly, 16 C.F.R. § 4.8(a) is amended to read as follows:

§ 4.8 Availability of public information.

(a) All of the public records of the Commission are available for inspection at the principal office of the Commission on each business day from 9 a.m. to 5 p.m., and copies of some of those records are available at the regional offices and the field stations on each business day from 8:30 a.m. to 5 p.m.

* * * * *

(15 U.S.C. § 46(g); 5 U.S.C. § 552.)

By direction of the Commission dated October 13, 1977.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-31226 Filed 10-27-77;8:45 am]

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5876; 34-14085; 35-20218; 39-486; IC-9968; IA-607; PA-6 and FI-54]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority to Director of Reports and Information Services

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission today announced the amendment of its regulations governing delegation of authority with respect to the Freedom of Information Act and the Privacy Act, to delegate to the Director of the Office of Reports and Information Services authority to waive or reduce search and duplication fees in connection with requests for access to records.

EFFECTIVE DATE: October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles A. Moore, Records Officer, Securities and Exchange Commission, Washington, D.C. 20549, 202-523-5550.

SUPPLEMENTARY INFORMATION: The Office of Reports and Information Services is responsible for determining initial requests for access to records pursuant to the Freedom of Information Act (the "FOIA"), 5 U.S.C. 552, and the Privacy Act, 5 U.S.C. 552a. The Commission's pertinent FOIA rule, 17 CFR 200.80(e)(4), provides that "[r]equested records shall be furnished without charge or at reduced charge whenever it shall be determined by the Commission that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public." The Commission has determined to delegate to the Director of the Office of Reports and Information Services authority to act on requests for fee waiver or reduction made in connection with requests for access to documents pursuant to the FOIA and for waiver of duplicating costs in connection with the Privacy Act. The new procedure will permit appeal of the initial determination to the Commission.

Accordingly, 17 CFR Part 200 is amended by revising Sections 200.30-11, 200.80, and 200.301 to read as follows:

I. Section 200.30-11 of Subpart A is amended by changing paragraph (d) to (e) and by adding a new paragraph (d) to read as follows:

§ 200.30-11 Delegation of Authority to Director, Office of Reports and Information Services.

* * * * *

(d) With respect to the Freedom of Information Act, 5 U.S.C. 552 and the Privacy Act, 5 U.S.C. 552a:

(1) To waive or reduce fees for searching and/or duplicating requested records under the Freedom of Information Act whenever it shall be determined that waiver or reduction of fees is in the public interest;

(2) To waive or reduce fees for reproduction under the Privacy Act whenever it shall be determined that good cause therefor exists.

(e) Notwithstanding anything in the foregoing, in any case in which the Director of the Office of Reports and Information Services believes it appropriate, he or she may submit the matter to the Commission.

II. Section 200.80 of Subpart D is amended by revising paragraph (e)(4) to read as follows:

§ 200.80 Commission records and information.

* * * * *

(e) * * *

(4) *Waiver or reduction of fees.* Requested records shall be furnished without charge or at reduced charge whenever it shall be determined by the Director of the Office of Reports and Information Services that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Requests for waiver or reduction of fees for searching and/or copying may be submitted with the original request for records and may state such facts as the requestor may consider appropriate. Denials of requests for a waiver or reduction of fees may be appealed to the Commission in accordance with the same procedure set forth in paragraph (d)(6) of this section.

III. Section 200.310 of Subpart H is revised to read as follows:

§ 200.310 Fees.

(a) *Place to make requests.* A request by an individual for copies of a record pertaining to him or her that is maintained by the Commission may be made in person during normal business hours at the Public Reference Room at 1100 L Street NW., Washington, D.C., or by mail addressed to the Privacy Act Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. There will be no charge assessed to the individual for the Commission's expense involved in searching for or reviewing the record. Copies of the Commission's records will be provided by a commercial copier or by the Commission at rates established by a contract between the copier and the Commission. In addition, copying machines are provided for public use in the public reference facilities in the Commission's Washington, D.C., New York, Los Angeles and Chicago Offices.

(b) *Waiver or reduction of fees.* Whenever the Director of the Office of Reports and Information Services determines that good cause exists to grant a request for reduction or waiver of fees for copying documents, he may reduce or waive any such fees.

The Commission finds that the foregoing action relates solely to agency management and personnel, and, accordingly that notice and prior publication for comment under the Administrative Procedure Act, 5 U.S.C. 1001 et seq. are not necessary. This action, taken pursuant to Pub. L. 87-592, 76 Stat. 394, 15 U.S.C. 78d-1, 78d-2; Pub. L. 93-502; and Pub. L. 93-579, will be effective upon publication.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 21, 1977.

[FR Doc.77-31329 Filed 10-27-77;8:45 am]

[6740-02]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION, DEPARTMENT OF ENERGY

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

[Docket No. RM76-17]

PART 35—FILING OF RATE SCHEDULES

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

PART 154—RATE SCHEDULES AND TARIFFS

Order Granting Petition for Purpose of Further Consideration

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order on reconsideration.

SUMMARY: The Commission is granting reconsideration of its order issued August 3, 1977, denying a petition for rehearing of Order No. 566 (42 FR 30150). Reconsideration is being granted in response to a petition filed by Transwestern Pipeline Co. and solely for the purpose of affording further time for consideration of the issues.

EFFECTIVE DATE: September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary Federal Energy Regulatory Commission, 202-275-4166.

SUPPLEMENTARY INFORMATION: On September 2, 1977, Transwestern Pipeline Co. (Transwestern) filed a "Conditional Petition for Leave to Intervene and File Application for Rehearing" of the Commission's August 3, 1977 order denying a petition by the People of California and the Public Utilities Commission of California for rehearing of Order No. 566. Rehearing of an order denying rehearing will not lie; thus the Commission is considering Transwestern's filing as a petition for reconsideration. The Commission finds it appropriate and proper in the administration of the Federal Power Act and the Natural Gas Act to grant reconsideration solely for the purpose of examining Transwestern's arguments as set forth in its September 2, 1977 petition.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-31150 Filed 10-27-77;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

[Recodification Docket No. 15; Docket No. 76N-0501]

Reorganization and Republication; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This is a correction of the recodification of human food regulations published in the issue of March 15, 1977 (42 FR 14302).

EFFECTIVE DATE: March 15, 1977.

FOR FURTHER INFORMATION CONTACT:

John A. Richards, Federal Register Writer (HFC-11), Food and Drug Administration, Department of Health, Education, and Welfare, Rockville, Md. 20857. (301-443-2994).

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7048 in the isue of March 15, 1977, the following corrections are made:

1. On page 14303, the complete entry for 25.3 should read "25.3 ---------- 169.150 ---------- NA".

2. On page 14304:

a. The entry "§ 182.3670" appearing in the first column headed "New human section" (the eighteenth item from the bottom of the page) should read "NA".

b. In the second column under the heading "New human section" the following corrections are made:

"182.5017" should read "NA"
"182.5049" should read "NA"
"182.5118" should read "NA"
"182.5145" should read "NA"
"182.5273" should read "NA"
"182.5361" should read "NA"
"182.5381" should read "NA"
"182.5406" should read "NA"
"182.5411" should read "NA"
"182.5470" should read "NA"
"182.5475" should read "NA"
"182.5477" should read "NA"
"182.5590" should read "NA"
"NA" (following 182.5634) should read "NA"
"182.5701" should read "NA"
"182.5835" should read "NA"
"182.5881" should read "NA"
"182.5915" should read "NA"
"182.5920" should read "NA"
"182.5925" should read "NA"

c. The complete entry for § 121.104(g)(2) (old section) should read: "121.104(g)(2) ---------- 184.1670 ---------- NA"; and the entry for § 121.104(g)(26) should read: "121.104(g)(26) ---------- 184.1660 ---------- NA".

3. On page 14305, the complete entry for § 121.1060 should read: "121.060 ---------- 173.350 ---------- NA"; and the entry for § 121.2500 should read "121.2500 ---------- 174.5 ---------- NA".

4. On pages 14497 and 14498, in § 172.320, the item "Glycine" in the listing in paragraphs (a), (b), and (c)(4) should read "Aminoacetic acid (glycine)".

5. On page 14528, the section heading for § 173.150 is corrected to read: "§ 173.150 *Milk-clotting enzymes, microbial*".

6. On page 14538, the words "For use as preservative only" should appear in the "Limitations" column next to the entry "4,4'-Isopropylidenedi-phenol, polybutylated mixture." The entry under the "Limitations" column for isopropyl peroxydicarbonate is deleted.

7. On page 14541, the line that reads "Silicon dioxide as defined in Sec. 121.1958(a)." is deleted.

8. On page 14575, in the first column, the first word on the thirteenth line, is corrected to read "$m\mu$".

9. On page 14580, the entry in Table 1 under § 177.1210(b)(5) for natural rubber was inadvertently listed with a 0.5 percent limitation although there are no prescribed limitations on the use of the substance. The 0.5 percent limitation should be moved down one line to appear in the "Limitations" column next to the entry "*a* - *cis* - 9 - Octadecenyl - *omega*-hydroxypoly (oxyethylene); * * *".

10. On page 14583, in the first column, the fourth line of the introductory text of § 177.1330 should read "calcium, magnesium, sodium, and/or".

§ 181.22 [Amended]

11. On page 14639, § 181.22 is corrected editorially to reflect the recodification of former § 121.2005 to form an entire new subpart, to read as follows:

§ 181.22 **Certain substances employed in the manufacture of food-packaging materials.**

Prior to the enactment of the food additives amendment to the Federal Food, Drug, and Cosmetic Act, sanctions were granted for the usage of the substances listed in §§ 181.23, 181.24, 181.25, 181.26, 181.27, 181.28, 181.29, and 181.30 in the manufacture of packaging materials. So used, these substances are not considered "food additives" within the meaning of section 201(s) of the act, provided that they are of good commercial grade, are suitable for association with food, and are used in accordance with good manufacturing practice. For the purpose of this subpart, good manufacturing practice for food-packaging materials includes the restriction that the quantity of any of these substances which becomes a component of food as a result of use in food-packaging materials shall not be intended to accomplish any physical or technical effect in the food itself, shall be reduced to the least amount reasonably possible, and shall not exceed any limit specified in this subpart.

§§ 181.23, 181.24, 181.25, 181.26, 181.27, 181.28, 181.29 [Amended]

12. On page 14639, in § 181.23 *Antimycotics*, § 181.24 *Antioxidants*, § 181.25 *Driers*, § 181.26 *Drying oils as components of finished resins*, § 181.27 *Plasticizers*, § 181.28 *Release agents*, and § 181.29 *Stabilizers*, in the introductory texts the phrase, "when added to food" is corrected for editorial clarity and technical accuracy to read, "when migrating from food-packaging material".

§§ 182.5017, 182.5049, 182.5118, 182.5145, 182.5273, 182.5361, 182.5381, 182.5406, 182.5411, 182.5475, 182.5477, 182.5590, 182.5650, 182.5701, 182.5881, 182.5915, 182.5920, 182.5925 [Deleted]

13. On pages 14650, 14651, and 14652, the following sections, inadvertently included in the human food GRAS regulations, are deleted: § 182.5017 *Aspartic acid*, § 182.5049 *Aminoacetic acid (gly-*

cine), § 182.5118 *Alanine*, § 182.5145 *Arginine*, § 182.5273 *Cystine*, § 182.5361 *Histidine*, § 182.5381 *Isoleucine*, § 182.5406 *Leucine*, § 182.5411 *Lysine*, § 182.5475 *Methionine*, § 182.5477 *Methionine hydroxy analog and its calcium salts*, § 182.5590 *Phenylalanine*, § 182.5650 *Proline*, § 182.5701 *Serine*, § 182.5881 *Threonine*, § 182.5915 *Tryptophane*, § 182.5920 *Tyrosine*, § 182.5925 *Valine*. (These amino acids are regulated as food additives for human food under § 172.320; they also appear under corresponding section numbers in Part 582, as GRAS for animal food only.)

§ 182.5470 [Deleted]

14. On page 14651, § 182.5470 *Mannitol*, which was inadvertently listed as GRAS for human food (but which is correctly regulated as a food additive on an interim basis under § 180.25) is deleted.

15. On page 14659, in the third column, in Part 189, the subpart headings are corrected as follows:

Subpart B is corrected in both places in which it appears, to read: "Subpart B — Substances Generally Prohibited from Direct Addition or Use As Human Food".

Subpart C heading is deleted in both places in which it appears, thereby placing §§ 189.110 through 189.190 under Subpart B.

The heading for Subpart D, appearing once on page 14659, and once on page 14660, the third columns, is redesignated as Subpart C.

16. On page 14660 in the third column, § 189.180(b) is corrected to incorporate amendments inadvertently omitted, as follows:

§ 189.180 Safrole.

* * * * *

(b) Safrole, oil of sassafras, isosafrole, or dihydrosafrole, as such, or food containing any safrole, oil of sassafras, isosafrole, or dihydrosafrole, e.g., sassafras bark, which is intended solely or primarily as a vehicle for imparting such substances to another food, e.g., sassafras tea, is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of December 3, 1960 (25 FR 12412).

* * * * *

Dated: October 19, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-31096 Filed 10-27-77;8:45 am]

[4110-03]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Nicarbazin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulations to reflect approval of a supplemental new animal drug application filed by Merck Sharp and Dohme Research Labs., proposing revised labeling for the use of nicarbazin premix in the manufacture of a chicken feed used as an aid in the prevention of certain forms of coccidiosis, and to provide for a tolerance for residues of nicarbazin in the edible tissues of chickens. The revised labeling is in accordance with the National Academy of Sciences—National Research Council (NAS/NRC) review of the product.

EFFECTIVE DATE: October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: In accordance with section 512(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(i)), and in response to an NAS/NRC report published in the FEDERAL REGISTER of April 15, 1969 (34 FR 6495), the regulations are amended to reflect approval of a supplemental new animal drug application (NADA 9-476V) filed by Merck Sharp and Dohme Research Labs, Division of Merck and Co., Inc., Rahway, N.J. 07065.

The NAS/NRC report concerned use of a 25 percent nicarbazin premix for preparation of a 0.0125 percent chicken feed. The Academy and the Food and Drug Administration found the drug effective when used as an aid in preventing outbreaks of cecal (*Eimeria tenella*) and intestinal (*E. acervulina, E. maxima, E. necatrix*, and *E. brunetti*) coccidiosis in chickens.

The firm responded by submitting revised labeling to reflect the NAS/NRC review of the product and additional data and information to support safety for food use of treated animals. This independent action has not required a reevaluation of the parent NADA and does not constitute a reaffirmation of the drug's safety and effectiveness.

The NAS/NRC review deemed certain uses of the drug as effective. Those conditions of use are identified by a footnote. Submitted applications that include such conditions of use need not include data required by § 514.111 (21 CFR 514.111) of the animal drug regulations to establish the effectiveness of the drug for such usage, but may require bioequivalency and safety data.

In accordance with § 514.11(e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of the human safety data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, Monday through Friday, from 9 a.m. to 4 p.m., except on Federal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 556 and 558 are amended as follows:

1. Part 556 is amended by adding new § 556.445 to read as follows:

§ 556.445 Nicarbazin.

A tolerance of 4 parts per million is established for residues of nicarbazin in uncooked chicken muscle, liver, skin, and kidney.

2. Part 558 is amended by adding new § 558.366 to read as follows:

§ 558.366 Nicarbazin.

(a) *Approvals.* Premix level of 25 percent of nicarbazin granted to No. 000006 in § 510.600(c) of this chapter.

(b) *Assay limits.* Complete feed 80 to 120 percent of labeled amount.

(c) *Related tolerances.* See § 556.445 of this chapter.

(d) [Reserved]

(e) *Conditions of use.* It is used in chicken feed as follows:

(1) *Amount per ton.* 113.5 grams (0.0125 percent).[1]

(2) *Indications for use.* As an aid in preventing outbreaks of cecal (*Eimeria tenella*) and intestinal (*E. acervulina, E. maxima, E. necatrix*, and *E. brunetti*) coccidiosis.[1]

(3) *Limitations.* Feed continuously as the sole ration in a complete feed from the time chicks are placed on litter until past the time when coccidiosis is ordinarily a hazard; do not use as a treatment for outbreaks of coccidiosis; do not use in flushing mashes; do not feed to laying hens; withdraw 4 days before slaughter.

Effective date: This regulation shall be effective October 28, 1977.

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

Dated: October 19, 1977.

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

[FR Doc.77-31236 Filed 10-27-77;8:45 am]

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

[4210-01]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF THE ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-472]

PART 290—DISPOSITION OF HUD-OWNED MULTIFAMILY PROJECTS

Waivers

AGENCY: Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: The Interim Rule now in effect governing disposition of HUD-owned multifamily projects does not provide for waiver of its provisions. This Interim Amendment remedies that omission by setting forth the Assistant Secretary-Commissioner's authority to waive any of the rule's provisions under appropriate circumstances.

DATES: Effective: October 27, 1977. Comments due: November 28, 1977.

ADDRESSES: Rules Docket Clerk, Room 5218, Office of the Secretary, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Phone number 202–755–6207.

FOR ADDITIONAL INFORMATION CONTACT:

W. K. Cameron, Office of Property Disposition, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Phone number 202–755–6675.

SUPPLEMENTARY INFORMATION: The Interim Rule published January 27, 1977 (42 FR 5049) invited interested persons to submit comments on or before February 28, 1977. A number of comments have been submitted and they are being considered before adoption of a final rule. Pending issuance of the rule in its final form, however, HUD has determined that waiver of individual provisions not required by statute should be permitted in the interest of program flexibility. Various handbooks applicable to multifamily property disposition expressly allow waivers, but a corresponding provision was inadvertently omitted from the rule. That omission is now being remedied.

HUD finds that this amendment, designed to correct an inconsistency between the rule and current handbooks, represents no change in program practices or policies. Hence, comment and public procedure with respect to the amendment are unnecessary and it should be made effective upon publication. However, since a final rule has not yet been adopted in this proceeding, interested persons are invited to comment upon inclusion of the waiver provisions set forth below and the views expressed will be considered before the final rule is issued. All comments, suggestions, or materials regarding this amendment should be filed with the Rules Docket Clerk at the above address. Copies of all comments received will be available at the Office of the Rules Docket Clerk for inspection and copying by the public.

A finding of inapplicability with respect to environmental impact was made in connection with the basic amendments and that statement is applicable with respect to the clarification accomplished by this amendment. A copy of the statement of inapplicability is available in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of this interim rule have been carefully evaluated in accordance with Executive Order No. 11821.

Accordingly, 24 CFR Part 290 is amended as follows:

1. The table of contents to Subchapter I, Part 290, 24 CFR is amended with the addition of a new section as follows:

Sec. 290.11 Waivers.

2. A new § 290.11 is inserted in Subpart A as follows:

§ 290.11 Waivers.

Upon completion of a determination and finding of good cause, the Assistant Secretary for Housing—Federal Housing Commissioner or his designee may, subject to statutory limitations, waive any provision of this Subchapter. Each such waiver shall be in writing and shall be supported by documentation of the pertinent facts and grounds.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.77-31244 Filed 10-27-77;8:45 am]

[4410-01]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 753-77]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart Z—Assigning Responsibility Concerning Applications for Orders Compelling Testimony or Production of Evidence by Witnesses

ORDERS TO COMPEL TESTIMONY IN RESPONSE TO ANTITRUST CIVIL INVESTIGATIVE DEMANDS

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Antitrust Civil Process Act (15 U.S.C. 1311 et seq.) authorizes the Department to issue civil investigative demands requiring persons believed to have information relevant to a civil antitrust investigation to produce documentary material, answer written interrogatories or give oral testimony. The 1976 amendments to the Act provide that a recipient of a civil investigative demand for oral testimony may refuse to respond to any question on the basis of the privilege against self-incrimination (15 U.S.C. 1312(i)(7)(A) and (B)). However, the testimony may then be compelled pursuant to statutory provisions for granting to witnesses immunity from criminal prosecution (18 U.S.C. 6002, 6004). This order expressly assigns to the Assistant Attorney General in charge of the Antitrust Division the authority to issue orders compelling testimony of witnesses who have refused to respond to questions in connection with antitrust civil investigations on the basis of the privilege against self-incrimination, under the immunity statute. All Departmental actions with respect to orders to compel testimony under the immunity of witnesses statutes are subject to the concurrence of the Assistant Attorney General in charge of the Criminal Division.

EFFECTIVE DATE: October 18, 1977.

FOR FURTHER INFORMATION CONTACT:

John H. Shenefield, Assistant Attorney General, Antitrust Division, Department of Justice, Washington, D.C. 20530. 202–739–2401.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Subpart Z of Part 0 of Title 28, Code of Federal Regulations, is amended by adding the following new § 0.177a immediately after § 0.177.

§ 0.177a Antitrust Civil Investigative Demands.

The Assistant Attorney General in charge of the Antitrust Division is authorized to issue orders pursuant to section 6004 of title 18, United States Code, to compel testimony in response to antitrust civil investigative demands for oral testimony. Issuance of such orders shall be subject to the concurrence of the Assistant Attorney General in charge of the Criminal Division.

Dated: October 18, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 77-31265 Filed 10-27-77; 8:45 am]

[3410-11]

Title 36—Parks, Forests and Public Properties

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 222—RANGE MANAGEMENT

PART 231—GRAZING

Grazing and Livestock Use on National Forest System

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment makes possible the implementation of the Federal Land Policy and Management Act of 1976 (Pub. L. 94–579) as it relates to grazing and livestock use of the National Forest System. The rule makes substantive changes in the regulations covering the grazing permit system and grazing advisory boards. In addition, the rule includes new sections on compensation for permittees' interest in authorized permanent improvements and on the range betterment fund.

EFFECTIVE DATE: November 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Don D. Seaman, Assistant Director, Range Management Staff, Forest Service, P.O. Box 2417, Washington, D.C. 20013. Telephone 703–235–8139.

SUPPLEMENTAL INFORMATION: On June 30, 1977, a notice of proposed rulemaking was published in the FEDERAL

REGISTER (42 FR 33470) for the purpose of amending regulations covering grazing and livestock use of the National Forest System to implement direction given the Secretary of Agriculture in the Federal Land Policy and Management Act of 1976. The public was given until August 29, 1977, for interested parties to make written comments on the proposal. A series of meetings have been held in the western States for the purpose of explaining, to those interested, the content of the proposal and to answer questions regarding the regulations. Many of these meetings were conducted jointly by employees of the Bureau of Land Management and the Forest Service. The Bureau of Land Management has also published proposed regulations covering grazing on lands the agency administers.

Written comments were received by the Chief, Forest Service, from 120 parties. Substantive comments received have been considered as follows:

COMMENTS LEADING TO CHANGES IN RULEMAKING

1. It was suggested a definition of permanent improvement be included.

2. It was suggested that mules, burros, swine and buffalo be added to the definition of livestock.

3. It was suggested that the definition for range betterment be expanded to include wildlife habitat improvement.

4. Several comments suggested the regulations provide for authority to graze horses, mules or burros needed to manage permitted livestock and needed for cooperators to do research, administer, and other work. These provisions were authorized previously and have been incorporated in the final rule.

5. It was suggested that reference to the authority in the body of the rules in § 231.3(c) was confusing. The authority citation is removed in the final rule.

6. Several comments were received questioning the removal of provision for private land and on and off permits from previous regulations. The regulation has been written to clearly authorize these permits.

7. To assure compliance to title VI of the Civil Rights Act of 1964, provision has been added to § 222.4 Changes in grazing permits, to cancel association permits or grazing agreements in the event of noncompliance.

8. Several comments were received which suggested removal of the phrase, "exclusive benefit of the permittee" in § 231.3.

9. The suggestion was made that the word "continuing" be taken out of the regulation pertaining to the range betterment fund. This was done and replaced with the words "where necessary."

10. There were several comments received suggesting the provisions in § 231.4(e) of the proposal were unfair and discriminatory. The regulation is changed to limit action against the permit to those cases where there is conviction for failure to comply with Federal or State laws.

11. As a result of comments received, provision for "at-large" membership on grazing advisory boards has been removed.

COMMENTS NOT LEADING TO CHANGES IN THE RULEMAKING

1. It was suggested that "land management planning" be defined. This term will be defined in other parts of 36 CFR.

2. It was suggested that "sound land management" be defined. This is not necessary, as it is a well understood principle and is to be determined for each management situation.

3. There was suggestion that allotment management plans should have permittee involvement and consent. There is provision and encouragement for involvement; however, to require consent is delegation of authority, which is not desirable.

4. It was suggested that the regulations include provision for Forest officers to control the kind of animals grazing on the allotment to avoid mixing breeds or ages of animals. This is considered permittee responsibility; however, through grazing associations § 222.7 "special rules," can be made a part of term permits.

5. It was suggested more than one year be given to reestablish qualifications. This has been considered but is not deemed advisable. The traditional system which has limited the period to one year has proven satisfactory.

6. Comments were received on upper limits, both as to the need and the suggestion that the measure be animal unit months rather than numbers of livestock. Both suggestions were considered, but it is determined upper limits are helpful in preventing monopoly-type operations and are better expressed as numbers of animals rather than animal months.

7. Several letters received commented on the terms of permits. Some thought 10-year permits were excessively long terms. Others thought terms up to 25 years would be more proper. Traditionally, the Forest Service has issued 10-year term permits. The law directs that 10-year term permits will be issued on National Forests in the 11 western States unless excepted by one of three conditions. These conditions cover shorter than 10-year term permits when needed to meet specific circumstances.

8. It was suggested the provision permitting, free, up to 10 head of livestock to persons who reside within or contiguous to National Forest System lands for domestic use be removed. This provision has traditionally been part of the regulations. Very few individuals qualify but, if they do, the provision is available and is intended to aid those who have a distinct need for National Forest System forage.

9. It was suggested the provision for free permits to campers and travelers for livetstock actually used be removed. This is not in keeping with the policy of making the National Forest System available to all people for occasional use by livestock.

10. It was suggested the regulations state no one but citizens of the United States be entitled to hold a grazing permit. The regulations are not being changed to incorporate this. The question will be handled as Chief's policy and will be outlined as Forest Service Manual direction.

11. It was suggested there be provision for transfer of grazing privileges. Traditionally, there has been no permit transfer procedure in the grazing permit system of the Forest Service. Permits are privileges and are not transferable. The procedure for recognizing new applicants who have purchased ranch property or permitted livestock owned by an existing permittee has proven satisfactory.

12. It was suggested the regulations spell out how Indian tribal grazing permits will be handled. Grazing permits to Indians are issued in accordance with treaties with Indian tribes. The Forest Service Manual gives direction for administration of permits to Indians. Regulation is not needed.

13. It was suggested that § 222.4 "Changes in permits" be removed from the regulations. It was also suggested that amendments be made to make no changes during a suggested 25-year term permit, no cancellation during periods of physical or economic suffering, or when the Government failed to install improvements it agreed to. On the other side, there was comment that, for wilful violations, immediate suspensions be put into effect and that local law violation should also result in changes in permits. These suggestions were all considered. The section is needed to insure compliance of permit stipulations and to make needed changes; immediate suspensions will not be authorized to assure the parties involved are accorded due process.

14. It was suggested that 5 years' notice be given prior to cancellation action. The Federal Land Policy and Management Act directs that 2 years' notice be given for cancellation. The final regulation provides for 2 years' notice. Several suggest that fair market value be the minimum basis for compensation. As written, fair market value can be the consideration.

15. Two parties commented that permittees should not be allowed to invest funds in improvements constructed or installed on National Forest System lands. Such authority has long been utilized. It has resulted in a desirable cooperative team effort in managing the range resources of the National Forest System.

16. Several comments were received about the range betterment fund. Some suggested specific amounts, up to 50 percent, be earmarked for wildlife habitat improvement; others suggested wildlife improvement be excluded from the fund; and still others commented that livestock production should be given first priority. As written, local Forest officers can, with advice from users, determine where the funds can be best utilized.

17. It was suggested the funds be allocated to the allotment from which the grazing fees were derived. This was considered; however, it was determined

more flexibility and better utilization of the fund would result if one-half were to go to the National Forest where derived, and the other half allocated where the Regional Forester desired to make the best utilization.

18. There were several suggestions having to do with the number of grazing advisory boards established for each National Forest headquarters office. The law specifically authorizes at least one. The Secretary of Agriculture is to determine how many after being properly petitioned by a simple majority of the permittees.

19. It was suggested the nomination and election process was cumbersome. The Federal Land Policy and Management Act directs that board members shall be chosen through an election prescribed by the Secretary. Board membership is limited to permittees in the area administered by the headquarters office. Board members will be elected by grazing permittees in the area in which the board is established. The process outlined in the final rule fulfills these requirements.

20. There was suggestion that the regulations should limit the size of boards to not to exceed 15 advisors. The law limits board size to this number. The Forest Service Manual will suggest 7 to 11 members but make provision for up to 15 members on approval of the Secretary of Agriculture.

SUGGESTED CHANGES EXCEEDING EXISTING AUTHORITY

1. Several comments were received which suggested grazing permits were a "right." The legislation clearly states the issuance of grazing permits does not create a right, title, interest or estate in or to the National Forests.

2 It was suggested that permittees should be compensated where the permit is canceled in whole or in part. There is no authority for the United States to make such compensation.

3. It was suggested that provisions for compensating permittees for their interest in permanent improvements where the permit is canceled is absurd. The Federal Land Policy and Management Act directs that compensation be made.

4. It was suggested compensation be made to the permittee for those permanent improvements installed by his predecessor when the permit is canceled in whole or in part. The Federal Land Policy and Management Act limits compensation to the permittee who installed the improvement.

5. There were suggestions that wildlife representatives or others be members of grazing advisory boards. Section 403(c) of the Federal Land Policy and Management Act limits board membership to permittees or lessees.

6. It was suggested grazing advisory boards be established routinely rather than by petition. The Federal Land Policy and Management Act specifically authorized the Secretary to establish grazing advisory boards upon petition. Without petition, no authority is given.

7. It was suggested the function of grazing advisory boards should be broader, that they should have responsibility, and that they should be authorized to hear all permittee grievances. The Federal Land Policy and Management Act specifically limits the function of grazing advisory boards to "offer advice and make recommendations * * * concerning the development of allotment management plans and the utilization of range-betterment funds." Boards will be authorized to hear permittee grievances concerning development of allotment management plans and utilization of range betterment funds.

8. It was suggested authority for grazing advisory boards be extended beyond 1985. This is not possible as the Federal Land Policy and Management Act limits the time to 1985.

9. Several parties suggested that a person be eligible to serve on more than one U.S. Department of Agriculture advisory committee. Department policy limits each person to service on no more than one USDA advisory committee.

10. It was suggested grazing advisory boards be authorized on all National Forest System units. This suggestion could not be considered because the law specifically limits boards to "National Forest Headquarters office in the 11 contiguous western States having jurisdiction over more than five-hundred thousand acres of lands subject to commercial livestock grazing."

As part of a long-term effort to correlate the numbering schemes used in Forest Service regulations and the Forest Service Manual, these regulations are being redesignated into Subpart A, Part 222. The last two digits in the CFR part designation (e.g., Part 222 Range Management) correspond to the first two digits of the Forest Service Manual (e.g., 2200 Range Management). However, as a part of this effort to implement provisions of the Federal Land Policy and Management Act of 1976, a study is underway to establish a fee to be charged for livestock grazing on the National Forest System. This study may result in consideration of revised rules in what has been 36 CFR 231.5 Fees, payments, and refunds or credit. This section of the grazing regulation will remain in 36 CFR 231.5 until the new fee schedule is proposed in the rulemaking process.

NOTE.—The Department of Agriculture has determined that the publication of this rule is not a major Federal action significantly affecting the quality of the human environment and that a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) is not required.

In light of the foregoing, 36 CFR Chapter II is amended as follows:

With the exception of § 231.5 *Fees, payments, refunds or credit*, Part 231 is deleted and its provisions are redesignated and transferred to Part 222.

A new Subpart A to Part 222, consisting in part of the former provisions of Part 231, except, as explained above, 231.5 Fees, payments, and refunds or credit, is added as follows:

Subpart A—Grazing and Livestock Use on the National Forest System

Sec.
222.1 Authority and definitions.
222.2 Management of the range environment.
222.3 Issuance of grazing and livestock use permits.
222.4 Changes in grazing permits.
222.6 Compensation for permittees' interest in authorized permanent improvements.
222.7 Cooperation in management.
222.8 Cooperation in control of estray or unbranded livestock, animal diseases, noxious farm weeds, and use of pesticides.
222.9 Range improvements.
222.10 Range betterment fund.
222.11 Grazing advisory boards.

AUTHORITY: Sec. 1, 30 Stat. 35, as amended (16 U.S.C. 551); sec. 1, 33 Stat. 628 (16 U.S.C. 472); sec. 32, 50 Stat. 525, as amended (7 U.S.C. 1011); sec. 19, 64 Stat. 88 (16 U.S.C. 580*l*); Title IV, Pub. L. 94-579, 90 Stat. 2771 (43 U.S.C. 1751), et seq., unless otherwise noted.

Subpart A—Grazing and Livestock Use on the National Forest System

§ 222.1 Authority and definitions.

(a) *Authority.* The Chief, Forest Service, shall develop, administer and protect the range resources and permit and regulate the grazing use of all kinds and classes of livestock on all National Forest System lands and on other lands under Forest Service control. He may redelegate this authority.

(b) *Definitions.* (1) An "allotment" is a designated area of land available for livestock grazing.

(2) An "allotment management plan" is a document that specifies the program of action designated to reach a given set of objectives. It is prepared in consultation with the permittee(s) involved and:

(i) Prescribes the manner in and extent to which livestock operations will be conducted in order to meet the multiple-use, sustained yield, economic, and other needs and objectives as determined for the lands involved; and

(ii) Describes the type, location, ownership, and general specifications for the range improvements in place or to be installed and maintained on the lands to meet the livestock grazing and other objectives of land management; and

(iii) Contains such other provisions relating to livestock grazing and other objectives as may be prescribed by the Chief, Forest Service, consistent with applicable law.

(3) "Base property" is land and improvements owned and used by the permittee for a farm or ranch operation and specifically designated by him to qualify for a term grazing permit.

(4) "Cancel" means action taken to permanently invalidate a term grazing permit in whole or in part.

(5) A "grazing permit" is any document authorizing livestock to use National Forest System or other lands under Forest Service control for the purpose of livestock production including:

(i) "Temporary grazing permits" for grazing livestock temporarily and without priority for reissuance.

(ii) "Term permits" for up to 10 years with priority for renewal at the end of the term.

(6) "Land subject to commercial livestock grazing" means National Forest System lands within established allotments.

(7) "Lands within National Forests in the 11 contiguous western States" means lands designated as National Forest within the boundaries of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming (National Grasslands are excluded).

(8) "Livestock" means animals of any kind kept or raised for use or pleasure.

(9) "Livestock use permit" means a permit issued for not to exceed one year where the primary use is for other than grazing livestock.

(10) "Modify" means to revise the terms and conditions of an issued permit.

(11) "National Forest System lands," are the National Forests, National Grasslands, Land Utilization Projects, and other Federal lands for which the Forest Service has administrative jurisdiction.

(12) "On-and-off grazing permits" are permits with specific provisions on range only part of which is National Forest System lands or other lands under Forest Service control.

(13) "On-the-ground expenditure" means payment of direct project costs of implementing an improvement or development, such as survey and design, equipment, labor and material (or contract) costs, and on-the-ground supervision.

(14) "Other lands under Forest Service control" are non-Federal public and private lands over which the Forest Service has been given control through lease, agreement, waiver, or otherwise.

(15) "Private land grazing permits" are permits issued to persons who control grazing lands adjacent to National Forest System lands and who waive exclusive grazing use of these lands to the United States for the full period the permit is to be issued.

(16) "Permittee" means any person who has been issued a grazing permit.

(17) "Permitted livestock" is livestock authorized by a written permit.

(18) "Person" means any individual, partnership, corporation, association, organization, or other private entity, but does not include Government Agencies.

(19) "Range betterment" means rehabilitation, protection and improvement of National Forest System lands to arrest range deterioration and improve forage conditions, fish and wildlife habitat, watershed protection, and livestock production.

(20) "Range betterment fund" means the fund established by title IV, section 401(b)(1), of the Federal Land Policy and Management Act of 1976. This consists of 50 percent of all monies received by the United States as fees for grazing livestock on the National Forests in the 11 contiguous western States.

(21) "Range improvement" means any facility or treatment constructed or installed for the purpose of improving the range resource or the management of livestock and includes the following types:

(i) "Non-structural" which are practices and treatments undertaken to improve range not involving construction of improvements.

(ii) "Structural" which are improvements requiring construction or installation undertaken to improve the range or to facilitate management or to control distribution and movement of livestock.

(A) "Permanent" which are range improvements installed or constructed and become a part of the land such as: dams, ponds, pipelines, wells, fences, trails, seeding, etc.

(B) "Temporary" which are short-lived or portable improvements that can be removed such as: troughs, pumps and electric fences, including improvements at authorized places of habitation such as line camps.

(22) "Suspend" means temporary withholding of a term grazing permit privilege, in whole or in part.

(23) "Term period" means the period for which term permits are issued, the maximum of which is 10 years.

(24) "Transportation livestock" is livestock used as pack and saddle stock for travel on the National Forest System.

§ 222.2 Management of the range environment.

(a) Allotments will be designated on the National Forest System and on other lands under Forest Service control where the land is available for grazing. Associated private and other public lands should, but only with the consent of the landowner, lessee, or agency, be considered in such designations to form logical range management units.

(b) Each allotment will be analyzed and, in consultation with and involvement of the affected permittee(s), an allotment management plan developed. The plan will then be approved and implemented. The analysis and plan will be updated as needed.

(c) National Forest System lands will be allocated for livestock grazing and the allotment management plans will be prepared consistent with land management plans.

§ 222.3 Issuance of grazing and livestock use permits.

(a) Unless otherwise specified by the Chief, Forest Service, all grazing and livestock use on National Forest System lands and on other lands under Forest Service control must be authorized by a grazing or livestock use permit.

(b) Grazing permits and livestock use permits convey no right, title, or interest held by the United States in any lands or resources.

(c) The Chief, Forest Service, is authorized to issue permits for livestock grazing and other use by livestock of the National Forest System and on other lands under Forest Service control as follows:

(1) Grazing permits with priority for renewal may be issued as follows: On National Forests in the 11 contiguous western States 10-year term permits will be issued unless the land is pending disposal, or will be devoted to other uses prior to the end of ten years, or it will be in the best interest of sound land management to specify a shorter term. On National Forest System lands other than National Forests in the 11 contiguous western States, the permit term shall be for periods of 10 years or less. Term grazing permits for periods of 10 years or less in the form of grazing agreements may be issued to cooperative grazing associations or similar organizations incorporated or otherwise established pursuant to State law. Such an agreement will make National Forest System lands and improvements available to the association for grazing purposes. The association may allocate and administer the available grazing in accordance with provisions of the grazing agreement and Forest Service policies. Term permits authorized in this paragraph may be in the form of private land or on-and-off grazing permits where the person is qualified to hold such permits under provisions the Chief may require. Permits issued under this paragraph are subject to the following:

(i) Paid term permits will be issued to persons who own the livestock to be grazed and such base ranch property as may be required, provided the land is determined to be available for grazing purposes by the Chief, Forest Service, and he finds that capacity exists to graze specified numbers of animals.

(ii) A term permit holder has first priority for receipt of a new permit at the end of the term period provided he has fully complied with the terms and conditions of the expiring permit.

(iii) In order to update terms and conditions, term permits may be cancelled at the end of the calendar year of the midyear of the decade (1985, 1995, etc.), provided they are reissued to the existing permit holder for a new term of 10 years.

(iv) New term permits may be issued to the purchaser of a permittee's permitted livestock and/or base property, provided the permittee waives his term permit to the United States and provided the purchaser is otherwise eligible and qualified.

(v) If the permittee chooses to dispose of all or part of his base property or permitted livestock (not under approved nonuse) but does not choose to waive his term permit, the Forest Supervisor will give written notice that he no longer is qualified to hold a permit, provided he is given up to one year to reestablish his qualifications before cancellation action is final.

(vi) The Chief, Forest Service, shall prescribe provisions and requirements under which term permits will be issued, renewed, and administered, including:

(A) The amount and character of base property and livestock the permit holder shall be required to own.

(B) Specifying the period of the year the base property shall be capable of supporting permitted livestock.

(C) Acquisition of base property and/or permitted livestock.

(D) Conditions for the approval of nonuse of permit for specified periods.

(E) Upper and special limits governing the total number of livestock for which a person is entitled to hold a permit.

(F) Conditions whereby waiver of grazing privileges may be confirmed and new applicants recognized.

(2) Permits with no priority for reissuance, subject to terms and conditions as the Chief, Forest Service, may prescribe, are authorized as follows:

(i) Temporary grazing permits may be issued, or existing permits modified:

(A) For not to exceed five years to use other available forage while resting or otherwise improving the range normally used by a term permit holder.

(B) For not to exceed one year to use forage created by unusually favorable climatic conditions.

(C) For not to exceed one year to use the forage available when the permit of the normal user's livestock is in nonuse status for reasons of personal convenience.

(D) To allow a person to continue to graze livestock for the remainder of the grazing season where base property has been sold, the permit waived, and a new term permit issued.

(E) To allow grazing use in the event of drought or other emergency of National or Regional scope where such use would not result in permanent resource damage.

(ii) Livestock use permits for not to exceed one year may be issued under terms and conditions prescribed by the Chief, Forest Service, as follows:

(A) Paid permits for transportation livestock to persons engaged in commercial packing, dude ranching, or other commercial enterprises which involve transportation livestock including mining, ranching, and logging activities.

(B) Paid or free permits for research purposes and administrative studies.

(C) Paid or free permits to trail livestock across National Forest System lands.

(D) Free permits to persons who reside on ranch or agricultural lands within or contiguous to National Forest System lands for not to exceed 10 head of livestock owned or kept and whose products are consumed or whose services are used directly by the family of the resident, and who distinctly need such National Forest System lands to support such animals.

(E) Free permits to campers and travelers for the livestock actually used during the period of occupancy. This may be authorized without written permit.

(F) Paid or free permits for horses, mules, or burros to persons who clearly need National Forest System land to support the management of permitted livestock.

(G) Free permits for horses, mules, or burros to cooperators who clearly need National Forest System land to support research, administration or other work being conducted. This may be authorized without written permit.

§ 222.4 Changes in grazing permits.

(a) The Chief, Forest Service, is authorized to cancel, modify, or suspend grazing and livestock use permits in whole or in part as follows:

(1) Cancel permits where lands grazed under the permit are to be devoted to another public purpose including disposal. In these cases, except in an emergency, no permit shall be cancelled without two years' prior notification.

(2) Cancel the permit in the event the permittee:

(i) Refuses to accept modification of the terms and conditions of an existing permit.

(ii) Refuses or fails to comply with eligibility or qualification requirements.

(iii) Waives his permit back to the United States.

(iv) Fails to restock the allotted range after full extent of approved personal convenience non-use has been exhausted.

(v) Fails to pay grazing fees within established time limits.

(3) Cancel or suspend the permit if the permittee does not comply with provisions and requirements in the grazing permit or the regulations of the Secretary of Agriculture on which the permit is based.

(4) Cancel or suspend the permit if the permittee knowingly and willfully makes a false statement or representation in the grazing application or amendments thereto.

(5) Cancel or suspend the permit if the permit holder is convicted for failing to comply with, Federal laws or regulations or State laws relating to protection of air, water, soil and vegetation, fish and wildlife, and other environmental values when exercising the grazing use authorized by the permit.

(6) Modify the terms and conditions of a permit to conform to current situations brought about by changes in law, regulation, executive order, development or revision of an allotment management plan, or other management needs.

(7) Modify the seasons of use, numbers, kind, and class of livestock allowed or the allotment to be used under the permit, because of resource condition, or permittee request. One year's notice will be given of such modification, except in cases of emergency.

(b) Association permits or grazing agreements may be canceled for noncompliance with title VI of the Civil Rights Act of 1964 and Department of Agriculture regulation promulgated thereunder.

§ 222.6 Compensation for permittees' interest in authorized permanent improvements.

(a) Whenever a term permit for grazing livestock on National Forest land in the 11 contiguous western States is canceled in whole or in part to devote the lands covered by the permit to another public purpose, including disposal, the permittee shall receive from the United States a reasonable compensation for the adjusted value of his interest in authorized permanent improvements placed or constructed by him on the lands covered by the canceled permit. The adjusted value is to be determined by the Chief, Forest Service. Compensation received shall not exceed the fair market value of the terminated portion of the permittee's interest therein.

(b) In the event a permittee waives his grazing permit in connection with sale of his base property or permitted livestock, he is not entitled to compensation.

§ 222.7 Cooperation in management.

(a) *Cooperation with local livestock associations.* (1) Authority. The Chief, Forest Service, is authorized to recognize, cooperate with, and assist local livestock associations in the management of the livestock and range resources on a single range allotment, associated groups of allotments, or other association-controlled lands on which the members' livestock are permitted to graze.

(2) Purposes. These associations will provide the means for the members to:

(i) Manage their permitted livestock and the range resources.

(ii) Meet jointly with Forest officers to discuss and formulate programs for management of their livestock and the range resources.

(iii) Express their wishes through their designated officers or committees.

(iv) Share costs for handling of livestock, construction and maintenance of range improvements or other accepted programs deemed needed for proper management of the permitted livestock and range resources.

(v) Formulate association special rules needed to ensure proper resource management.

(3) Requirements for recognition. The requirements for receiving recognition by the Forest Supervisor are:

(i) The members of the association must constitute a majority of the grazing permittees on the range allotment or allotments involved.

(ii) The officers of the association must be elected by a majority of the association members or of a quorum as specified by the association's constitution and bylaws.

(iii) The officers other than the Secretary and Treasurer must be grazing permittees on the range allotment or allotments involved.

(iv) The association's activities must be governed by a constitution and bylaws acceptable to the Forest Supervisor and approved by him.

(4) Withdrawing recognition. The Forest Supervisor may withdraw his recognition of the association whenever:

(i) The majority of the grazing permittees request that the association be dissolved.

(ii) The association becomes inactive, and does not meet in annual or special meetings during a consecutive 2-year period.

(b) *Cooperation with national, State, and county livestock organizations.* The policies and programs of national, State, and county livestock organizations give direction to, and reflect in, the practices of their members. Good working relationships with these groups is conducive

to the betterment of range management on both public and private lands. The Chief, Forest Service, will endeavor to establish and maintain close working relationships with National livestock organizations who have an interest in the administration of National Forest System lands, and direct Forest officers to work cooperatively with State and county livestock organizations having similar interests.

(c) *Interagency cooperation.* The Chief, Forest Service, will cooperate with other Federal agencies which have interest in improving range management on public and private lands.

(d) *Cooperation with others.* The Chief, Forest Service, will cooperate with other agencies, institutions, organizations, and individuals who have interest in improvement of range management on public and private lands.

§ 222.8 Cooperation in control of estray or unbranded livestock, animal diseases, noxious farm weeds, and use of pesticides.

(a) Insofar as it involves National Forest System lands and other lands under Forest Service control or the livestock which graze thereupon, the Chief, Forest Service, will cooperate with:

(1) State, county, and Federal agencies in the application and enforcement of all laws and regulations relating to livestock diseases, sanitation and noxious farm weeds.

(2) The Animal and Plant Health Inspection Service and other Federal or State agencies and institutions in surveillance of pesticide spray programs; and

(3) State cattle and sheep sanitary or brand boards in control of estray and unbranded livestock to the extent it does not conflict with the Wild Free-Roaming Horse and Burro Act of December 15, 1971.

(b) The Chief, Forest Service, will cooperate with county or other local weed control districts in analyzing noxious farm weed problems and developing control programs in areas of which the National Forests and National Grasslands are a part.

(85 Stat. 649 (U.S.C. 1331–1340))

§ 222.9 Range improvements.

(a) The Chief, Forest Service, is authorized to install and maintain structural and nonstructural range improvements needed to manage the range resource on National Forest System lands and other lands controlled by the Forest Service.

(b) Such improvements may be constructed or installed and maintained, or work performed by individuals, organizations or agencies other than the Forest Service subject to the following:

(1) All improvements must be authorized by cooperative agreement or memorandum of understanding, the provisions of which become a part of the grazing permit(s).

(2) Title to permanent structural range improvements shall rest in the United States.

(3) Title to temporary structural range improvements may be retained by the Cooperator where no part of the cost for the improvement is borne by the United States.

(4) Title to nonstructural range improvements shall vest in the United States.

(5) Range improvement work performed by a cooperator or permittee on National Forest System lands shall not confer the exclusive right to use the improvement or the land influenced.

(c) A user of the range resource on National Forest System lands and other lands under Forest Service control may be required by the Chief, Forest Service, to maintain improvements to specified standards.

(d) Grazing fees or the number of animal months charged shall not be adjusted to compensate permittees for range improvement work performed on National Forest System lands: Provided, That, in accordance with section 32(c), title III, Bankhead-Jones Farm Tenant Act, the cost to grazing users in complying with requirements of a grazing permit or agreement may be considered in determining the annual grazing fee on National Grasslands or land utilization projects if it has not been used in establishing the grazing base value.

§ 222.10 Range betterment fund.

In addition to range development which is accomplished through funds from the rangeland management budget line item and the Granger-Thye Act, and deposited and nondeposited cooperative funds, range development may also be accomplished through use of the range betterment fund as follows:

(a) On National Forest land within the 11 contiguous western States, the Chief, Forest Service, shall implement range improvement programs where necessary to arrest range deterioration and improve forage conditions with resulting benefits to wildlife, watershed protection, and livestock production. One-half of the available funds will be expended on the National Forest where derived. The remaining one-half of the fund will be allocated for range rehabilitation, protection and improvements on National Forest lands within the Forest Service Regions where they were derived. During the planning process there will be consultation with grazing permittees who will be affected by the range rehabilitation, protection and improvements, and other interested persons or organizations.

(b) Range betterment funds shall be utilized only for on-the-ground expenditure for range land betterment, including, but not limited to, seeding and reseeding, fence construction, water development, weed and other plant control, and fish and wildlife habitat enhancement within allotments.

§ 222.11 Grazing advisory boards.

(a) *Establishment.* Persons holding permits to graze livestock on National Forest System lands with headquarters, office in the 11 contiguous western States having jurisdiction over more than 500,000 acres of land subject to commercial livestock grazing may petition the Forest Supervisor for establishment of a statutory grazing advisory board in accordance with provisions of the Federal Land Policy and Management Act of 1976.

(1) Upon being properly petitioned by a simple majority (more than 50 percent) of grazing permittees under the jurisdiction of such headquarters office, the Secretary shall establish and maintain at least one grazing advisory board.

(2) The Chief, Forest Service, shall determine the number of such boards, the area to be covered, and the number of advisers on each board.

(3) Processing Petitions. Upon receiving a proper petition from the grazing permittees, the Forest Supervisor will request the Chief, Forest Service, through the Regional Forester, to initiate action to establish grazing advisory boards in accordance with regulations of the Secretary of Agriculture. Grazing advisory boards will comply with the provisions of the Federal Advisory Committee Act.

(b) *Membership.* Grazing advisory boards established under this authority shall consist of members who are National Forest System permittees under the jurisdiction of a National Forest headquarters office in the 11 contiguous western States, provided board members shall be elected by grazing permittees in the area covered by the board.

(c) *Elections.* The Forest Supervisor of the headquarters office shall prescribe and oversee the manner in which permittees are nominated and board members are elected. Nominations will be made by petition with all permittees under the jurisdiction of such headquarters office being eligible for membership on the board. All members of the board will be elected by secret ballot with each permittee in the area covered by the board being qualified to vote. No person shall be denied the opportunity to serve as a grazing advisory board member because of race, color, sex, religion, or national origin. No board member shall concurrently serve on another USDA advisory committee. The Forest Supervisor shall determine and announce the results of the election of the members of the board and shall recognize the duly elected board as representing National Forest System grazing permittees in the areas for which it is established. Board members will be elected to terms not to exceed 2 years.

(d) *Charter and bylaws.* (1) The Forest Supervisor will prepare a charter to be filed with the Department and the Congress as required by Section 9(c) of the Federal Advisory Committee Act.

(2) A duly recognized grazing advisory board may, with the concurrence of a majority of its members and the Forest Supervisor, adopt bylaws to govern its proceedings.

(e) *Function.* The function of grazing advisory boards will be to offer advice and make recommendations concerning the development of allotment manage-

ment plans and the utilization of range betterment funds.

(f) *Meetings.* The Forest Supervisor shall call at least one meeting of each board annually, and call additional meetings as needed to meet the needs of the permittees and the Forest Service. Each meeting shall be conducted in accordance with an agenda approved by the Forest Supervisor and in the presence of a Forest officer.

(g) *Termination.* (1) Grazing advisory boards established under the Federal Land Policy and Management Act of 1976 shall continue until December 31, 1985, unless terminated earlier.

(2) The Forest Supervisor may withdraw recognition of any board whenever:

(i) A majority of the permittees for the area which the board represents requests that the board be dissolved.

(ii) The board becomes inactive and does not meet at least once each calendar year.

(86 Stat. 770 (5 U.S.C., App. 1).)

Dated: October 20, 1977.

RICHARD L. DUESTERHAUS,
Acting Deputy, Conservation, Research, and Education.

[FR Doc.77-31275 Filed 10-27-77;8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 796-2]

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES CERTIFICATION AND TEST PROCEDURES

Technical Amendments; Corrections

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action is a publication of several technical amendments to Subparts E and F of the motor vehicle certification regulations. The amendments correct errors made in the initial publication of these subparts and make minor, non-substantive changes to the regulations. The amendments are described in the table below.

DATES: These amendments are effective November 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert C. Smith, Regulatory Management Staff, Office of Mobile Source Air Pollution Control (AW-455), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-0596.

SUPPLEMENTARY INFORMATION: The Agency finds that good cause exists for omitting as unnecessary a notice of proposed rulemaking and public rulemaking procedure in the issuance of these amendments in that (1) the amendments primarily clarify the regulations, (2) they make non-substantive corrections, and (3) they impose no additional burden on the regulated industry in complying with the regulations.

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

Dated: October 14, 1977.

DOUGLAS M. COSTLE,
Administrator.

Section	Change	Reason
1. 86.402-78	Insert definition for "total test distance."	Total test distance is a term referred to at several places in the regulations but not defined in sec. 86.402-78.
2. 86.413-78(a)(2)	Modify language describing the requirements for vehicle emission labels.	Change will allow manufacturers more flexibility in choosing the material to be used to make emission labels put on vehicles.
3. 86.416-78(a)(2)(ii)	Remove requirement for manufacturers to report in 1978 and 1979 applications for certification the adjustment ranges for fuel and ignition systems. Calibration ranges will be reported.	The regulations do not call for the testing of vehicles at calibrations anywhere within the physically available adjustment range until 1980. Therefore, for 1978 and 1979, manufacturers should report those calibration ranges for fuel and ignition systems between which vehicles should be adjusted for testing.
4. 86.416-80	Insert a new section into the regulations identical to 86.416-78 except that manufacturers will report in their applications for certification the adjustment ranges for fuel and ignition systems.	After 1980 the administrator will specify ignition system and fuel system calibrations to be used during testing so long as they are within the physically available range for these adjustments. Manufacturers must state what this adjustment range is in their application for certification if the administrator is to specify those calibrations.
5. 86.420-78 (a) and (c)	Alter the mass at which vehicles must accumulate service distance during certification; add instructions for shifting vehicles during service accumulation.	Change is made to clarify weight at which vehicles should accumulate service distance on a dynamometer; instructions on what shift procedures should be used during service accumulation are intended to assure that vehicle operation during testing is typical of in-use operation.
6. 86.428-78(f)	Provide a more complete reference to another section of the regulations, and correct a typographical error.	The typographical error was made when the regulation was initially published (42 FR 1122); the section reference is clarified to simplify use of the regulations.
7. 86.432-78 (a) and (e)	Modify language describing what test data shall be used in the calculation of deterioration factors, and changes the precision to which these factors shall be determined.	Change was needed to more clearly delineate what test data should be included in the calculation of deterioration factors, and the precision to which this factor should be determined [makes consistent with that required by 86.432-78(d)].
8. 86.436-78 (b) and (e)(2)	Clarifies which test data will be used for deterioration lines.	Change is needed to make this section conform to changes made in sec. 86.432-78, deterioration factor.
9. 86.437-78 (b)(1)(ii) and (b)(3)	Clarifies section references used in manufacturer statements of conformance and the certificate of conformity, and makes plain that the certificate covers only motorcycles.	References to "Subpart E, Title 40" and "this chapter" do not adequately describe the portions of the regulations which must be satisfied in order to receive a certificate of conformity; current certificate of conformity language is misleading in that it implies that the certificate covers records required by 86.416 in addition to motorcycles.
10. 86.440-78 (a)(2)(ii)	Correct typographical error	Error was made in initial publication of regulations (42 FR 1122).
11. 86.442-78 (a)(1)	do	Do.
12. 86.508-78(c)	Correct typographical error and drop inertia tolerances for flywheels.	Error was made in initial publication of regulations (42 FR 112); tolerances cannot be met on current dynamometers.
13. 86.513-78(b)	Correct typographical error	Error was made in initial publication of regulations (42 FR 1122).
14. 86.519-78(a)(9)	Gives correct subscripts for the symbols V_s and D_s.	Do.
15. 86.535-78(c)	Modifies what should be measured to determine vehicle speed on a dynamometer.	Change is made to make this paragraph consistent with provisions of 86.508 which specifies use of a single roll dynamometer for testing.
16. 86.537-78(b)	Adds requirement to evacuate exhaust sample collection bags prior to the start of the emission test, and clarifies when during the test readings for exhaust samples should be taken.	Change will reduce the potential for testing being done with contaminated sample bags, and the reading of sample bags after too long a period of time has elapsed.
17. 86.540-78	Require that flow rates and pressures be checked before following the rest of the procedures for exhaust sample analysis.	Change is made to assure the accuracy of the emission test results.
18. 86.542-78 (f) and (o)	Clarifies when the vehicle odometer should be read and that information recorded, and the means for recording driving distance accumulated during an emission test.	Initial publication of the regulation omitted when odometer information was to be recorded; driving distance covered during the test is required to calculate emission test results.
19. 86.544-78 (c) and (d)	Corrects typographical errors and provides correct references to other parts of the regulations.	Typographical errors were made in the initial publication of the regulation.

40 CFR Part 86 is amended as follows:

1. In Section 86.402–78, the definition for "total test distance" is added to read as follows:

§ 86.402–78 Definitions.

* * * * *

"Total test distance" is defined for each class of motorcycles in § 86.427–78.

* * * * *

2. Section 86.413–78(a)(2) is revised to read as follows:

§ 86.413–78 Labeling.

(a)(1) * * *

(2) A permanent, legible label shall be affixed in a readily accessible position. Multi-part labels may be used.

* * * * *

3. Section 86.416–78, paragraph (a)(2)(ii) is revised to read as follows:

§ 86.416–78 Application for certification.

(a) * * *

(2) * * *

(ii) The range of available fuel and ignition system calibrations.

* * * * *

4. A new section, § 86.416–80, is added as follows:

§ 86.416–80 Application for certification.

(a) New motorcycles produced by a manufacturer whose projected sales in the United States is 10,000 or more units (for the model year in which certification is sought) are covered by the following:

(1) An application for a certificate of conformity to the regulations in the English language applicable to new motorcycles shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment. Where possible, a manufacturer should include in a single application for certification, a description of all vehicles in each class for which certification is required. A manufacturer may, however, choose to apply separately for certification of part of his product line. The selection of test vehicles and the computation of test results will be determined separately for each application.

(2) The application shall be in writing signed by an authorized representative of the manufacturer, and shall include the following:

(i) Identification and description of the vehicles covered by the application and a description of their engine, emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device. Transmission gear ratios, overall drive ratios and vehicle mass (or range of mass) shall also be included. The label and its location shall be specified, § 86.413. Available optional equipment shall be described.

(ii) The range of available fuel and ignition system adjustments.

(iii) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the vehicles for which certification is requested. If reduced testing based on low sales volume is requested the method of predicting sales shall be described.

(iv) A description of the test equipment (if applicable) and fuel and engine lubricant proposed to be used.

(v) A description of the proposed service accumulation procedure and a description of the proposed scheduled maintenance.

(vi) A statement of recommended periodic and anticipated maintenance and procedures necessary to assure that the vehicles covered by a certificate of conformity in operation conform to the regulations, listings of the fuels and lubricants to be recommended to the ultimate purchaser and a description of the program for training of personnel for such maintenance, and the equipment required to perform this maintenance.

(vii) A description of normal assembly line operations and adjustments if such procedures exceed 10 km (6.2 miles) or one hour of engine operation.

(3) Completed copies of the application and of any amendments thereto, and all notifications under §§ 86.438 and 86.439 shall be submitted in such multiple copies as the Administrator may require.

(4) For purposes of this section, "auxiliary emission control device" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

(b) New motorcycles produced by a manufacturer whose projected sales in the United States is less than 10,000 units (for the model year in which certification is sought) are covered by the following:

(1) All the information that would otherwise be required to be submitted to EPA under paragraph (a)(2) of this section must be made a part of the manufacturer's records, except there is no requirement to submit the information to the Administrator or receive approval from the Administrator.

(2) Section 86.437 details the statements that these manufacturers are required to provide to the Administrator.

(c) For the purpose of determining applicability of paragraphs (a) or (b) of this section, where there is more than one importer or distributor of vehicles manufactured by the same person, the projected sales shall be the aggregate of the projected sales of those vehicles by such importers or distributors.

5. Section 86.426–78, paragraph (a) is revised and a new paragraph (c) is added as follows:

§ 86.426–78 Service accumulation.

(a) The procedure for service accumulation will be the Durability Driving Schedule as specified in Appendix IV to this Part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate distance at a measured curb mass which is within 5 kg (11.0 lb) of the loaded vehicle mass specified by the Administrator.

* * * * *

(c) The manufacturer's recommended shifting procedure will be used for laps 1 through 10. Lap 11 shifts (W.O.T. accelerations) must be conducted at the manufacturer's recommended maximum safe engine speed.

6. Section 86.428–78(f) is revised to read as follows:

§ 86.428–78 Maintenance, scheduled; test vehicles.

* * * * *

(f) Requests for authorization of periodic maintenance of emission control related components not specifically authorized to be maintained by this section, and for anticipated maintenance (see § 86.428–78(g)), must be made prior to the beginning of distance accumulation. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on vehicles in use and that the maintenance is reasonable and necessary.

* * * * *

7. In Section 86.432–78, paragraphs (a) and (e) are revised to read as follows:

§ 86.432–78 Deterioration factor.

(a) Deterioration factors shall be developed for each test vehicle from the emission test results. A separate factor shall be developed for each pollutant. The applicable data to be used in calculating these factors are:

(1) The results from all valid tests conducted by the manufacturer or Administrator at scheduled test intervals.

(2) The results from tests conducted before and after scheduled maintenance unless specifically excluded by the Administrator.

(3) The results from tests conducted before and after unscheduled maintenance, if approval of the maintenance by the Administrator was conditioned on the data being used in the deterioration factor calculation.

* * * * *

(e) Deterioration factors computed to be less than 1.000 shall be 1.000.

8. In Section 86.436–78, paragraphs (b), and (e)(2) are revised to read as follows:

§ 86.436–78 Additional service accumulation.

* * * * *

(b) New deterioration lines will be generated using all applicable test points (except the first official EPA test) up to the useful life. The same procedures for determining the original deterioration line will be used.

* * * * *

(e)(1) * * *

(2) A new deterioration line calculated using the procedure described in § 86.-

436–78(b) is below the standard at the minimum test distance and at the useful life, and,

* * * * *

9. In Section 86.437–78, paragraphs (b)(1)(ii) and (b)(3) are revised to read as follows:

§ 86.437–78 Certification.

* * * * *

(b) * * *

(1) * * *

(ii) A statement signed by the authorized representative of the manufacturer stating: "The vehicles described herein have been tested in accordance with the provisions of Subpart E, Part 86, Title 40, of the Code of Federal Regulations, and on the basis of these tests are in conformance with that Subpart. All of the data and records required by that Subpart are on file and are available for inspection by the Administrator. Total sales of vehicles subject to this Subpart will be limited to less than 10,000 units."

* * * * *

(3) Such certificate will be issued for such a period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motorcycle covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers new motorcycles, as described in the application for certification and the records required in 40 CFR 86.416, manufactured by ---------- whose total United States sales are less than 10,000 units for the ---- model year production period as defined in 40 CFR 86.402. It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 86.441 which concern either the vehicle certified or any production vehicle covered by this certificate or any production vehicle which when when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 86.-441 with respect to any such vehicle may lead to revocation or suspension of this certificate as specified in 40 CFR 86.442. It is a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 86.442. It is also a term of this certificate that no changes which may reasonably be expected to affect emissions shall be made to the vehicles covered by this certificate unless the manufacturer conducts appropriate emission testing to demonstrate that such changes will not cause the test vehicle's emissions to exceed the applicable emission standards as set forth in 40 CFR Part 86.

* * * * *

10. Section 86.40–78(a)(2)(ii) is revised to read as follows:

§ 86.440–78 Maintenance of records.

(a) * * *

(2) * * *

(ii) Each such history shall be started on the date that the first of any of the selection or build-up activities in paragraph (a)(2)(i)(A) of this section occurred with respect to the certification vehicle, shall be updated each time the operational status of the vehicle changes or additional work is performed on it, and shall be kept in a designated location.

* * * * *

11. Section 86.442–78(a)(1) is revised to read as follows:

§ 86.442–78 Denial, revocation, or suspension of certification.

(a) * * *

(1) The manufacturer submits false or incomplete information in his application for certification thereof; or

* * * * *

12. Section 86.508–78(c) is revised to read as follows:

§ 86.508–78 Dynamometer.

* * * * *

(c) Flywheels or other means shall be used to simulate the inertia specified in § 86.529.

* * * * *

13. Section 86.513–78(b) is revised to read as follows:

§ 86.513–78 Fuel and engine lubricant specification.

* * * * *

(b) Gasoline and engine lubricants representative of commercial fuels and engine lubricants which will be generally available through retail outlets shall be used in service accumulation. For leaded gasoline, the minimum lead content shall be 0.370 gram per litre (1.4 grams per U.S. gallon), except that where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use a gasoline with a different lead content. This octane rating of the gasoline used shall be no higher than 4.0 Research octane numbers above the minimum recommended by the manufacturer. The Reid Vapor Pressure of the fuel used shall be characteristic of the motor fuel during the season which the service accumulation takes place. If the manufacturer specifies several lubricants to be used by the ultimate purchaser, the Administrator will select one to be used during service accumulation.

* * * * *

14. Section 86.519–78(a)(9) is revised to read as follows:

§ 86.519–78 Constant volume sampler calibration.

(a) * * *

(9) If the calibration has been performed carefully, the calculated values from the equation will be within ±0.50 percent of the measured value of V_0. Values of M will vary from one pump to another, but values of D_0 for pumps of the same make, model, and range should agree within ±3 percent of each other. Particulate influx from use will cause the pump slip to decrease as reflected by lower values for M. Calibrations should be performed at pump startup and after major maintenance to assure the stability of the pump slip rate. Analysis of mass injection data will also reflect pump slip stability.

* * * * *

15. Section 86.535–78(c) is revised to read as follows:

§ 86.535–78 Dynamometer procedures.

* * * * *

(c) The vehicle speed, as measured from the dynamometer roll, shall be used. A speed vs. time recording, as evidence of dynamometer test validity, shall be supplied on request of the Administrator.

* * * * *

16. In Section 86.537–78(b), a new paragraph (b)(6) is added, paragraphs (b)(3), (b)(11), (b)(13), and (b)(18) are revised, and existing paragraphs (b)(6) through (b)(21) are redesignated, as follows:

§ 86.537–78 Dynamometer test runs.

* * * * *

(b) * * *

(3) With the sample selector valves in the "standby" position, connect sample collection bags to the dilute exhaust and dilution air sample collection systems.

(4) Start the Constant Volume Sampler (if not already on), the sample pumps, and the temperature recorder. (The heat exchanger of the constant volume sampler, if used, should be preheated to operating temperature before the test begins.)

(5) Adjust the sample flow rates to the desired flow rate (minimum of 80 cc/s (10.2 ft^3/hr) for PDP–CVS) and set the gas flow measuring devices to zero.

(6) Evacuate sample collection bags.

NOTE.—CF–CVS sample flowrate is fixed by the venturi design.

(7) Attach the flexible exhaust tube to the vehicle tailpipe(s).

(8) Start the gas flow measuring device, position the sample selector valves to direct the sample flow into the "transient" exhaust sample bag and the "transient" dilution air sample bag and start cranking the engine.

(9) Fifteen seconds after the engine starts, place the transmission in gear.

(10) Twenty seconds after the engine starts, begin the initial vehicle acceleration of the driving schedule.

(11) Operate the vehicle according to the dynamometer driving schedule (§ 86.515).

(12) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously switch the sample flows from the "transient" bags to the "stabilized" bags, switch off gas flow measuring device No. 1 and start gas flow measuring device No. 2. Before the acceleration, which begins at 510 seconds, record the roll revolutions. As soon as possible, transfer the "transient" exhaust and dilution samples to the analytical system and process the samples according to § 86.540 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the cold transient phase of the test.

(13) Turn engine off 2 seconds after the end of the last deceleration (at 1,369 seconds).

(14) Five seconds after the engine stops running, simultaneously turn off gas flow measuring device No. 2 and

position the sample selector valves to the "standby" position. Record the measured roll revolutions. As soon as possible, transfer the "stabilized" exhaust and dilution air samples to the analytical system and process the samples according to § 86.540 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the cold stabilized phase of the test.

(15) Immediately after the end of the sample period turn off the vehicle cooling fan system.

(16) Turn off the CVS or disconnect the exhaust tube from the tailpipe of the vehicle.

(17) Repeat the steps in paragraphs (b)(2) through (10) of this section for the hot start test, except only one evacuated sample bag is required for sampling exhaust gas and one for dilution air. The step in paragraph (b)(7) of this section shall begin between 9 and 11 minutes after the end of the sample period for the cold start test.

(18) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously turn off gas flow measuring device No. 1 and position the sample selector valve to the "standby" position. (Engine shutdown is not part of the hot start test sample period.) Record the measured roll revolutions.

(19) As soon as possible, transfer the hot start "transient" exhaust and dilution air samples to the analytical system and process the samples according to § 86.540 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the hot transient phase of the test.

(20) Disconnect the exhaust tube from the vehicle tailpipe(s) and remove vehicle from dynamometer.

(21) The constant volume sampler may be turned off, if desired.

(22) Continuous monitoring of exhaust emissions will not normally be allowed. Specific written approval must be obtained from the Administrator for continuous monitoring of exhaust emissions.

17. In Section 86.540–78, a new paragraph (a) is added, and existing paragraphs (a) through (h) are redesignated as follows:

§ 86.540–78 Exhaust sample analysis.

* * * * *

(a) Check flow rates and pressures. Adjust if required.

(b) Zero the analyzers and obtain a stable zero reading. Recheck after tests.

(c) Introduce span gases and set instrument gains. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test sample. Span gases should have concentrations equal to 75 to 100 percent of full scale. If gain has shifted significantly on the analyzers, check the calibrations. Show actual concentrations on chart.

(d) Check zeros; repeat the procedure in paragraphs (a) through (c) of this section if required.

(e) Check flowrates and pressures.

(f) Measure HC, CO, CO_2, and optionally, NO^x concentrations of samples.

(g) [Reserved]

(h) Check zero and span points. If difference is greater than 2 percent of full scale, repeat the procedure in paragraphs (a) through (g) of this section.

18. In Section 86.542–78, paragraph (f) is revised and a new paragraph (o) is added, as follows:

§ 86.542–78 Records required.

* * * * *

(f) *Vehicle:* Make, Vehicle identification number, Model year, Transmission type, Odometer reading at initiation of preconditioning. Engine displacement, Engine family, Emission control system, Recommended Idle RPM, Nominal fuel tank capacity, Inertial loading, Actual curb mass recorded at 0 kilometres, and Drive wheel tire pressure.

* * * * *

(o) The driving distance for each of the three phases of test, calculated from the measured roll or shaft revolutions.

19. In Section 86.544–78, paragraph (c), descriptions for symbols "R" and Vo" are corrected and the equation for "DF" corrected; paragraph (d) is corrected and the equation for "HCWN" in subparagraph (4) is corrected, as follows:

§ 86.544–78 Calculations; exhaust emissions.

* * * * *

(c) * * *

R = Relative humidity of the dilution air, in percent (see § 86.542–78(n).

* * * * *

$DF = 13.4/[CO2e + (HCe + COe)\ 10^{-4}]$

* * * * *

Vo = Volume of gas pumped by the positive displacement pump, in cubic metres per revolution. This volume is dependent on the pressure differential across the positive displacement pump. (See calibration techniques in 86.519–78.)

* * * * *

(d) Sample calculation of mass emission values for vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.):

* * * * *

(4) * * *

$HCwm = 0.43[(11.114 + 7.184)/(5.650 + 6.070)] + 0.57[(6.122 + 7.184)/(5.660 + 6.070)]$

* * * * *

(Sections 202, 206, 207, 208, 301(a) of the Clean Air Act, as amended (42 U.S.C. 7521, 7525, 7541, 7542, 7601(a), formerly 42 U.S.C. 1857f–1, 1857f–5, 1857f–5a, 1857f–6, 1857g(a) which was reclassified by 91 Stat. 685 (August 7, 1977)).)

[FR Doc.77–31068 Filed 10–27–77;8:45 am]

[6560–01]

[FRL 795–1]

SUBCHAPTER D—WATER PROGRAMS

PART 120—WATER QUALITY STANDARDS

Interim Final Rule

AGENCY: Environmental Protection Agency

ACTION: Interim Final Rule to amend 40 CFR Part 120.

SUMMARY: The purposes of this interim final rule are to delete those sections of 40 CFR 120 that relate only to State water quality standards adoptions and approvals and not to Federal promulgation of water quality standards or to other rulemaking activities relating to water quality standards and to delete those Federal promulgations that have been rendered obsolete or unnecessary because of subsequent action. State water quality standards are not Federal regulations and, hence, should not be a part of the Code of Federal Regulations. The State adoption and Federal approval of water quality standards will, hereinafter, appear as a Notice in the FEDERAL REGISTER soon after Federal approval of the State standard occurs. This action is procedural and is without legal impact, thus, it is adopted as interim final.

EFFECTIVE DATE: Effective October 28, 1977. Comments must be submitted on or before November 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH–585), Office of Water and Hazardous Materials, U.S. Environmental Protection Agency, Washington, D.C. 20460, 202–755–0100.

SUPPLEMENTARY INFORMATION: 40 CFR 120.5 is being withdrawn because the States have adopted salinity standards as required. State water quality standards approvals are being withdrawn (§ 120.10), and will henceforth not appear in the Code of Federal Regulations because such standards are not a part of a Federal regulation but, instead, are State-adopted water quality standards that have been approved by the Administrator pursuant to section 303 of the Federal Water Pollution Control Act. State-adopted, Federally approved water quality standards will appear as Notices in the FEDERAL REGISTER. The Alabama standard promulgated by the Environmental Protection Agency (§ 120.11) is being withdrawn because the United States District Court has so ordered (*Associated Industries of Alabama* v. *Train*, 9 ERC 1561). The first paragraph of § 120.21 is being withdrawn because it is an approval action and not a Federal regulation; § 120.22, paragraphs (a) and (b) of § 120.104, and § 120.115 are being withdrawn because the respective States have adopted appropriate standards as required. Existing Federal promulgations of water quality standards for States have been renumbered to permit their listing in alphabetical order and to reserve numbers for intervening States in alphabetical sequence, should such be necessary.

No Inflationary Impact Statement is required by Executive Order 11821 for these interim final regulations because the economic effects will not exceed the criteria established by EPA and approved by the Office of Management and Budget for the preparation of such statements.

In consideration of the foregoing, 40 CFR 120 is hereby amended as set forth

below. All comments on this action should be submitted to Mr. Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-585), Office of Water and Hazardous Materials, U.S. Environmental Protection Agency, Washington, D.C. 20460. All comments received on or before November 28, 1977 will be considered in developing final rulemaking.

Dated: October 19, 1977.

BARBARA BLUM,
Acting Administrator.

Part 120 is amended as follows:

1. Delete § 120.5 in its entirety.
2. Delete § 120.10 in its entirety.
3. Delete § 120.11 in its entirety.
4. Redesignate § 120.21 as § 120.27 Federally promulgated Water Quality Standards for the Commonwealth of Kentucky. Delete the first paragraph. Retain paragraphs (a) and (b).
5. Delete § 120.22 in its entirety.
6. Redesignate § 120.104 as § 120.12 Federally promulgated water quality standards for Arizona. Delete paragraphs (a) and (b) in their entirety. Redesignate paragraph (c) as paragraph (a).
7. Delete § 120.115 in its entirety.

[FR Doc.77-31297 Filed 10-27-77;8:45 am]

[6820-24]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 185]

PART 1-18—PROCUREMENT OF CONSTRUCTION

Responsible Prospective Construction Contractors

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment of the Federal Procurement Regulations (FPR) provides that surety company prequalification surveys normally will not be duplicated by the contracting officer in preaward survey efforts. The amendment also excludes a requirement that Government's administrative costs be included in damages under a termination for default liquidation of liability. The changes are being made in response to a GAO report concerning the use of surety bonds in Federal construction contracts. The intended effect of the amendment is (1) to eliminate unnecessary preaward surveys when a surety company has conducted a prequalification survey and (2) to provide that sureties will not be liable for the Government's administrative costs when a construction contract is terminated for default.

EFFECTIVE DATE: December 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Philip G. Read, Director of Federal Procurement Regulations. (703-557-8947).

SUPPLEMENTARY INFORMATION:

Subpart 1-18.1—General Provisions

Section 1-18.106 is revised as follows:

§ 1-18.106 Minimum standards for responsible prospective contractors.

In evaluating the responsibility of a prospective contractor, the contracting officer shall consider whether a bid bond has been furnished and performance and payment bonds are to be furnished. Prior to underwriting bid, performance, and payment bonds, it is normal practice for each surety company to conduct a prequalification survey which examines, verifies, and evaluates the contractor's financial resources, technical expertise for the type of work involved, management and organization ability, current workload, and capability to complete the contract in the required time. Normally, the contracting officer is not expected to duplicate this effort in conducting the preaward survey, but should emphasize in addition thereto the evaluation of information which is uniquely available to the Government, such as the Joint Consolidated List of Debarred, Ineligible, and Suspended Contractors (see § 1-1.602 *et seq.*), contractor experience lists, and performance evaluations on present or previous contracts with the Government. More extensive preaward surveys should be conducted when the project requires unique or unusual construction expertise or when information available to the contracting officer indicates that the contractor may not be responsible (see § 1-1.1203, Minimum standards for responsible prospective contractors, for other pertinent factors). The responsibility for determining the extent to which a preaward survey is appropriate to the circumstances rests with the contracting officer. Where the prospective contractor is a joint venture, the sum of its financial resources and the individual capacities of all its members will be used in determining the responsibility of the joint venture.

Subpart 1-18.8—Termination of Construction Contracts

Section 1-18.803-9 is revised as follows:

§ 1-18.803-9 Liquidation of liability.

In accordance with the provisions of the contract, the contractor and his surety are liable to the Government for resulting damages except those administrative costs which are necessary for, and directly assignable to, completing the work following such termination and which would not have been required had termination not been necessary. All retained percentages of progress payments previously made to the contractor and any progress payments due for work completed prior to the termination of the right to proceed shall be used for the purpose of liquidating the liability of the contractor and his surety to the Government for such damages. Where the retained and unpaid amounts are insufficient to liquidate such liability, steps shall be taken to recover the additional sum from the contractor and his surety.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

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

Dated: October 18, 1977.

JAY SOLOMON,
Administrator of General Services.

[FR Doc.77-31266 Filed 10-27-77;8:45 am]

[6820-25]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-210]

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Computer Security

AGENCY: Automated Data and Telecommunications Service, GSA.

ACTION: Final rule.

SUMMARY: This final rule provides standard terminology to be used when Federal agencies need to acquire ADP equipment and services that incorporate the standard encryption algorithm for cryptographic protection of computer data. The algorithm will help safeguard computer data and is intended to reduce the opportunity for unauthorized disclosure, to protect computer data during transmission or while in storage, and to maintain the integrity of the information represented by the data. The encryption capability must be validated by the National Bureau of Standards (NBS).

EFFECTIVE DATE: October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

L. Perlman, Regulations Branch, Agency Services Division, Office of Agency Assistance, Planning, and Policy, Automated Data and Telecommunications Service, General Services Administration, Washington, D.C. 20405. Telephone (202-566-0834).

SUPPLEMENTARY INFORMATION: The encryption algorithm is prescribed in the Federal Information Processing Standards Publication (FIPS PUB) 46, "Data Encryption Standard." The NBS issues FIPS PUBS under the provisions of Public Law 89-306 and under Part 6 of Title 15, Code of Federal Regulations. GSA's responsibility is to ensure that standard terminology relating to FIPS PUBS is included in solicitation documents for use by Federal agencies.

The table of contents for Part 101-32 is amended by adding the following entry:

Sec. 101-32.1304-19 FIPS PUB 46, Data Encryption Standard (DES).

Subpart 101–32.13—Implementation of Federal Information Processing Standards Publications (FIPS PUBS) Into Solicitation Documents

Section 101–32.1304–19 is added as follows:

§ 101–32.1304–19 FIPS PUB 46, Data Encryption Standard (DES).

(a) FIPS PUB 46 specifies an algorithm to be implemented in computer or related data communication devices using hardware (not software) technology. This standard shall be used by Federal agencies for the cryptographic protection of computer data when:

(1) A department or agency decides that cryptographic protection is required; and

(2) The data are not classified according to the National Security Act of 1947, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Federal agencies using cryptographic devices for protecting data classified according to either the National Security Act or the Atomic Energy Act can use those devices for protecting unclassified data in lieu of the standard.

(c) Technical specifications are included with FIPS PUB 46.

(d) The standard terminology for use in solicitation documents is:

In the event that a data encryption requirement is specified elsewhere in this solicitation, such encryption will be accomplished in accordance with FIPS PUB 46. Implementations of the standard embodied in products or services offered as a result of this solicitation that are asserted to have an encryption capability in conformance with FIPS PUB 46 must have that capability validated by the National Bureau of Standards prior to being proposed. Arrangements for validation may be made with the Systems and Software Division, National Bureau of Standards, Washington, D.C. 20234.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

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

Dated: October 18, 1977.

JAY SOLOMON,
Administrator.

[FR Doc.77–31267 Filed 10–27–77;8:45 am]

[6712–01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21020; RM–2741; FCC 77–708]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Unattended Operation of FM Translator Stations

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action amends § 74.1266 of the FCC rules and regulations to permit the unattended operation of FM translator stations, as requested by the National Translator Association. Unattended operation is already permitted for television translators, and the Communications Act was recently amended to remove the operator requirements for FM translators.

EFFECTIVE DATE: November 28, 1977.

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

FOR FURTHER INFORMATION CONTACT:

James J. Gross, Broadcast Bureau, 202–632–7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: October 13, 1977.

Released: October 21, 1977.

In the matter of amendment to 47 CFR 74.1266, Unattended Operation of FM Translator Stations, Docket No. 21020, RM–2741.

1. The Commission now considers the comments and replies on its Notice of Proposed Rule Making[1] which was issued in response to a petition of the National Translator Association ("NTA"). In that petition, NTA sought an amendment to the Commission's rules to permit the unattended operation of FM translator stations. FM translator stations are low-powered broadcasting facilities which receive and amplify the incoming signals of an FM radio station, then convert the signals to a different frequency, and retransmit them to small, sparsely populated communities. Comments were received from petitioner, the National Cable Television Association, Inc. ("NCTA"), the American Broadcasting Companies, Inc. ("ABC"), and the General Electric Broadcasting Company ("GEBCO").

2. The Notice proposed implementation in the Commission's rules of a Congressional amendment to Section 318 of the Communications Act; Pub. L. 94335, which was enacted in 1976, amended the Communications Act to permit FM translators to be operated without having a licensed operator in attendance. (Until the law was amended, only television translators were exempted from the statutory requirement in Section 318 that all broadcast stations shall be operated only with a licensed operator in attendance.) The House Report on the legislation contained the following conclusions:

Translators were conceived as simple, inexpensive devices designed to provide broadcast signals to the residents of sparsely populated, rural, remote, or mountainous areas. Technological advances through the past decade have made FM translator stations possible and, in 1970, the Federal Communications Commission authorized such stations. In order to make the FM translator stations more economically feasible, the Committee recommends that section 318, be amended as proposed, to authorize FM translators to operate unattended in the same manner as is now permitted for television translator stations * * *. The Committee finds that FM translator service is a valuable communications service in underserved and sparsely populated areas of the country. Given the existing exception for unattended television translator operation, the Committee perceives no reason for refusing to extend this exception to FM translators. H.R. 94–1261 (June 14, 1976).

In light of this Congressional enactment and at the request of NTA, the Commission adopted a Notice in this proceeding proposing to adopt rule provisions in § 74.1266 for FM translators paralleling those which govern operator requirements for television translators in § 74.766.[2]

3. Opposition has been raised by NCTA which asserts that this matter should be consolidated with other rulemaking petitions before the Commission for a broad rulemaking proceeding aimed at developing a consistent translator policy. Cited by NCTA are:

(a) Docket No. 20539, a proposal to allow translators to receive their input signals via FM microwave or any other suitable service;

(b) RM–2739, a proposal by NTA to allow VHF translators to originate local announcements soliciting or acknowledging public financial support;

(c) RM–2740, a proposal by NTA to allow origination of emergency messages on FM, UHF, and VHF translators; and

(d) RM–2751, a proposal filed August 25, 1976, by Cablecom-General, Inc., calling for the consolidation of all pending translator proposals to allow the Commission to examine the interrelationship of translators with other aspects of the national communications scheme.

NCTA points out that 27 different parties have filed comments in support of consolidation in RM–2751, including broadcasters, common carriers, cable operators, and translator licensees.

4. NCTA also challenges the statement in the Notice of this proceeding that consolidation is inappropriate because the "subject matter differs entirely, and the present petition does not raise any basic question regarding overall communications policy." Rather, states NCTA, the policy considerations in allowing unattended FM translators are of serious consequence and deserve careful scrutiny. NCTA states that translator interference problems are increasing and have not been remedied by the Commission; that no study has been made by the Commission on the impact of translator interference; that technical problems in translators can go unremedied; and that interference could result to air navigation and marine emergency radio services.

[1] 42 FR 2087, published January 10, 1977.

[2] When the FM translator rules were first developed, they were adapted from the rules already in force governing television translators. At that time, through inadvertence, a rule (§ 73.1234) was included which permitted unattended FM operation. However, since the Communications Act did not then allow unattended operation, this section could not be given effect, and § 74.1266, which required attended operation, governed instead.

5. Support for the proposal to permit unattended FM translators is contained in comments and reply comments from petitioner, ABC and GEBCO. ABC and GEBCO say that the promotion and development of translator facilities would benefit the public and that there is no rational basis for treating FM and television translators differently. They also state that NCTA has failed in comments to support its allegations of interference due to frequency drift from unattended FM translators, as was also pointed out in the Notice. NTA argues that NCTA has filed no engineering statement or support for its allegations of interference. ABC, in its reply comments, opposes consolidation on the theory that the instant rulemaking deals with a discrete aspect of FM translator operation which may be handled separately. ABC also notes that NCTA has made no mention of progress on its study of translator interference problems which was stated to be underway prior to the Notice, and that such a study at any rate could not show the differences between attended and unattended FM translators.

CONCLUSIONS

6. It is within the Commission's discretion to consolidate rule making proposals or treat them separately. We have considered the arguments of the parties regarding consolidation of this proceeding with other translator proceedings. It is still our finding that the question of permitting unattended FM translator operation is sufficiently separable from the translator issues in other proceedings to be dealt with directly in this proceeding. This in no way precludes reexamination of this matter if changed circumstances should show that to be appropriate.

7. NCTA has offered no evidence that FM translators have caused, or are likely to cause, interference. Upon review of the arguments of all parties herein, it is our conclusion that the potential for significant interference from unattended FM translators has not been established and, based on the record and our experience in the area, could be expected to be minimal. Thus, there is no reason to distinguish between television and FM translators in the matter of unattended operation, and therefore we shall follow the expressed intent of Congress and conform our FM translator rules to the television translator rules.

8. *Accordingly, it is ordered,* That effective November 28, 1977, § 74.1266 of the Commission's rules and regulations, is amended to read as follows:

§ 74.1266 Operator requirements.

(a) An FM broadcast translator station may be operated only by a person designated by and under the control of the licensee and need not be a licensed operator under Part 13 (Commercial Radio Operators) of the Commission's rules and regulations.

(b) A licensed operator employed to operate an FM translator may, at the discretion of the licensee, be employed for other duties or for the operation of another class of station or stations in accordance with the class of license which he holds and the rules and regulations governing such other stations. However, such duties shall not interfere with the operation of the FM translator station.

9. Authority for the action taken herein is contained in Sections 4(i), 303 (g), (l) and (r) of the Communications Act of 1934, as amended.

10. *It is further ordered,* That this proceeding is terminated.

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

FEDERAL COMMUNICATIONS COMMISSION,[2]
WILLIAM J. TRICARICO,
Acting Secretary.

[FR Doc.77-31269 Filed 10-27-77;8:45 am]

[4910-06]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSEP-2, Notice No. 1]

PART 209—RAILROAD SAFETY ENFORCEMENT PROCEDURES

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This document creates a new Part 209 in Title 49, Code of Federal Regulations, which sets forth certain of the procedures utilized by FRA in carrying out its safety enforcement mission. Specifically, the new part prescribes procedures for the assessment of civil penalties under section 110 of the Hazardous Materials Transportation Act (49 U.S.C. 1809) for violations of the Department of Transportation Hazardous Materials Regulations related to the shipment and transportation of hazardous materials by rail. The new part also prescribes procedures for issuance of orders directing compliance with the Federal Railroad Safety Act of 1970 (45 U.S.C. 421, 431–441) (Safety Act) and the Hazardous Materials Transportation Act (49 U.S.C. 1801–1812) (HMTA) and with regulations and orders issued under the respective statutes. Finally, the new procedures provide guidance concerning requests for confidential treatment of materials provided to FRA in connection with enforcement of all railroad safety statutes and regulations within FRA's jurisdiction. The procedures are responsive to provisions of Pub. L. 93–633, the Transportation Safety Act of 1974. That statute enacted the HMTA, which contains civil penalty authority and compliance order authority with respect to the regulation of hazardous materials. The same public law amended the Safety Act to provide for compliance order authority. Since the Department of Transportation has reissued its regulations under the HMTA, effective January 3, 1977 (see 41 FR 38175–38183 (1976)), and since the enforcement of those regulations in the rail mode has been delegated to FRA (49 CFR 1.49(t)), it has become necessary for FRA to issue these implementing procedures. The procedures are intended to assure the prompt and efficient resolution of specified enforcement actions under the Safety Act and the HMTA and to provide administrative due process to those against whom proceedings are instituted.

EFFECTIVE DATE: These procedures are effective on October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

J. Thomas Furphy, Assistant Chief Counsel, Office of Chief Counsel, Federal Railroad Administration, 400 7th Street SW., Washington, D.C. 20590, 202–426–8285.

SUPPLEMENTARY INFORMATION: FRA has not previously issued written procedures for its enforcement of railroad safety statutes and regulations. The collection of civil penalties under the Safety Act and the older railroad safety statutes is handled through informal settlement procedures and, where necessary, suits in the district courts. See 31 U.S.C. 951–953; 4 CFR Parts 101–105. Those informal procedures are not affected by the current rulemaking. However, in 1974 new authority was conferred on the Secretary of Transportation to issue compliance orders under the HMTA and the Safety Act and to assess civil penalties under the HMTA.

The HMTA requires that the Secretary exercise these specific powers "after notice and opportunity for a hearing" (49 U.S.C. 1808(a), 1809). The Safety Act also contains a provision for oral presentations (45 U.S.C. 431). Neither statute requires full-blown "on-the-record" hearings falling within the purview of sections 5, 7 and 8 of the Administrative Procedure Act (5 U.S.C. 554, 556, 557). However, it is clear that both the Safety Act (with respect to compliance orders) and the HMTA (with respect to compliance orders and hazardous materials civil penalties) contemplate that fact finding and discretion shall be vested in the administrative agency. Therefore, FRA believes it is essential to issue procedures which provide respondents with administrative due process and which will lead to the creation of a record in each individual proceeding which can form the basis for judicial review without a new trial of all the facts and issues in the district court. The Department's Materials Transportation Bureau and the Federal Highway Administration have already issued procedures which will be used in their respective enforcement roles under the HMTA. See 49 CFR Part 107; 42 FR 18076, April 5, 1977 (revising 49 CFR Part 386).

Although neither due process nor any statute requires that administrative law judges preside over any proceeding instituted under the new rules, FRA believes that the skills and recognized impartiality of administrative law judges will contribute materially to the quality of hearing processes. Therefore, the FRA will request administrative law judges to preside in those compliance order and

[2] Chairman Wiley not participating.

hazardous materials penalty proceedings in which a request for an oral hearing is made.

DISCUSSION OF INDIVIDUAL RULES

SUBPART A—GENERAL

Section 209.1 recites the responsibility of the Administrator for the enforcement of the railroad safety statutes, including the HMTA, and states that the purpose of the part is to describe certain of the procedures employed by FRA in its enforcement of those statutes.

Section 209.3 consists of definitions for certain terms as they are used in Part 209.

Section 209.5 prescribes procedures for the service of documents other than subpoenas in compliance order and hazardous materials penalty proceedings.

Section 209.7 prescribes procedures for the issuance of subpoenas and the payment of witness fees. The rules stress getting actual notice to the person whose testimony is sought. Fees and mileage for witnesses are to be paid at the same rates which prevail in the U.S. District Courts. Expenses of subpoenaed witnesses are borne by the party at whose request the subpoena is issued. FRA employees who have been involved in the field investigation of the particular matter are available as witnesses concerning issues of fact in the normal course of their duties by direction of FRA or on timely request of a respondent. But see 49 CFR 9.5.

Section 210.9 provides for centralized filing of all papers and evidence submitted under Subpart B or C, other than documents produced under a subpoena.

Section 209.11 governs requests for confidential treatment of documents filed with or otherwise provided to FRA in connection with the enforcement of all the statutes referred to in § 209.1. As used in this section "enforcement" includes all investigative and compliance activities under the railroad safety statutes. Therefore, by way of example, materials submitted to FRA in connection with an accident investigation under the Accident Reports Act (45 U.S.C. 38–41) or a violation investigation under the Hours of Service Act (45 U.S.C. 61–64b) would all be subject to this section to the extent that any claim of confidentiality might be made. The section must be read in light of the Department of Transportation regulations on public availability of information (49 CFR Part 7), which will govern all decisions concerning whether a claim of confidentiality will be honored.

Section 209.13 provides that the Chief Counsel may consolidate proceedings arising under the same subpart for purposes of the oral hearing. FRA believes that, wherever there are significant common issues in separate actions against a single respondent or multiple respondents, the just and speedy resolution of these matters will be facilitated by consolidation. An example of the type of actions which would likely be consolidated would be those arising out of the shipment and carriage of a hazardous material involving successive alleged violations of the Hazardous Materials Regulations by a shipper and one or more railroads. Another example would be the case of a carrier which is alleged to have committed several violations of the same regulation on the same division of the railroad. If the hearing officer determines that a consolidated proceeding is unmanageable, the Chief Counsel will modify or rescind the consolidation. The concept of "manageability" is intended to be quite broad, comprehending fairness, economy of effort by all parties, and the clear presentation of individual allegations and defenses.

Section 209.15 states that the Federal Rules of Evidence shall be used as general guidelines in proceedings under Subparts C and D, but states the policy of the agency that all revelant and probative evidence should be received into the record. FRA believes that questions of reliability and prejudice should be considered by the hearing officer as matters going to the weight accorded the evidence, not its admissibility.

SUBPART B—HAZARDOUS MATERIALS PENALTIES

Sections 209.101–209.121 govern the assessment of civil penalties under the HMTA. Sections 209.131 and 209.133 relate to criminal sanctions under the HMTA.

Sections 209.101 and 209.103 explain the purpose of the provisions on civil penalties and the maximum penalty liability under the HMTA.

Section 209.105 describes the notice of probable violation served on the respondent to commence a civil penalty proceeding. It is contemplated that, in many instances, notices will incorporate by reference significant portions of field investigatory reports.

Section 209.107 explains the options available to a respondent on receipt of the notice of probable violation and requires the respondent to pursue one of the options within 30 days, a time period which may be extended for good cause. Failure to reply within 30 days constitutes a waiver of any hearing and authorizes the Chief Counsel to find the facts to be as alleged and to assess an appropriate penalty. It should be noted that, once the Chief Counsel assesses the penalty based on a waiver of administrative process, a legal debt exists which is not subject to collateral attack.

Section 209.109 sets forth the method of payment of penalty liabilities and notes that contested penalty liability may be compromised through discussions with the Chief Counsel or his delegate prior to referral for collection in the courts.

Section 209.111 describes procedures for informal written and oral responses to a notice of probable violation. After review of any materials submitted and after an informal conference, if requested, the Chief Counsel takes administratively final action to assess a penalty or dismiss the notice. Since the respondent has elected not to avail himself of a hearing with its opportunities for the development of an administrative record, any judicial review of an assessment order issued after an informal response should be based on a standard of gross abuse of discretion.

Section 209.113 provides general rules for requesting and scheduling hearings.

Section 209.115 governs the conduct of hearings. FRA intends that presiding administrative law judges shall have full authority to accomplish justice in the framework of the administrative proceedings. However, § 209.115 requires that the hearing request "state with respect to each allegation whether it is admitted or denied" and "state with particularity the issues to be raised by respondent at the hearing." That is, having been confronted in the notice of probable violation with the specific allegations, a respondent is entitled to an oral hearing only on those matters which, in good faith, the respondent wishes to contest. In fulfilling the burden of providing the facts necessary to establish a violation, the Chief Counsel may rely on the failure of the respondent to deny specific allegations or to question the veracity of representations made in the notice of probable violation. FRA believes that these provisions are fully warranted by the interest of the public in the prompt and efficient resolution of these proceedings. Indeed, each provision has an analogue in the Federal Rules of Civil Procedure. By the same token, FRA recognizes that the procedures must be administered in such a way as to stress a full resolution of the merits of each proceeding, rather than rigid adherence to agency procedures.

Section 209.117 concerns the decision of the presiding officer. A respondent against whom an adverse order is entered has twenty (20) days within which to appeal to the Administrator (§ 209.121) or to pay the civil penalty.

Section 209.119 recites the statutory criteria for determining the amount of penalty assessed. See 49 U.S.C. 1809(a)(1).

Section 209.121 provides for appeal to the Administrator by any party within twenty days.

Sections 209.131 and 209.133 recite the criminal sanctions for willful violations of the Hazardous Materials Regulations and describe the process of referral for prosecution.

SUBPART C—COMPLIANCE ORDERS

Section 209.201 explains the application of the subpart and states that a compliance order proceeding is instituted by FRA when the agency has reason to believe that the respondent is engaging in continuing conduct or a pattern of conduct which involves one or more violations of the HMTA, the Safety Act, and/or any regulation, order, or conditional waiver issued under either Act.

Section 209.203 provides that a proceeding is commenced by the issuance of a notice of investigation containing certain elements, including the proposed form of compliance order. The notice of investigation may be amended as new facts are developed, but the respondent is given an opportunity to reply to any significant amendment.

Section 209.205 requires that a respondent reply in writing to the notice of investigation within thirty days, a period which may be extended for good cause. The section also contains the heart of a modified summary judgment procedure, in that it requires the respondent actively to oppose each material allegation set forth in the notice of investigation. Failure actively to challenge the agency notice constitutes an admission with respect to each particular element or allegation which is not opposed. Failure to reply authorizes the Administrator to issue a compliance order.

Section 209.207 outlines the purpose and form of consent orders. FRA will cooperate with respondents in appropriate circumstances to avoid unnecessary costs by negotiating the terms of proposed consent orders.

Section 209.209 governs the conduct of consent order hearings. It should be noted that the Chief Counsel may discharge all or part of his burden of providing the facts alleged in the notice of investigation by relying on the failure of the respondent to dispute or contest the specific allegations of the notice. (See discussion of § 209.205, above.)

Section 209.211 concerns the decision of the hearing officer. It provides that a compliance order shall become effective twenty (20) days after service, unless the order provides otherwise. Depending on the severity of the hazard to the public and the existing state of compliance at the time the order is issued, the order may be made effective immediately.

The compliance order itself is the administrative equivalent of a mandatory injunction. As such, it may contain and normally will contain such ancillary provisions as may be necessary to assure compliance with the regulation or other agency order in question. If the administrative findings warrant, provisions may be included requiring such steps as making a specified minimum number of repairs or undertaking additional training or testing.

Section 209.213 provides that any party may appeal the presiding officer's decision within twenty (20) days.

Section 209.215 provides that compliance order proceedings undertaken under the authority of the Safety Act shall be completed within twelve (12) months after issuance of the notice of investigation. See 45 U.S.C. 431(d).

Since this rulemaking does not affect any substantive right or duty and pertains solely to procedures and practices before FRA, notice and public procedure thereon are unnecessary. As stated above, the revision is effective on October 28, 1977.

The principal draftsman of this document was Grady Cothen, Jr., of the Office of Chief Counsel.

In consideration of the foregoing, Chapter II of Title 49 of the Code of Federal Regulations is amended by adding a new Part 209, Railroad Safety Enforcement Procedures, to read as set forth below.

Issued in Washington, D.C. on October 20, 1977.

JOHN M. SULLIVAN,
Administrator.

Subpart A—General

Sec.

209.1 Purpose.
209.3 Definitions.
209.5 Service.
209.7 Subpoenas; witness fees.
209.9 Filing.
209.11 Request for confidential treatment.
209.13 Consolidation.
209.15 Rules of evidence.

Subpart B—Hazardous Materials Penalties

CIVIL PENALTIES

209.101 Civil penalties generally.
209.103 Maximum penalties.
209.105 Notice of probable violation.
209.107 Reply.
209.109 Payment of penalty; compromise.
209.111 Informal response and assessment.
209.113 Request for hearing.
209.115 Hearing.
209.117 Presiding officer's decision.
209.119 Assessment considerations.
209.121 Appeal.

CRIMINAL PENALTIES

209.131 Criminal penalties generally.
209.133 Referral for prosecution.

Subpart C—Compliance Orders

209.201 Compliance orders generally.
209.203 Notice of investigation.
209.205 Reply.
209.207 Consent order.
209.209 Hearing.
209.211 Presiding officer's decision.
209.213 Appeal.
209.215 Time limitation.

AUTHORITY: Secs. 6 and 9, Pub. L. No. 89-670, 80 Stat. 937 and 944 (49 U.S.C. 1655 and 1657); sec. 1.49 of Title 49, Code of Federal Regulations.

Subpart B also issued under secs. 103, 105, 109 and 110, Pub. L. No. 93-633, 88 Stat. 2156, 2157, 2159, and 2160 (49 U.S.C. 1802, 1804, 1808 and 1809).

Subpart C also issued under sec. 109 of Pub. L. 93-633, 88 Stat. 2159 (45 U.S.C. 1808); sec. 206, Pub. L. No. 93-633, 88 Stat. 2166, amending sec. 208, Pub. L. No. 91-458 (45 U.S.C. 437); sec. 5(a), Pub. L. No. 94-348, 90 Stat. 819, amending sec. 202(d), Pub. L. No. 91-458 (45 U.S.C. 431).

Subpart A—General

§ 209.1 Purpose.

This part describes certain procedures employed by the Federal Railroad Administration in its enforcement of statutes and regulations related to railroad safety. By delegation from the Secretary of Transportation, the Administrator has responsibility for:

(a) Enforcement of Subchapters B and C of Chapter I, Subtitle B, Title 49, Code of Federal Regulations, with respect to the transportation or shipment of hazardous materials by railroad (49 CFR 1.49(t));

(b) Exercise of the authority vested in the Secretary by the Federal Railroad Safety Act of 1970, 45 U.S.C. 421, 431-441 (49 CFR 1.49(n)); and

(c) Exercise of the authority vested in the Secretary pertaining to railroad safety as set forth in the statutes transferred to the Secretary by section 6(e) of the Department of Transportation Act, 45 U.S.C. 1655(e) (49 CFR 1.49 (c), (d), (g); 45 U.S.C. 1655(f)(3)(a)).

§ 209.3 Definitions.

As used in this part—

(a) "FRA" means Federal Railroad Administration, Department of Transportation.

(b) "Administrator" means the Federal Railroad Administrator, the Deputy Administrator of the FRA or the delegate of either.

(c) "Chief Counsel" means the Chief Counsel, FRA, or his or her delegate.

(d) "Person" includes a corporation, company, association, firm, partnership, society, joint stock company, joint venture, or sole proprietorship, as well as any officer, director, owner or duly authorized representative of any such unit or an individual.

(e) "Respondent" means a person upon whom the FRA has served a notice of probable violation or a notice of investigation.

§ 209.5 Service.

(a) Each order, notice, or other document required to be served under this part shall be served personally or by registered or certified mail, except as otherwise provided herein.

(b) Service upon a person's duly authorized representative constitutes service upon that person.

(c) Service by registered or certified mail is complete upon mailing. An official United States Postal Service receipt from the registered or certified mailing constitutes prima facie evidence of service.

§ 209.7 Subpoenas; witness fees.

(a) The Chief Counsel or a hearing officer appointed under this part may sign and issue subpoenas either on his or her own initiative, or upon an adequate showing that the information sought will materially advance the proceeding, upon the written request of any party to the proceeding.

(b) A subpoena may require the attendance of a witness, or the production of documentary or other tangible evidence in the possession or under the control of the person served, or both.

(c) A subpoena may be served personally by any person who is not an interested person and is not less than eighteen (18) years of age, or by certified or registered mail.

(d) Service of a subpoena shall be made by delivering a copy of the subpoena in the appropriate manner, as set forth below. Service of a subpoena requiring attendance of a person is not complete unless delivery is accompanied by tender of fees for one day's attendance and mileage as specified by paragraph (f) of this section. However, when a subpoena is issued upon the request of any officer or agency of the United States, fees and mileage need not be tendered at the time of service but will be paid by FRA at the place and time specified in the subpoena for attendance.

Delivery of a copy of the subpoena may be made:

(1) To a natural person by:

(i) Handing it to the person;

(ii) Leaving it at his or her office with the person in charge thereof;

(iii) Leaving it at his or her dwelling place or usual place of abode with some person of suitable age and discretion then residing therein;

(iv) Mailing it by registered or certified mail to him or her at his or her last known address; or

(v) Any method whereby actual notice of the issuance and content is given (and the fees are made available) prior to the return date.

(2) To an entity other than a natural person by:

(i) Handing a copy of the subpoena to a registered agent for service or to any officer, director, or agent in charge of any office of the person;

(ii) Mailing it by registered or certified mail to any representative listed in subdivision (i) of this subparagraph at his or her last known address; or

(iii) Any method whereby actual notice is given to such representative (and the fees are made available) prior to the return date.

(e) The original subpoena bearing a certificate of service shall be filed in accordance with § 209.9.

(f) A witness subpoenaed by the FRA shall be entitled to the same fees and mileage as would be paid to a witness in a proceeding in the district courts of the United States. See 28 U.S.C. 1821. The witness fees and mileage shall be paid by the person requesting that the subpoena be issued. In an appropriate case, the Chief Counsel or the hearing officer may direct the person requesting issuance of a subpoena for the production of documentary or other tangible evidence to reimburse the responding person for actual costs of producing and/or transporting such evidence.

(g) Notwithstanding the provisions of paragraph (f) of this section, and upon request, witness fees and mileage or the costs of producing other evidence may be paid by the FRA if the official who issued the subpoena determines on the basis of good cause shown that:

(1) The presence of the subpoenaed witness or evidence will materially advance the proceedings; and

(2) The party at whose instance the subpoena was issued would suffer a serious financial hardship if required to pay the witness fees and mileage.

(h) Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than ten (10) days after the date of service of such subpoena, apply in writing to the official who issued the subpoena, or if that person is unavailable, to the Chief Counsel, to quash or modify the subpoena. The application shall contain a brief statement of the reasons relied upon in support of the action sought therein. The issuing official or the Chief Counsel, as the case may be, may:

(1) Deny the application;

(2) Quash or modify the subpoena; or

(3) In the case of subpoena to produce documentary or other tangible evidence, condition denial of the application upon the advancement by the party in whose behalf the subpoena is issued of the reasonable cost of producing the evidence.

(i) If there is a refusal to obey a subpoena served upon any person under the provisions of this section, the FRA may request the Attorney General to seek the aid of the United States District Court for any district in which the person is found to compel that person, after notice, to appear and give testimony, or to appear and produce the subpoenaed documents before the FRA, or both.

(j) Attendance of any FRA employee engaged in an investigation which gave rise to a proceeding under Subpart B or C of this part for the purpose of eliciting factual testimony may be assured by filing a request with the Chief Counsel at least fifteen (15) days before the date of the hearing. The request must indicate the present intent of the requesting person to call the employee as a witness and state generally why the witness will be required.

§ 210.9 Filing.

All materials filed with FRA or any FRA officer in connection with a proceeding under Subpart B or C of this part shall be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, except that documents produced in accordance with a subpoena shall be presented at the place and time specified by the subpoena.

§ 209.11 Request for confidential treatment.

(a) This section governs the procedures for requesting confidential treatment of any document filed with or otherwise provided to FRA in connection with its enforcement of statutes related to railroad safety. For purposes of this section, "enforcement" shall include all investigative and compliance activities, in addition to the development of violation reports and recommendations for prosecution.

(b) A request for confidential treatment with respect to a document or portion thereof may be made on the basis that the information is—

(1) Exempt from the mandatory disclosure requirements of the Freedom of Information Act (5 U.S.C. 552);

(2) Required to be held in confidence by 18 U.S.C. 1905; or

(3) Otherwise exempt by law from public disclosure.

(c) Any document containing information for which confidential treatment is requested shall be accompanied at the time of filing by a statement justifying nondisclosure and referring to the specific legal authority claimed.

(d) Any document containing any information for which confidential treatment is requested shall be marked "CONFIDENTIAL" or "CONTAINS CONFIDENTIAL INFORMATION" in bold letters. If confidentiality is requested as to the entire document, or if it is claimed that nonconfidential information in the document is not reasonably segregable from confidential information, the accompanying statement of justification shall so indicate. If confidentiality is requested as to a portion of the document, then the person filing the document shall file together with the document a second copy of the document from which the information for which confidential treatment is requested has been deleted. If the person filing a document of which only a portion is requested to be held in confidence does not submit a second copy of the document with the confidential information deleted, FRA may assume that there is no objection to public disclosure of the document in its entirety.

(e) FRA retains the right to make its own determination with regard to any claim of confidentiality. Notice of a decision by the FRA to deny a claim, in whole or in part, and an opportunity to respond shall be given to a person claiming confidentiality of information no less than five days prior to its public disclosure.

§ 209.13 Consolidation.

At the time a matter is set for hearing under Subpart B or Subpart C of this part, the Chief Counsel may consolidate the matter with any similar matter(s) pending against the same respondent or with any related matter(s) pending against another (other) respondent(s) under the same subpart. However, on certification by the hearing officer that a consolidated proceeding is unmanageable, the Chief Counsel will rescind or modify the consolidation.

§ 209.15 Rules of Evidence.

The Federal Rules of Evidence for United States Courts and Magistrates shall be employed as general guidelines for proceedings under Subparts C and D of this part. However, it is intended that all relevant and probative evidence be received into the record.

Subpart B—Hazardous Materials Penalties

Civil Penalties

§ 209.101 Civil penalties generally.

(a) Sections 209.101–209.121 prescribe rules of procedure for the assessment of civil penalties pursuant to section 110 of the Hazardous Materials Transportation Act (49 U.S.C. 1809).

(b) When the FRA has reason to believe that a person has knowingly committed an act which is a violation of any provision of Subchapter B or C of Chapter I, Subtitle B of this title for which the FRA exercises enforcement responsibility or any waiver or order issued thereunder, it may conduct a proceeding to assess a civil penalty.

§ 209.103 Maximum penalties.

A person who knowingly violates a requirement of Subchapters B or C of Chapter I, Subtitle B of this title is liable for a civil penalty of not more than $10,000 for each violation. When the violation is a continuing one, each day of the violation constitutes a separate offense. 49 U.S.C. 1809.

§ 209.105 Notice of probable violation.

(a) FRA, through the Chief Counsel, begins a civil penalty proceeding by serving a notice of probable violation on a person charging him or her with having violated one or more provisions of Subchapter B or C of Chapter I, Subtitle B of this title.

(b) A notice of probable violation issued under this section includes:

(1) A statement of the provision(s) which the respondent is believed to have violated;

(2) A statement of the factual allegations upon which the proposed civil penalty is being sought;

(3) Notice of the maximum amount of civil penalty for which the respondent may be liable;

(4) Notice of the amount of the civil penalty proposed to be assessed;

(5) A description of the manner in which the respondent should make payment of any money to the United States;

(6) A statement of the respondent's right to present written explanations, information or any materials in answer to the charges or in mitigation of the penalty; and

(7) A statement of the respondent's right to request a hearing and the procedures for requesting a hearing.

(c) The FRA may amend the notice of probable violation at any time prior to the entry of an order assessing a civil penalty. If the amendment contains any new material allegation of fact, the respondent is given an opportunity to respond.

§ 209.107 Reply.

(a) Within thirty (30) days of the service of a notice of probable violation issued under § 209.105, the respondent may—

(1) Pay as provided in § 209.109(a) and thereby close the case;

(2) Make an informal response as provided in 209.111; or

(3) Request a hearing as provided in § 209.113.

(b) The Chief Counsel may extend the thirty (30) days period for good cause shown.

(c) Failure of the respondent to reply by taking one of the three actions described in paragraph (a) of this section within the period provided constitutes a waiver of his or her right to appear and contest the allegations and authorizes the Chief Counsel, without further notice to the respondent, to find the facts to be as alleged in the notice of probable violation and to assess an appropriate civil penalty.

§ 209.109 Payment of penalty; compromise.

(a) Payment of a civil penalty should be made by certified check or money order payable to the Federal Railroad Administration and sent to the Accounting Division, Federal Railroad Administration, Department of Transportation, Washington, D.C. 20590.

(b) At any time before an order assessing a penalty is referred to the Attorney General for collection, the respondent may offer to compromise for a specific amount by contacting the Chief Counsel.

§ 209.111 Informal response and assessment.

(a) If a respondent elects to make an informal response to a notice of probable violation, respondent shall submit to the Chief Counsel such written explanations, information or other materials as respondent may desire in answer to the charges or in mitigation of the proposed penalty.

(b) The respondent may include in his or her informal written response a request for a conference. Upon receipt of such a request, the Chief Counsel arranges for a conference as soon as practicable at a time and place of mutual convenience.

(c) Written explanations, information or materials submitted by the respondent and relevant information presented during any conference held under this section are considered by the Chief Counsel in reviewing the notice of proposed violation and determining the fact of violation and the amount of any penalty to be assessed.

(d) After consideration of an informal response, including any relevant information presented at a conference, the Chief Counsel may dismiss the notice of probable violation in whole or in part. If he or she does not dismiss it in whole, he or she may issue an order assessing a civil penalty.

§ 209.113 Request for hearing.

(a) If a respondent elects to request a hearing, he or she must submit a written request to the Chief Counsel referring to the case number which appeared on the notice of the probable violation. The request must—

(1) State the name and address of the respondent and of the person signing the request if different from the respondent;

(2) State with respect to each allegation whether it is admitted or denied; and

(3) State with particularity the issues to be raised by the respondent at the hearing.

(b) After a request for hearing which complies with the requirements of paragraph (a) of this section, the Chief Counsel schedules a hearing for the earliest practicable date.

(c) The Chief Counsel or the hearing officer appointed under § 209.115 may grant extensions of the time of the commencement of the hearing for good cause shown.

§ 209.115 Hearing.

(a) When a hearing is requested and scheduled under § 209.113, a hearing officer designated by the Chief Counsel convenes and presides over the hearing. If requested by respondent and if practicable, the hearing is held in the general vicinity of the place where the alleged violation occurred, or at a place convenient to the respondent. Testimony by witnesses shall be given under oath and the hearing shall be recorded verbatim.

(b) The presiding official may:

(1) Administer oaths and affirmations;

(2) Issue subpoenas as provided by § 209.7;

(3) Adopt procedures for the submission of evidence in written form;

(4) Take or cause depositions to be taken;

(5) Rule on offers of proof and receive relevant evidence;

(6) Examine witnesses at the hearing;

(7) Convene, recess, reconvene, and adjourn and otherwise regulate the course of the hearing;

(8) Hold conferences for settlement, simplification of the issues or any other proper purpose; and

(9) Take any other action authorized by or consistent with the provisions of this subpart pertaining to civil penalties and permitted by law which may expedite the hearing or aid in the disposition of an issue raised therein.

(c) The Chief Counsel has the burden of providing the facts alleged in the notice of proposed violation and may offer such relevant information as may be necessary fully to inform the presiding officer as to the matter concerned.

(d) The respondent may appear and be heard on his or her own behalf or through counsel of his or her choice. The respondent or his or her counsel may offer relevant information including testimony which he or she believes should be considered in defense of the allegations or which may bear on the penalty proposed to be assessed and conduct such cross-examination as may be required for a full disclosure of the material facts.

(e) At the conclusion of the hearings or as soon thereafter as the hearing officer shall provide, the parties may file proposed findings and conclusions, together with supporting reasons.

§ 209.117 Presiding officer's decision.

(a) After consideration of the evidence of record, the presiding officer may dismiss the notice of probable violation in whole or in part. If the presiding officer does not dismiss it in whole, he or she will issue and serve on the respondent an order assessing a civil penalty. The decision of the presiding officer will include a statement of findings and conclusions as well as the reasons therefor on all material issues of fact, law, and discretion.

(b) If, within twenty (20) days after service of an order assessing a civil penalty, the respondent does not pay the civil penalty or file an appeal as provided in § 209.121, the case may be referred to the Attorney General with a request that an action to collect the penalty be brought in the appropriate United States District Court.

§ 209.119 Assessment considerations.

The assessment of a civil penalty under § 209.111 or § 209.117 is made only after considering:

(a) The nature and circumstances of the violation;
(b) The extent and gravity of the violation;
(c) The degree of the respondent's culpability;
(d) The respondent's history of prior offenses;
(e) The respondent's ability to pay;
(f) The effect on the respondent's ability to continue in business; and
(g) Such other matters as justice may require.

§ 209.121 Appeal.

(a) Any party aggrieved by a presiding officer's decision or order issued under § 209.117 assessing a civil penalty may file an appeal with the Administrator. The appeal must be filed within twenty (20) days of service of the presiding officer's order.
(b) Prior to rendering a final determination on an appeal, the Administrator may remand the case for further proceedings before the hearing officer.
(c) In the case of an appeal by a respondent, if the Administrator affirms the assessment and the respondent does not pay the civil penalty within twenty (20) days after service of the Administrator's decision on appeal, the matter may be referred to the Attorney General with a request that an action to collect the penalty be brought in the appropriate United States District Court.

CRIMINAL PENALTIES

§ 209.131 Criminal penalties generally.

Section 110(b) of the Hazardous Materials Transportation Act (49 U.S.C. 1809(b)) provides a criminal penalty of a fine of not more than $25,000 and imprisonment for not more than five years, or both, for any person who willfully violates a provision of the Act or a regulation issued under the Act.

§ 209.133 Referral for prosecution.

If an inspector or other employee of FRA becomes aware of a possible willful violation of the Act or a regulation issued under the Act for which FRA exercises enforcement responsibility, he or she reports it to the Chief Counsel. If evidence exists tending to establish a prima facie case, and if it appears that assessment of a civil penalty would not be an adequate deterrent to future violations, the Chief Counsel refers the report to the Department of Justice for criminal prosecution of the offender.

Subpart C—Compliance Orders

§ 209.201 Compliance orders generally.

(a) This subpart prescribes rules of procedure leading to the issuance of compliance orders pursuant to Section 208 of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 437) or Section 109 of the Hazardous Materials Transportation Act (49 U.S.C. 1808).
(b) The FRA may commence a proceeding under this subpart when FRA has reason to believe that:
(1) A railroad is engaging in continuing conduct or a pattern of conduct which involves one or more violations of the Federal Railroad Safety Act of 1970 or any rule, regulation, order or standard issued under the Act; or
(2) A person is engaging in continuing conduct or a pattern of conduct which involves one or more violations of the Hazardous Materials Transportation Act or any regulation, waiver or order issued under the Act for which FRA exercises enforcement responsibility.

§ 209.203 Notice of investigation.

(a) FRA begins a compliance order proceeding by serving a notice of investigation on the respondent.
(b) The notice of investigation contains:
(1) A statement of the legal authority for the proceeding;
(2) A statement of the factual allegations upon which the remedial action is being sought; and
(3) A statement of the remedial action being sought in the form of a proposed compliance order.
(c) The FRA may amend the notice of investigation at any time prior to the entry of a final compliance order. If an amendment includes any new material allegation of fact or seeks new or additional remedial action, the respondent is given an opportunity to respond.

§ 209.205 Reply.

(a) Within thirty (30) days of service of a notice of investigation, the respondent may file a reply with the FRA. The Chief Counsel may extend the time for filing for good cause shown.
(b) The reply must be in writing, signed by the person filing it, and state with respect to each factual allegation whether it is admitted or denied. Even though formally denied, a factual allegation set forth in a notice of investigation is considered to be admitted for purposes of the proceeding unless:
(1) Opposed by the affidavit of an individual having personal knowledge of the subject matter;
(2) Challenged as defective on its face together with a supporting explanation as to why it is believed to be defective; or
(3) Otherwise actively put at issue through the submission of relevant evidence.
(c) The reply must set forth any affirmative defenses and include a statement of the form and nature of proof by which those defenses are to be established.
(d) If it is necessary to respond to an amendment to the notice of investigation, the respondent may amend the reply concerning the substance of matters contained in the amendment to the notice at any time before the issuance of an order under § 209.211.
(e) If the respondent elects not to contest one or more factual allegations, he or she should so state in the reply. An election not to contest a factual allegation is an admission of that allegation solely for the purpose of issuing a compliance order. That election constitutes a waiver of hearing as to that allegation but does not, by itself, constitute a waiver of the right to be heard on other issues. In connection with a statement of election not to contest a factual allegation, the respondent may propose an appropriate order for issuance by the Administrator or propose the negotiation of a consent order.
(f) Failure of the respondent to file a reply within the period provided constitutes a waiver of his or her right to appear and contest the allegation and authorizes the Administrator, without further notice to the respondent, to find the facts to be as alleged in the notice of proposed violation and to issue an appropriate order directing compliance.

§ 209.207 Consent order.

(a) At any time before the issuance of an order under § 209.211, the Chief Counsel and the respondent may execute an agreement proposing the entry by consent of an order directing compliance. The Administrator may accept the proposed order by signing it. If the Administrator rejects the proposed order, he or she directs that the proceeding continue.
(b) An agreement submitted to the Administrator under this section must include:
(1) A proposed compliance order suitable for the Administrator's signature;
(2) An admission of all jurisdictional facts;
(3) An express waiver of further procedural steps and of all right to seek judicial review or otherwise challenge or contest the validity of the order; and
(4) An acknowledgment that the notice of investigation may be used to construe the terms of the order.

§ 209.209 Hearing.

(a) When a respondent files a reply contesting allegations in a notice of investigation issued under § 209.203 or when the FRA and the respondent fail to agree upon an acceptable consent order, the hearing officer designated by the Chief Counsel convenes and presides over a hearing on the proposed compliance order.
(b) The presiding official may:
(1) Administer oaths and affirmations;
(2) Issue subpoenas as provided by § 209.7;
(3) Adopt procedures for the submission of evidence;
(4) Take or cause depositions to be taken;
(5) Rule on offers of proof and receive relevant evidence;
(6) Examine witnesses at the hearing;
(7) Convene, recess, reconvene, adjourn and otherwise regulate the course of the hearing;
(8) Hold conferences for settlement, simplification of the issues or any other proper purpose; and
(9) Take any other action authorized by or consistent with the provisions of this subpart pertaining to compliance orders and permitted by law which may expedite the hearing or aid in the disposition of an issue raised therein.

(c) The Chief Counsel has the burden of providing the facts alleged in the notice of investigation and may offer such relevant information as may be necessary fully to inform the presiding officer as to the matter concerned.

(d) The respondent may appear and be heard on his or her own behalf or through counsel of his or her choice. The respondent or his or her counsel may offer relevant information, including testimony which he or she believes should be considered in defense of the allegations or which may bear on the remedial action being sought, and conduct such cross-examination as may be required for a full disclosure of the material facts.

(e) At the conclusion of the hearing or as soon thereafter as the hearing officer shall provide, the parties may file proposed findings and conclusions, together with supporting reasons therefor.

§ 209.211 Presiding officer's decision.

(a) After consideration of evidence, the presiding officer may dismiss the notice of investigation or issue a compliance order. The decision of the presiding officer will include a statement of findings and conclusions as well as the reasons therefor on all material issues of fact, law, and discretion.

(b) A compliance order issued under this section is effective twenty (20) days from service on the respondent unless otherwise provided therein.

§ 209.213 Appeal.

(a) Any party aggrieved by a presiding officer's decision may file an appeal with the Administrator. The appeal must be filed within twenty (20) days after service of the presiding officer's decision.

(b) Prior to rendering a final determination on an appeal, the Administrator may remand the case for further proceedings before the hearing officer.

(c) The filing of an appeal does not stay the effectiveness of a compliance order unless the Administrator expressly so provides.

§ 209.215 Time limitation.

A proceeding for the issuance of a compliance order under the Federal Railroad Safety Act of 1970, as amended, shall be completed within twelve (12) months after issuance of the notice of investigation.

[FR Doc.77-31173 Filed 10-27-77;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 Certain National Wildlife Refuges to Hunting of Upland Game; 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 Managers, as listed for each refuge under Supplementary Information below.

SUPPLEMENTARY INFORMATION:

CIBOLA NATIONAL WILDLIFE REFUGE

DATES: October 1, 1977 through January 31, 1978.

FOR FURTHER INFORMATION CONTACT:

George M. Constantino, Refuge Manager, Cibola National Wildlife Refuge, P.O. Box AP, Blythe, Calif. 92225, telephone: 714-922-4433.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of quail and cottontail rabbits on Cibola National Wildlife Refuge, Arizona and California, is permitted, but only on the area 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 seasons are as follows: Arizona—rabbits and quail, from October 1, 1977 through January 31, 1978. California—rabbits, from October 1, 1977 through January 31, 1978; quail, from October 22, 1977 through January 29, 1978. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail and rabbits subject to the following special conditions:

1. Up to 2 dogs per hunter may be used for the purpose of legal bird hunting only.

2. Hunting is prohibited within one-fourth mile of any occupied dwelling or 250 yards of any field farm worker.

3. 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.

4. Hunters may not enter closed zones to retrieve game.

5. Only shotgun firearms may be used to take quail and rabbits on the refuge.

6. Possession of handguns and/or rimfire firearms on the refuge is prohibited.

HAVASU NATIONAL WILDLIFE REFUGE

DATES: October 1, 1977 through January 31, 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.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of quail, cottontail rabbits and jackrabbits on the Havasu National Wildlife Refuge, Arizona and California, is permitted, but only on the areas designated by signs as open to hunting. These open areas, comprising 29,150 acres, are delineated on maps available at refuge headquarters, 1406 Bailey Avenue, Needles, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—cottontail rabbits and jackrabbits, from October 1, 1977 through January 31, 1978; quail, from October 1, 1977 through January 31, 1978. California—cottontail rabbits and jackrabbits, from September 1, 1977 through January 29, 1978; quail, from October 22, 1977 through January 29, 1978. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail and rabbits subject to the following special conditions:

1. Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

2. Weapons—shotguns only, not larger than 10 gauge and incapable of holding more than 3 shells.

3. Shooting hours—one-half hour before sunrise to sunset.

4. Up to 2 dogs per hunter may be used for the purpose of hunting and retrieving.

5. Hunters must enter the Topock Marsh hunting areas by way of parking lots only.

6. The portion of Topock Marsh known as the Pintail Slough Management Unit will be open to hunting only on Saturdays, Sundays, and Wednesdays. This unit comprises all refuge land north of the north dike.

IMPERIAL NATIONAL WILDLIFE REFUGE

DATES: October 1, 1977 through January 31, 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.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of quail and cottontail rabbits on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 16,500 acres, are delineated on maps available at refuge head-

quarters, near Meers Point, Ariz., and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—quail and cottontail rabbits, from October 1, 1977 through January 31, 1978. California—cottontail rabbits, from October 1, 1977 through January 29, 1978; quail, from October 22, 1977 through January 29, 1978. Hunting shall be in accordance with all applicable State regulations covering the hunting of rabbits and quail subject to the following special conditions:

1. Quail and rabbits may be taken with shotguns only. Possession of rim-fire firearms is prohibited.

2. Up to 2 dogs per hunter may be used for the purpose of hunting and retrieving.

KOFA GAME RANGE

DATES: October 1, 1977 through January 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Monte M. Dodson, Refuge Manager, Kofa Game Range, P.O. Box 1032, Yuma, Ariz. 85464, telephone: 602–261–2619.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of quail, cottontail rabbits, coyotes, gray fox, and bobcat on the Kofa Game Range is permitted except in those areas designated by signs as closed to hunting. This open area, comprising 660,000 acres, is delineated on maps available at refuge headquarters, 365 First Street, Yuma, 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 regulations covering the hunting of quail, cottontail rabbits, coyotes, gray fox and bobcat subject to the following special conditions:

1. The open season for hunting quail and cottontail rabbits on the refuge extends from October 1, 1977 through January 31, 1978. Hunting of quail and cottontail rabbits permitted by shotgun only.

2. The open season for hunting coyotes, gray fox, and bobcats on the refuge extends from November 21, 1977 through January 31, 1978.

3. Possession or transportation of any loaded firearm or strung bow within or on any motorized vehicle or its attachments is prohibited. A loaded firearm shall mean any firearm containing any cartridge or ammunition in its chamber or magazine.

4. Possession or transportation of any uncased firearm within or on any motorized vehicle or its attachments is prohibited. An uncased firearm shall mean any firearm not encased in any holster, scabbard, or gun case (soft or hard).

BITTER LAKE NATIONAL WILDLIFE REFUGE

DATES: November 10, 1977 through January 22, 1978.

FOR FURTHER INFORMATION CONTACT:

LeMoyne B. Marlatt, Refuge Manager, Bitter Lake National Wildlife Refuge, P.O. Box 7, Roswell, N. Mex. 88201, telephone: 505–622–6755.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of ring-necked and white-winged pheasants, quail and rabbits on Bitter Lake National Wildlife Refuge is permitted as follows: Pheasants, from November 10 through November 13, 1977; quail and rabbits, from November 24, 1977 through January 22, 1978; but only on the areas designated by signs as open to hunting. These open 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 regulations covering the hunting of pheasants, quail and rabbits subject to the following special condition:

1. Steel (iron) shot shotgun ammunition only may be used for the taking of pheasants, quail and rabbits 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 24, 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.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of quail and rabbit on the Bosque del Apache National Wildlife Refuse is permitted from November 24, 1977 through January 22, 1978, but only on the areas designated by signs as open to hunting. These open areas, comprising 44,200 acres, include all refuge lands east of the Bureau of Reclamation Low Flow Channel and all lands west of the A.T. & S.F. Railroad right-of-way. These open areas are 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 regulations covering the hunting of quail and rabbits subject to the following special conditions:

1. Access is from State Highway 1 and through the refuge main entrance at headquarters.

2. Vehicles are restricted to established roads.

3. Shotguns and falcons are the only legal weapons allowed; however, rim-fire weapons may be used for hunting rabbits, but only in the designated refuge wilderness units.

4. Up to 2 dogs per hunter may be used for the purpose of hunting.

TISHOMINGO NATIONAL WILDLIFE REFUGE

DATES: November 20, 1977 through February 1, 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.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of quail on the Tishomingo National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is 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 regulations covering the hunting of quail subject to the following special conditions:

1. The open season for hunting quail on the Management Unit (Zones 1 and 2) extends from sunrise to 11:45 a.m. from November 20, 1977 through January 8, 1978, on Tuesdays, Thursdays, Saturdays, and Sundays, and from sunrise to sunset, Sundays through Saturdays, from January 9 through February 1, 1978. Walk-in hunting only is permitted.

2. Up to 2 dogs per hunter may be used for the purpose of hunting and retrieving.

3. A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulations of the hunting activity and shall furnish information pertaining to their hunting, as requested.

WASHITA NATIONAL WILDLIFE REFUGE

DATES: November 20, 1977 through February 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Evan V. Klett, Refuge Manager, Washita National Wildlife Refuge, Route 2, Box 100, Butler, Okla. 73625, telephone: 405–473–2205.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of quail and cottontail rabbits on the Washita National Wildlife

Refuge is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 2,655 acres, are delineated on maps available at refuge headquarters, 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 regulations covering the hunting of quail and cottontail rabbits subject to the following special conditions:

1. The open season for the hunting of quail and cottontail rabbits on the refuge extends from November 20, 1977 through February 1, 1978.

2. Hunting of either quail or cottontail rabbits is permitted only on Mondays, Tuesdays, Thursdays, Saturdays and national holidays.

3. Rifles and handguns are prohibited on the refuge. Only shotguns are legal firearms for the taking of quail. Shotguns and/or longbows and arrows are legal weapons for the taking of cottontail rabbits.

LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE

DATES: Closed to upland 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.

§ 32.22 Special regulations; upland game birds; for individual wildlife refuge areas.

Public hunting of upland game birds on the Laguna Atascosa National Wildlife Refuge is suspended for the 1977–78 hunting season. It has been determined that a huntable population of upland game birds is not available on the refuge this year.

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, N. Mex.

OCTOBER 17, 1977.

[FR Doc.77–31268 Filed 10–27–77;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.

[4910–22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 625]

[FHWA Docket No. 77–4, Notice 2]

DESIGN STANDARDS FOR HIGHWAYS

Extension of Comment Period

AGENCY: Federal Highway Administration, DOT.

ACTION: Extension of comment period.

SUMMARY: This Notice extends the period for comments on the advance notice of proposed rulemaking published August 25, 1977 (42 FR 42876), requesting views by October 25, 1977, on establishing geometric design standards for resurfacing, restoration, and rehabilitation (R–R–R) projects. The comment period is extended because of requests by interested parties for additional time to analyze the proposal.

DATE: Comments will be received until November 22, 1977.

ADDRESS: FHWA Docket No. 77–4, Notice 2, Room 4230, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Seppo Sillan, Highway Design Division, Office of Engineering, 202–426–0321; Lee Burstyn, Office of the Chief Counsel, 202–426–0799. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

Issued on October 21, 1977.

KARL S. BOWERS,
Deputy Administrator.

[FR Doc.77–31333 Filed 10–26–77;10:14 am]

[3410–02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 180]

PLANT VARIETY PROTECTION

Limits of Reciprocity

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule under the Plant Variety Protection Act (7 CFR Part 180) would set forth the limits of reciprocity for Israeli nationals applying for plant variety protection on sexually-reproduced plants in the United States.

DATE: Comments due November 28, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Stanley F. Rollin, Commissioner, Plant Variety Protection Office, Livestock, Poultry, Grain and Seed Division, AMS, National Agricultural Library Building, Beltsville, Md. 20705, 301–344–2518.

SUPPLEMENTARY INFORMATION: Section 43 of the Plant Variety Protection Act (7 U.S.C. 2403) and § 180.5 of the regulations and rules of practice (7 CFR 180.5(a)) under the Act provide that protection under the Act may, by regulation, be limited to nationals of the United States, except where this limitation would violate a treaty and except that nationals of a foreign state in which they are domiciled shall be entitled to so much of the protection as is afforded by said foreign state to nationals of the United States for the same genus and species.

The plant variety protection afforded by the State of Israel to nationals of the United States does not appear to be equal to the protection afforded under the Plant Variety Protection Act. In order that applicants from the State of Israel, their agents, and other interested persons may be informed with respect to the reciprocity limits recognized under section 43 of the Act and § 180.5 of the regulations and rules of practice, an amendment is proposed.

The Plant Variety Protection Board is being requested to respond to the Hearing Clerk concerning its advice to the Secretary, as provided in section 7 (7 U.S.C. 2327) of the U.S. Plant Variety Protection Act.

The proposal is as follows:

Section 180.5(a) would be amended by adding subparagraph (4) as follows:

§ 180.5 General requirements.

(a) * * *

(4) A certificate of plant variety protection issued to a national of the State of Israel shall (i) expire in 15 years or less, pursuant to sections 42(b) and 83(b) of the Plant Variety Protection Act, from the date of issue of the certificate in the United States, (ii) be applicable only for seed-reproduced species protectable in the State of Israel (a list of such species may be obtained by writing to the Plant Variety Protection Office, Livestock, Poultry, Grain and Seed Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 205 National Agricultural Library Building, Beltsville, Md. 20705, or to the Agricultural Research Organization, The Volcani Center Institute of Field and Garden Crops, Ministry of Agriculture, P.O.B. 6, Bet-Dagan 50200, Israel), and (iii) not include a specification that the variety is to be sold by variety name only as a class of certified seed.

* * * * *

Dated: October 21, 1977.

WILLIAM T. MANLEY,
Deputy Administrator, Program Operations.

[FR Doc.77–31227 Filed 10–27–77;8:45 am]

[3410–05]

Agricultural Stabilization and Conservation Service

[7 CFR Part 728]

1978 FEED GRAIN PROGRAM

Proposed Determinations Regarding Inclusion of Barley and Oats in Feed Grain Program, National Program Acreages, Program Allocation Factors, Set-Aside, Diversion Payments, and Limitation on Planted Acreage

NOTE.—This document originally appeared in the FEDERAL REGISTER for October 26, 1977. It is reprinted in this issue to meet the assigned day-of-the-week publication schedule.

AGENCY: Agricultural Stabilization and Conservation Service.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture proposes to make the following determinations with respect to the 1978 crops of corn, sorghum, barley and oats:

(a) *Whether barley and oats should be included in feed grain program.* Corn and grain sorghum are required to be in the feed grain program; however, the Secretary has discretionary authority concerning the inclusion of barley and oats.

(b) *National Program Acreage.* Current estimates of utilization, imports, and national weighted average farm program payment yield are:

Commodity	Million bushels			
	Domestic use	Exports	Imports	Payment yield
Corn	4,500	1,575	1	86.7
Grain sorghum	490	240	0	52.4
Barley	355	45	10	42.7
Oats	660	10	0	50.1

National program acreages shall be estimated domestic and export demand less imports, divided by payment yield.

The Secretary may adjust the national program acreages by an amount he determines is needed to accomplish a desired level of carryover stocks. The above estimates are subject to revision as more information becomes available on expected utilization, and establishment of farm program payment yields.

(c) *Program allocation factor.* This decision cannot be made until after the 1978-crop plantings have been determined.

(d) *Whether there should be a set-aside requirement and if so, the extent of such requirement.* The Department is considering several options ranging from no set-aside to various levels of set-aside. USDA press release 2444–77 issued August 29, discussed estimated program results under a 10 percent set-aside for feed grains. Terms and conditions affecting set-aside acreage are contained in a proposed rulemaking published in the FEDERAL REGISTER dated October 14 (42 FR 55243).

(e) *Whether there should be provisions for land diversion payments and if so, the extent of such diversion and payment therefor.* The Secretary may make land diversion payments, whether or not a set-aside is in effect, if he determines they are needed to assist in adjusting the total national acreage of feed grains to desirable goals.

(f) *Whether there should be a limitation on planted acreages and if so, the extent of such limitation.* The Secretary may limit the acreage planted to feed grains.

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 10, 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.

DESCRIPTION OF SUBJECTS AND ISSUES INVOLVED

The following determinations with respect to the 1978 crops of corn, sorghum, barley and oats 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) *Whether barley and oats should be included in the feed grain program.* Section 105A(b)(1)(A) provides in addition, the Secretary shall make available to producers payments for each of the 1977 through 1981 crops of corn, grain sorghums and if designated by the Secretary, oats and barley.

(b) *National Program Acreage.* Section 105A(d)(1) requires the Secretary to proclaim a national program acreage for each of the 1978 through 1981 crops of feed grains. The proclamation shall be made not later than November 15 of each calendar year. The Secretary may revise the national program acreage if he determines it necessary based on the latest information. Such revision shall be proclaimed as soon as it is made. The national program acreage for feed grains shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of feed grains are excessive, or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the amount he determines will accomplish the desired increase or decrease in carryover stocks.

(c) *Program allocation factor.* Section 105A(d)(2) requires the Secretary to determine a program allocation factor for each crop of feed grains. The allocation factor shall be determined by dividing the national program acreage for the crop by the number of acres which the Secretary estimates will be harvested for such crop. In no event shall the allocation for any crop of feed grains be more than 100 percentum nor less than 80 percentum.

(d) *Whether there should be a set-aside requirement and if so, the extent of such requirement.* Section 105A(f)(1) provides the Secretary shall provide for a set-aside of cropland if he determines that the total supply of feed grains 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. Any such set-aside shall be announced by the Secretary not later than November 15 of each calendar year for the crop harvested in the next calendar year. If a set-aside of cropland is in effect, then as a condition of eligibility for loans, purchases and payments on corn, sorghum, and, if designated by the Secretary, barley and oats, respectively, 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 feed grain acreage planted for harvest for the crop year for which the set-aside is in effect.

(e) *Whether there should be provisions for land diversion payments and if so, the extent of such diversion for payment and the payment therefor.* Section 105A(f)(2) provides that the Secretary may make land diversion payments to producers of feed grains, whether or not a set-aside for feed grains is in effect, if he determines that such land diversion payments are necessary to assist in adjusting the total national acreage of feed grains to desirable goals. Such 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 in accordance with land diversion contract entered into by the Secretary with such producers. The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe 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 agreements in any county or local community so as not to affect adversely the economy of the county or local community.

(f) *Whether there should be a limitation on planted acreage and if so, the extent of such limitation.* Section 105A(f)(1) also provides that the Secretary may limit the acreage planted to feed grains. Such limitation shall be applied on a uniform basis to all feed grain producing farms.

Prior to determining the 1978 feed grain program provisions, consideration will be given to any data, views, and recommendations relative to the national average farm program payment yield, estimated domestic utilization of feed grains, estimated exports, estimated carryover, estimated harvested acreage, and other data pertinent to the above determinations. The Environmental Impact Statement has been filed and is available for public review and comment. The Economic Impact Statement is being prepared and will be available for public review and comment shortly.

Signed at Washington, D.C. on October 21, 1977.

RAY FITZGERALD,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77–31175 Filed 10–25–77;9:55 am]

[4410-01]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 242]

REINSTATEMENT OF STUDENTS IN LAWFUL STATUS BY IMMIGRATION JUDGE IN DEPORTATION PROCEEDINGS

Proposed Rulemaking

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This is a proposal to amend the regulations of the Immigration and Naturalization Service to authorize the immigration judge to reinstate nonimmigrant alien students in lawful status. This proposed amendment is necessary because there are cases where fairness requires that the student be authorized to apply for and immigration judge be authorized to grant such relief, under appropriate conditions. The intent of this proposed amendment is to broaden the discretionary authority of the immigration judge to reinstate nonimmigrant students in lawful status when that course of action appears to be the fair, humanitarian and equitable solution in the case.

DATES: Representations must be received on or before November 28, 1977.

ADDRESSES: Please submit written representations in duplicate to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: This is a notice of proposed rule making issued under section 553 of Title 5 of the United States Code (80 Stat. 383), in which it is proposed to amend 8 CFR 242.17 by redesignating existing paragraph (d) as (e), and by adding a new paragraph (d) which will authorize a nonimmigrant student to apply for, and an immigration judge to grant, reinstatement in lawful status where the student's violation of status appears to be unintentional or minor.

Many deportation hearings involve students who have violated their status by failing to obtain an extension of stay, failing to obtain permission to transfer to another school, or by working without permission. However, in many such cases there are sympathetic factors which would suggest that the humanitarian thing to do would be to reinstate the student to lawful status. Under existing regulations, the immigration judge lacks authority to do this.

Therefore, it is proposed to amend 8 CFR 242.17 by adding a new paragraph (d) which will provide that a student may apply to the immigration judge for reinstatement in lawful status, in deportation proceedings. If the immigration judge finds that the student's violation of status was unintentional or minor, that it has not meaningfully interrupted his studies, and that the respondent is otherwise in compliance with all requirements of the Act and regulations pertaining to students, the immigration judge may, in his discretion, enter an order which terminates the proceeding and reinstates the student in lawful status for a period of up to one year. Or, the immigration judge may enter a conditional order of reinstatement and refer the case to the district director for investigation and verification of respondent's present compliance with the Act and regulations pertaining to students. The conditional order will become final if compliance exists and no new adverse information is found. If lack of compliance is found or new adverse information is developed, the record will be referred to the trial attorney for further action. A decision adverse to the alien will be appealable to the Board.

The Service invites submission of written data, views and arguments concerning the proposed rule which should be submitted to the Commissioner of Immigration and Naturalization as provided at the beginning of this notice. Such representations may not be presented orally in any manner. All relevant material received on or before the closing date for submission of representations will be considered.

In the light of the foregoing, it is proposed to amend Chapter I of Title 8 of the Code of Federal Regulations as set forth below.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

In Part 242, § 242.17 is revised by redesignating existing paragraph (d) as paragraph (e), republishing it without change, and by adding a new paragraph (d). As revised, §§ 242.17 (d) and (e) read as follows:

§ 242.17 Ancillary matters, applications.

* * * * *

(d) *Reinstatement in student status.* A respondent whose last lawful immigration status was that of student may apply to the immigration judge in deportation proceedings for reinstatement in that status. To be eligible for such reinstatement, the respondent must be enrolled in an authorized school, taking a full course of study and must be able, and in good faith intend, to maintain student status for the period of reinstatement. If the reason for the respondent's violation of status is that he has accepted unauthorized employment, he must have terminated that employment at the time he applies for reinstatement before the immigration judge. If the respondent meets the above eligibility requirements and the immigration judge is satisfied that the respondent's violation of status is unintentional or minor, and has not meaningfully interrupted his course of studies, the immigration judge may, in his discretion, enter an order terminating the deportation proceedings and reinstating the respondent in lawful status as a student for a period not to exceed one year. Otherwise, the immigration judge may enter a conditional order of reinstatement and refer the record to the district director for investigation and verification of the respondent's compliance with the Act and regulations pertaining to students. The conditional order of reinstatement shall become final if the district director indicates that the respondent is enrolled in an authorized school, is taking a full course of study and has ceased any unauthorized employment. If the district director indicates otherwise or if new adverse information is developed, the record will be referred to the trial attorney for further action. A decision which is adverse to the alien may be appealed to the Board.

(e) *General.* An application under this section shall be made only during the hearing and shall not be held to constitute a concession of alienage or deportability in any case in which the respondent does not admit his alienage or deportability. The respondent shall have the burden of establishing that he is eligible for any requested benefit or privilege and that it should be granted in the exercise of discretion. The respondent shall not be required to pay a fee on more than one application within paragraphs (a) and (c) of this section, *Provided*, That the minimum fee imposed when more than one application is made shall be determined by the cost of the application with the highest fee. Nothing contained herein is intended to foreclose the respondent from applying for any benefit or privilege which he believes himself eligible to receive in proceedings under this part.

* * * * *

(Sec. 103; 66 Stat. 173, (8 U.S.C. 1103).)

Dated: October 21, 1977.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc.77-31225 Filed 10-27-77;8:45 am]

[3410-34]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 76]

HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Interstate Movement of Swine Fed Raw Garbage for Immediate Slaughter

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Withdrawal of proposal

SUMMARY: This notice withdraws a proposal to provide for the interstate

movement of swine fed raw garbage for immediate slaughter without special processing. This action results from the many negative comments received and the inconclusive benefits of the proposed action to the Hog Cholera Eradication Program.

EFFECTIVE DATE: October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. John W. Walker, Senior Staff Veterinarian, Swine and Poultry Diseases Staff, USDA, APHIS, VS, Federal Building, Room 714, Hyattsville, Md. 20872, 301–436–8438.

SUPPLEMENTARY INFORMATION: Regulations in 9 CFR 76.15 presently provide for the interstate movement of swine fed raw garbage only in accordance with Schedule A of § 76.12, to a specifically approved slaughtering establishment for the purpose of immediate slaughter and special processing. Because of the special processing requirement and because of the limited number of slaughtering establishments which can specially process swine products, owners have experienced great difficulty in disposing of their swine. To overcome this situation, it was proposed to amend the regulations to provide for the interstate movement of garbage fed swine under specified conditions for immediate slaughter without special processing.

Notice of this proposal was published in the FEDERAL REGISTER on April 22, 1977 (42 FR 20825–20826), with a period for submission of comments through June 20, 1977. Forty-three comments and six congressional inquiries were received, with forty-one comments against and two in favor of the proposal. Comments against the proposal were in three general categories:

Those who wish to retain present restrictions, strengthen or completely prohibit the feeding of garbage to swine with increased penalties for violators.

Those who oppose the lessening of restrictions on the basis that hog cholera may again occur and endanger the export trade of the United States; and

Those who believe that lessening of present restrictions would encourage the practice of feeding uncooked garbage to swine and perpetuate hog cholera in the United States.

The two comments received which were in favor of the proposal were based on the absence of markets for garbage fed swine in specific areas and the difficulty encountered by owners in disposing of garbage fed swine in such areas.

Therefore, in view of the many adverse comments received and the inconclusive benefits of the proposed action to the Hog Cholera Eradication Program, no further action will be taken on the proposal.

Done at Washington, D.C., this 20th day of October 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

NORVAN L. MEYER,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77–31091 Filed 10–27–77;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

Correction

In FR Doc. 77–29508, appearing at page 54437 in the issue of Thursday, October 6, 1977, make the following changes:

1. In the middle column of page 54438, the seventh line of paragraph "b.", the word now spelled "constituients", should be spelled "constituents".

2. On page 54439, at the bottom of the first column in paragraph "A.", the third line should read "sents no hazards to health. However, the . . .".

3. In the third column of page 54439, the eleventh line of paragraph "M.", the fifth word should be "apparent".

4. In the middle column of page 54441, counting from the top, in the fifth paragraph which starts "Or. the basis of all . . .", the last word should be "proposed".

5. On page 54441, in the eleventh line of § 319.5(a), "or", should be "of".

6. On the same page, in § 319.5(e)(1), in the tenth line, the second word should be "Lysine".

7. In § 319.5(e)(2), in the twentieth line, the third word should be "processing".

8. On page 54441, in the third column, in the third line from the bottom, "c-cordance", should be "accordance".

9. On page 54442, the last word in line seven of § 319.6(a) which now reads "products", should read "byproducts", and in line nine of that paragraph, "same", should be inserted between "the", and "species".

10. In the fourth line of § 319.6(b), insert "those", between "except", and "listed".

11. In § 319.142, the third line from the top of the middle column of page 54442, the last word which now reads "products", should be "byproducts".

12. In the last line of the middle column, "genericm", should be "generic".

[8010–01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 240 and 270]

[Release Nos. 33–5875, 34–14080, and IC–9966; File No. S7–723]

DEFINITIONS CONCERNING MULTI-BANK COMMON TRUST FUNDS

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: This notice solicits public comments on proposed rules which would have the effect, provided certain conditions are met, of treating common trust funds for several banks in the same affiliated group ("multi-bank common trust funds") in the same manner as traditional single bank common trust funds which are ordinarily exempt from regulation as investment companies, and from the registration and reporting requirements normally applicable to publicly held companies and other issuers of securities. Some State laws permit multi-bank common trust funds, which under recent amendments to the Federal tax laws may operate as nontaxable entities. In the absence of the rules now being proposed, multi-bank common trust funds might be treated differently under the Federal securities laws from single bank common trust funds.

DATES: Comments must be received on or before November 30, 1977.

ADDRESSES: Interested persons should submit their views and comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street NW., Washington, D.C. 20005 and should refer to File No. S7–723.

FOR FURTHER INFORMATION CONTACT:

Lawrence R. Bardfeld, Esquire, Office of the Chief Counsel, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202–376–8056.

SUPPLEMENTARY INFORMATION: Bank holding companies and representatives of the banking industry have recently indicated an interest in using "multi-bank common trust funds," i.e., common trust funds maintained by one constituent bank of a bank holding company for assets contributed thereto by the bank or by other constituent banks in the same holding company in their capacity as trustee, executor, administrator or guardian. Some State laws allow such common trust funds, and recent Federal legislation permits such funds to be operated as non-taxable entities.[1]

At present, common trust funds maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian, and interests or participations therein, are exempted or excluded from provisions of the Federal securities laws by section 3(a)(2)

[1] Pub. L. No. 94–414, 90 Stat. 1273, amending 26 U.S.C. 584(a).

(15 U.S.C. 77c(a)(2)) of the Securities Act of 1933 (15 U.S.C. 77a et seq.) ("Securities Act"), section 3(a)(12) (15 U.S.C. 78c(a)(12)) and rule 12h–2 (17 CFR 240.12h–2) of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) ("Exchange Act"), and section 3(c)(3) (15 U.S.C. 80a–3(c)(3)) of the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) ("Investment Company Act").[2] Because the present definition of "common trust fund" in the federal securities laws refers to a fund maintained by "a bank" for assets contributed to the fund by "such bank,"[3] it appears that, as presently drafted, the exclusionary and exemptive provisions in the Federal securities laws would not be available if one bank in a bank holding company maintained a common trust fund which included assets contributed by other bank members of the same holding company. Provided certain conditions are met, the rules proposed herein would define the term "common trust fund" so as to include such multi-bank common trust funds, and thus have the effect of exempting them from the provisions of the Investment Company Act, as well as the registration requirements in section 12(g) of the Exchange Act (15 U.S.C. 78*l*(g)). Also, interests or participations therein would be exempt from the registration requirements in section 5 of the Securities Act (15 U.S.C. 77e), and be "exempted securities" under section 3(a)(12) (15 U.S.C. 78c(a)(12)) of the Exchange Act.

The proposed rules would apply only to common trust funds containing assets contributed by banks which were members of the same affiliated group, within the meaning of section 1504(a) of the Internal Revenue Code (26 U.S.C. 1504(a)), as the bank maintaining the fund.[4] It would appear appropriate to view banks in such an affiliated group as a single economic unit, since section 1504(a) requires, among other things, that eighty percent of the voting stock and eighty percent of each class of non-voting stock (except for non-voting preferred) of each subsidiary in the affiliated group be held by another member of the affiliated group.

The proposed rules would be applicable only to common trust funds exclusively for the investment and reinvestment of assets contributed by a bank in its capacity as trustee, executor, administrator, or guardian. Traditional interpretations regarding the availability of exemptions from the Federal securities laws for bank common trust funds would of course continue to be applicable.

The proposed rules would also specifically require that such a multi-bank common trust fund be operated in compliance with the same State and Federal regulatory requirements as would apply if the bank maintaining the fund and any other contributing banks were the same entity, and that the rights of persons for whose benefit the contributing bank acts as trustee, executor, administrator, or guardian would not be diminished by reason of the maintenance of the multi-bank common trust fund by another bank member of the affiliated group.

The conditions in the proposed rules are designed to ensure that investors would be afforded protections comparable to those associated with single bank common trust funds specifically exempted from the Federal securities laws at the present time. The Commission believes that if such conditions are met it would be inappropriate to treat a common trust fund for constituent banks of a bank holding company differently from a common trust fund for the various branches of a single bank operating where Statewide branching is permitted.[5] In addition, persons whose assets are invested in common trust funds for the constituent banks of a bank holding company might benefit in a number of ways from such an arrangement. If each constituent bank were required to establish separate common trust funds, needless duplication and expenses might result. Some constituent banks might not find it economical to establish such funds, or to establish different funds with different investment objectives. Thus, common trust funds for all the constituent banks of a bank holding company might reduce costs for bank trust department customers and make a more diverse selection of investment alternatives available to them.

Commission Action

I. It is proposed to amend Part 230 of Chapter II of Title 17 of the Code of Federal Regulations, General Rules and Regulations, Securities Act of 1933, by adding a new section 230.132 to read as follows:

§ 230.132 Definition of "common trust fund" as used in section 3(a)(2) of the Act.

The term "common trust fund" as used in section 3(a)(2) of the Act (15 U.S.C. 77c(a)(2)) shall include a common trust fund which is maintained by a bank which is a member of an affiliated group, as defined in section 1504(a) of the Internal Revenue Code of 1954 (26 U.S.C. 1504(a)), and which is maintained exclusively for the collective investment and reinvestment of monies contributed thereto by one or more bank members of such affiliated group in the capacity of trustee, executor, administrator, or guardian, *Provided*, That:

(a) The common trust fund is operated in compliance with the same State and Federal regulatory requirements as would apply if the bank maintaining such fund and any other contributing banks were the same entity; and

(b) The rights of persons for whose benefit a contributing bank acts as trustee, executor, administrator, or guardian would not be diminished by reason of the maintenance of such common trust fund by another bank member of the affiliated group. (15 U.S.C. 77s(a).)

II. It is proposed to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations, General Rules and Regulations, Securities Exchange Act of 1934, by revising paragraph (b) of § 240.12h–2 to read as follows:

§ 240.12h–2 Exemptions from registration under section 12(g) of the act.

* * * * *

(b) Any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of monies contributed thereto by the bank in its capacity as a trustee, executor, administrator, or guardian. For purposes of this paragraph (b), the term "common trust fund" shall include a common trust fund which is maintained by a bank which is a member of an affiliated group, as defined in section 1504(a) of the Internal Revenue Code of 1954 (26 U.S.C. 1504(a)), and which is maintained exclusively for the investment and reinvestment of monies contributed thereto by one or more bank members of such affiliated group in the capacity of trustee, executor, administrator, or guardian, *Provided*, That:

(1) The common trust fund is operated in compliance with the same State and Federal regulatory requirements as would apply if the bank maintaining such fund and any other contributing banks were the same entity; and

(2) The rights of persons for whose benefit a contributing bank act as trustee, executor, administrator, or guardian would not be diminished by reason of the maintenance of such common trust fund by another bank member of the affiliated group; and

* * * * *

(15 U.S.C. 78c(b), 78*l*)

III. It is proposed to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations, General Rules and Regulations, Securities Exchange Act of 1934, by adding a new § 240.3a12–6 to read as follows:

---

[2] These provisions apply only to common trust funds for assets contributed by a bank in a bona fide fiduciary capacity and incidental to the bank's traditional trust department activities.

[3] Section 3(c)(3) of the Investment Company Act uses the equivalent expression "the bank" instead of "such bank."

[4] The proposed rules would not, however, require the bank maintaining the common trust fund to be co-trustee of trusts whose assets are invested therein.

[5] The legislative history of Pub. L. 94–414, 90 Stat. 1273, permitting the same tax treatment of such multi-bank common trust funds as for single bank common trust funds, indicates that this was, at least in part, the basis for that legislation. See S. Rep. No. 1183, 94th Cong., 2d Sess. 2 (1976).

§ 240.3a12–6 Definition of "common trust fund" as used in section 3(a)(12) of the act.

The term "common trust fund" as used in section 3(a)(12) of the Act (15 U.S.C. 78c(a)(12)) shall include a common trust fund which is maintained by a bank which is a member of an affiliated group, as defined in section 1504(a) of the Internal Revenue Code of 1954 (26 U.S.C. 1504(a)), and which is maintained exclusively for the collective investment and reinvestment of monies contributed thereto by one or more bank members of such affiliated group in the capacity of trustee, executor, administrator, or guardian, *Provided*, That:

(a) The common trust fund is operated in compliance with the same State and Federal regulatory requirements as would apply if the bank maintaining such fund and any other contributing banks were the same entity; and

(b) The rights of persons for whose benefit a contributing bank acts as trustee, executor, administrator, or guardian would not be diminished by reason of the maintenance of such common trust fund by another bank member of the affiliated group.

(15 U.S.C. 78c(b))

IV. It is proposed to amend Part 270 of Chapter II of Title 17 of the Code of Federal Regulations, Rules and Regulations, Investment Company Act of 1940, by adding a new § 270.3c–4 to read as follows:

§ 270.3c–4 Definition of "common trust fund" as used in section 3(c)(3) of the Act.

The term "common trust fund" as used in section 3(c)(3) of the Act (15 U.S.C. 80a–3(c)(3)) shall include a common trust fund which is maintained by a bank which is a member of an affiliated group, as defined in section 1504(a) of the Internal Revenue Code of 1954 (26 U.S.C. 1504(a)), and which is maintained exclusively for the collective investment and reinvestment of monies contributed thereto by one or more bank members of such affiliated group in the capacity of trustee, executor, administrator, or guardian, *Provided*, That:

(a) The common trust fund is operated in compliance with the same State and Federal regulatory requirements as would apply if the bank maintaining such fund and any other contributing banks were the same entity; and

(b) The rights of persons for whose benefit a contributing bank acts as trustee, executor, administrator, or guardian would not be diminished by reason of the maintenance of such common trust fund by another bank member of the affiliated group.

(15 U.S.C. 80a–6(c), 80a–37(a))

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 21, 1977.

[FR Doc.77–31330 Filed 10–27–77;8:45 am]

[6740–02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Part 141]

[Docket No. RM77–2]

DATA ON COST AND QUALITY OF FUELS FOR ELECTRIC PLANTS

Change in Public Availability of Form No. 423; Extension of Comment Period

AGENCY: Federal Energy Regulatory Commission.

ACTION: Further Extension of Time.

SUMMARY: The Commission is granting a further extension of time to and including October 28, 1977, within which to file comments in the proposed rulemaking proceeding docketed as RM77–2. This extension is granted to ensure that all parties have adequate time in which to comment on the Commission's proposed change in public availability of Form No. 423.

DATE: Comments must be received on or before October 28, 1977.

ADDRESS: Send comments to: Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE,. Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary, 202–275–4166.

SUPPLEMENTARY INFORMATION: On October 13, 1977, the Office of Consumer Affairs, U.S. Department of Health, Education, and Welfare, filed a request to further extend the time for filing comments on the Notice of Proposed Rulemaking, issued August 15, 1977 and published September 29, 1977 (42 FR 51609). A previous extension of time to October 14, 1977, was granted by Commission Notice issued September 26, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–31470 Filed 10–27–77;8:45 am]

[4110–03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 341]

[Docket No. 76N–0052]

OVER-THE-COUNTER DRUGS

Proposed Monograph for OTC Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Products; Amendment

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration is issuing a clarification of the dosage statements for phenylpropanolamine and eliminating an inconsistency regarding combination products containing an oral bronchodilator and an antitussive. This action is taken at the recommendation of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Products.

DATE: Comments by December 27, 1977.

ADDRESS: Written comments (preferably in quadruplicate and identified with the Docket Number found in the heading of this document) may be sent to the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

William E. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of September 9, 1976 (41 FR 38312), the Commissioner of Food and Drugs issued the recommendations and proposed monograph of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Products. On the basis of comments received, members of the Panel have requested that the Panel's published recommendations and proposed monograph be amended to clarify the dosage statement for phenylpropanolamine administered orally as a nasal decongestant.

During the Panel's deliberations, the basic adult dosage recommendation for orally administered phenylpropanolamine was 25 mg every 4 hours, not to exceed 150 mg in 24 hours. This was extended to also include a 50-mg dosage recommendation every 8 hours to provide for timed-release dosage forms. However, the Panel was informed that all timed-release formulations are subject to the new drug procedures because such dosage formulations are so complex that the state of the art does not permit standardization to the point of inclusion in an OTC drug monograph as a Category I condition. Therefore, dosage recommendations in the proposed monograph should apply only to conventional formulations, and reference to "50 mg every 8 hours" and equivalent children's dosages should be deleted from the Panel's published recommendations and proposed monograph.

The corrected statement in the proposed monograph for orally administered phenylpropanolamine preparations consistent with the Panel's basic recommendation for adults, is "25 mg every 4 hours not to exceed 150 mg in 24 hours." For children 6 to 12, it is "12.5 mg every 4 hours not to exceed 75 mg in 24 hours." For children 2 to 6, it is "6.25 mg every 4 hours not to exceed 37.5 mg in 24 hours."

In addition, the Commissioner is aware of an inconsistency in the Panel's recommendations and proposed monograph regarding the combination of an oral bron-

chodilator and an antitussive. In paragraph II.C.9.e.(6) of the September 9, 1976 preamble (41 FR 38326), the Panel identified such combinations as irrational and classified them as Category II when labeled for cough associated with asthma. The provision for such a combination was inadvertently included in the proposed monograph and should be deleted because the proposed monograph contains only Category I conditions. Accordingly, for clarification and to resolve the inconsistency, the Commissioner is amending both the preamble and the proposed monograph of September 9, 1976.

In the preamble to the proposal, the Commissioner stated that he has reviewed the potential environmental impact and also considered the inflation impact of the Panel's recommendations and proposed monograph and that copies of the environmental and inflation impact assessments are on file with the Hearing Clerk. He concludes that this amendment would in no way alter those assessments. Accordingly the preamble is amended on page 38401 by revising paragraph VIII.B.1.e.(3) to read as follows:

(3) *Dosage.* Dosages are based on the phenylpropanolamine hydrochloride equivalent. Adult oral dosage is 25 mg every 4 hours not to exceed 150 mg in 24 hours. Children 6 to under 12 years oral dosage is 12.5 mg every 4 hours not to exceed 75 mg in 24 hours. Children 2 to under 6 years oral dosage is 6.25 mg every 4 hours not to exceed 37.5 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701(a), 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055 (21 U.S.C. 321, 352, 355, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner is amending the proposed monograph published in the FEDERAL REGISTER of September 9, 1976, as follows:

1. In proposed § 341.20, by revising paragraph (e) to read as follows:

§ 341.20 Nasal decongestants.

* * * * *

(e) *Phenylpropanolamine preparations (phenylpropanolamine bitartrate, phenylpropanolamine hydrochloride, phenylpropanolamine maleate) (oral).* Dosages are based on the phenylpropanolamine hydrochloride equivalent. Adult oral dosage is 25 mg every 4 hours not to exceed 150 mg in 24 hours. Children 6 to under 12 years oral dosage is 12.5 mg every 4 hours not to exceed 75 mg in 24 hours. Children 2 to under 6 years oral dosage is 6.25 mg every 4 hours not to exceed 37.5 mg in 24 hours. For children under 2 years, there is no recommended dosage except under the advice and supervision of a physician.

* * * * *

§ 341.40 [Amended]

2. In proposed § 341.40 *Permitted combinations of active ingredients,* by deleting and reserving paragraph (f).

§ 341.85 [Amended]

3. In proposed § 341.85 *Labeling of combinations of active ingredients,* by deleting and reserving paragraph (b).

Interested persons may, on or before December 27, 1977, submit to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this amendment. 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.

Dated: October 20, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77–31235 Filed 10–27–77;8:45 am]

[4110–03]

[21 CFR Part 701]

COSMETIC INGREDIENT LABELING

Recognition of New Sources for Names of Ingredients Adopted for Ingredient Labeling

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to amend the cosmetic ingredient labeling regulation. This action is taken in response to a petition filed by the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA) to recognize the second edition of its dictionary, and on the initiative of the Commissioner of Food and Drugs. If this proposal is adopted, recognition would be made of supplements and new editions of currently recognized compendia as sources of ingredient names adopted for used in cosmetic ingredient labeling.

DATE: Comments by December 27, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Heinz J. Eiermann, Bureau of Foods (HFF–440), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St., SW., Washington, D.C. 20204. 202–245–1530.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) is proposing recognition of supplements and new editions of currently recognized compendia as sources of ingredient names adopted for use in cosmetic ingredient labeling. The new editions and supplements of these compendia offer greatly expanded compilations of cosmetic ingredient names. The proposal to recognize a new edition of the CTFA (Cosmetic, Toiletry and Fragrance Association, Inc.) Cosmetic Ingredient Dictionary is made in response to a petition by CTFA. Thirty-four names of ingredients listed in the dictionary copy for which recognition was petitioned are excluded from the proposal; some names are proposed to be adopted conditionally or for only a limited period of time; and for one ingredient, a different name is proposed. The adoption of new editions and supplements of other sources of cosmetic ingredient names is proposed by the Commissioner on his own initiative.

On June 24, 1976, the CTFA petitioned the Food and Drug Administration to recognize the second edition (1976) of the CTFA Cosmetic Ingredient Dictionary (CTFA Dictionary) as a new source of names of ingredients adopted for the purpose of ingredient labeling. It was requested that 21 CFR Part 701 be amended by revising § 701.3(c)(2)(i) and listing the dictionary's new edition. Recognition of the new ingredient dictionary was intended to effect the adoption of additional names of ingredients, particularly those listed in 10 bulletins issued by petitioner since recognition of the first edition of this dictionary. Copies of the CTFA petition of June 24, 1976 and the second edition (1976) of the CTFA Dictionary, received in the form of page proofs (Refs. 1 and 2), and all other references cited in this preamble are on file at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857.

On September 17, 1976, the agency informed the CTFA that a review of the new dictionary had raised questions on important issues and that the approaches taken in the dictionary on these issues needed further support, or that alternative courses of action should be considered, before FDA acted on the petition (Ref. 3). On request by petitioner, FDA and CTFA representatives met on September 24 and October 15, 1976 for discussion of the dictionary-related issues (Refs. 4 and 5). On November 2, 1976, the CTFA responded in writing to the questions raised by FDA on the new dictionary edition (Ref. 6).

On January 13 and 19, 1977, the CTFA forwarded to FDA additional responses to the pending dictionary issues and submitted a second, revised set of page proofs of the second edition (1976) of the CTFA Dictionary (Refs. 7, 8, and 9). This set of page proofs contains some of the recommended changes adopted by the CTFA subsequent to FDA's letter of September 17 and the meetings of September 24 and October 15, 1976.

DISCUSSION OF CTFA DICTIONARY-RELATED ISSUES

The following review summarizes CTFA's accomplished and planned changes in the new cosmetic ingredient dictionary in response to the referenced discussions and exchanges of correspondence. Also discussed are the agency's proposed actions where CTFA's changes in the dictionary have not resolved pending questions in a satisfactory manner. Since the changes made by the CTFA in

the second set of page proofs (Ref. 9) are fully documented in the referenced administrative file, they are not reviewed in depth in this discussion.

1. *Ingredients whose composition is not adequately disclosed.* The first set of page proofs of the new dictionary edition listed 52 names of ingredients whose chemical compositions were not fully disclosed. The monographs disclosed neither the chemical configurations nor, where appropriate, the substances of origin. Four of the 52 undisclosed ingredients are not listed in the second set of dictionary page proofs submitted on January 13, 1977 (Ref. 9). Of the remaining 48 ingredients in question, the Commissioner proposes that 13 names remain adopted and 34 names and monographs be deleted from the proposed regulation recognizing the new edition of the CTFA Dictionary. In one instance, the Commissioner proposes that the name of an ingredient be changed.

In regard to the 13 names for which continued adoption is proposed with recognition of the new dictionary edition, the Commissioner concludes that revision of the monographs in accordance with information submitted to the agency on January 13, 1977 (Ref. 10) and discussed in this preamble, will remedy current shortcomings in the chemical description of the respective ingredients. Continued adoption of these names, however, is predicated on expeditious revision of the monographs to the satisfaction of the Commissioner and publication of revised monographs in supplements to the new dictionary edition within a period of 6 months from the date of its recognition by final rule.

The chemical compositions of "Pigment Green 7" and "Chlorofluorocarbon 11S" were disclosed by the suppliers in correspondence with the CTFA (Ref. 10), and the identity of "Disperse Red 17" is shown in the Colour Index. In regard to "Acid Black 2," attachment B to CTFA's letter of January 13, 1977 (Ref. 10) discloses the composition as it relates to the proprietary ingredient "Nigrosine Jet L Conc." supplied by Sandoz Color & Chemicals Division, E. Hanover, NJ 07936. The other proprietary ingredient listed in the Colour Index under "Acid Black 2," i.e., "Nigrosine WSN Conc." supplied by Ciba-Geigy Corp., Ardsley, NY 10502, has not been disclosed. Accordingly, the name "Acid Black 2" is only being proposed for Nigrosine Jet L Conc., and the Commissioner requests that the name "Nigrosine WSN" be deleted from a revised monograph.

The name of the ingredient "Dimethicone Copolyol" is only adopted for the seven silicone ingredients supplied by Union Carbide Corporation, New York, NY 10017. They are identified by the trade name "Silicone L-" and the additional numerical designation 75, 77, 520, 522, 530, 531 or 7500. The chemical compositions of the other proprietary silicone ingredients listed in the current monograph for "Dimethicone Copolyol" have not been disclosed. The Commissioner requests that the monograph for "Dimethicone Copolyol" be revised to describe the chemistry of the adopted ingredient name. The proprietary names of the silicone ingredients whose compositions have not been disclosed should be deleted from the respective monograph.

The chemical compositions of the ingredients "Benzophenone-11," "Sodium Chondroitin Sulfate," "Carbomer-934P" and the Carbomers with the numerical designations 934, 940, 941, 960 and 961 are not fully disclosed in the respective monographs. However, the monographs provide considerable information, and additional information on the composition of these ingredients is available in the chemical literature for improved characterization of their chemical identification. The Commissioner proposes, therefore, that these names remain listed in the second edition of the CTFA Dictionary as proposed to be adopted for the purpose of cosmetic ingredient labeling under the afore-described conditions of revision of their respective monographs.

The following names and monographs are excluded from the proposed recognition of the new dictionary because the chemical composition of the ingredients is not available to the Commissioner. In some instances, the suppliers of the ingredients were unwilling to disclose this information (Ref. 10):

Acid Black 58	Acid Orange 88
Acid Black 107	Acid Orange 89
Acid Black 139	Acid Orange 116
Acid Blue 70	Acid Red 131
Acid Blue 168	Acid Red 213
Acid Blue 188	Acid Red 252
Acid Blue 209	Acid Red 259
Acid Brown 19	Acid Violet 73
Acid Brown 30	Acid Violet 76
Acid Brown 44	Acid Violet 99
Acid Brown 45	Acid Yellow 114
Acid Brown 46	Acid Yellow 127
Acid Brown 48	Direct Yellow 81
Acid Brown 224	Solvent Black 5
Acid Orange 80	Solvent Brown 43
Acid Orange 85	Solvent Yellow 63
Acid Orange 86	Solvent Yellow 90

All deleted ingredients are coal tar dyes that are listed in the "Colour Index," a compendium of industrial dyes published in England by the Society of Dyers and Colourists. The Colour Index generally describes the chemistry of listed dyes; however, some are only identified by trade name(s) without disclosure of their chemical composition.

Though the deleted coal tar dyes were listed in the first edition without appropriate disclosure, FDA recommended that all names and monographs of ingredients whose chemical identity was not disclosed be deleted from the new edition of the CTFA Dictionary. It was pointed out that the naming of an ingredient without disclosure of its chemical composition is contrary to the dictionary's purpose of providing such information to the consumer, and that the earlier shortcomings were expected to have been corrected in the new dictionary edition.

The name "Animal Protein Derivative" is excluded from the proposed recognition of the new dictionary edition because the chemical composition of the ingredient is not disclosed in the monograph. In regard to "Crotein ASC" supplied by Croda, Inc., New York, N.Y. 10010, the Commissioner proposes that the name "Ethyl Ester of Hydrolyzed Animal Protein" be adopted for ingredient labeling. This name indicates that the substance is obtained from hydrolyzed protein, as opposed to unaltered protein, and describes more appropriately the derivation of the protein hydrolysate.

2. *Listing of drug ingredients in the CTFA Dictionary.* In the letter of September 7, 1976 (Ref. 3), FDA recommended that 16 names and monographs be deleted from the new dictionary because the respective substance are generally recognized as drugs and are not known to be used as cosmetic ingredients. It was pointed out that the listing of these names in the CTFA Dictionary may lead to an assumption that the ingredients are, or may also be, used in products which are solely cosmetics because of the CTFA Dictionary's distinction as a compendium of names of cosmetic ingredients.

The CTFA agreed to delete the drug ingredients from the dictionary, and the second set of page proofs of the new CTFA Dictionary edition submitted on January 13, 1977 (Ref. 9) no longer lists the following names and monographs:

Benzocaine	Ichthammol
Caffeine	Methyl Nicotinate
Cascara	Neomycin Sulfate
Dibucaine	Phenylephrine HCl
Diperodon HCl	Placental Extract
Estrone	Progesterone
Estrogen	Tetracaine
Estradiol	Triiodothyronine

In addition, FDA questioned the names of the following six substances which are known to be used as drug as well as cosmetic ingredients:

Aluminum Chlorhydrex	Octyl Dimethyl PABA
Amyl Dimethyl PABA	Sulfur
Butyl PABA	Lime Sulfur

The names of these substances differ from their names when used as drug ingredients, and the agency suggested that, in the absence of reasonable grounds for establishing new names, the currently used drug names of these substances be listed in the CTFA Dictionary.

The CTFA contended that the names listed in the CTFA Dictionary are more informative to consumers than the drug names, and it had been recommended that their proposed names also be adopted in the "USAN and the USP dictionary of drug names" (USAN 1975, 1961–1975 cumulative list, ed. Mary C. Griffith. United States Pharmacopeial Convention, Inc., Rockville, MD 20852, 1975).

The Commissioner concurs with petitioner that the proposed names may be more informative to consumers, and grants the request that these names be used for the purpose of cosmetic in-

gredient labeling. However, if these names are not adopted by USAN, the Commissioner may reconsider his decision and require appropriate name changes in the future.

3. *Ingredients prohibited or not permitted by regulation.* The first set of page proofs of the new CTFA Dictionary listed names for the following 24 substances whose use as ingredients in cosmetics is prohibited or not permitted by regulation:

Carbon Black
Chloroform
D&C Red No. 2 Aluminun Lake
Dibromsalan
FD&C Red No. 2
FD&C Red No. 2 Aluminum Lake
Metabromsalan
Tribromsalan
Vinyl Chloride
Apo-Carotenal
Beet Root Juice Powder
Canthaxanthin
Carrot Juice Powder
Chlorophyllin
Elderberry Juice Powder
Fluorescent Brightener 351
Fluorescent Brightener 61
Fluorescent Brightener 52
Fluorescent Brightener 46
Fluorescent Brightener 47
Lamp Black
Natural Red 20
Natural Red 26
Natural Yellow 3

The CTFA agreed to remove these names from the new CTFA Dictionary and they are no longer listed in the second set of page proofs.

4. *Ingredients with questionable nomenclature and other issues requiring remedial action.* The review of the first set of page proofs of the new ingredient dictionary (Ref. 2) brought to light several deficiencies in nomenclature and ingredient descriptions. The CTFA subsequently deleted the names of four color additives; i.e., "Food Green 3," "Food Red 1," "Food Red 17," and "Food Yellow 3;" six ingredients named "U.V. Absorber;" and five ingredients named "Fluorescent Brightener". The names of six vitamin ingredients were changed to new designations: retinol, retinyl palmitate, ergocalciferol, tocopherol, tocopheryl acetate and tocopheryl succinate. The second set of page proofs of the new ingredient dictionary reflects these changes.

In regard to the deficiencies in the nomenclatures of 20 ingredients named "Amphoteric" and 49 ingredients named "Quaternium," FDA recommended that they be named in terms of their chemical class or structure rather than by a broadly used name and a long array of numbers because a consumer may readily be misled by relating the characteristics of a known ingredient to other, unknown ingredients with the same name but having different numerical designations and having nonrelated properties and usages.

The CTFA agreed to review for revision the respective names in forthcoming supplements to the new dictionary. Accordingly, the Commissioner proposes that adoption of the names of the 20 ingredients designated "Amphoteric" and 49 ingredients designated "Quaternium" be continued for a period of 12 months from the date of recognition of the new ingredient dictionary edition by final rule. This time period should be adequate for the CTFA to petition for the adoption of new names for these ingredients. If adoption of new names is not requested during the 1-year period or recognition of the current names is not extended by regulation, cosmetic labelers will be required thereafter to declare these ingredients by the respective names listed in one of the other sources identified in paragraph (c)(2) of § 701.3 or in accordance with paragraph (c)(3) or (4).

The questions raised regarding the ingredient names "Synthetic Beeswax," "Polyamino Sugar Condensate," and the 27 denatured alcohols named "SD Alcohol" and being further identified by alphanumeric designations, e.g., "SD Alcohol 39C," are proposed to be resolved in the same manner as the earlier discussed issues requiring revision of monographs. The Commissioner proposes that these names also be adopted provided the respective monographs are revised and published in supplements to the new dictionary edition within a period of 6 months from the date of its recognition by final rule.

The required revisions of the monographs were outlined by FDA on September 17, 1976 and during subsequent meetings with representatives of the CTFA (Refs. 3, 4, 5). On November 2, 1976, CTFA agreed to publish revised monographs (Ref. 6). In the case of "Synthetic Beeswax" and "Polyamino Sugar Condensate," the monographs will require more definitive chemical descriptions of the respective ingredients. The monographs of the denatured alcohols are requested to include the denaturant ingredients specified in 27 CFR Part 212.

The issue concerning the proper label declaration of the various fatty acid amine condensates named "Cocamide," "Lauramide," "Myristamide," "Oleamide," "Palmamide," "Palm Kernelamide," "Stearamide," "Tallow Amide," and "Undecylenamide," and further identified by the designations "DEA," "MEA," or "MIPA," may be resolved by one of the following two approaches: (1) By indicating in the respective monographs that some fatty acid amine condensates, e.g., Kritchevsky-type 2:1 condensates, may contain a significant amount of free amine which may not be considered an incidental ingredient in accordance with § 701.3(l)(1) and hence must be declared in labeling, or (2) by establishing names for fatty acid amine condensates containing significant amounts of free amine and describing the composition of these substances in their respective monographs.

Irrespective of a future decision as to whether or not new names will be proposed for fatty acid amine condensates containing significant amounts of free amine, cosmetics containing these ingredients must declare in the meantime the free amine in labeling when present in the marketed cosmetic at a significant concentration. After new names are established by regulation for the fatty acid amine condensates containing significant amounts of free amine, the labeler may declare the ingredient by the new name. He may also declare the ingredient by its current name and declare the free amine as another ingredient.

Other Compendia

The Commissioner proposes to adopt on his own initiative the following new editions and supplements to editions of currently recognized compendia as sources of names for use in cosmetic ingredient labeling: (1) United States Pharmacopeia, 19th Ed., 1975; (2) National Formulary, 14th Ed., 1975; (3) Second Supplement to the USP XIX and NF XIV, 1976; (4) First Supplement, 1974, and Second Supplement, 1975, to the Food Chemicals Codex, 2d Ed., 1972; and (5) USAN and the USP dictionary of drug names (USAN 1975), 1961–1975 cumulative list. These editions and supplements to editions comprise updated and expanded compilations of names of ingredients suitable for cosmetic ingredient labeling where such names have not been established by the Commissioner or adopted in the currently recognized edition of the CTFA Dictionary. The Commissioner proposes that the new editions and supplements supersede those currently recognized by regulation and that § 701.3(c)(2) be amended to list these new publications.

Comment Period and Final Regulation Effective Dates

The CTFA requested that the notice of proposed rule making provide 30 days for comment instead of the usual 60 days. It was argued that there was nothing controversial in the new dictionary edition to require the usual 60 days for comment and that the edition should be recognized by regulation as soon as possible.

In light of the many questions raised by FDA in the letter of September 17, 1976 and as discussed in the preamble above, the Commissioner concludes that a 30-day period would be insufficient for interested persons to review the administrative record and other pertinent data, and comment on the proposal. The comment period, therefore, will be 60 days, as is ordinarily provided.

The CTFA petitioned that the regulation adopting the new dictionary edition provide for the same time intervals between publication of the final order in the Federal Register and the effective dates for ordering of labels and labeling of products; i.e., 12 months and 18 months, respectively, as were established for previously promulgated cosmetic ingredient labeling regulations. It was argued that the considerations involved in major cosmetic labeling changes were fully discussed at the time of such rule making proceedings and that the same circumstances and conclusions were equally applicable in this case.

The Commissioner is not persuaded that recognition of the new CTFA Dictionary edition and other editions and supplements of compendia listed in § 701.3(c)(2) will have a major regula-

tory impact and hence should be given the same consideration in regard to effectiveness as was given other ingredient labeling regulations. The purpose of this rule making proceeding differs significantly from others involving ingredient labeling in that no basic labeling rules are being established. The required label changes will be minor. They will involve occasional substitution of names of ingredients in some ingredient declarations; however, the space requirement for declaration of ingredients on the label will not be affected, and labels will not have to be redesigned.

The Commissioner proposes a schedule of effective dates which he believes is more responsive to the intent of this rule and should avoid any possibility of economic hardship. He proposes that the new sources of cosmetic ingredient names be recognized 30 days after the date of promulgation of the final regulation in the FEDERAL REGISTER, and that recognition of the current editions and supplements be terminated 6 months thereafter. These effective dates will give cosmetic labelers sufficient time to implement the required label changes without disruption of their manufacturing operations. The old labels may continue to be ordered for a period of 6 months, and no loss of inventory will be incurred because all labels, labeled packages, containers, and products in stock many be used in subsequent manufacturing and distribution.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the FDA environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

REFERENCES

The following references cited above in the preamble of this proposal are available for public examination at the office of the Hearing Clerk, Food and Drug Administration:

1. Petition of June 24, 1976 (Docket No. 76P-0284) from CTFA requesting amendment of 21 CFR 701.3(c)(2)(i) to recognize the Second Edition (1976) of the CTFA Cosmetic Ingredient Dictionary.

2. First set of page proofs of the Second Edition (1976) of the CTFA Cosmetic Ingredient Dictionary submitted with petition of June 24, 1976.

3. Letter of September 17, 1976 from the Associate Commissioner for Compliance to the President of CTFA.

4. Memorandum of meeting of September 24, 1976 between representatives of FDA and CTFA.

5. Memorandum of meeting of October 15, 1976 between representatives of FDA and CTFA.

6. Letter of November 2, 1976 from the Vice President, Science of CTFA to the Associate Commissioner for Compliance.

7. Letter of January 13, 1977 from the Vice President, Science of CTFA to the Associate Commissioner for Compliance.

8. Letter of January 19, 1977 from the Vice President, Science of CTFA to the Associate Commissioner for Compliance.

9. Second set of page proofs of the Second Edition (1976) of the CTFA Cosmetic Ingredient Dictionary submitted as Attachment C to letter of January 13, 1977.

10. Copies of six letters from suppliers of cosmetic ingredients to CTFA regarding disclosure of chemical compositions, submitted as Attachment B to letter of January 13, 1977.

11. Environmental Impact Analysis Report.

12. Inflation Impact Assessment Report.

Therefore, under the Fair Packaging and Labeling Act (secs. 5(c); 6(a), 80 Stat. 1298, 1299 (15 U.S.C. 1454, 1455)) and the Federal Food, Drug, and Cosmetic Act (sec. 701(e)), 70 Stat. 919, as amended (21 U.S.C. 371(e)) and under authority to him (21 CFR 5.1), it is proposed that Part 701 be amended as follows:

1. By revising § 701.3(c)(2) to read as follows:

§ 701.3 Designation of ingredients.

* * * * *

(c) * * *

(2) In the absence of the name specified in § 701.30, the name adopted for that ingredient in the following editions and supplements of the following compendia, listed in order as the source to be utilized:

(i) CTFA (Cosmetic, Toiletry, and Fragrance Association, Inc.) Cosmetic Ingredient Dictionary, Second Ed., 1976,[1] as petitioned for recognition and filed with the Hearing Clerk on January 13, 1977, except for the following deletions and revisions:

(*a*) The following names are not adopted for the purpose of cosmetic ingredient labeling:

Acid Black 58	Acid Brown 48
Acid Black 107	Acid Brown 224
Acid Black 139	Acid Orange 80
Acid Blue 70	Acid Orange 85
Acid Blue 168	Acid Orange 86
Acid Blue 188	Acid Orange 88
Acid Blue 209	Acid Orange 89
Acid Brown 19	Acid Orange 116
Acid Brown 30	Acid Red 131
Acid Brown 44	Acid Red 213
Acid Brown 45	Acid Red 252
Acid Brown 46	Acid Red 259
Acid Violet 73	Direct Yellow 81
Acid Violet 76	Solvent Black 5
Acid Violet 99	Solvent Brown 43
Acid Yellow 114	Solvent Yellow 63
Acid Yellow 127	Solvent Yellow 90

(*b*) The following names are adopted for the purpose of cosmetic ingredient labeling provided the respective monographs are revised to describe their otherwise disclosed chemical compositions, or describe their chemical compositions more precisely, and such revised monographs are published in supplements to this dictionary edition within a period of 6 months from the date of its recognition by final rule:

Acid Black 2	Disperse Red 17
Benzophenone-11	Pigment Green 7
Carbomer 934	Polyamino Sugar Condensate
Carbomer 934P	SD Alcohol (all 27 alphanumeric designations)
Carbomer 940	Sodium Chondroitin Sulfate
Carbomer 941	Synthetic Beeswax
Carbomer 960	
Carbomer 961	
Chlorofluorocarbon 11S	
Dimethicone Copolyol	

(*c*) The following names are adopted for the purpose of cosmetic ingredient labeling for a period of 12 months from the date of recognition of this dictionary edition by final rule:

Amphoteric (all 20 numeric designations)
Quaternium (all 49 numeric designations)

(ii) United States Pharmacopeia, 19th Ed., 1975, and Second Supplement to the USP XIX and NF XIV, 1976.[2]

(iii) National Formulary, 14th Ed., 1975, and Second Supplement to the USP XIX and NF XIV, 1976.[2]

(iv) Food Chemicals Codex, 2d Ed., 1972; First Supplement, 1974, and Second Supplement, 1975.[3]

(v) USAN and the USP dictionary of drug names, USAN 1975, 1961–1975 cumulative list.[2]

2. By adding to § 701.30 a new ingredient name to read as follows:

§ 701.30 Ingredient names established for cosmetic ingredient labeling.

* * * * *

Chemical name or description	Chemical formula	Established label name
Ethyl ester of hydrolyzed animal protein is the ester of ethyl alcohol and the hydrolysate of collagen or other animal protein, derived by acid, enzyme or other form of hydrolysis.	.....	Ethyl ester of hydrolyzed animal protein.

* * * * * * *

[1] Copies may be obtained from: The Cosmetic, Toiletry, and Fragrance Association, Inc., 1183 Fifteenth St. NW., Washington, D.C. 20005.

[2] Copies may be obtained from: United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Md. 20857.

[3] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, D.C. 20418.

Interested persons may, on or before December 27, 1977 submit to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A–107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: October 19, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77–31095 Filed 10–27–77;8:45 am]

[4110–87]

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Part 11]

RESPIRATOR TESTING AND APPROVAL

Public Meeting

CROSS REFERENCE: For a document relating to a public meeting on respirator testing and approval published by the Department of Health, Education, and Welfare, Public Health Service, see FR Doc. 77–31425 appearing in the Notices section of this issue. For the page number of this document, see the table of contents under the Public Health Service.

[6820–26]

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

[41 CFR Part 105–61]

[ADM 7900.2]

PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Restrictions on the Use of Records

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Proposed rule.

SUMMARY: In view of the passage of time and the substantial interest in access to the records of the 1900 census for historical and genealogical purposes, the National Archives and Records Service has determined that the current restrictions on access to and copies of the records of the 1900 census can be lifted. The records will be made available in accordance with the general provisions of 41 CFR Part 105–61. This action is taken pursuant to the authority of 44 U.S.C. 2104.

DATES: Comments must be received on or before November 28, 1977.

ADDRESSES: Comments should be addressed to the General Services Administration (NAA), Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT:

James Megronigle, Director, Planning and Analysis Division, General Services Administration (NAA), Washington, D.C. 20408. 202–523–3214.

It is proposed to amend Subpart 105–61.53 as follows:

1. The table of contents for Part 105–61 is amended by deleting the following entry:

§ 105–61.5303–29a Procedures Governing Access to the Schedules of the Census of Population of 1900.

2. Section 105–61.5303–29a is revised as follows:

§ 105–61.5303–29 Records of the Bureau of the Census.

(a) *Records.* Post–1900 census schedules more than 50 years old. *Restrictions.* (1) No one other than the Secretary of Commerce or his authorized representatives may examine these records.

(2) Copies of these records may be provided only to the Secretary of Commerce or his authorized representatives. *Imposed by.* Archivist of the United States.

(b) *Records.* Census schedules less than 50 years old. *Restrictions.* These records may not be examined by or copies of or information from them provided to any person other than sworn employees of the Department of Commerce having proper authorization from the Secretary of Commerce or his designee. *Specified by.* Secretary of Commerce.

§ 105–61.5303–29a [Removed]

3. Section 105–61.5303–29a is deleted.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 105–61.000–2.)

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

Dated: October 14, 1977.

JOHN J. LANDERS,
Acting Archivist of the United States.

[FR Doc.77–31233 Filed 10–27–77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410–05]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

1978 WHEAT AND FEED GRAIN SET-ASIDE PROGRAM

Availability of Supplemental Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Agricultural Stabilization and Conservation Service, Department of Agriculture, has prepared a supplemental environmental statement on the 1978 Wheat and Feed Grain Set-Aside Program.

This statement is issued as a supplemental to a final environmental statement on the 1973 set-aside program which was filed with the Council on Environmental Quality on September 12, 1972. The proposed program on which the statement is issued will result in more favorable environmental impacts than would be the case if no program was instituted. The program will reduce the acreage of land used for the production of crops as well as require that vegetative cover be established on the land removed from crop production. The land removed from crop production will likely be the least productive and that most subject to wind and water erosion.

This program was authorized by the Food and Agriculture Act of 1977, which was signed by the President on September 29, 1977, and became effective on October 1, 1977. The program provides for the set-aside of cropland acreage if the total supply of wheat (and/or feed grains) will in the absence of such set-aside, likely be excessive taking into account the need of an adequate carryover to maintain reasonable and stable supplies and prices to meet national emergencies.

A final decision on the percentage of set-aside of acreage for feed grains, if any, has not been determined at this time. However, a 20 percent set-aside of acreage for wheat has been made. In the discussion of set-aside rates the draft EIS assumes that higher set-aside rates will lead to more favorable environmental effects and less adverse environmental effects that cannot be avoided.

Technical agencies within USDA were consulted in the development of the Set-Aside Program, including a task group to consider eligibility of land, conservation use requirements, etc.

On September 8, 1977, a meeting was held with the leaders of a representative group of environmental, wildlife, conservation and farm organizations, plus representatives of the Fish and Wildlife Service, Environmental Protection Agency and the Council on Environmental Quality. In addition, the Department has received several hundred letters in recent weeks from various organizations and private citizens on various aspects of the program, including the level of set-aside, land eligibility, conservation use requirements, land use and water quality concerns, multi-year agreements, wildlife habitat potential, etc.

These views and recommendations were considered in developing the proposed program and in the preparation of this EIS.

The impact of this program on the environment will generally be beneficial. No major adverse environmental effects are anticipated in implementing this program. Some minor impacts may occur, principally during the establishment of the vegetative cover required on set-aside acreage such as noise, dust and fumes from machinery operation and soil open for potential erosion. Overall, such adverse environmental effects would likely be less severe on set-aside land than if such land continued in crop production.

This draft statement was filed with the Council on Environmental Quality on October 17, 1977. Copies of the statement have been forwarded to all State clearinghouses, various conservation and environmental organizations and Federal agencies as outlined in the CEQ guidelines. To assist in implementing this program, we need to receive any comments on this supplemental statement by November 16, 1977.

Copies of the statement are available for inspection during regular working hours at USDA, Agricultural Stabilization and Conservation Service, Room 3090 South Biulding, 14th and Independence Avenue SW., Washington, D.C. 20013, and at all State offices for the Agricultural Stabilization and Conservation Service. A limited number of single copies are available upon request at the Washington, D.C. office.

Comments concerning the supplemental statement should be addressed to the Director, Production Adjustment Division, Agricultural Stabilization and Conservation Service, Room 3630 South Building, 14th and Independence Avenue SW., Washington, D.C. 20013.

Signed at Washington, D.C., on Oct. 21, 1977.

RAY FITZGERALD,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-31222 Filed 11-27-77;8:45 am]

[3410–11]

Forest Service

LAND MANAGEMENT PLAN, VOLCANOVILLE PLANNING UNIT—ELDORADO NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Management Plan, Volcanoville Unit, Eldorado National Forest, California USDA–FS–R5–FES(Adm)–76–5.

The environmental statement concerns a proposed land management plan for the 12,700 acres of National Forest land known as the Volcanoville Unit of the Eldorado National Forest in El Dorado County, California. There are no inventoried roadless areas within the planning unit.

The final environmental statement was transmitted to the Council on Environmental Quality (CEQ) on

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3210, 12th St. & Independence, SW., Washington, D.C. 20250.
Forest Supervisor, Eldorado National Forest, 100 Forni Road, Placerville, CA 95667.
Regional Forester, U.S. Forest Service, Rm. 529, 630 Sansome Street, San Francisco, CA 94111.
Forest Service, District Ranger, Georgetown, CA 95634.

A limited number of single copies are available, upon request from Forest Supervisor Joseph H. Harn, Eldorado National Forest, 100 Forni Road, Placerville, California 95667.

Copies of the environmental statement have been sent to various Federal, State and local agencies, as outlined in the CEQ guidelines.

ROBERT W. CERMAK,
Regional Deputy Forester for Resources.

OCTOBER 19, 1977.

[FR Doc.77-31245 Filed 10-27-77;8:45 am]

[3410–01]

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE AND THE NATIONAL AGRICULTURAL RESEARCH PLANNING COMMITTEE

Extension of Advisory Committees

The Agricultural Research Policy Advisory Committee (ARPAC) and its sub-

committee, the National Agricultural Research Planning Committee (NPC) have been extended until December 31, 1977. This extension was granted by the Office of Management and Budget to allow the Department of Agriculture an opportunity to determine to what extent the functions of these committees will correlate to the functions of the various advisory committees mandated by Title XIV of the Food and Agriculture Act of 1977.

ARPAC and NPC function under the terms of a Memorandum of Understanding between USDA and the National Association of State Universities and Land Grant Colleges (NASULGC). USDA research agencies and the State Agricultural Experiment Stations and other organizations associated with NASULGC conduct about 95 percent of the Nation's publicly supported agricultural research. It is through ARPAC and NPC that the two major parts of the agricultural research system come together to exchange views, plan, coordinate and otherwise develop ways to work together most effectively to meet the Nation's needs.

Dated: October 21, 1977.

HOWARD W. HJORT,
Director, Economics, Policy Analysis and Budget.

[FR Doc.77-31281 Filed 10-27-77;8:45 am]

[1505-01]

CIVIL AERONAUTICS BOARD

[Docket No. 23629; Order No. 77-9-96]

AIRPORT SECURITY COUNCIL

Order Granting Discussion Authority

Correction

In FR Doc. 77-28872 appearing on page 52450 in the issue of Friday, September 30, 1977, the order number was inadvertently omitted from the docket line. The order number should read as it appears above.

[6320-01]

[Docket 23629; Agreement CAB 26937]

AIRPORT SECURITY COUNCIL

Order Approving Agreement

The Board, by Order 77-9-96, authorized the air carriers and foreign air carriers serving the three major New York airports (JFK, LaGuardia and Newark) to discuss procedures to be followed to alleviate cargo security problems at these airports in the event of a dock strike affecting New York ports.[1] A meeting among the carriers on September 27, 1977, resulted in an agreement which has been submitted to the Board by the Airport Security Council for approval under section 412 of the Federal Aviation Act.[2] The agreement is reproduced in the appendix.

It is identical to the agreement (Agreement CAB 22706) which the carriers reached prior to the 1971 dock strike, and which was approved by the Board by Order 71-10-8. The agreement establishes various procedures relating to (1) the controlled acceptance and/or rerouting of articles of extraordinary value, restricted items, perishables and general cargo; (2) the control of cargo flow from inland cities to gateway airports; (3) a liaison system between the New York gateway airports and other stations to assure that cargo is not directed to New York which cannot be handled; (4) the exchange of information between the carriers concerning available cargo capacity to assure that maximum use is made of available space; (5) the avoidance of the New York airports for transshipment to other countries; (6) the routing of imports destined for inland points on direct flights to interior points rather than through gateway points; and (7) the removal of merchandise from terminal facilities upon the expiration of the storage time to a public warehouse or other secure storage at the expense of the owner.

The Council has requested that the agreement be approved for a period of not more than 15 days after the termination of the dock strike.[3]

We have concluded that this agreement is not adverse to the public interest and should be approved subject to the same conditions imposed by Order 71-10-8 issued at the outset of the 1971 dock strike.

As the Board recognized in Order 71-10-8, the onset of a dock strike, without adequate preparation by the carriers serving the metropolitan New York airports, can cause cargo inundation at these airports and result in substantial security, handling, storage and traffic problems. As before, the instant guidelines are designed to (1) prevent the flooding of the New York airports with enormous amounts of cargo; and (2) ensure adequate cargo customs, storage facilities and cargo security during the period of the strike.

As the Board indicated in Order 71-10-8, it should be clearly understood that the approval granted herein will not relieve the carriers from the requirement of bringing their tariffs into conformity with any procedures adopted and other applicable regulatory requirements. Moreover, it will be expected that the parties to the agreement will extend fair and equal treatment to all shippers regardless of size, and that they will accept cargo, in accordance with the terms of the subject guidelines, on a first-come first-served basis irrespective of the identity of the shipper or any prior business dealings.[4]

As before, the administration of the guidelines contained in the instant agreement will be left to the discretion of the parties involved. However, it will be expected that these guidelines will be applied only to those cargo handling problems arising at the three metropolitan New York airports, and cargo traffic acceptance, customs inspection and storage procedures necessary to deal with these problems. Furthermore, any amendments to the agreement should be filed with the Board for prior approval.

Accordingly, pursuant to authority duly delegated by the Board in its regulations, 14 CFR 385.3 and 385.13, it is found that Agreement CAB 26937 is not adverse to the public interest or otherwise violative of the Act and, therefore, should be approved subject to conditions set forth herein.

Accordingly, it is ordered that:

1. Agreement CAB 26937 among members of the Airport Security Council and other air carriers and foreign air carriers providing air transportation from or to John F. Kennedy International Airport, LaGuardia Airport and Newark Airport be approved;

2. Any amendments to Agreement CAB 26937 are to be filed in Docket 23629 with the Board for prior approval under section 412 of the Act;

3. The approval of Agreement CAB 26937 shall be limited to those cargo handling problems which are expected to arise at the three metropolitan New York airports as a result of the dock strike in the metropolitan New York area, and cargo traffic acceptance, customs, and storage procedures necessary to deal with such problems;

4. All parties to Agreement CAB 26937 conducting operations pursuant to the guidelines set forth in such agreement shall continue strict adherence to those provisions of sections 404 and 411 of the Act prohibiting unjust discrimination and unfair or deceptive practices, respectively;

5. The approval of the Agreement shall expire 15 days after the date of termination of the dock strike; in addition this order may be earlier revoked or amended at any time at the discretion of the Board;

---

[1] Comparable discussions were authorized in 1971 by Order 71-8-15.

[2] The following air carriers and foreign air carriers have voted to adopt the agreement:

AIR CARRIERS

Allegheny	National
American	Northwest
Braniff	Pan American
Delta	Seaboard World
Eastern	Trans World
The Flying Tiger Line	United

FOREIGN AIR CARRIERS

Air Canada	Japan Air Lines
Air France	KLM
Air India	Lan-Chile
Alitalia	Lufthansa
British Airways	Olympic
El Al	Pakistan
Finnair	Sabena
Iberia	Swissair
Irish	Varig

[3] The dock strike has already begun. (See the "Wall Street Journal," October 3, 1977, page 1.)

[4] The conditions set forth herein require specific adherence by the parties to the agreement to those provisions of the Act which prohibit discrimination and unfair or deceptive practices.

6. Jurisdiction shall be retained over the Agreement to permit further action at any time without a hearing if deemed appropriate; and

7. A copy of this order shall be served upon the Airport Security Council; each certificated air carrier; each foreign air carrier holding a foreign air carrier permit; the Departments of the Treasury, Transportation and Justice; the Bureau of Customs; the Federal Aviation Administration; the Port of New York Authority; and the American Importers Association.

This order shall be published the FEDERAL REGISTER.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days of the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX

MEMORANDUM SETTING FORTH OPTIONAL GUIDELINES ON ACTION TO BE TAKEN BY PORTS IN EVENT OF A NEW YORK WATERPORT STRIKE

I

AGREEMENT RE PROSPECTIVE CRISIS

The attendees agreed that, in the event of a waterport strike upon the expiration of the current collective bargaining agreement on September 30, 1977, ocean cargo diverted to the airlines would create a cargo crisis at metropolitan New York airports. This type of crisis could develop before, at any time during, or even immediately following a strike by the labor organization operating in the waterport.

II

COURSE OF ACTION RECOMMENDED

The conferees concluded that a state of emergency will have arrived when the cargo flow volume through the facilities of an airline exceeds its capacity to store and process this cargo. The emergency should be declared before a positive cargo glut has occurred, to avoid a breakdown in cargo flow and handling procedures.

It was also agreed that there is an urgent need for guidelines on action to be taken by the airlines at metropolitan New York airports in case of an emergency of this nature.

On the basis of the findings at this meeting, we are setting forth the following guidelines, asking the Civil Aeronautics Board for approval of Points III through IX hereof, when a state of emergency arises:

III

ACCEPTANCE OF CARGO

Articles of Extraordinary Value and Restricted Items

A system of controlled acceptance and/or re-routing will be applied without discrimination to articles of extraordinary value and restricted items, when emergency is imminent. Controlled acceptance will include action up to designating a specific reservation of airplane space and designation of a specific period prior to flight departure, when cargo will be accepted for air carriage. When a shipment cannot be accepted immediately, a time of acceptance will be assigned.

Perishables

During the emergency period, perishable shipments may be accepted only where confirmed booking to point of destination is established and preferably only on direct flights.

General Cargo

A system of controlled acceptance and/or re-routing of general cargo will be applied without discrimination to general cargo, before the terminal becomes incapable of coping with the emergency. Controlled acceptance will include action up to designating a specific reservation of airplane space and designation of a specific period prior to flight departure when cargo will be accepted for air carriage. When a shipment cannot be accepted immediately, a time of acceptance will be assigned.

In fulfillment of these policies, only such quantities as can be reasonably carried on available capacity for a particular day will be accepted.

Only freight which has been booked in advance will be accepted.

Only freight which is ready, as far as documentation is concerned, to be placed on-board an aircraft, or accompanied by the necessary Shipper's Letter of Instructions and shipper's export declarations and/or export licenses will be accepted.

IV

CONTROL OF CARGO FLOW

Categories of traffic affected by security considerations will include export, import and domestic cargo. Capability of acceptance and interchange of cargo between international and domestic carriers will affect all categories of cargo.

Airlines will notify their district offices, sales representatives and customers that, during the dock strike, once cargo flow has begun to tax airline facilities to the point where security hazards are imminent, international shipments must have international space reserved before acceptance at origin. The procedure will enable domestic carriers to accept international shipments with the assurance that, upon arrival at the gateway, international carriers will accept the cargo.

Domestic carriers will have considerable problems with domestic shipments from freight forwarders, consigned to a freight forwarder at a gateway care of an international airline, unless international space is already reserved.

When such freight is offered at an inland point, domestic carrier should check with its office at the gateway destination, to determine whether the international carrier will accept the freight, where no reservation is indicated.

V

LIAISON BETWEEN GATEWAY AND OTHER STATIONS

When domestic cargo transiting the New York airports accumulates in proportions sufficient to constitute a security problem, domestic carriers should coordinate closely with other stations, to assure that such stations avoid directing cargo into New York which New York is unable to handle.

VI

EXCHANGE OF INFORMATION CONCERNING CARGO CAPACITY AVAILABLE

In order to assure that maximum use is made of available aircraft space, international carriers should work out some system whereby they notify each other of excess capacity, if any, so that carriers backlogged can divert excess freight to carriers having available capacity.

VII

AVOIDANCE OF USE OF U.S. AIRPORTS FOR TRANS-SHIPMENT TO OTHER COUNTRIES

All carriers should instruct overseas offices not to use U.S. airports for trans-shipments to foreign countries, as far as possible, in order to relieve congestion at U.S. airports.

VIII

IMPORTS FOR INLAND POINTS

Imports for inland points in the U.S. should, preferably, be routed on direct flights to interior points, rather than the gateway points on the Eastern and Western seaboard and Gulf Coasts, in order to avoid unnecessary congestion at these gateway points.

IX

REMOVAL OF MERCHANDISE FROM TERMINAL FACILITIES FOR STORAGE UPON EXPIRATION OF FREE STORAGE TIME

Import merchandise released by Customs, but not removed from carriers' premises by the expiration of free time as defined by Customs regulations and IATA rules, as applied in ordinary business practice may, at the carrier's option be removed to a public warehouse or other secure storage, at the expense of the owner of the merchandise, or his agent.

Import merchandise for which a Customs entry has not been filed at the expiration of the lay order period stated in Customs regulations will be removed to the designated general order warehouse at the expense of the owner of the merchandise, or his agent.

All other cargo not removed from carriers' premises by expiration of free time published in carrier's tariff, may, at carrier's option, be removed to a public warehouse or other secure storage, at the expense of the owner of the merchandise, or his agent.

SEPTEMBER 27, 1977.

LIST OF AIRLINES VOTING ON ADOPTION OF OPTIONAL GUIDELINES ON ACTION TO BE TAKEN BY AIRLINES AT METROPOLITAN NEW YORK AIRPORTS IN EVENT OF DOCK STRIKE

The following airlines in attendance at the meeting of September 27, 1977, voted in favor of adopting the optional guidelines:

AIR CARRIERS

Allegheny	Northwest
American	Pan American
Braniff	Seaboard World
Delta	Trans World
Eastern	United
Flying Tiger Line	

FOREIGN AIR CARRIERS

Aerolineas Argentinas	Finnair
Aeromexico	Iberia
Air Canada	Irish
Air France	KLM
Air India	Lufthansa
Alitalia	Pakistan
British Airways	Sabena
El Al	Swissair
	Varig

The following airlines, not in attendance at the meeting, subsequently voted in favor of adopting the optional guidelines:

Japan Air Lines	Lan-Chile
National	Olympic

Trans Mediterranean Airways did not vote, because of urgent pending labor negotiations.

[FR Doc.77-31291 Filed 10-27-77;8:45 am]

[6320-01]

[Docket Nos. 29968; 28112; 28183]

LOUISVILLE SERVICE CASE

Applications of Allegheny Airlines and Frontier Airlines

By Order 76-10-113 (October 26, 1976), the Board instituted the *Louisville Service Case* to consider the need for new or additional nonstop service in seven markets.[1] Also in issue is the possible deletion of Eastern Air Lines' existing, but unused, nonstop authority in the Louisville-Baltimore and Louisville-Nashville markets. Excluded, however, were issues of service in five other Louisville markets, including Louisville-St. Louis and Louisville-Kansas City.

The Board's original decision not to consider Louisville-Kansas City service was based on the belief that Trans World Airlines was providing one nonstop round trip a day, and, considering the size of the market (30,000 passengers in 1974), that this service was adequate. In fact TWA had discontinued its nonstop service. Confronted with this fact, the Board, nevertheless, stated on reconsideration that this was insufficient reason to place Louisville-Kansas City service in issue (Order 77-1-64, January 13, 1977), resting that determination squarely on the "size of the market" (*id.* at 4).

We have decided to reexamine that determination; the reexamination convinces us that Louisville-Kansas City service should have been placed in issue in the *Louisville Service Case*. With the elimination of TWA's one nonstop round trip, the only single-plane service available in the market is a pair of circuitous multistop flights operated by Ozard Air Lines.[2] This is inferior to service in other markets not even half the size of Louisville-Kansas City which were already receiving nonstop service and in which the need for new or improved service was put in issue in the case.[3]

We have also taken this occasion to reexamine the Board's exclusion of Louisville-St. Louis service from the issues in this case, a determination from which two members of the Board dissented. We believe, as they did then, that inclusion of Louisville-St. Louis was warranted.

Louisville-St. Louis is much larger than others included in the case for consideration of the need for competitive nonstop service. Indeed, as the dissenters pointed out, it is "the largest market proposed for consideration in this case, except for the combined Louisville-Washington/Baltimore markets.[4] Moreover, and again as the dissenters observed, St. Louis is a significant gateway for Louisville travelers destined to points west of St. Louis.

In the light of these circumstances, we have determined that the Louisville-St. Louis and the Louisville-Kansas City markets should now be given priority hearing. In setting these markets for a hearing, we have also decided to include as issues the possible deletion of Eastern's dormant Louisville-St. Louis nonstop authority as well as TWA's now unused Louisville-Kansas City authority.[5] While we express no opinion as to whether the markets could support an award of nonstop authority to additional carriers, it is self-evident that inclusion of the deletion issues would give the Board maximum flexibility in reaching a decision as to what additional service, if any, should be authorized.

There remains the question of how to proceed in setting the needs of the two markets for hearing. The most obvious would be to reopen the *Louisville Service Case*, even though that might delay final decision of the proceeding and thus delay implementation of any service improvements found needed in markets already considered.[6] Another possiiblity would be to set the two markets for a separate hearing, but there is merit to the view that proceedings limited to one or two markets may be wasteful of the Board's limited hearing resources.[7] There may be other possibilities—for example, consolidation with some other proceeding scheduled for priority consideration.

Rather than attempt to resolve the procedural question at the moment, the Board has decided to call for the parties' comments on how to proceed. The comments should specifically address the questions whether, and if so, how and to what extent, reopening the *Louisville Service Case* would complicate and delay final decision of that case. All suggestions should, moreover, be made with twin objectives in mind—fairness to the parties and efficient utilization of the Board's hearing resources.

Accordingly, it is ordered that:

1. Not later than 25 days from the date of this order, the parties to the Dockets 28112, 28183, and 29968 and other interested persons may file comments addressing the manner in which the Board should proceed in hearing the needs for new or additional nonstop service in the Louisville-St. Louis and Louisville-Kansas City markets. Reply comments may be filed not later than 15 days after service of the opening comments; and

2. This order shall be subject to any approval deemed necessary by the United States Court of Appeals for the District of Columbia Circuit.[8]

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

All Members concurred.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-31292 Filed 10-27-77;8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION

ACTION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes ACTION to fill by noncareer executive assignment in the excepted service a temporary identical additional position of Deputy Associate Director for Domestic and Anti-Poverty Operations, Office of the Associate Director, Office of Domestic and Anti-Poverty Operations.

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

[FR Doc.77-31027 Filed 10-27-77;8:45 am]

[6325-01]

DEPARTMENT OF AGRICULTURE

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 Agriculture to fill by noncareer executive assignment in the excepted service the position of Associate

[1] The seven markets were Louisville-Washington / Baltimore / Memphis / Nashville / Los Angeles/Houston and Cincinnati-Houston.

[2] One involves a trip of 812 miles, the other 605 miles. Nonstop mileage is 487 miles.

[3] For example, Louisville-Nashville has less than half as many passengers as Louisville-Kansas City and was receiving nonstop service. Its service needs were nonetheless included because of "service deterioration" and the presence of applicants willing to upgrade service. The same considerations apply to the much larger Louisville-Kansas City market.

[4] The combined Washington/Baltimore market had only 14 passengers a day more, and the number of Louisville-St. Louis passengers was greater than the primary Louisville-Washington market in which the need for competitive nonstop service was to be considered.

[5] Possible deletion of Eastern Air Lines' unused nonstop authority in the Louisville-Baltimore and Louisville-Nashville markets is at issue in the *Louisville Service Case*.

[6] Hearings have been completed and the administrative law judge's target date for initial decision is February.

[7] See Order 76-10-113 (concurring and dissenting statement of Members Minetti and West).

[8] There is presently pending in that court a petition for review of Orders 76-10-113 and 77-1-64 insofar as those orders excluded the issue of Louisville-St. Louis/Kansas City service from the *Louisville Service Case*, *Frontier Airlines* v. *C.A.B.*, No. 77-1262.

Administrator, Food Safety and Quality Service, Food and Consumer Services.

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

[FR Doc.77-31028 Filed 10-28-77;8:45 am]

[6325-01]

COMMUNITY SERVICES ADMINISTRATION

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 Community Services Administration to fill by noncareer executive assignment in the excepted service on a temporary basis a second position of Deputy General Counsel, Office of the General Counsel.

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

[FR Doc.77-31030 Filed 10-27-77;8:45 am]

[6325-01]

DEPARTMENT OF THE TREASURY

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Legislative Affairs), Office of the Assistant Secretary (Legislative Affairs), Office of the Secretary.

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

[FR Doc.77-31029 Filed 10-27-77;8:45 am]

[6325-01]

DEPARTMENT OF THE TREASURY

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 the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Chief Counsel, Office of the Chief Counsel, Internal Revenue Service.

UNITED STATES CIVIL SERVICE COMMISSION

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-31031 Filed 10-27-77;8:45 am]

[6325-01]

DEPARTMENT OF THE TREASURY

Title Change in Noncareer Executive Assignment

By notice of December 18, 1975, FR Doc. 75-34265 the Civil Service Commission authorized the Department of the Treasury to fill by noncareer executive assignment the position of Deputy Assistant Secretary (Legislative Affairs) and Special Assistant to the Secretary, Office of the Assistant Secretary (Legislative Affairs), Office of the Secretary. This is notice that the title of this position is now being changed to Deputy Assistant Secretary (Legislative Affairs), Office of the Assistant Secretary (Legislative Affairs), Office of the Secretary.

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

[FR Doc.77-31032 Filed 10-27-77;8:45 am]

[6325-10]

PRIVACY ACT OF 1974

Amendment of Routine Uses

The purpose of this document is to give notice that routine use statements regarding disclosure of information to health benefits carriers and plans under the Federal Employees' Health Benefits (FEHB) Program are hereby amended.

The Civil Service Commission published in the FEDERAL REGISTER of September 23, 1977 (42 FR 48732) its annual notice of systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a). Two systems in that notice contain routine uses for disclosure of information to health insurance carriers participating in the Federal Employees' Health Benefits Program. Routine use "c" of the Civil Service Retirement and Insurance Records system (CSC—2) provides that those records may be used:

* * * * *

c. to disclose to a health insurance carrier or plan participating in the Federal Employees' Health Benefits Program information necessary to verify enrollment in or support an individual's claim for health insurance benefits under the program.

Routine use "g" of the General Personnel Records system (CSC/GOVT—3) provides that information in those records may be:

* * * * *

g. Disclosed to health insurance carriers or plans participating in the Federal Employees' Health Benefits Program in support of a claim for health insurance benefits.

While these routine uses have adequately served to describe disclosures of record information to health benefits carriers generally, the Commission became concerned that personal information about enrollees provided to health carriers be afforded an appopriate degree of confidentiality and necessary protection from improper dissemination or potential misuse. Therefore, the Commission is seeking an agreement with health benefits carriers and plans to include in the 1978 Federal Employees' Health Benefits Program contracts, language stipulating that carriers will request and use personal data on enrollees as provided by the Commission and agencies, for only thse intended purposes included in the two routine uses specified above.

In discussions which let to inclusion of this new language in the contract proposals, the Commission and carriers sought to assure that:

(1) the referenced routine use statements clearly delineate the purposes for which carriers would obtain and use record information on enrollees or potential enrollees; and (2) the routine use statements be of sufficient specificity to insure "informed consent" on the part of enrollees or potential enrollees submitting personal information to participate in the health benefits plans.

To inform the public of its intention and to invite interested parties to express their views, the Commission published a notice in the FEDERAL REGISTER (March 29, 1977; 42 FR 16644) soliciting public comment on both the proposed FEHB contract language and the revised routine use statements for the CSC—2 and CSC/GOVT—3 systems.

After consideration of all comments received, the Commission has amended these routine use statements. Routine use "c" of the Civil Service Retirement and Insurance Records system (CSC—2) is amended to read as follows:

c. To disclose to health insurance carriers contracting with the Commission to provide a health benefits plan under the Federal Employees Health Benefits Program, information necessary to identify enrollment in a plan, to verify eligibility for payment of a claim for health benefits, or to carry out the coordination of benefits provisions of such contracts.

Routine use "g" of the General Personnel Records system (CSC/GOVT—3) is amended to read as follows:

g. Disclosed to health insurance carriers contracting with the Commission to provide a health benefits plan under the Federal Employees Health Benefits Program, to identify enrollment in a plan, to verify eligibility for payment of a claim for health benefits, or to carry out the coordination of benefits provisions of such contracts.

These amendments are effective October 28, 1977.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-31302 Filed 10-27-77;8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby

given that a meeting of the Computer Systems Technical Advisory Committee will be held on Friday, November 11, 1977, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, including technical data or other information related thereto and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by Rauer H. Meyer, Director, Office of Export Administration.

(2) Election of Chairman.

(3) Presentation of papers or comments by the public.

(4) Report on the work programs of the Subcommittees: (a) Technology Transfer; (b) Foreign Availability; and (c) Hardware.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer System Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: October 21, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.77-31303 Filed 10-27-77;8:45 am]

[3510-25]

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Electronic Instrumentation Technical Advisory Committee will be held on Wednesday, Novemebr 9, 1977, at 9:30 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. In view of the urgent need for the Committee to prepare recommendations for the joint meeting of the Technical Advisory Committees on November 10 and because the charter of the Committee was not signed until October 21, 1977, this notice is being published less than 15 days in advance of the meeting.

The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973. On October 7, 1975 and October 21, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on October 21, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409 that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Electronic Instrumentation Technical Advisory Committee and of any subcommittees thereof is hereby published.

Dated: October 26, 1977.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, U.S. Department of Commerce.

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

DETERMINATION

In response to written requests of representatives of a substantial segment of the electronic industry, the Electronic Instrumentation Technical Advisory Committee was established by the Secretary of Commerce pursuant to Section 5(c)(1) of the Export Administration Act of 1969, 50 U.S.C. App. 2404(c)(1) (Supp. V, 1975), to advise the Department of Commerce with respect to questions involving (A) technical

matters, (B) worldwide availability, and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls.

The Committee, which currently has nine members representing industry and seven members representing government agencies, will terminate no later than August 29, 1979, unless extended by the Secretary of Commerce or her designee. All members of the Committee have the appropriate security clearances.

The Committee's activities are conducted pursuant to 50 U.S.C. App. 2404(c)(1), the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 1 (Supp. V, 1975), and the Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, provides that advisory committee meetings or portions thereof may be exempt from the open meeting and public participation requirements of the Federal Advisory Committee Act if the President, or the head of the agency to which the advisory committee reports, determines that such meetings or portions thereof may be closed to the public in accordance with 5 U.S.C. 552b(c).

5 U.S.C. 552b(c)(1) provides that agency meetings or portions thereof may be closed to the public where they are likely to disclose matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.

Six Notices of Determination authorizing the closing of meetings, or portions thereof, of the Electronic Instrumentation Technical Advisory Committee and its formal subcommittees, dealing with security classified matters, have been approved in the past.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as proposed changes, is now or will be security classified for national defense or foreign policy reasons, pursuant to Executive Order No. 11652, 3 CFR Part 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the series of meetings or portions of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) Pub. L. 94-409, that the series of meetings of the Government in the Sunshine Act, or portions of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period from the date of the signing of this Determination, to August 29, 1979, from the provisions of Section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in 5 U.S.C. 552b(c)(1). The remaining portions of the meetings will be open to the public.

Dated: October 21, 1977.

ELSA A. PORTER,
Assistant Secretary for Administration.

ALFRED MEISNER,
Acting General Counsel.

[FR Doc.77-31351 Filed 10-27-77;8:45 am]

[3510-25]

JOINT MEETING—SIX TECHNICAL ADVISORY COMMITTEES

Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the six technical advisory committees listed below will be held on Thursday, November 10, 1977, at 9:30 a.m. in Room 6802, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

1. Computer Systems Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharted and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

2. Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

3. Numerically Controlled Machine Tool Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

4. Semiconductor Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration, approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

5. Electronic Instrumentation Technical Advisory Committee. This Committee was initially established on October 23, 1973. On October 7, 1975 and October 21, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1) and the Federal Advisory Committee Act.

6. Telecommunications Equipment Technical Advisory Committee. This Committee was initially established on April 5, 1973. On March 12, 1975 and March 16, 1977, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act, of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

These committees, where they have expertise in such matters, advise the Office of Export Administration, U.S. Department of Commerce, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any articles, materials, and supplies, including technical data or other information, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls.

The Committees will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration with the concurrence of the delegate of the General Counsel, has formally determined, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed by each of the aforementioned Technical Advisory Committees in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under

criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Committees in the Executive Session of the joint meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202–377–4196.

Following are the dates of approval of the Notices of Determination to close meetings or portions thereof of the series of meetings of the Technical Advisory Committees involved in this joint meeting, and of any subcommittees thereof, the dates the full texts of the Notices of Determination were published in the FEDERAL REGISTER, and the FEDERAL REGISTER citations:

	Date approved	Date published
Computer Systems Technical Advisory Committee	Jan. 27, 1977	Feb. 2, 1977 (42 FR 6374).
Computer Perispherals, Components and Related Test Equipment Technical Advisory Committee.	do	Feb. 8, 1977 (42 FR 7973).
Numerically Controlled Machine Tool Technical Advisory Committee.	do	Feb. 1, 1977 (42 FR 5991).
Semiconductor Technical Advisory Committee	do	Mar. 2, 1977 (42 FR 12078).
Electronic Instrumentation Technical Advisory Committee	Oct. 21, 1977	Published today.
Telecommunications Equipment Technical Advisory Committee	Apr. 22, 1977	May 25, 1977 (42 FR 26682).

This notice is being published in less than 15 days in advance of the meeting because the charter of the Electronic Instrumentation Technical Advisory Committee was not signed until October 21, 1977.

Dated: October 25, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, U.S. Department of Commerce.

[FR Doc.77-31304 Filed 10-27-77;8:45 am]

[3510–25]

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on November 17, 1977 at 1:30 p.m. in Room 6802, Department of Commerce, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats wil be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202–377–5078.

Dated: October 25, 1977.

ARTHUR GAREL,
Director, Office of Textiles.

[FR Doc.77-31293 Filed 10-27-77;8:45 am]

[3510–24]

Economic Development Administration

DIRZIS PRODUCTS COMPANY, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Dirzis Products Company, Inc., 85–12 101st Street, Richmond Hill, New York 11428, a producer of suit coats and sport jackets for men and women, was accepted for filing on October 18, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Depratment of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-31194 Filed 10-27-77;8:45 am]

[3510–24]

GUTMAN KESSLEN SHOES, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Gutman Kesslen Shoes, Inc., North Commercial Street, Manchester, New Hampshire 03105, a producer of footwear for women, was accepted for filing on October 19, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-31195 Filed 10-27-77;8:45 am]

[3510–12]

National Oceanic and Atmospheric Administration

FISHERY MANAGEMENT PLAN FOR COMMERCIAL TROLL AND RECREATIONAL SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Availability of Draft Environmental Impact Statement/Fishery Management Plan and Notice of Public Hearings

Pursuant to Title III of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265) the Pacific Fishery Management Council prepared a fishery management plan for commercial troll and recreational salmon fisheries off the coasts of Washington, Oregon, and California which was approved by the Secretary of Commerce (42 FR 21415). The Pacific Marine Fishery Council and

NOAA have jointly prepared a draft environmental impact statement for the proposed revision of the fishery management plan in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969.

The draft revised plan includes an extensive range of alternatives for public review as well as clearly identified preferred options, allowing the public to focus on the kind of ocean management regime that the Pacific Fishery Management Council is contemplating. The proposed regulatory pattern is largely the same as it was during 1977. The Council will not make its final decisions on the proposed revisions until the public review process is complete. Written comments may be submitted on or before December 12, 1977, to the Chairman, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201, or to the Regional Director, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109.

Individuals or organizations wishing to comment on the draft environmental impact statement/fishery management plan may also do so at public hearings to be held at the times and locations listed below:

City	Time and date, 1977	Location
Seattle, Wash.	Nov. 19, 9 a.m.	Georgian Room, Olympic Hotel, 4th and Seneca Sts., Seattle 98101.
Monterey, Calif.	Nov. 19, 1 p.m.	Steinbeck Forum, Conference Center, 1 Portola Plaza, Monterey 93940.
Austoria, Oreg.	Nov. 20, 1 p.m.	Auditorium, Astoria Middle School, 1100 Klaskanine Ave., Astoria 97103.
Lewiston, Idaho	Nov. 21, 7 p.m.	Morgan's Alley Theater, 300 Main St., Lewiston 83501.
Coos Bay, Oreg.	do.	Auditorium, Coos Bay Public Library, 525 West Anderson, Coos Bay 97420.
Eureka, Calif.	Nov. 22, 7:30 p.m.	Carson Building Auditorium, Harris and J Sts., Eureka 95501.

Copies of the draft environmental impact statement/fishery management plan are available for inspection at the following locations:

Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201.

National Marine Fisheries Service, Lake Union Building, Room 210, 1700 Westlake Avenue North, Seattle, Washington 98109.

National Marine Fisheries Service, Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska 99801.

National Marine Fisheries Service, Room 2024, U.S. Customs Building, 300 South Ferry Street, Terminal Island, California 90731.

Environmental Science Information Center, Page Building 2, Room 193, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

This Notice of Availability is being published at the request of and in cooperation with the Pacific Fishery Management Council.

Dated: October 25, 1977.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.77-31299 Filed 10-27-77;8:45 am]

[3510-12]

PACIFIC FISHERY MANAGEMENT COUNCIL AND ITS SCIENTIFIC AND STATISTICAL COMMITTEE AND ADVISORY PANEL

Public Meeting With Partially Closed Session

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, notice is hereby given of a meeting of the Pacific Fishery Management Council, established by Section 302, and its Scientific and Statistical Committee and Advisory Panel, established by Section 302(g), of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The meeting will be held Monday and Tuesday, November 14-15, 1977, Airport Marina, 8601 Lincoln Boulevard, Los Angeles, California 90045.

The Scientific and Statistical Committee will meet in the Board Room, at 11:00 a.m. and adjourn about 5:00 p.m. on November 14, 1977. The Committee will tentatively reconvene, dependent upon Council developments, at 8:00 a.m. and adjourn about 5:00 p.m. on November 15, 1977.

PROPOSED AGENDA

1. Consideration of development of fishery management plans.

2. Organization of the Council, including fishery advisory panel and management development teams, and operational procedural matters.

3. Other committee business.

The Pacific Fishery Management Council will meet in the Savoy Room, at 1:00 p.m. and adjourn about 5:00 p.m. on November 14, 1977, and reconvene at 10:00 a.m. and adjourn about 5:00 p.m. on November 15, 1977. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

NOVEMBER 14

1. Organization of the Council, including its staff, advisory panels, and committees and operational and procedural matters.

2. Consideration of fishery management plans for salmon, groundfish, anchovy, squid, Dungeness crab, and/or pink shrimp.

NOVEMBER 15

1. Closed session to discuss classified material in connection with the renegotiation of the International North Pacific Fisheries Commission, and continuing negotiations with the Canadians.

2. Continuation of consideration of Fisheries Management Plans.

3. Other management business.

The meeting is open to the public. For information on seating arrangements, changes to the agenda, and/or written comments, contact: Mr. Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 S.E. Mill Street, Second Floor, Portland, Oregon 97201; Telephone: (503) 221-6352.

A closed session of the Council is planned for the early morning of the last day, November 15, from 8:00 a.m. through 10:00 a.m. to hear Department of State reports and other related Council business in connection with the renegotiation of the International North Pacific Fisheries Commission, and continuing negotiations with the Canadians, properly classified under Executive Order 11652. Only those Council members having security clearances will be allowed to attend this closed session.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined, on October 21, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in closed session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because these items will be concerned with matters authorized to be kept secret in the interest of national defense or foreign policy and properly classified pursuant to Executive Order 11652. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.)

Dated: October 25, 1977.

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

[FR Doc.77-31223 Filed 10-27-77;8:45 am]

[3510-25]

Office of the Secretary

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Renewal

In accordance with the provisions of the Federal Advisory Committee Act, (5 U.S.C. App. I (Supp. V, 1975)) and the Office of Management and Budget Circular A-63 of March 1974, and after consultation with members of the Committee, the Assistant Secretary for Administration has determined that the renewal of the Electronic Instrumentation Technical Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department of Commerce by law.

The Committee was initially established by the Secretary of Commerce on October 23, 1973, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1) (Supp. V, 1975). Its purpose was and continues to be to perform the advisory functions set forth in the Export Administration Act of 1969, as amended. The Committee advises and assists with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect

the level of export controls applicable to electronic instrumentation, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls.

The Committee has been active during the past two years. The technical findings and recommendations which have been submitted to the Department and the report on which the Committee is currently working, will be utilized not only by the Department, but also by other agencies, including the Departments of State and Defense, in formulating the U.S. Government's position with regard to international negotiations on continuing or modifying existing international export controls over commodities within the purview of the Committee.

Inasmuch as there is considerable technical input from industry, the information and recommendations could not be obtained as effectively from other sources within the Department, from other advisory committees of the Department, or from another Federal agency.

Pursuant to its charter, the Committee will consist of not more than 35 members from industry and government who are appointed by the Assistant Secretary for Domestic and International Business.

The Committee will continue to function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress, and a copy will be forwarded to the Library of Congress concurrent with the publication of this notice.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone, A/C 202-377-4196.

Date: October 21, 1977.

ELSA A. PORTER,
Assistant Secretary for Administration.

[FR Doc.77-31305 Filed 10-27-77;8:45 am]

[3510-17]

Office of the Secretary

PRIVACY ACT OF 1974

Proposed New System of Records

The purpose of this notice is to propose a Privacy Act System of Records for the interagency Task Force on Women Business Owners entitled: Talent and Experience File of Women's Business Experts, COMMERCE/WBO-1.

The purpose of this new system is to develop an information and talent resource comprised of individuals having knowledge of women's business operations, problems and discriminations.

The Task Force was established by an August 4, 1977 Presidential memorandum, to identify the discriminatory practices and conditions that confront women entrepreneurs or that discourage women who desire to become entrepreneurs. This memorandum made the Secretary of Commerce responsible for appointing a staff to carry out the Task Force functions, and stated that the Commerce Department designee to the interagency group would chair the Task Force. The Task Force staff must report its findings and recommendations to the President by February 1978.

As authorized by 5 U.S.C. 301, 15 U.S.C. 1512 and 44 U.S.C. 3101, the Task Force and its staff will maintain records containing personal background and experience data on individuals communicating with or possessing knowledge or skills of relevance to the Task Force. They will use the resource to identify and assess existing data; identify discriminatory practices and conditions; assess current Federal programs and practices that maintain or mitigate discrimination; and propose changes in Federal law, regulation and practice, and assess their impact on the Federal budget.

As required by the Privacy Act, the Commerce Department submitted a New System Report dated October 12, 1977 to the Congress and to the Office of Management and Budget.

Although the Act requires the opportunity for public comment only as to the proposed routine uses, comments regarding any portion of this Notice will be given due consideration before final publication. Any interested person may submit written data, views or arguments, to the Assistant Secretary for Administration (Attention: Information Management Division, Room 5319), U.S. Department of Commerce, 14th & E Streets, NW., Washington, D.C. 20230, any time on or before November 28, 1977.

The comments will be available, as received, for public inspection at the above address between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday (except holidays).

This system of records will become effective 30 days from the date of publication (November 28, 1977), provided the Department's request for a waiver of the 60-day advance notice requirement is granted by the Office of Management and Budget, or unless the Department notices to the contrary.

AUTHORITY: 5 U.S.C. 552a(e) (4) and (11). Section 3 of the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896).

Dated: October 12, 1977.

ELSA A. PORTER,
Assistant Secretary for Administration.

COMMERCE/WBO-1

System name:

Talent and experience file of women's business experts-COMMERCE/WBO-1.

System location:

Office of the Secretary, U.S. Department of Commerce, 14th & E Streets and Constitution Avenue, N.W., Washington, D.C. 20230.

Categories of individuals covered by the system:

Individuals: with whom the Task Force communicates; having knowledge of women's business operations, problems and discriminations; or having special skills which would be of assistance to the Task Force.

Categories of records in the system:

Personal background data normally including name, age, address, telephone numbers, Social Security number, business and work experience, educational background, professional association memberships, publications and information on areas of expertise.

Authority for maintenance of the system:

5 U.S.C. 301; 15 U.S.C. 1512; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is disclosed to other Federal agencies upon their request to provide names and addresses of individuals who possess special skills or expertise related to the problems of women business owners. General routine uses in the Prefatory Statement also apply.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders; index card file system.

Retrievability:

Filed alphabetically by individual's name.

Safeguards:

Records are contained in lockable metal file cabinets on premises with access limited to individuals whose official duties require access.

Retention and disposal:

Retained on site for five (5) years and then disposed of in accordance with the Office of the Secretary Records Control Schedule.

System manager(s) and address:

Deputy Under Secretary for Regional Affairs, Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure:

Information may be obtained from: Chairperson of Presidential Task Force on Women Business Owners, Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230.

Record access procedures:

Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures:

The Department's rules for access, for contesting contents, and for appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Requests from individuals should be addressed as stated in the Notification Section above.

Record source categories:

Subject individual; those authorized by the individual to furnish information; public reference sources; government, private and public interest organizations.

[FR Doc.77-31271 Filed 10-27-77;8:45 am]

[6820-33]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1977 a commodity to be produced by and a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: October 28, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On September 2, 1977 and July 29, 1977 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (42 FR 44260) and (42 FR 38627) of proposed additions to Procurement List 1977, November 18, 1976 (41 FR 50975).

After consideration of the relevant matter presented, the Committee has determined that the commodity and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodity and service are hereby added to Procurement List 1977:

Class 6645

Clock, Wall (IB) 6645-01-046-8849.

SIC 7331

Tax Form Order Fulfillment Service (SH), Internal Revenue Service, Buffalo, N.Y.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-31273 Filed 10-27-77;8:45 am]

[6820-33]

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: December 1, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 7530

Notebook, Stenographer's, 7530-00-223-7939. Increase from 2,100,000 annually to 100% annually.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-31274 Filed 10-27-77;8:45 am]

[3125-01]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

The following is a list of environmental impact statements received by the Council on Environmental Quality from October 17th through October 21st, 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. (December 12, 1977) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to Commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Draft

Almanor Unit Plan, Lassen N.F., Plumas, Tehama, and Lassen Counties, Calif., October 19: Proposed is a land use plan for a portion of the Almanor Ranger District, Lassen National Forest in Plumas, Tehama, and Lassen Counties, Calif. The plan applies to 145,033 acres of National Forest land within an area containing approximately 260,103 acres. The Unit contains the Butt Mountain Inventoried Roadless area. Four alternative plans are currently under consideration; the preferred alternative provides for a basic continuation of the management now being carried out under the District Multiple Use Plan, but places the written plan in a format and terminology consistent with present Forest Service direction. (ELR Order No. 71287.)

South Fork Mtn. Unit Plan, Shasta-Trinity N.F., Trinity County, Calif., October 17: Proposed is a comprehensive land management plan for the South Fork Planning Unit, Shasta-Trinity National Forest. The plan applies to approximately 77,800 acres in the headwaters of the South Fork of the Trinity River. The area lies entirely within Trinity County. Four alternative plans are currently under consideration. An area of 1,140 acres has been proposed as a candidate for a Research Natural Area by the Shasta-Trinity National Forest in all areas. The objective in establishing such an area is to protect the Pacific-Douglas fir. (ELR Order No. 71288.)

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.

NAT'L OCEANIC AND ATMOSPHERIC ADMIN.

Final

Atlantic Clam Fishery Management, October 17: The Mid-Atlantic Regional Fisheries Management Council has proposed the adoption of this management plan for surf clam and ocean quahogs caught off the Mid-Atlantic and Northeastern U.S. The objectives of the plan are to: rebuild the declining Surf Clam stocks within a 10 year period; minimize the short term economic dislocation the extent possible consistent with the rebuilding of the surf clam stocks, and promote economic efficiency; and prevent overfishing of the ocean quahog stocks. Few adverse effects are anticipated. Comments made by: DOC, USCG, EPA, and state agencies. (ELR Order No. 71292.)

Tanner Crab off Alaska, FMP, Alaska, October 21: Proposed is the adoption and implementation of a fishery management plan for domestic and foreign commercial fisheries for Tanner Crab in the North Pacific Ocean off the coast of Alaska. The plan recommends restriction of foreign harvest in the U.S. Conservation Zone to the area of the eastern Bering Sea north of 58 degrees 00 minutes N. latitude and west of 164 minutes degrees 00 minutes West longitude. This action would effectively eliminate foreign harvest of "C. bairdi", the larger of the two species primarily harvested and the one cur-

rently in demand by the U.S. industry, and would remove foreign gear from conflicting areas. Comments made by: DOT, DOI, EPA, state and local agencies, concerned groups, and individuals. (ELR Order No. 71307.)

Gulf of Alaska Groundfish—PMP, 1978, Alaska, October 21: The proposed action is to adopt and implement a fishery management plan for the groundfish fishery of The Gulf of Alaksa. The purpose of the management plan is to manage the groundfish fishery in the Gulf for the optimum yield, and to allocate harvest between domestic and foreign fishermen. No significant adverse effects are anticipated as a result of the proposed action. Comments made by: DOT, DOI, EPA, state and local agencies, concerned groups, and individuals. (ELR Order No. 71308.)

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, S.W., Washington, D.C. 20314 (202-693-6795).

Draft

Sweetwater-Paradise Marshlands, Conservation and Recreation, San Diego County, Calif., October 17: The proposed plan involves construction of recreation facilities and acquisiton of 188 acres of the Sweetwater-Paradise Marsh complex for (a) mitigation of effects resulting from construction of the Sweetwater River Flood Control Channel, and (b) preservation of lands for endangered species. As a corollary element of the recommended plan, the San Diego Unified Port District will lease 50 acres of mudflats as buffer area, and the California Department of Transportation will acquire 11 acres of degraded saltpan and marsh and reestablish them as high quality marsh habitat. There are few known adverse impacts. (Los Angeles District) (ELR Order No. 71290.)

Sweetwater River Flood Control Channel, S.R. 54, San Diego County, Calif., October 17: Proposed is a project combining 3.4 miles of earth-bottom trapezoidal channel to provide for flood protection with a state of California freeway project. About 1.9 miles of the channel will be located between the eastbound and westbound lanes of State Route 54. I-5 will be modified with the addition of one southbound lane, 1.5 miles in length, and a freeway-to-freeway interchange with S.R. 54. The project will include recreation facilities and acquisition of 188 acres of the Sweetwater-Paradise marsh complex. Adverse effects include loss of 295 acres, 26 of which are saltflat and mudflat, and increased pollution from vehicular exhaust. (Los Angeles District) (ELR Order No. 71291.)

Supplement

Cowanesque Lake, Nelson Relocation (S-1), Tioga County, Pa., October 17: This statement supplements a final EIS filed with CEQ in March of 1973. The proposed action is the relocation of the town of Nelson in northern Tioga County, Pa. The proposed action differs from the plan presented in the draft and final EISs on the Cowanesque Dam and Lake which anticipated dispersed relocation of the residents of Nelson. Included in the plan are provisions for a town center comprised of a town hall and fire station, new town roads, sewer and water systems and three housing areas with a total of 74 housing lots. (ELR Order No. 71289.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

Draft

Stationary Gas Turbines, Proposed Standards, October 17: Proposed are standards of performance for stationary gas turbines under Section 111 of the Clean Air Act. These standards would limit emissions of nitrogen oxides and sulfur dioxide from stationary gas turbines whose peak load is equal to or greater than 10.7 gigajoules per hour heat input. The numerical emission limit for NO_x would be 75 ppm by volume corrected to 15 percent oxygen and ISO ambient atmospheric conditions. The proposed standard would also niclude an adjustment factor for gas turbine efficiency and a fuel-bound nitrogen allowance. (ELR Order No. 71294.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240 (202-343-3891).

BUREAU OF OUTDOOR RECREATION

Draft

Seneca State Park, Montgomery County, Md., October 18: Proposed is the acquisition of 46 inholdings, and the development of picnic, interpretive and recreational facilities within Seneca State Park, a 12-mile recreation corridor along the Great Seneca Creek. Approximately 2,701 acres of land will be acquired and a major day-use recreation area established. The Park has been under active acquisition and development since 1955. Acquisition will result in the dedication of 6,609 acres for park and open space use and the relocation of 6 families. (ELR Order No. 71296.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202-755-6308).

Draft

Northglen Subdivision, Harris County, Tex., October 17: Proposed is the acceptance of the Northglen Subdivision in Harris County, Tex. for home mortgage insurance purposes. The proposed subdivision encompasses approximately 627 acres and is expected to consist of approximately 2460 dwelling units. Adverse impacts include the increased loading of solid waste disposal sites, increased groundwater consumption, and increased demand for fossil fuels through heavy dependence upon the automobile for transportation. (ELR Order No. 71293.)

Final

Sommerall Subdivision, Texas, Harris County, Tex., October 20: Proposed is the development of 273.82 acres into a planned community composed of 1,116 single-family homes, with 45 acres for commercial use in Harris Co. Tex. The development provides for the planning and controlling of a wide range of living accomodations for approximately 4200 people. Adverse effects would include the loss of agricultural land and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. Comments made by: EPA, COE, AHP, DOT, DOI, USDA, state agencies, and interest groups. (ELR Order No. 71298.)

Woodland Trails West Subdivision, Harris County, Tex., October 21: The proposed action is the acceptance, for HUD/FHA mortgage insurance purposes, of the 330-acre Woodland Trails West Subdivision located in Harris County, Tex. When completed in approximately six years, the subdivision will contain approximately 950 single-family homes plus some attached single-family and multi-family housing and shopping and recreational activities. Adverse effects include loss of grazing land and open space, as well as an increased demand for fossil fuels through heavy dependence on the automobile for transportation. Comments made by: AHP, COE, EPA, DOI, HUD, and state and local agencies. (ELR Order No. 71305.)

Section 104(h)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

Draft

Boykin, Ala., Water System and Road Improvement, Wilcox County, Ala., October 18: Proposed is the construction of a water system and road paving project in the Boykin Community, Wilcox County, Ala. The water project will consist of 10.5 miles of water mains. Six-inch pipe will be used for all mains with the exception of the short dead end lines that do not indicate future expansion; a 125,000 gallon elevated storage tank will be located at the north end of the system. The road improvement project consists of upgrading 2.84 miles of the present gravel surfaced roadways that run through the Boykin Community. Construction activities will cause short-term disruption. (ELR order No. 71300.)

Fairfax, Va., Lincoln/Lewis/Vannoy Sewage Facilities, Fairfax County, Va., October 21: Proposed is the installation of a small diameter, low pressure sewer system to provide sewage collection and conveyance to centralized treatment and disposal facilities in the Lincoln-Lewis-Vannoy Conservation Area of Fairfax County, Va. The system will be funded with Federal Community Development Block Grants and County revenues. Adverse effects include the commitment of land to new use and the loss of some trees and animal species. (ELR order No. 71306.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Jimmy Stewart Airport, Indiana County, Pa., October 18: The project involves the development of the Jimmy Stewart Airport in the City of Indiana, Indiana County. Project measures consist of extension of runway 28, land acquisition for extension and approach zones, and stabilization of a crosswind turf landing strip. A total of 223 acres of woods and farmland will be acquired. Adverse impacts include the disruption of three farms and increased noise levels. Comments made by: USDA, EPA, DOI, COE, FPC, HEW, DOT, State and local agencies. (ELR order No. 71301.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-20, I-30 to I-820, Tarrant and Parker counties, Tex., October 18: The proposed project calls for the construction of I-20 from the proposed junction with I-30, 1.0 mile west of the Tarrant-Parker County line, southeasterly to a junction with I-820 in the southwest area of the City of Fort Worth, adjacent to Benbrook, Tex. The proposed project will be a basic four-lane freeway, eight miles in length with controlled access features. Adverse effects include the acquisition of 900 acres of land, disruption

of wildlife, and construction-related pollution. (Region 6.) (ELR order No. 71299.)

Final

Michigan—U.S. 127, Hillsdale, Lenawee, and Jackson Counties, Mich., October 19: The proposed project is the improvement of 10.4 miles of U.S. 127. 900 acres of land will be acquired, along with 17 homes, four businesses, and seven farms. The facility will traverse the Blue Ridge Esker, Goose Creek and the Grand River. Major adverse impacts will consist of: interference with or alteration of existing natural surface and subsurface drainage patterns and wetland features; loss of aquatic and wildlife habitat; loss of timber and flora; increased siltation and erosion from stream crossings and relocations; and the introduction of high noise levels on a rural environment. Comments made by: DOT, HUD, COE, DOI, EPA, DOC, USDA, State and local agencies, concerned groups and individuals. (ELR order No. 71302.)

I–35, U.S. 61, Duluth, St. Louis County, Minn., October 18: The proposed project (recommended alternative) is the extension of the inplace 4-lane divided Interstate highway (I–35) in the City of Duluth, St. Louis County, Minn. The project begins at Mesaba Ave. (current terminus of I–35), and continues eastward to 26th Ave. E. The proposed project would be constructed in two 1.8 mile sections. Adverse impacts include the displacement of 19 residential units and 92 businesses, temporary loss of sections of Leif Erikson Park, and construction related pollution. (Region 5.) Comments made by: DOT, DOI, HEW, DOC, EPA, USDA, COE, AHP, State and local agencies. (ELR order No. 71297.)

Texas I–40, U.S. 83 to Alanreed, Wheeler and Gray Counties, Tex., October 20: Proposed is the completion of I–40 in Wheeler and Gray Counties between U.S. 83 in Shamrock West to 0.25 mile west of the west city limits of Alanreed. That portion of I–40 in Wheeler County has been completed; therefore, this project would construct the 12-mile section of controlled-access four-lane divided highway in Gray County requiring over 450 acres of right-of-way. Adverse effects include the displacement of three to twenty families and two to three businesses. (Region 6.) Comments made by: DOT, HEW, USDA, DOI, EPA, State and local agencies. (ELR order No. 71304.)

VETERANS ADMINISTRATION

Contact: (For Housing Programs) Mr. Lyman T. Miller, Assistant Director for Construction and Valuation, Veterans Administration, 810 Vermont Avenue, Washington, D.C. 20420, 202–389–2691. (Medicine and Surgery) Mr. Jon E. Baer, Chief, Environmental Planning Division, Veterans Administration, Washington, D.C., 202–389–3316.

Final

N.Y. National Cemetery Long Island, N.Y., October 19: The proposed action is construction of a 902+ acre National Cemetery to be located on Long Island near Calverton, N.Y. The proposed development will include but not be limited to: space for 370,000+ interments, and administration building, a memorial center, a commital service center, a maintenance complex and other associated cemetery functions. The action will result in loss of farmland, woodland, and wildlife habitat; increased traffic volume; and construction-associated impacts. Comments made by: USDA, HEW, DOC, DOI, DOD, DOT, AHP, State and local agencies. (ELR order No. 71303.)

NICHOLAS C. YOST,
Acting General Counsel.

[FR Doc.77–31290 Filed 10–27–77;8:45 am]

[3810–70]

DEPARTMENT OF DEFENSE

Department of the Air Force

PRIVACY ACT OF 1974

New Systems of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notification of new systems of records.

SUMMARY: The Department of the Air Force has created three new systems of records subject to the Privacy Act. These new systems are identified as follows: F06608 SAC A, ICBM Maintenance Standardization and Evaluation Program; F06711 AFSC A, Equipment Maintenance Management Program (EMMP); and F07601 MAC A, Passenger Reservation and Movement System. These systems are published in their entirety below.

DATES: These systems shall become effective as proposed without further notice in 30 calendar days from the date of this publication (November 28, 1977) unless comments are received on or before November 28, 1977, which would result in a contrary determination.

ADDRESS: Send comments to the system manager identified in the particular system notice concerned.

FOR FURTHER INFORMATION CONTACT:

Mr. Jon Updike, HQ USAF/DADMP, Bolling AFB, Washington, D.C. 20330, Telephone 202–767–4545.

SUPPLEMENTARY INFORMATION: The Department of the Air Force systems of records notices as prescribed by the Privacy Act have been published in the FEDERAL REGISTER (FR Doc. 77–28255) on September 28, 1977 at 42 FR 50785. The Department of the Air Force submitted three proposed new systems of records on September 14, 1977, pursuant to the provisions of the Office of Management and Budget (OMB) Circular No. A–108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974, 5 U.S.C. 552a(o) (Pub. L. 93–579). This OMB Guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

OCTOBER 25, 1977.

F06608 SAC A

System name:

ICBM Maintenance Standardization and Evaluation Program.

System location:

Headquarters Strategic Air Command (SAC), Eighth and Fifteenth Air Force; all SAC missile wings/divisions; 3901 Strategic Missile Evaluation Squadron. Official mailing addresses are in the Department of Defense directory in the Appendix to the Air Force's systems notice.

Category of individuals covered by the system:

Intercontinental Ballistics Missile maintenance personnel assigned to Missile Maintenance, Munitions, Communications, and Civil Engineering who have been designated by local maintenance managers as being in the evaluation program.

Categories of records in the system:

Evaluation records on technical proficiency, including manual and automated summaries of task performance. Administrative records of Evaluation Review Panels, including comments on substandard task performance, required corrective action or training, and follow-up actions.

Authority for maintenance of the system:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To record individuals maintenance task performance results. This information is used by SAC to determine, rate, and evaluate individual maintenance performance as it contributes to the unit maintenance effort.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, card files, computer magnetic tapes, and computer paper print-outs.

Retrievability:

Filed and retrieved by name, team number, team type, date.

Safeguards:

Records are accessed by person(s) in performance of official duties. Records are stored in locked rooms or cabinets. Records are controlled by computer system software.

Retention and disposal:

Retained on file until superseded, obsolete, or no longer needed for reference. Destroyed when individual permanently leaves duties assigned in evaluation program. Current records may be forwarded to gaining unit if assigned to another SAC unit. Computerized evaluation records are forwarded periodically to 3901 Strategic Missile Evaluation Squadron. Destroyed by tearing into pieces, shredding, pulping, burning or macerating.

System manager(s) and address:

Director of Missile Maintenance, Headquarters Strategic Air Command,

Offutt Air Force Base, Nebraska 68113. Functional Area Managers in addition to Director of Missile Maintenance are: Director of Facilities, Director of Munitions and Director of Communications-Electronics. Field evaluations and statistical analysis of evaluation results are performed by 3901 Strategic Missile Evaluation Squadron, Vandenberg Air Force Base, California 93437. System Managers at installation level are: Chief of Maintenance in Missile Maintenance, Communications, Munitions and Civil Engineering Squadrons.

Notification procedures:

Requests from individuals should be addressed to the system manager of unit to which assigned. Request information by name, grade, and unit of assignment.

Record access procedures:

Individual can obtain access from the system manager of unit to which assigned.

Contesting record procedures:

The Air Force's rules for access to and for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Information obtained from source documents (such as forms and reports) prepared by or on behalf of the Air Force by boards, committees, panels, auditors, instructors, inspectors, evaluators, and so forth.

Exemptions:

None.

F06711 AFSC A

System name:

Equipment Maintenance Management Program (EMMP).

System location:

Aeronautical Systems Division, Computer Center, Wright-Patterson AFB, OH.

Categories of individuals covered by the system:

Military and civilian personnel in Aeronautical Systems Division, Air Force Avionics Laboratory, Air Force Flight Dynamics Laboratory, Air Force Aero Propulsion Laboratory, Air Force Materials Laboratory, Air Force Human Resources Laboratory and Aerospace Medical Research Laboratory at Wright-Patterson AFB having custody of high value precision measurement equipment.

Categories of records in the system:

Equipment maintenance management data on equipment signed out to individuals by equipment item number, model number, date checked out, Office symbol, calibration due date, user security number and name.

Authority for maintenance of the system:

10 U.S.C. 8012, Secretary of the Air Force: Powers and duties; deligation by and Executive order 9397, 22 November 1943, Number System for Accounts Relating to Individual Persons.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

Maintain maintenance and management control of high value equipment including issuance, security and storage, and recalibration.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on computer magnetic tapes and computer paper printouts.

Retrievability:

Records may be retrieved by custodian name and social security number or by equipment ID number and manufacturer.

Safeguards:

Computer records are maintained under systems software with password control. Printouts are kept in locked cabinets and desks. Offices and buildings are locked after duty hours.

Retention and disposal:

Printouts are kept up to a two weeks maximum and then destroyed by tearing into pieces.

Systems manager and address:

Air Force Wright Aeronautical Laboratory, Logistics Office, Assistant for Operations, Wright-Patterson AFB, OH 45433.

Notification procedure:

Requests from individuals should be addressed to the system manager. Requesting individuals will be required to supply full name and office symbol or name of immediate supervisor for telephone requests; full name, driver's license or base card for personal visits.

Record access procedures:

Individual can obtain assistance in gaining access from the System Manager, telephone area code 513–255–4522.

Record source categories:

Individuals and automated systems interface.

Systems exempted from certain provisions of the act:

None.

F07601 MAC A

System name:

Passenger Reservation and Movement System.

System location:

Headquarters Military Airlift Command (MAC), Scott AFB, Illinois; Aerial Ports of Embarkation and Debarkation, military airfields or installations (all services), certificated air carriers at civil (commercial) airports, and any activity or agency responsible for initiating or receiving a request for the movement of personnel and their baggage; manifesting, tracing and billing actions; and statistical data collection. Official mailing addresses are in the Department of Defense directory or the current United States Government manual. Commercial air carrier addresses are listed in the Official Airlines Guide.

Categories of individuals covered by the system:

Military, civilian, statutory, congressional and others sponsored by the Secretary of Defense or Military Services Secretaries. The Executive Office, Executive departments, independent agencies, Legislative Branch and the Judicial Branch.

Categories of records in the system:

Travel orders, transportation authorizations, and passenger name records. Categories of information in the passenger name include but are not limited to: Name, grade, seats required; reservation identification code (RIC) which is assigned by a requesting activity or individual passengers and is the social security or other unique identifier; origin, destination, requested travel dates, routing indicator (identifies the activity/installation requesting the reservation), cancellation and type standby codes (identifies the reason the passenger did not depart as scheduled); flight number, departure date and reporting time, and other administrative codings as determined by a Service activity or MAC to facilitate the completion of travel to include baggage tracer and billing actions. The passenger name record is a complete listing of all transportation realted administrative actions related to individual passengers.

Authority for maintenance of the system:

10 USC 8012, Secretary of the Air Force: powers and duties; delegation by.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Passenger name records are used to prepare aircraft manifests for passenger identification processing and movement on military aircraft, commercial contract (charter) aircraft, and on seats reserved (blocked) on regularly scheduled commercial aircraft at military and civilian airports. Records in this system are also used to: (a) Develop billing data to the user Military Services or other organizations; (b) determine passenger movement trends; (c) forecast future travel requirements; and (d) identify research, and resolve transportation related problems. In addition, records may also be used as the basis of disciplinary action initiated by the requesting activity; and the conduct of official investigations. Records from the system are routinely disclosed to other Federal agencies and offices provided transportation, and to civilian airlines and airports for transportation services.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, notebooks/binders, card files, computer paper printouts, computer magnetic tapes, disks, microfiche or rolled microfilm.

Retrievability:

Records on this system may be retrieved by any of the following means: By name—RIC (SSN)—channel, flight number, movement channel, type transaction, type travel, special passenger category, type standby code, passenger cancellation reason code.

Safeguards:

Records are stored in locked cabinets, rooms or buildings. Records are accessed by the custodian and person(s) responsible for servicing the record system in performance of their official duties. Access controlled by the manager and restricted to authorized personnel and, executive software sign on procedures control access to the computer data base.

Retention and disposal:

Transportation authorizations and orders are retained in office files for two years after the annual cutoff, then destroyed. Other records in the system are retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed. These records are destroyed by one of the following means: By tearing into pieces, shredding, pulping, macerating, burning, burial, or degaussing in the case of magnetic computer media.

System manager(s) and address:

Director of Terminal Operations, Deputy Chief of Staff, Air Transportation, Headquarters Military Airlift Command, Scott AFB, Illinois 62225.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager. Full name, reservation identification code, and movement channel are required for inquiries.

Record access procedures:

Individuals can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's system notice.

Contesting record procedures:

The Air Force rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

Record source categories:

Information obtained from military transportation and personnel activities, individuals requesting air travel or from other agencies designated to arrange air passenger reservations.

[FR Doc.77-31218 Filed 10-27-77;8:45 am]

[3810-70]

Office of the Secretary of Defense

WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, January 2, 1978; Tuesday, January 9, 1978; Tuesday, January 16, 1978; Tuesday, January 23, 1978; and Tuesday, January 30, 1978 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authoriaztion of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a gaurantee that the data will be held in confidence (5 U.S.C. 552 b.(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

OCTOBER 25, 1977.

[FR Doc.77-31192 Filed 10-27-77;8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP78-6]

ALABAMA-TENNESSEE NATURAL GAS CO.

Application

OCTOBER 19, 1977.

Take notice that on October 7, 1977, Alabama-Tennessee Natural Gas Co. (Applicant), P.O. Box 918, Florence, Ala. 35603, filed in Docket No. CP78-6 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for 2 years for Reynolds Metals Co., a direct customer of Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that Reynolds would purchase up to 2,500 Mcf of natural gas per day from Mitchell Energy Corp. and Henry Goodrich, d.b.a. Goodrich Oil Co. (Mitchell and Goodrich) in Listerhill, Ala. for plant protection and process needs which are classified in Priority 2 category and for which there exist no other feasible alternate fuel. Reynolds would use the subject gas for the heating, reheating and annealing of aluminum ingots, bars, and coils during rolling and other stages of the manufacturing operation, it is said. It is stated that Reynolds would pay Mitchell and Goodrich for the subject gas a price as follows:

(a) During the first year of the term of the contract a price of $1.68 per million Btu's.

(b) Effective one year after the date of first deliveries, the price would become $1.78 per million Btu's.

Applicant indicates that Reynolds would make all arrangements with Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), and United Gas Pipeline Co. (United) to have said quantities of natural gas delivered to Applicant at Tennessee's Corinth Sales Delivery Point located in Alcorn County, Miss. for its account, Applicant states that it would receive for the account of Reynolds at said Corinth Sales Delivery Point daily volumes of natural gas of up to 2,500 Mcf per day and would transport and deliver to Reynolds at Applicant's existing Sales Delivery Point such volumes.

Applicant indicates that Reynolds would pay Applicant for the proposed transportation service a price which would consist of a volume charge equal to the sum of 20.0 cents per Mcf multiplied by the total of the scheduled daily volumes during such month, times a fraction, the numerator of which be the average monthly Btu of the gas delivered and a denominator of 1000. The volume charge stated above would be subject to a minimum monthly bill charge equal to

the sum of 20.0 cents multiplied by the maximum daily quantity (2,500 Mcf per day) multiplied by the number of days in the month, multiplied by 75 percent, it is said. It is stated that in the event that Producers daily deliveries become less than the maximum daily quantity, then the minimum monthly bill as calculated above would be applied to the volume Producers are able to deliver.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 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 requred 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.77-31204 Filed 10-27-77;8:45 am]

[6740-02]

[Docket No. CP78-9]

COLUMBIA GAS TRANSMISSION CORP.

Application

OCTOBER 19, 1977.

Take notice that on October 11, 1977, Columbia Gas Transmission Corp. (Applicant), 1700 MacCorkle Avenue SE., Charleston, W.Va. 25314, filed in Docket No. CP78-9 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 6,000 Mcf of natural gas per day for Dayton Power & Light Co. (DP&L), a wholesale customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to pubic inspection.

Applicant requests authorization to transport gas for DP&L, which gas Applicant would receive into its Line V near Malvern, Carroll County, Ohio at a specific point to be mutually agreed upon and delivered to DP&L at existing points of delivery in the State of Ohio. Applicant states that DP&L has entered into a gas purchase contract with MB Operating Co., Inc. (MB Operating), an intrastate producer of natural gas, for the purchase of 6,000 Mcf of natural gas per day for a term of 2½ years after the date on which deliveries are first made. The subject gas is to be MB Operating's interest in the Atwood Oil and Gas Field located in Tuscarawas and Carroll Counties, Ohio and would be delivered through MB Operating's Bonanza Pipe Line system it is said. Applicant indicates that it would be necessary for MB Operating to extend its Bonanza Pipe Line system and install compression in order to deliver the gas so purchased into Applicant's Line V.

Applicant states that it would make a charge for such transportation of 20.56 cents per Mcf and would retain for company-use and unaccounted-for gas 4.0 percent of the total volumes of gas delivered into its system by DP&L.

It is stated that DP&L would pay MB Operating $1.75 per Mcf for the purchase of such gas plus 25.0 cents per Mcf for transportation of the gas for the term of the contract.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 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 necessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-31206 Filed 10-27-77;8:45 am]

[6740-02]

[Docket No. CP78-20]

COLUMBIA GAS TRANSMISSION CORP.

Application

OCTOBER 20, 1977.

Take notice that on October 14, 1977, Columbia Gas Transmission Corp. (Applicant), 1700 MacCorkle Avenue, SE., Charleston, W. Va. 25314, filed in Docket No. CP78-20 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing March 1, 1978, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the service presently rendered by Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $300,000, which cost would be financed from funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 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.77-31211 Filed 10-27-77;8:45 am]

[6740-02]

[Docket No. CP78-19]

COLUMBIA GAS TRANSMISSION CORP.

Application

OCTOBER 20, 1977.

Take notice that on October 14, 1977, Columbia Gas Transmission Corp. (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, W. Va. 25314, filed in Docket No. CP78-19 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during the 12-month period beginning March 1, 1978, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers or other similar sellers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the system of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $6,500,000, with no single project to exceed $1,500,000. The cost of the facilities would be financed from funds generated from internal sources, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 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.77-31212 Filed 10-27-77;8:45 am]

[6740-02]

COLUMBIA GAS TRANSMISSION CORP.

Application

[Docket No. CP78-21]

OCTOBER 20, 1977.

Take notice that on October 14, 1977, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E. Charleston, W. Va. 25314, filed in Docket No. CP78-21 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, during the 12-month period commencing March 1. 1978, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Thestated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $3,000,000, with no single project to exceed $500,000. These cost would be financed with funds generated from internal sources, it is said

Any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 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 Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-31213 Filed 10-27-77;8:45 am]

[6740-02]

[Docket No. CP78-22]

CONSOLIDATED GAS SUPPLY CORP. AND EQUITABLE GAS CO.

Application

OCTOBER 20, 1977.

Take notice that on October 14, 1977, Consolidated Gas Supply Corp. (Supply Corp.), 445 West Main Street, Clarksburg, W. Va., 26301 and Equitable Gas Co. (Equitable), 429 Boulevard of the Allies, Pittsburgh, Pa. 15219, (Applicants) filed in Docket No. CP78-22 a joint application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the retention in place and operation, as an additional point of exchange deliveries under an existing natural gas exchange arrangement dated February 9, 1972, between Applicants, of a pipeline interconnection located near Oxford, Doddridge County, W. Va., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants indicate that the subject interconnection was constructed and is currently being utilized to make emergency deliveries of gas to Equitable, and that contemporaneously with such emergency deliveries, Equitable is returning equivalent or substantially equivalent volumes of natural gas to Supply Corp. by arrangement with Texas Eastern Transmission Corp., a pipeline supplier of Applicants.

It is indicated that pursuant to the Federal Power Commission's order of August 2, 1972, in Docket No. CP72-249, Applicants were granted authorization to exchange natural gas in West Virginia in accordance with the February 9, 1972 agreement, which agreement has been filed by Equitable as its Rate Schedule X-6, and by Supply Corp. as its Rate Schedule X-14, in their respective FPC Gas Tariffs, Volume No. 2. It is stated that in accordance with the subject agreement, Equitable delivers natural gas to Supply Corp. near Pine Grove, W. Va., and, in addition, furnishes gas to Supply Corp. as required on an emergency basis near Littleton, W. Va.; Supply Corp. redelivers equivalent or substantially equivalent volumes to Equitable near Fairmont, W. Va.

It is indicated that by a letter agreement dated October 7, 1977, Applicants have agreed to amend the February 9, 1972, agreement to add an additional point of delivery to their existing exchange, in order that Equitable may receive deliveries of gas as required on an emergency basis, in Doddridge County, W. Va.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-33214 Filed 10-27-77;8:45 am]

[6740-02]

[Docket Nos. ID-260, ID-1675, ID-1137]

ALBERT A. CREE, ET AL.

Termination

OCTOBER 19, 1977.

On October 6, 1977, the Commission received notification from the Central Vermont Public Service Corp. that three of its former officers or directors were no longer with the Company. These three individuals, Mr. Horace J. Lyne (ID-1137), Mr. Albert A. Cree (ID-260) and Mr. Howard S. Lewis (ID-1675) had previously been authorized to hold interlocking positions by the Federal Power Commission.

Mr. Lyne retired, effective June 1, 1973, Mr. Cree died on March 17, 1976, and Mr. Lewis retired, effective July 1, 1977. Accordingly, authorization to hold these positions is no longer necessary and Docket Nos. ID-260, ID-1137 and ID-1675 are hereby terminated, effective November 14, 1977.

Any person desiring to file comments should file such comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before November 14, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-31205 Filed 10-27-77;8:45 am]

[6740-02]

[Docket No. CP74-98]

EL PASO NATURAL GAS CO.

Informal Conference

OCTOBER 20, 1977.

Take notice that on November 22, 1977, at 10:00 A.M., an informal conference of all interested persons will be convened concerning the above-captioned matter. The conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention.

All parties will be expected to appear fully prepared to discuss (1) the issues presented by the United States Court of Appeals for the District of Columbia Circuit remanding *Southern Union Gas Company* v. *Federal Power Commission, et al.*, (No. 75-1600, Decided June 18, 1976), (2) the Notice Prescribing Procedures for the Submission of Comments Regarding Issues Presented by Court Remand issued January 18, 1977, (3) the comments filed in response to said notice, and (4) all parties will, additionally, be expected to comment on any procedural matters and make commitments with respect to the issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-31215 Filed 10-27-77;8:45 am]

[6740-02]

[Docket No. ER78-19]

FLORIDA POWER & LIGHT CO.

Tariff Change

OCTOBER 20, 1977.

Take notice that Florida Power & Light Co. (FP&L), on October 14, 1977, tendered for filing proposed changes in sheets 5 through 10 of its Electric Tariff, Original Volume No. 1. The proposed changes would increase revenues from sale-for-resale sales and service by $6,743,164, based on the twelve month period ending December 31, 1978.

FP&L states that it expects to earn a rate of return under present rates from service to six full requirements sale-for-resale customers of only 6.92% and a rate of return of only 6.91% from service to its three partial requirements customers during the Period II test year, which is the 12 months ending December 31, 1978, and that the proposed rates are designed to enable the Company to have the opportunity of earning rates of return more nearly appropriate to that required for it to attract necessary capital for its construction program if it is to continue to provide adequate service for its customers.

Copies of the applicable portions of the filing were served upon FP&L's sale-for-resale customers and upon the Florida Public Service Commission.

The Company requests an effective date of January 1, 1978.

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, N.E., 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 November 7, 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.77-31216 Filed 10-27-77;8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. ER76-587]

GEORGIA POWER CO.

Extension of Time

OCTOBER 21, 1977.

On October 21, 1977, Staff Counsel filed a motion for a further extension of time to file comments on the Settlement Agreement submitted by the Georgia Power Co. August 17, 1977, and noticed August 30, 1977, in the captioned proceeding. A previous extension of time to and including October 21, 1977, was granted by Notice issued October 7, 1977. The instant motion states that all parties concur in the request.

Upon consideration, notice is hereby given that a further extension of time is granted to and including October 28, 1977, for filing comments on the proposed Settlement Agreement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-31352 Filed 10-27-77;8:45 am]

[6740-02]

[Docket No. E-8615]

LOUISIANA POWER & LIGHT CO.

Compliance Filing

OCTOBER 20, 1977.

Take notice that on October 14, 1977, Louisiana Power & Light Co. (LP&L) tendered for filing, pursuant to Ordering Paragraph (D) of the Federal Power Commission's Opinion No. 813, issued July 21, 1977, a report showing monthly billing determinants and revenues for service rendered by LP&L to its rural electric cooperative customers under prior, present, and adjudicated rates, monthly adjudicated rate interest, monthly rate refund, and the monthly interest computation, together with a summary of such information for the total refund period.

LP&L states that the total refund due for service rendered during the refund period, September 1974 through September, 1977, is $3,464,184.54 and that a check intended to refund all amounts due was delivered to the attorney for the rural electric cooperative customers on September 29, 1977.

Any person desiring to be heard or to protest said filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 on or before November 7, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-31217 Filed 10-27-77;8:45 am]

[6740-02]

[Docket No. CP78-18]

MICHIGAN WISCONSIN PIPE LINE CO. ET AL.

Pipeline Application

OCTOBER 19, 1977.

Take notice that on October 14, 1977, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), Transcontinental Gas Pipe Line Corp. (Transco), United Gas Pipe Line Co. (United), Natural Gas Pipeline Company of America (Natural) and Trunkline Gas Co. (Trunkline) (collectively referred to as Applicants), filed in Docket No. CP78-18 an application pursuant to Section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and related facilities necessary to connect gas supplies located in High Island Blocks A-309, A-312, A-327 and A-332, offshore Texas, to the certificated pipeline system of High Island Offshore System (HIOS), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that to connect the aforementioned High Island Blocks to HIOS for transportation to shore, Applicants propose to construct and operate 10.1 miles of 16" pipeline extending from a point on HIOS' pipeline in Block A-332 to a production platform in Block A-309. Applicants state that the reserves underlying Block A-309 will be received for transportation at this production platform, that the reserves underlying Block A-312 will be received for transportation through a side valve assembly in Block A-312, and that the reserves underlying Blocks A-327 and A-332 will be received from a single production platform which will be connected to the 16" pipeline by a 12" stub line 0.2 mile in length.

The application further states the proposed pipeline facilities have been divided into four segments for purposes of determining the ownership in varying degrees among the Applicants as to each segment, predicated upon the relative volume of reserves dedicated to each of the Applicants flowing through each segment of the pipeline, and that each segment will be operated by Michigan Wisconsin on behalf of the owners. The most northerly segment will extend from the production platform in Block A-309 a distance of 3.0 miles to the upstream side of the side valve assembly in Block 312. The second segment will extend southerly from that point a distance of 4.3 miles to the upstream (north) side of the stub lateral in Blocks A-327—A-332. The third segment is the aforementioned Blocks A-327—A-332 stub lateral, and the fourth segment will extend southerly from the stub lateral a distance of 2.8 miles to the proposed interconnection with the HIOS pipeline in Block A-332.

BLOCK 309-312 LATERAL

Applicants state that the facilities necessary to connect to the HIOS system the supplies of natural gas from Block A-309 will comprise approximately 3.0 miles of 16" diameter pipeline (Block 309-312 Lateral) and two 8" meter runs which will be located on the producer's production platform in Block A-309. The Block 309-312 Lateral will extend from the producer's platform in Block A-309 in a southerly direction to the upstream (north) side of the side valve assembly in Block A-312, and is estimated to cost $2,271,320 while the cost of the two 8" meter runs are estimated to be $165,640. The application states that since Michigan Wisconsin is the only one of the Applicants who has obtained a commitment of reserves in Block 309, that it will own a 100 percent interest in the Block 309-312 Lateral and the two 8" meter runs.

BLOCK 312-327 LATERAL

Applicants state that the second segment of facilities is comprised of 4.3 miles of 16" pipeline extending southerly from the southerly terminus of the Block 309-312 Lateral to the upstream (north) side of the point where the stub line will interconnect with the 16" line on the common boundary of Blocks A-327 and A-332. Applicants state that the Block 312-327 Lateral will transport Michigan Wisconsin's Block A-309 reserves, the Block A-312 reserves of Michigan Wisconsin, United and Trunkline (and its affiliate, Panhandle Eastern Pipe Line Co. (Panhandle)) and, when such become available, the Block A-313 reserves of Michigan Wisconsin, United and Transco. The application indicates that in accordance with the terms and conditions set forth in an Ownership Agreement dated May 23, 1977 between Michigan Wisconsin, Transco and United, the parties have agreed to jointly construct, own, and operate the Block 312-327 Lateral. As set forth in the agreement and in accordance with the percentage of a preferential rights to purchase gas in Blocks A-309, A-312 and A-313, Michigan Wisconsin will own an undivided interest of 73.4% in the Block 312-327 Lateral, Transco will own an undivided interest of 24.5% and United will own an undivided interest of 2.1%. Accordingly, with respect to the total estimated cost of $2,393,760 for the Block 312-327 Lateral, the application indicates that Michigan Wisconsin will contribute $1,757,020 of the total cost, Transco will contribute $586,470 and United will contribute the remaining $50,270, and that operating expenses will be shared by Michigan Wisconsin, Transco and United in the same ratio as their respective ownership interests.

BLOCK 327-332 LATERAL

The application further indicates that the third segment of facilities is comprised of 0.2 mile of 12" pipeline extend-

ing from a point on the 16'' pipeline at the common boundary of Blocks A–327 and A–332 in a westerly direction to the Block 327–332 production platform (the Block 327–332 Lateral), together with three 4'' meter runs which will be installed on the platform. Applicants state that Blocks A–327 and A–332 are being developed as a single field, and the Block 327–332 Lateral will transport reserves committed to Michigan Wisconsin, United, Trunkline (and its affiliate, Panhandle) and Natural from the two blocks. The application indicates that in accordance with the terms and conditions set forth in an Ownership Agreement dated May 23, 1977 between Michigan Wisconsin, Trunkline, Natural and United, the parties have agreed to jointly construct, own, and operate the Block 327–332 Lateral. As set forth in the agreement and in accordance with the percentage of preferential rights to purchase gas in Blocks A–327 and A–332, Michigan Wisconsin will own an undivided interest of 42.6% in the Block 327–332 Lateral while Natural will own an undivided interest of 5.0%, Trunkline will own an undivided interest of 39.4% and United will own an undivided interest of 13.0%. Accordingly, with respect to the total estimated cost of the Block 327–332 Lateral of $1,286,320, the application states that Michigan Wisconsin will contribute $547,970 of the total cost, Trunkline will contribute $506,810, Natural will contribute $64,320 and United will contribute the remaining $167,220. With respect to the total estimated cost of the three 4'' meter runs of $147,670, Michigan Wisconsin will contribute $62,910, Trunkline will contribute $58,180, Natural will contribute $7,380 and United will contribute the remaining $19,200. Operating expenses will be shared by Michigan Wisconsin, Trunkline, Natural and United in the same ratio as their respective ownership interests.

BLOCK 327 LATERAL

Finally, the application indicates that the fourth segment of facilities is comprised of 2.8 miles of 16'' pipeline extending southerly from the southerly terminus of the Block 312–327 Lateral to the proposed interconnection with the HIOS pipeline in Block A–332 (the Block 327 Lateral) and will be used to transport Michigan Wisconsin's Block A–309 reserves, the Block A–312 reserves of Michigan Wisconsin, United and Trunkline (and its affiliate, Panhandle), the Block A–313 reserves of Michigan Wisconsin, United and Transco when such becomes available, and the Block A–327 and A–332 reserves of Michigan Wisconsin, United, Natural and Trunkline. The application further indicates that in accordance with the terms and conditions set forth in an Ownership Agreement dated May 23, 1977 between Michigan Wisconsin, Natural, Transco, Trunkline and United, the parties have agreed to jointly construct, own and operate the Block 327 Lateral. As set forth in the agreement and in accordance with the percentage of preferential rights to purchase gas in Blocks A–309, A–312, A–313, A–327 and A–332, Michigan Wisconsin will own an undivided interest of 56.9 percent in the Block 327 Lateral while United will own 8.0 percent, Natural will own 2.7 percent, Transco will own 11.3 percent and Trunkline will own the remaining 21.1 percent. Accordingly, with respect to the total estimated cost of the Block 327 Lateral of $2,127,340, Michigan Wisconsin will contribute $1,210,450 of the total cost, United will contribute $170,190, Natural will contribute $57,440, Transco will contribute $240,390, and Trunkline will contribute the remaining $448,870. Operating expenses will be shared by Michigan Wisconsin, Natural, Transco, Trunkline and United in the same ratio as their respective ownership interests.

The application indicates that the facilities for which authorization is requested will be financed with funds on hand, funds generated internally, borrowings under revolving credit agreements or short term financing by Applicants.

Any person desiring to be heard or to make any protest with reference to said application, on or before November 3, 1977, should 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). 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-31207 Filed 10-27-77;8:45 am]

[6740-02]

[Docket No. CP78-8]

MICHIGAN WISCONSIN PIPE LINE CO.

Application

OCTOBER 20, 1977.

Take notice that on October 11, 1977, Michigan Wisconsin Pipe Line Co. (Applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP78-8 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary to connect the suction and discharge sides of its Defiance Compressor Station to the pipeline system of Panhandle Eastern Pipe Line Co. (Panhandle), the deliveries of natural gas supplies at said interconnection to Panhandle for the account of Michigan Consolidated Gas Co. (Michigan Consolidated), and the exchange gas with Panhandle at said interconnection on an emergency basis, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that by two gas storage agreements dated October 31, 1976, and November 1, 1976, respectively, between Michigan Consolidated and Panhandle, Michigan Consolidated agreed to provide Panhandle with an annual storage service of up to 11,000,000 Mcf of natural gas for a 7-year period terminating on April 1, 1984. The application further states that the October 31st agreement provides, among other things, that up to 6,000,000 Mcf of natural gas would be delivered by Panhandle to Michigan Consolidated for storage service between March 1 and October 31 (the Summer Period), and equivalent volumes would be redelivered, or caused to be redelivered, by Michigan Consolidated to Panhandle between November 1 and March 31 (the Winter Period). The October 31st agreement further provides that the rate of redelivery from Michigan Consolidated to Panhandle during the Winter Period would be 60,000 Mcf per day between November 1 and March 1 or until 93 percent of the annual storage quantity has been redelivered, whichever would first occur, and thereafter the rate of redelivery would be 18,000 Mcf per day, it is said.

It is indicated that the November 1, 1976, agreement provides, among other things, that up to 5,000,000 Mcf would be delivered by Panhandle to Michigan Consolidated for annual storage during the Summer Period and equivalent volumes would be redelivered to Panhandle predicated upon Michigan Consolidated's ability to make redeliveries but in any event not to exceed the quantities set forth in the following schedule:

Month	Percent of winter contract quantity	Maximum daily delivery (1,000 ft³)
November	25	62,500
December	30	75,000
January	25	62,500
February	15	41,666
March	5	12,500

It is further indicated that temporary authorization was issued by the Federal Power Commission on April 1, 1977, to Michigan Consolidated and Panhandle in Docket Nos. CP77–274 and CP77–253, respectively, authorizing the storage service, and that on June 10, 1977, the November 1, 1976, agreement was amended to increase the annual storage quantity from 5,000,000 Mcf to 6,400,000 Mcf, and to increase correspondingly Michigan Consolidated's maximum redelivery obligations thereunder as follows:

Month	Percent of winter contract quantity	Maximum daily delivery (1,000 ft³)
November	25	80,000
December	30	96,000
January	25	80,000
February	15	53,333
March	5	16,000

Applicant states that each of the subject agreements indicates that Michigan Consolidated would make the redeliveries for the account of Panhandle at existing points of interconnection between its pipeline system and the system of Southeastern Michigan Gas Co. (Southeastern), a resale customer of Panhandle, and that in the event the volume to be redelivered on any day is in excess of that which Southeastern can accommodate, then the delivery of such excess volumes would be accomplished by Michigan Consolidated causing Applicant to deliver by displacement such excess volumes to Panhandle at a new interconnection to be established between the pipeline systems of Applicant and Panhandle near Defiance, Ohio. It is indicated that to implement the redelivery of such excess volumes and pursuant to the terms and conditions set forth in a letter agreement dated December 27, 1976, among Panhandle, Michigan Consolidated, and Applicant, Applicant would establish the new interconnection between its pipeline system and the pipeline system of Panhandle at the aforementioned location and to deliver the excess volumes to Panhandle for Michigan Consolidated's account. Applicant states that this would be accomplished by reducing its deliveries to Michigan Consolidated at either Applicant's Willow Run Metering Station located in Washtenaw County, Mich., and/or at its W. G. Woolfolk Station located in Mecosta County, Mich., by an amount equivalent to the excess volumes delivered to Panhandle.

It is indicated that Panhandle would design, construct, own operate and maintain at its sole cost, risk and expense, the pipeline and measurement facilities, together with related appurtenances, necessary to transfer natural gas between its system and the suction and discharge sides of Michigan Wisconsin's Defiance Compressor station located in Defiance County, Ohio. It is further indicated that Applicant would install the necessary side valves or tap connections for the proposed interconnection of Applicant's facilities, for which it would be reimbursed by Panhandle. Applicant estimates the facilities, which would comprise approximately 500 feet of 16-inch diameter pipeline, pipe taps, valves, and related appurtenances, to cost $102,-830, which cost would be financed from funds on hand, it is said.

Applicant further proposes to exchange gas with Panhandle on an emergency basis. The proposed interconnection would be utilized by Applicant and Panhandle for exchanging gas on a best efforts basis in the event an emergency arises on the pipeline system of either of the parties, it is indicated.

Any person desiring to be heard or to make any protest with reference to said application 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.

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.77–31196 Filed 10–27–77;8:45 am]

[6740–02]

[Docket No. ER77–1]

MISSISSIPPI POWER CO.

Compliance Filing

OCTOBER 21, 1977.

Take notice that on October 4, 1977, Mississippi Power Co. (MPCo) filed revised tariff sheets pursuant to the Order Approving Settlement Agreement issued September 21, 1977, in this Docket. The Revised tariff sheets are:

1. Sixth Revised Sheet No. 3.
2. Seventh Revised Sheet No. 4.
3. Third Revised Sheet No. 10.
4. Second Revised Sheet No. 12.

MPCo states that revised sheets supersede and are identical to the sheets which were attached to the settlement agreement with the exception of the "Issued on" information.

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 by October 31, 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.77–31363 Filed 10–27–77;8:45 am]

[6740–02]

[Docket No. ER77–1]

MISSISSIPPI POWER CO.

Compliance Filing

OCTOBER 21, 1977.

Take notice that on October 4, 1977, Mississippi Power Co. (MPCo) filed revised tariff sheets pursuant to the Order Approving Settlement Agreement issued September 21, 1977, in this Docket. The Revised tariff sheets are:

1. Sixth Revised Sheet No. 3.
2. Seventh Revised Sheet No. 4.
3. Third Revised Sheet No. 10.
4. Second Revised Sheet No. 12.

MPCo states that revised sheets supersede and are identical to the sheets which were attached to the settlement agreement with the exception of the "Issued on" information.

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 by October 31, 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.77-31198 Filed 10-27-77;8:45 am]

[6740-02]

[Docket No. CP78-24]

MOUNTAIN FUEL SUPPLY CO.

Application

OCTOBER 20, 1977.

Take notice that on October 14, 1977, Mountain Fuel Supply (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP78-24 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued use and/or operation of constructed facilities used in the transmission of natural gas in interstate commerce and/or the rendition of natural gas service to ultimate consumers along the route of Applicant's transmission pipelines within its distribution service areas, as designated by the Public Service Commission of either Utah or Wyoming, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the in-service facilities for which it seeks authorization are as follows:

1. Thirty-six pipeline taps in the Wyoming community areas of Rock Springs, Lyman, and Evanston. Each of these tap facilities serve either individual consumers of natural gas or are utilized to feed natural gas from Applicant's transmission lines into its distribution lines for delivery to consumers.

2. Replacement and upgrading approximately 13.6 miles of pipeline, Feeder Line No. 3 (Evanston Feeder Line), running from Applicant's main line to its distribution system in Evanston, Wyo.

3. During the middle 1950's, incident to the construction of a storage dam (Echo Dam), all roads and utility facilities in the area, including a segment of Mountain Fuel's 14-inch transmission facilities approximately 4.5 miles in length, running between the Utah communities of Echo and Henefer, were required to be taken up and relocated. In the process of relocating, the 4.5 mile segment was replaced with 16-inch transmission line. The relocation work was completed in 1956, and during the 1960's Applicant replaced the remainder of the transmission line extending from Coalville to Ogden, Utah, in accordane with certificate authorization issued by the Federal Power Commission in Docket Nos. CP64-207 and CP65-233.

4. Applicant has in service approximately 0.15 miles of eight-inch diameter pipeline running from the main field separator in the Canyon Creek field area, Sweetwater County, Wyo., to Applicant's main transmission line. This line is utilized to bring natural gas produced in the Canyon Creek field into Applicant's main transmission system.

Applicant states that each of the above noted facilities is now in service, is required, and in contributing to its overall ability to serve adequately its distribution service areas in accordance with its certificates of public convenience and necessity granted by the Public Service Commissions of either Utah or Wyoming.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 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 interevene 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.77-31200 Filed 10-27-77;8:45 am]

[6740-02]

[Docket No. ER78-18]

ORANGE AND ROCKLAND UTILITIES, INC. AND CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Proposed Change in Electric Rate Schedule

OCTOBER 20, 1977.

Take notice that Orange and Rockland Utilities, Inc. (O&R) and Consolidated Edison Co. of New York, Inc. (Con Ed) on October 14, 1977 tendered for filing, as a Supplemental Rate Schedule an extension of the term of ORU FPC Rate Schedule No. 36 and Supplement No. 1 thereto (Con Edison FPC Rate Schedule No. 37 and Supplement No. 1 thereto) from October 30, 1977 to April 27, 1978. O&R indicates that the supplemental agreement provides for the exchange of 200 MW of electric generating capability between Orange and Rockland Utilities, Inc., and Consolidated Edison Co. of New York, Inc. during the period October 30, 1977 to April 27, 1978, unless sooner terminated by Con Ed in accordance with the terms of the Agreement.

According to O&R, a copy of the supplemental agreement has been served upon the New York State Public Service Commission.

O&R requests waiver of the Commission's notice requirements to allow for an effective date of October 30, 1977.

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 November 7, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-31201 Filed 10-27-77;8:45 am]

[6740-02]

[Docket No. CP78-1]

SEA ROBIN PIPELINE CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Joint Pipeline Application

OCTOBER 19, 1977.

Take notice that on October 3, 1977, Sea Robin Pipeline Co. (Sea Robin) and Transcontinental Gas Pipe Line Corp. (Transco), Applicants herein, filed a joint application for a certificate of public convenience and necessity in Docket No. CP78-1 pursuant to Section 7(c) of the Natural Gas Act, as amended, requesting authorization to acquire through assignment of lease, proportionate interests of 82.19% and 17.81%, respectively, in all rights and interests in a 1,500 Horsepower Compressor facility and related auxiliary equipment to be installed at Block 225, Ship Shoal Area, offshore Louisiana. Furthermore, Sea Robin and Transco request permission to reimburse Southern Natural Gas Co. Exploration and Production Division (Southern E & P), the Operator of Block 225, for all expenses incurred to date in the transportation, installation, operation, maintenance and rental of such

compression equipment. Sea Robin and Transco state that in order to recover additional volumes of gas and increase the production of natural gas from Block 225 which would be lost without such compression, Sea Robin and Transco have elected under their respective Block 225 gas purchase agreements to have the block operator install the compressor and auxiliary equipment which are the subject of this application. Southern Natural Gas Co. (Southern) purchases 5% of the gas produced from this block and Sea Robin will provide the compression service for Southern for an appropriate charge. Significantly, such compression will make approximately 33.5 Bcf of gas available to Sea Robin, Transco and Southern, all as more fully described in the application which is 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 application, on or before November 3, 1977, should 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 Commissions' Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon he 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.77-31208 Filed 10-27-77;8:45 am]

[6740-02]

[Docket No. CP78-7]

SEA ROBIN PIPELINE CO.

Pipeline Application

OCTOBER 19, 1977.

Take notice that on October 7, 1977, Sea Robin Pipeline Co. (Sea Robin) filed in Docket No. CP78-7, an application for temporary and permanent certificates of public convenience and necessity, pursuant to Section 7(c) of the Natural Gas Act, as amended, authorizing the transportation of natural gas for Natural Gas Pipeline Co. of America (Natural). Sea Robin states, that pursuant to a gas transportation agreement, it proposes to transport for Natural volumes of gas which Natural will purchase in Blocks 142 and 143, South Marsh Island Area, to a delivery point onshore located near the terminus of Sea Robin's pipeline near Erath, Vermilion Parish, La., all as more fully described in the application which is 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 application, on or before November 11, 1977, should 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). 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.77-31209 Filed 10-27-77;8:45 am]

[6740-02]

[Docket No. CP78-16]

TENNESSEE GAS PIPELINE CO.

Pipeline Application

OCTOBER 19, 1977.

Take notice that on October 13, 1977, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP78-16 an application pursuant to Section 7(c) of the Natural Gas Act, as amended, and the Rules and Regulations of the Federal Energy Regulatory Commission thereunder, for a certificate of public convenience and necessity authorizing the rendition of a natural gas transportation service for Northern Natural Gas Co. (Northern).

Tennessee requests authorization to receive from Northern daily volumes of natural gas produced from Vermilion Block 60 (V60) and South Marsh Island Block 243 (SMI 243), offshore Louisiana, up to a maximum of 15,000 Mcf from V60 and 5,000 Mcf from SMI 243, and to transport and deliver such volumes to a point near Kinder, La., for the account of Northern. At such point, the gas will be retained by Tennessee as exchange volumes redelivered by Northern pursuant to the Exchange Agreement filed at Docket No. CP77-520, provided that authorization is granted at such docket.

Tennessee's ability to render presently authorized service to its customers will not be affected by its proposal.

Tennessee requests that this application be considered under the shortened procedure provided for in Section 1.32(b) of the Commission's Rules of Practice and Procedure.

Any person desiring to be heard or to make any protest with reference to said application, on or before November 3, 1977, should 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). 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.77-31210 Filed 10-27-77;8:45 am]

[6740–02]

[Docket No. CP78–17]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

OCTOBER 20, 1977.

Take notice that on October 14, 1977, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78–17 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation, and operation of 8.43 miles of 36-inch loop line and a 4,600 horsepower centrifugal compressor unit, and appurtenant facilities, on its Southwest Louisiana Gathering System which system extends from Applicant's main line in Calcasieu Parish, La., to producing areas offshore Texas and Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that the system gathers gas under purchase contracts for Applicant's system supply and is also utilized to transport gas for the account of others. It is further stated that at the shoreline, near Cameron, La., the Southwest Louisiana Gathering System is connected with the U–T Offshore System (U–TOS), and with Applicant's North High Island Lateral which extends to producing areas in the northern portions of the High Island and Galveston Areas, offshore Texas. Both of these offshore systems transport gas under contract to Applicant and others to the Southwest Louisiana Gathering System for further transportation, it is indicated.

Applicant states that the proposed compressor unit, Station No. 44, would be located on a site adjacent to Mobil Oil Company's (Mobil) Cameron Meadows Plant near Johnson's Bayou, Cameron Parish, La., which is also connected to the Southwest Louisiana Gathering System. Applicant further states that Station No. 44 would compress gas entering the Southwest Louisiana Gathering System through the North High Island Lateral; the proposed loop would be located downstream from the compressor, between Mobil's Plant and the point where the Southwest Louisiana Gathering System connects with Applicant's main line.

Applicant states that the proposed facilities are required to increase the capacity of the Southwest Louisiana Gathering System to accommodate: (1) projected increases in the daily deliverability in gas available to Applicant under gas purchase contracts covering production from fields connected to the North High Island Lateral and the volumes available to Applicant through the U–TOS facilities; and, (2) authorized and proposed transportation services for other pipelines which would be handled through the North High Island Lateral and the Southwest Louisiana Gathering System.

The estimated cost of the proposed facilities is $10,200,000, which cost would be financed from available company funds and short-term borrowings, with permanent financing to be arranged as a part of an overall long-term financing program to be arranged in the future, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 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.77–31202 Filed 10–27–77;8:45 am]

[6740–02]

[Docket No. ER77–483]

VIRGINIA ELECTRIC & POWER CO.

Certification of Proposed Settlement Agreements

OCTOBER 21, 1977.

Take notice that on October 13, 1977, Presiding Administrative Law Judge Levant certified to the Commission proposed Settlement Agreements with VEPCO's cooperative and municipal customers in the above-entitled proceeding, which, if approved, would resolve all of the issues in the proceeding.

Any person desiring to be heard or to protest the Settlement Agreements should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before November 4, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the Agreements are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–31199 Filed 10–27–77;8:45 am]

[6740–02]

[Docket No. CP77–347]

WESTERN GAS INTERSTATE CO.

Petition To Amend

OCTOBER 20, 1977.

Take notice that on October 13, 1977, Western Gas Interstate Co. (Petitioner), 1800 First International Building, Dallas, Tex. 75207, filed in Docket No. CP77–347 a petition to amend an order of August 29, 1977 (57 FPC —), issued by the Federal Power Commission in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to provide for the transportation of certain additional volumes of gas for Southern Union Supply Co. (SUSCO) pursuant to Applicant's presently effective Rate Schedule T–2, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the Federal Power Commission's order of April 20, 1977, in Docket Nos. RI76–138, et al., the FPC approved the sale of gas produced from three wells in Lea County, N. Mex., (a) to Southern Union Gas Co. and Gas Co. of New Mexico (Southern Union) under a gas sales and purchase agreement dated April 13, 1976 (Susco's FPC Rate Schedule Rate No. 3); (b) to El Paso Natural Gas Co. (El Paso) under an excess gas purchase agreement dated May 4, 1977 (Susco's Gas Rate Schedule No. 4); and (c) to Petitioner for compressor fuel and line loss under a gas sales contract dated April 25, 1977 (Susco's FPC Gas Rate Schedule No. —). It is further stated that a further integral part of the original Susco project was Petitioner's application in Docket No. CP77–347 to transport natural gas produced by Susco to a point of interconnection with El Paso's interstate pipeline system at a charge to Susco which would thereafter become an element of Susco's rate to its purchasers. It is indicated that the FPC's order of August 29, 1977, in the instant docket approved construction of Petitioner's Gallagher Pipeline and the transportation of gas from the original three wells.

Petitioner is requesting authorization to transport additional Susco production through the Gallagher Pipeline to the interstate system of El Paso, which additional production, over and above that from the existing three wells, would initially be from the Susco State No. 2

Well located in Lea County, N. Mex. Petitioner is also seeking authorization to transport for Susco whatever additional production Susco has available for sale from wells now or hereafter drilled in Section 8, in the N/2 of Section 16, in Section 17, and in the E/2 of Section 18, all in T17S, R34E, Lea County, N. Mex.

Petitioner states that it would construct any necessary gathering facilities pursuant to the gathering exemption of Section 1(b) of the Natural Gas Act, and that construction and operation of transportation facilities would be undertaken pursuant to Petitioner's gas-purchase facilities budget-typpe certificate issued under Section 157.7(b) of the Regulations under the Natural Gas Act.

It is indicated that gas from the Susco State No. 2 Well is presently being delivered to Petitioner pursuant to a 60-day sale which commenced on August 19, 1977, and that deliveries are being made through a temporary, above-ground gathering line which extends from the wellhead to Petitioner's pipeline. Permanent gathering facilities would be constructed by Petitioner at a later date, at which time the subject gas would be received by Petitioner at the wellhead, it is said. Petitioner indicates that in addition, as part of the 60-day emergency sale, it installed a tap to receive gas from the Susco State No. 2 Well at an interconnection between its transmission lines and Susco's gathering line. Since continued use of the tap is necessary for receipt of gas from Susco, Petitioner intends to retain the tap in place, it is said.

Petitioner states that pursuant to the gas transportation agreement date July 13, 1977, it would construct and operate the facilities necessary to deliver Susco's production to El Paso (a) for further transportation by El Paso and such others and eventual sale by Susco to Southern Union and (b) for sale to the transporting pipeline. All deliveries covered by this amendment would be pursuant to the terms of Rate Schedule T–2, it is said. Petitioner indicates that Section 3 of Rate Schedule T–2 provides that the initial transportation rate would be 17.13 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 9, 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.77–31203 Filed 10–27–77;8:45 am]

[6560–01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 809–6]

REVIEW OF SCIENTIFIC INFORMATION ON CADMIUM, ARSENIC, AND POLYCYCLIC ORGANIC MATTER

Call for Information and Data

AGENCY: Environmental Protection Agency.

ACTION: Solicitation of Information on Cadmium, Arsenic, and Polycyclic Organic Matter: Health Effects and Ambient Air Concentrations.

SUMMARY: EPA is reviewing scientific data to assess the health risks resulting from exposure to concentrations of cadmium, arsenic, and polycyclic organic matter, in the ambient air. The Agency invites interested persons to contribute to this assessment through the submission of relevant information.

DATES: In order to be considered, information should be received by December 31, 1977.

ADDRESS: Information should be submitted to Mr. Joseph Padgett, U.S. Environmental Protection Agency, MD–12, Research Triangle Park, North Carolina 27711. Two copies are requested.

SUPPLEMENTARY INFORMATION: Section 122(a) of the Clean Air Act (added by section 120(a) of the 1977 Amendments) requires that EPA review available relevant information to determine whether emissions into the ambient air of cadmium, arsenic, and polycyclic organic matter will cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health.

EPA is already in the process of gathering information regarding the health effects of exposure to arsenic. Additionally, pursuant to Section 122(a), EPA is initiating a review of the scientific literature and the information gathered will be used in a health risk assessment to be prepared by EPA in consultation with outside experts. The draft assessment document will be subject to external review as well as review by EPA's Science Advisory Board. If, after review of the health risk assessment, the Administrator should make an affirmative determination that any of the substances under review may reasonably be anticipated to do so endanger public health, he will initiate appropriate regulatory action under the Clean Air Act. Pursuant to the provisions of Section 122, interested parties may request an opportunity to present their information and data to the Agency in a public meeting.

OCTOBER 22, 1977.

DAVID G. HAWKINS,
Assistant Administrator for Air and Waste Management.

[FR Doc.77–31326 Filed 10–27–77;8:45 am]

[6560–01]

[FRL 809–7; OPP–42039B]

STATE OF KANSAS

Approval of State Plan for Certification of Pesticide Applicators

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators to submit a plan for such purpose, subject to approval by the Environmental Protection Agency (EPA). On March 30, 1977, the Kansas State Plan was approved contingent upon promulgation of necessary regulations implementing the legislation. Notice of Approval was published in the FEDERAL REGISTER on April 7, 1977 (42 FR 18425). Subsequently, on September 7, 1977, regulations necessary to implement the Kansas legislation were promulgated. Having reviewed these regulations and finding that all requisite legal authorities required by FIFRA and 40 CFR Part 171 are now enacted and promulgated, the Regional Administrator, EPA, Region VII, hereby gives notice that the Kansas State Plan is now a fully approved State Plan.

Dated: October 21, 1977.

KATHLEEN Q. CAMIN, Ph. D.,
Regional Administrator, Region 7.

[FR Doc.77–31325 Filed 10–27–77;8:45 am]

[6560–01]

[FRL 806–8]

STATE WATER QUALITY STANDARDS

Adoptions and Approvals

The purpose of this notice is to identify State water quality standards, their adoption dates by the States, and their approval dates by the Environmental Protection Agency, pursuant to section 303 of Pub. L. 92–500. The text of any water quality standard may be obtained by contacting the appropriate State agency or EPA Regional Office.

The issuance of notices of State water quality standards approvals as a part of 40 CFR 120 will no longer occur and such State water quality standards notices are being deleted from that regulation. 40 CFR 120 will be reserved for Federally promulgated water quality standards, which are Federal regulations, whereas, State-adopted, Federally approved water quality standards are State standards and not Federal regulations and will be identified hereinafter in a FEDERAL REGISTER notice that will appear soon after Federal approval of any State standard. The identification of State water quality standards approvals in this notice is complete as of August 1, 1977.

Water quality standards are an essential part of the State water quality management system. Such standards form the basis for areawide water quality management planning and implementation requirements of section 208 and other provisions of the Act. They serve as the basis for determining National Pollutant Discharge Elimination

System permit effluent limitations for pollutants which are not specifically addressed in the effluent guidelines or for polluants for which the effluent guidelines are not stringent enough to protect desired water uses. Such standards also serve as a basis for evaluating and modifying Best Management Practices for the control of nonpoint pollution sources and for managing other water quality related programs of governmental agencies.

STATE ADOPTED/FEDERALLY APPROVED WATER QUALITY STANDARDS

ALABAMA

State water quality standards for the navigable waters of the State of Alabama are those adopted by Alabama as amended by the Alabama Water Improvement Commission on September 17, 1973 and April 19, 1974, and approved by EPA on January 29, 1974 and May 23, 1974, which are contained in the documents entitled:

1. "State of Alabama Water Improvement Commission Water Quality Criteria," and
2. "Water use Classifications for Interstate and Intrastate Waters of the State of Alabama."

ALASKA

State water quality standards for the navigable waters of the State of Alaska are those adopted by Alaska on August 12, 1973, and approved by the EPA on August 30, 1973, which are contained in the "Alaska Administrative Code", Register 47 at "Title 18, Environmental Conservation, Chapter 70, Water Quality Standards" as amended together with supporting documents.

AMERICAN SAMOA

State water quality standards for the navigable waters of the Territory of American Samoa are those adopted by American Samoa on July 9, 1973, and approved by the EPA on October 4, 1973, which are contained in the document entitled "Water Quality Standards for American Samoa, revised June 1973."

ARIZONA

State water quality standards for the navigable waters of the State of Arizona are those adopted by the Water Quality Control Council on July 18, 1968, December 10, 1973, August 14, 1974, and November 12, 1975 as approved by the Secretary of the Interior on September 27, 1968, and January 17, 1969 and approved by the EPA on August 1, 1974, December 30, 1975, and November 22, 1976, which are contained in the documents entitled "Water Quality Standards for Surface Waters in Arizona" as amended, and the Colorado River Basin Salinity Control Forum report entitled "Proposed Water Quality Standards for Salinity, Including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System June 1975," and "Supplement Including Modification to Proposed Water Quality Standards for Salinity Including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975," dated August 25, 1975.

ARKANSAS

State water quality standards for the navigable waters of the State of Arkansas are those adopted by Arkansas on September 26, 1975, and approved by the EPA on October 22, 1975 which are contained in the document entitled "Arkansas Water Quality Standards Regulation No. 2 as Amended September 1975."

CALIFORNIA

State water quality standards for the State of California are those adopted by California and approved by the EPA on the dates set forth below which are contained in the documents entitled:

(1) "Water Quality Control Plan for Ocean Waters of California" adopted by the State Water Resources Control Board (hereinafter the Board) on July 6, 1972, and approved by the EPA on August 18, 1972, as amended by Resolution No. 74–5 adopted by the Board on January 17, 1974, and approved by the EPA on March 22, 1974;[1]

(2) "Water Quality Control Plan for the Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California" adopted by the Board on May 18, 1972, and approved by the EPA on August 10, 1972, as amended by the following resolutions adopted by the Board on the dates indicated below:

(i) No. 73–11 adopted on March 15, 1973, and approved by the EPA on April 19, 1973;

(ii) No. 74–33 adopted on April 18, 1974, and approved by the EPA on May 21, 1974;

(iii) Nos. 75–72, 75–73, and 75–74 adopted on July 17, 1975, and approved by the EPA on September 2, 1975;

(iv) Nos. 75–90 and 75–91 adopted on September 18, 1975, and approved by the EPA on November 18, 1975; and

(v) No. 75–89 adopted on September 18, 1975, and approved by the EPA on February 6, 1976;

(3) State Board Resolution 68–16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California", adopted by the Board on October 24, 1968, and approved by the Secretary of Interior on January 9, 1969;

(4) "Water Quality Control Policy for the Enclosed Bays and Estuaries of California", adopted by the Board on May 16, 1974, and approved by reference in conjunction with the standards for the appropriate individual basins listed in paragraph (5) of this section; and

(5) Chapters 2 and 4 of the following:

(i) "Water Quality Control Plan, Klamath River Basin" as amended, adopted by the Board on April 17, 1975, and approved by the EPA on September 29, 1975;

(ii) "Water Quality Control Plan, North Coastal Basin, Part I" as amended, adopted by the Board on April 17, 1975, and approved by the EPA on September 26, 1975;

(iii) "Water Quality Control Plan, San Francisco Bay Basin (2), Part I" as amended, adopted by the Board on April 17, 1975, and approved by the EPA on November 14, 1975;

(iv) "Water Quality Control Plan, Central Coastal Basin, Part 1" as amended, adopted by the Board on March 20, 1975, and approved by the EPA on October 24, 1975;

(v) "Water Quality Control Plan Report, Santa Clara River Basin (4A), Part I" as amended, adopted by the Board on March 20, 1975, and approved by the EPA on January 8, 1976;

(vi) "Water Quality Control Plan Report, Los Angeles River Basin (4B), Part I" as amended, adopted by the Board on March 20, 1975, and approved by the EPA on January 8, 1976;

(vii) "Water Quality Control Plan Report, Sacramento River Basin (5A), Sacramento-San Joaquin Delta Basin (5B), San Joaquin Basin (5C), Volume I" as amended, adopted by the Board on August 21, 1975, and approved by the EPA on December 30, 1975;

(viii) "Water Quality Control Plan Report, Tulare Lake Basin (5D)" as amended, adopted by the Board on August 21, 1975, and approved by the EPA on January 5, 1976;

(ix) "Water Quality Control Plan Report, North Lahontan Basin (6A)" as amended, adopted by the Board on July 17, 1975, and approved by the EPA on January 21, 1976;

(x) "Water Quality Control Plan, South Lahontan Basin" as amended, adopted by the Board on May 15, 1975, and approved by the EPA on January 26, 1976;

(xi) "Water Quality Control Plan, West Colorado River Basin" as amended, adopted by the Board on April 17, 1975, and approved by the EPA on November 13, 1975;

(xii) "Water Quality Control Plan, East Colorado River Basin" as amended, adopted by the Board on April 17, 1975, and approved by the EPA on November 13, 1975;

(xiii) "Water Quality Control Plan Report, Santa Ana River Basin (8)" as amended, adopted by the Board on April 17, 1975, and approved by the EPA on March 8, 1976;

(xiv) "Comprehensive Water Quality Control Plan for the San Diego Basin" as amended, adopted by the Board on March 20, 1975, and approved by the EPA on November 12, 1975; and

(6) Colorado River Basin Salinity Control Forum report entitled "Proposed Water Quality Standards for Salinity, Including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975," and "Supplement Including Modification to

[1] The criteria of the Water Quality Control Plan for Ocean Waters of California will coexist with the provisions of other existing water quality standards, provided that no direct conflict between numerical values occurs. If two numerical values conflict, the more stringent value will prevail.

Proposed Water Quality Standards for Salinity Including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975," dated August 25, 1975 adopted by the Board on September 18, 1975 and approved by the EPA on November 19, 1976.

§120.107 COLORADO

State water quality standards for the navigable waters of the State of Colorado are those adopted by Colorado on January 15, 1974, and May 4, 1976, and approved by the EPA on August 13, 1974 and November 8, 1976 which are contained in the document entitled "Water Quality Standards and Stream Classification" and the Colorado River Basin Salinity Control Forum report entitled "Proposed Water Quality Standards for Salinity, Including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975," and "Supplement Including Modification to Proposed Water Quality Standards for Salinity Including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975," dated August 25, 1975.

In the "Flow Criteria and Exceptions" section of the "Water Quality Standards and Stream Classification" document, the EPA has excepted from its approval on August 13, 1974, the following sentence: "Exceptions on specific parameters may be allowed through discharger permits."

CONNECTICUT

State water quality standards for the navigable waters of the State of Connecticut are those adopted by the Connecticut Department of Environmental Protection on November 30, 1973, and approved by the EPA on December 19, 1973, which are contained in the document entitled "Water Quality Criteria."

DELAWARE

State water quality standards for the navigable waters of the State of Delaware are those adopted by Delaware on April 8, 1975, and approved by the EPA on May 9, 1975, which are contained in the document entitled "Amendments to Water Quality Standards for Streams," 1975.

DISTRICT OF COLUMBIA

State water quality standards for the navigable waters of the District of Columbia are those adopted by the District on June 29, 1967, December 16, 1968, and August 13, 1973, and approved by the EPA on August 28, 1973, which are contained in the document entitled "Water Quality Standards Summary for Navigable Waters of the District of Columbia," 1973.

FLORIDA

State water quality standards for the navigable waters of the State of Florida are those contained in the document entitled "Rules of the Florida Department of Pollution Control, Chapter 17-3, Pollution of Waters," as amended by Florida on October 16, 1974, February 12, 1975, and June 27, 1975, and approved by the EPA on December 20, 1974 and December 2, 1975.

GEORGIA

State water quality standards for the navigable waters of the State of Georgia are those contained in the document entitled "Rules of State Water Quality Control Board, Chapter 730-3, Water Use Classifications and Water Quality Standards" as amended by Georgia on March 18, 1974, August 4, 1975 and April 18, 1977, and approved by the EPA on May 23, 1974, June 12, 1974, August 18, 1975, and June 28, 1977.

TERRITORY OF GUAM

State water quality standards for the navigable waters of the Territory of Guam are those adopted by Guam on April 15, 1968, and approved by the Secretary of the Interior on June 12, 1968, which were amended by Guam on September 25, 1975, and approved by the EPA on June 4, 1974 and March 1, 1976, which are contained in the document entitled "Standards of Water Quality for Waters of the Territory of Guam, April 1968" as amended.

HAWAII

State water quality standards for the navigable waters of the State of Hawaii are those adopted by Hawaii on October 29, 1973, and approved by the EPA on May 14, 1974, which consist of the following chapters of the "Public Health Regulations":

(1) Chapter 37-A, "Water Quality Standards"; and (2) Chapter 37, "Water Pollution Control", Sections 1 and 2.

IDAHO

State water quality standards for the navigable waters of the State of Idaho are those adopted by Idaho on June 28, 1973, and July 11, 1974, and approved by the EPA on August 28, 1973, and April 17, 1975, which are contained in the document entitled "Water Quality Standards and Wastewater Treatment Requirements" as amended.

ILLINOIS

State water quality standards for the navigable waters of the State of Illinois are those adopted by Illinois through March 1972, and amended by Illinois on June 28, 1973, January 31, 1974, November 22, 1974, March 6, 1975, and August 14, 1975, and approved by the EPA on June 6, 1974 and March 25, 1976, which are contained in the document entitled "Illinois Pollution Control Board Rules and Regulations, Chapter 3: Water Pollution" as amended.

INDIANA

State water quality standards for the navigable waters of the State of Indiana are those adopted by Indiana and approved by the EPA on August 9, 1973, which are contained in the documents entitled:

(1) "SPC 1R-3, Water Quality Standards for Water of Indiana", effective August 21, 1973;

(2) "SPC 4R, Water Quality Standards for Lake Michigan and Contiguous Harbor Areas", effective February 11, 1972;

(3) "SPC 7R-2, Water Quality Standards for the Grand Calumet River and the Indiana Harbor Ship Canal", effective August 21, 1973;

(4) "SPC 10R, Water Quality Standards for Wolf Lake", effective August 21, 1973; and

(5) "SPC 12, Water Quality Standards for Natural Spawning Areas, Rearing or Imprinting Areas and Migration Routes of Salmonid Fishes", effective February 11, 1972.

IOWA

State water quality standards for the navigable waters of the State of Iowa are those adopted by Iowa on February 13, 1974, and approved by the EPA on March 26, 1974, which are contained in the document entitled "Water Quality Standards", 1974.

KANSAS

State water quality standards for the navigable waters of the State of Kansas are those regulations contained in the document entitled "Kansas Administrative Regulations" and designated 28-16-28, "Water Quality Criteria for Interstate and Intrastate Waters of Kansas", adopted by Kansas on October 1, 1974, and approved by EPA on May 29, 1975; and "Emergency Regulation 28-16-28(a) Water Quality Criteria for Interstate and Intrastate Waters of Kansas", adopted by Kansas on February 28, 1975, approved by EPA on May 29, 1975, and readopted by Kansas as permanent regulations 28-16-28(a) on July 30, 1975, to become effective on expiration of said emergency regulations on May 1, 1976.

KENTUCKY

State water quality standards for the navigable waters of the Commonwealth of Kentucky are those adopted by Kentucky and approved by the EPA on February 22, 1974, which are contained in the documents entitled:

(1) "401 KAR 5:025, Water Quality Standards;

(2) "Water Quality Standards for the Commonwealth of Kentucky, July 23, 1971;

(3) "Antidegradation Statement, March 5, 1971;

(4) "401 KAR 5:035, Use Classification of Waters, Treatment Requirements, and Compliance; and

(5) "Policy for Addition of Streams Not Shown on the Map, 'Streams of Kentucky,' February 6, 1974"; except as set forth in paragraph (b) of this section.

(b) State water quality standards for the Commonwealth of Kentucky established by Federal promulgation effective January 2, 1975, (FR Vol. 39, No. 232) are amended as identified in 120.102, Subpart C.

LOUISIANA

State water quality standards for the navigable waters of the State of Louisi-

ana are those adopted by Louisiana on August 14, 1973, as approved by the EPA on September 17, 1973, which are contained in the document entitled "State of Louisiana Water Quality Criteria, Louisiana Stream Control Commission, 1973".

MAINE

State water quality standards for the navigable waters of the State of Maine are those adopted by Maine on July 5, 1967 and November 28, 1973, and approved by the EPA on December 17, 1973, which are contained in the documents entitled:

1. "Revised Statutes of 1964, Title 38, Sections 363–364, 368–369, and 370–371, as amended; and

2. "Department of Environmental Protection, Bureau of Water Quality Control, Regulations 480.1–480.9".

MARYLAND

State water quality standards for the navigable waters of the State of Maryland are those adopted by Maryland effective May 1, 1973, and approved by the EPA on July 2, 1973, which are contained in the document entitled "Maryland Water Pollution Control Regulations 08.05.04.01, 08.05.04.02, 08.05.04.03, 08.05.04.09, and 08.05.04.11".

MASSACHUSETTS

State water quality standards for the navigable waters of the Commonwealth of Massachusetts are those adopted by Massachusetts on July 5, 1967 and May 21, 1974, and approved by the EPA on July 18, 1974, which are contained in the documents entitled:

(1) "Volume 1, Water Quality Standards, Laws, Policy and Standards," including "Water Quality Standards" adopted by the Commonwealth of Massachusetts Water Resources Commission, Division of Water Pollution Control, on March 3, 1967;

(2) "Volume 2, Water Quality Standards, Blackstone, French and Quinebaug River Basins, 1967:

(3) "Volume 3, Water Quality Standards, Housatonic and Hoosic River Basins, 1967;

(4) "Volume 4, Water Quality Standards, Taunton and Ten Mile River Basins, 1967;

(5) "Volume 5, Water Quality Standards, Nashua River Basin, 1967;

(6) "Volume 6, Water Quality Standards, Connecticut River Basins, 1967;

(7) "Volume 7, Water Quality Standards, Merrimack River Basins, 1967;

(8) "Volume 8, Water Quality Standards, Coastal Waters, 1967;

(9) "Water Quality Standards, Intrastate Waters, 1967; and

(10) "Rules and Regulations for the Establishment of Minimum Water Quality Standards and for the Protection of the Quality and Value of Water Resources", April 11, 1974; together with appendices and supporting documents.

MICHIGAN

State water quality standards for the navigable waters of the State of Michigan are those adopted by Michigan on November 13, 1973, and approved by the EPA on November 26, 1973, which are contained in the document entitled "General Rules of the Michigan Water Resources Commission, Part 4, Water Quality Standards—R 323.1041, R 323.1043, R 323.1044, R 323.1050, R 323.1051, R 323.1053, R 323.1055, R 323.1057, R 323.1058, R 323.1060, R 323.1062, R 323.1064, R 323.1065, R 323.1069, R 323.1070, R 323.1072, R 323.1073, R 323.1074, R 323.1075, R 323.1080, R 323.1082, R 323.1090, R 323.1091, R 323.1092, R 323.1096, R 323.1097, R 323.1098, R 323.1100, R 323.1105, R 323.1110, R 323.1115, and R 323.1116" together with Appendices A and B.

MINNESOTA

State water quality standards for the navigable waters of the State of Minnesota are those adopted by Minnesota and approved by the EPA on June 16, 1968, November 26, 1969, and November 6, 1973, which are contained in the documents entitled:

(1) "WPC 1 Classification and Standards for the Mississippi River and Tributaries from the Rum River to the Upper Lock and Dam at St. Anthony Falls. Filed Commissioner of Administration, June 22, 1964;

(2) "WPC 2 Classification and Standards for the Mississippi River and Tributaries from the Upper Lock and Dam at St. Anthony Falls to the Outfall of the Minneapolis-St. Paul Sanitary District Sewage Treatment Plant. Filed Commissioner of Administration, June 22, 1964;

(3) "WPC 3 Classification and Standards for the Mississippi River and Tributaries from the Outfall of the Minneapolis-St. Paul Sanitary District Sewage Treatment Plant to Lock and Dam No. 2 near Hastings. Filed Commissioner of Administration, June 22, 1964;

(4) "WPC 5 Classification and Standards for the Minnesota River and Tributary Waters from Carver Rapids to the Outlet of Reilly Creek and Grass Lake Below Shakopee, Zone 36–22.4. Approved Commissioner of Administration, November 30, 1965;

(5) "WPC 6 Classification and Standards for the Minnesota River and Tributary Waters from the Outlet of Reilly (Terrell) Creek and Grass Lake Below Shakopee to the Junction with the Mississippi River at Fort Snelling, Zone 22.4–0. Approved Commissioner of Administration, November 30, 1965;

(6) "WPC 7 Classification and Standards for Reilly (Terrell) Creek, Bluff Creek, the Chaska Creeks, Spring Creek, Carver Creek and San Creek and Tributary Waters. Approved Commissioner of Administration, November 30, 1965;

(7) "WPC 8 Classification and Standards for Eagle Creek and Purgatory Creek and Tributary Waters. Approved Commissioner of Administration, November 30, 1965;

(8) "WPC 9 Classification and Standards for Nine Mile Creek and the Credit River and Tributary Waters. Approved Commissioner of Administration, November 30, 1965;

(9) "WPC 10 Classification and Establishment of Standards of Water Quality and Purity for the Red River of the North, the Otter Tail River from Fergus Falls to the Mouth, and the Red Lake River from Crookston to the Mouth. Approved Commissioner of Administration, September 21, 1966. Amended June 5, 1967;

(10) "WPC 11 Classification and Standards of Water Quality and Purity for the Rainy River from the Outlet of Rainy Lakes at Rainer to the Minnesota and Ontario Paper Company Dam in International Falls. Approved Commissioner of Administration, December 15, 1966;

(11) "WPC 12 Classification and Standards of Water Quality and Purity for the Rainy River from the Minnesota and Ontario Paper Company Dam in International Falls to the Canadian National Railway Bridge in Baudette. Approved Commissioner of Administration, December 15, 1966;

(12) "WPC 13 Classification and Standards of Water Quality and Purity for the Rainy River from the Canadian National Railway Bridge in Baudette to Lake of the Woods. Approved Commissioner of Administration, December 15, 1966. Amended June 5, 1967;

(13) "WPC 14 Criteria for the Classification of the Intrastate Waters of the State and the Establishment of Standards of Quality and Purity. Filed Commissioner of Administration, October 4, 1973;

(14) "WPC 15 Criteria for the Classification of Interstate Waters of the State and the Establishment of Standards of Quality and Purity. Filed Commissioner of Administration, October 4, 1973;

(15) "WPC 16 Classification and Establishment of Standards of Water Quality and Purity for Anderson Creek, Big Silver Creek, the Blackhoof River, Canutrup Creek (and Mary Brook), Clear Creek, Deer Creek, the Little Net River, the Net River, North Fork Creek, Skunk Creek, Stateline Creek and Stony Brook, Carlton and Pine Counties. Filed Commissioner of Administration, August 3, 1967;

(16) "WPC 17 Classification and Establishment of Standards of Water Quality and Purity for the Nemadji River System, Carlton and Pine Counties (Except Waters Included in WPC 16). Filed Commissioner of Administration, August 3, 1967;

(17) "WPC 22 Classification of Underground Waters of the State and Standards for Waste Disposal. Filed Commissioner of Administration, August 14, 1973;

(18) "WPC 24 Classification of Intrastate Waters of Minnesota. Filed Commissioner of Administration, September 7, 1973; and

(19) "WPC 25 Classification of Interstate Waters of Minnesota. Filed Commissioner of Administration", September 7, 1973.

MISSISSIPPI

State water quality standards for the navigable waters of the State of Mississippi are those contained in the document entitled "State of Mississippi Water Quality Criteria for Intrastate, Interstate and Coastal Waters" as amended on November 12, 1974 and April 25, 1977 and approved by the EPA on March 6, 1975 approved in part on July 25, 1977.

NEBRASKA

State water quality standards for the navigable waters of the State of Nebraska are those adopted by the Nebraska Environmental Control Council June 11, 1973, and June 30, 1976, and approved by the EPA on May 14, 1976, and approved by EPA on August 6, 1976, contained in the document entitled "Nebraska Water Quality Standards for Surface Waters of the State," and subsequent revisions on September 10 and December 10, 1976, and approved in part by EPA on March 31, 1977.

NEVADA

State water quality standards for the navigable waters of the State of Nevada are those adopted by Nevada on June 27, 1967, and approved by the Secretary of Interior on June 27, 1968, which were amended by Nevada on November 14, 1972, April 10, 1973, June 26, 1973, October 24, 1973, April 9, 1974, February 27, 1976, and September 19, 1975 and approved by the EPA on November 30, 1973, June 7, 1974, June 23, 1976, and November 22, 1976 which are contained in the documents entitled:

(1) "Interstate Water Quality Standards and Plan of Implementation, State of Nevada, Department of Health and Welfare, 1967;

(2) "Water Pollution Control Regulations (Exhibit "A"), State of Nevada, Deparment of Health and Welfare, 1967 as amended; and

(3) "Water Pollution Contro Regulations, Commission of Environmental Protection, November 14, 1972," as amended; and

(4) The Colorado River Basin Salinity Control Forum report entitled "Proposed Water Quality Standards for Salinity, Including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975," and "Supplement Including Modification to Proposed Water Quality Standards for Salinity Including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975," dated August 25, 1975.

The EPA approval of June 7, 1974, excepted from approval the application of Item XI to Table 46 of Nevada's water pollution control regulations.

NEW HAMPSHIRE

State water quality standards for the navigable waters of the State of New Hampshire are those adopted by New Hampshire on May 24, 1967 as amended by the Water Supply and Pollution Control Commission on October 31, 1973, and approved by the EPA in December 11, 1973, which are contained in the documents entitled:

(1) "New Hampshire Water Quality Standards" together with appendices and supporting documents;

(2) "Rules and regulations adopted by the New Hampshire Water Supply and Pollution Control Commission on October 31, 1973; and

(3) "RSA, Chapter 149, Section 3".

NEW JERSEY

State water quality standards for the navigable waters of the State of New Jersey are those established by New Jersey and approved by the EPA on April 25, 1975, which are contained in the documents entitled:

(1) "New Jersey State Pollution Control Program, Stream Classification, Standards of Quality—Implementation", August 10, 1964, as amended;

(2) New Jersey Department of Environmental Protection, Division of Water Resources, N.J.A.C. 7:9–4 et. seq., "Surface Water Quality Standards", December 2, 1974, as amended May 19, 1975;

(3) "Amendment No. 2 to 1974 Surface Water Quality Standards", New Jersey Department of Environmental Protection, Docket No. DEP 012–74–11, July 9, 1975, as approved by EPA on February 6, 1976; "Adoption of Revisions to Surface Water Quality Standards for Petroleum Hydrocarbons," Docket No. DEP 013–76–05, December 9, 1976, as approved by EPA on December 9, 1976.

NEW MEXICO

State water quality standards for the navigable waters of the State of New Mexico are those adopted by New Mexico on August 22, 1973, September 29, 1975, January 13, 1976 and February 8, 1977 as approved by the EPA on October 3, 1973, November 23, 1976, February 11, 1977, and April 22, 1977 which are contained in the documents entitled "New Mexico Water Quality Standards, August 1973," as amended, Water Quality Standards for Interstate and Intrastate Streams in New Mexico adopted February 8, 1977 and the Colorado River Basin Salinity Control Forum report entitled "Proposed Water Quality Standards for Salinity, Including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975," and "Supplement Including Modifications to Proposed Water Quality Standards for Salinity Including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975," dated August 26, 1975.

NEW YORK

State water quality standards for the navigable waters of the State of New York are those adopted by New York and approved by the EPA on February 23, 1975, which are contained in the documents entitled:

(1) "Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation Plan for the Delaware River Drainage Basin, Volume I," November 1966;

(2) "Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the Susquehanna River Drainage Basin, Volume II," February 1967;

(3) "Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the St. Lawrence River Basin, Volume III," May 1967;

(4) "Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation Plan for the Lake Ontario Basin, Volume IV," June 1967;

(5) "Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the Hudson River Basin, Volume V," June 1967;

(6) "Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the Lake Erie-Niagara River Basin, Volume VI," June 1967;

(7) "Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the Allegheny River Basin, Volume VII," June 1967;

(8) "Interstate Waters, Classifications, Water Quality Standards and Criteria and Implementation and Enforcement Plan for the Coastal Waters of New York State, Volume VIII, June 1967." Together with all appendices and attachments thereto and including the antidegradation statement adopted on May 7, 1970, and including the following portions of the document entitled "Division of Water Resources, Chapter X of Title 6, Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR)", as amended;

1. "Classifications and Standards of Quality and Purity," Parts 700, 701 and 702 of 6 NYCRR, October 20, 1974;

2. "Criteria Governing Thermal Discharges," Sections 704.1, 704.2 and 704.3 exclusive of those provisions permitting exceptions to the water quality criteria contained in those Sections pursuant to Section 704.6 of Part 704 of 6 NYCRR, as amended on October 20, 1974;

3. "Classes and Standards of Quality and Purity Assigned to Fresh Surface and Tidal Salt Waters", Parts 800 through 941 of 6 NYCRR, as amended.

NORTH CAROLINA

State water quality standards for the navigable waters of the State of North Carolina are those contained in the document entitled "Rules, Regulations, Classifications and Water Quality Standards Applicable to the Surface Waters of North Carolina" as amended on August 22, 1974, July 17, 1975, December 11, 1975, and September 22, 1976 and approved by the EPA on November, 6, 1974, August 26, 1975, February 25, 1976, and December 23, 1976.

NORTH DAKOTA

State water quality standards for the navigable waters of the State of North

Dakota are those adopted by North Dakota on October 9, 1973, and February 2, 1977, and approved by the EPA on March 12, 1974, and July 6, 1977, which are contained in the document entitled "Standards of Surface Water Quality, State of North Dakota" (R.61-28-05.2, I through VIII).

OHIO

State water quality standards for the navigable waters of the State of Ohio are those adopted by Ohio on January 8, 1975, and approved by the EPA on May 14, 1975, which are contained in the document entitled "Ohio EPA Regulations EP-1, Water Quality Standards, Section EP-1-01 thru EP-1-09" as amended.

OKLAHOMA

State water quality standards for the navigable waters of the State of Oklahoma are those adopted by Oklahoma on September 11, 1973, and May 27, 1977 as approved by the EPA on October 24, 1973, and as approved in part on July 25, 1977 which are contained in the documents entitled "Oklahoma's Water Quality Standards, September 1973" and May 1977.

OREGON

State water quality standards for the navigable waters of the State of Oregon are those adopted by Oregon on July 15, 1973, and contained in the document entitled "Standards of Quality for Public Waters of Oregon and Disposal Therein of Sewage and Industrial Wastes, Oregon Administrative Rules, Chapter 340, Division 4 Subdivision I, amended July 15, 1973" which were approved, with the exception of the criterion for total dissolved gas concentration, by the EPA August 30, 1973.

PENNSYLVANIA

State water quality standards for the navigable waters of the State of Pennsylvania are those adopted by Pennsylvania effective June 30, 1967, as amended by Pennsylvania on May 13, 1973, March 17, 1974, July 14, 1974, May 12, 1974, October 11, 1976, and, approved by the EPA on August 10, 1973, June 28, 1974, October 30, 1974, June 23, 1975, and March 31, 1977, which are contained in the documents entitled:

(1) "Title 25, Part I, Subpart C, Article II, Chapter 93—Water Quality Criteria; and

(2) "Title 25, Part I, Subpart C, Article II, Chapter 95, paragraph 95.1(b)".

COMMONWEALTH OF PUERTO RICO

State water quality standards for the navigable waters of the Commonwealth of Puerto Rico are those adopted by Puerto Rico on January 4, 1974 as amended May 1, 1974 and November 12, 1976, and approved by the EPA on June 26, 1974, and December 11, 1976, and are contained in the documents entitled:

(1) "Water Quality Standards Regulations, December 1973," Commonwealth of Puerto Rico, Office of the Governor, Environmental Quality Board, January 4, 1974, as amended on May 1, 1974; and

(2) "Amendments to Certain Sections of WQS Regulation", October 1976, amended version "Commonwealth of Puerto Rico, Office of the Governor, Environmental Quality Board, November 12, 1976."

RHODE ISLAND

State water quality standards for the navigable waters of the State of Rhode Island are those adopted by Rhode Island on June 27, 1967, and October 18, 1973, and approved by the EPA on December 18, 1973, which are contained in the documents entitled:

(1) "State of Rhode Island and Providence Plantations, Water Quality Standards for Interstate Waters, June 1967; and

(2) "Standards for Quality for Classification of Waters of the State", October 18, 1973; together with appendices and supporting documents as amended.

SOUTH CAROLINA

State water quality standards for the navigable waters of the State of South Carolina are those adopted by South Carolina as amended by the State on August 7, 1972, January 23, 1973, and December 14, 1976, and approved by the EPA on January 15, 1973, April 18, 1977, and March 7, 1973, which are contained in the documents entitled:

(1) "Classification Standards System for the State of South Carolina, 1972;

(2) "Stream Classifications for the State of South Carolina, 1972;

(3) "Water Pollution Control Implementation Plan for the State of South Carolina, January 23, 1973"; and

(4) "Water Classification Standards".

SOUTH DAKOTA

State water quality standards for the navigable waters of the State of South Dakota are those adopted by South Dakota on May 22, 1974 and August 20, 1975, and approved by the EPA on July 18, 1974 and September 22, 1975, which are contained in the document entitled "South Dakota Surface Water Quality Standards Regulations" as amended.

TENNESSEE

State water quality standards for the navigable waters of the State of Tennessee are those contained in Chapters 1200-4-3, "General Water Quality Criteria for the Definition and Control of Pollution in the Waters of Tennessee" and 1200-4-4, "Stream Use Classifications for Interstate and Intrastate Streams", of the document entitled, "Rules of Tennessee Department of Public Health, Bureau of Environmental Health Sciences, Division of Water Quality Control", as amended on October 30, 1973, July 8, 1975 and September 1976, by the Tennessee Water Quality Control Board and approved by the EPA on May 14, 1974, September 2, 1975, and April 14, 1977.

TEXAS

State water quality standards for the navigable waters of the State of Texas are those adopted by Texas October 29, 1975, and approved by the EPA on February 9, 1976, which are contained in the document entitled "Texas Water Quality Standards, February 1976."

TRUST TERRITORY OF THE PACIFIC ISLANDS

State water quality standards for the navigable waters of the Trust Territories of the Pacific Islands are those adopted by the Trust Territories on February 15, 1973, and approved by the EPA on October 26, 1973, which are contained in the document entitled "Standards of Water Quality for the Waters of the Trust Territory of the Pacific Islands" (Release No. 17-73) as amended.

UTAH

State water quality standards for the navigable waters of the State of Utah are those adopted by Utah on May 19, 1965, June 21, 1967, November 20, 1968, and October 10, 1975 and approved by EPA on December 13, 1973, and November 8, 1976 which are contained in the document entitled "Code of Waste Disposal Regulations, Part II Standards of Quality for Waters of the State", and the Colorado River Basin Salinity Control Forum report entitled "Proposed Water Quality Standards for Salinity, Including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975," and "Supplement Including Modification to Proposed Water Quality Standards for Salinity Including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975," dated August 25, 1975.

VERMONT

State water quality standards for the navigable waters of the State of Vermont are those established by Vermont and approved by the EPA on January 18, 1974, which are contained in the following documents together with supporting materials:

(1) "Plan for Implementation and Water Quality Criteria (Public Law 89-234) Vermont Water Resources Board, June, 1967" as amended;

(2) "Regulations Governing Water Classification and Control of Quality" adopted by the Vermont Water Resources Board May 27, 1971, as amended;

(3) "Classifications of the Missisquoi River and its Tributaries in the counties of Franklin, Lamoille, and Orleans;

(4) "Classification of Lake Memphremageg and International Streams including John River, Tomifobia River, Coaticook River, Stearns Brook, and Holland Brook in the counties of Orleans and Essex;

(5) "Title 10, Vermont Statutes Annotated, Chapter 33, Water Pollution Control" (in particular, Section 903 regarding classification);

(6) "Act Number 103, 10 V.S.A. "as amended, established by Vermont on April 24, 1973 by legislative act;

(7) "Regulation Governing Water Classification and Control of Quality" established by the Vermont Water Resources Board on December 20, 1973, effective January 28, 1974:

(8) Intrastate basin classification maps as adopted by the Water Resources Board in formal classification procedures on dates indicated:

a. Nulhegan River, April 20, 1943, map not available, all waters designated Class B.

b. Paul and Willard Stream, April 30, 1954, map not available, all waters designated Class B.

c. Lamoille River, sheets 1 and 2, February 13, 1970.

d. Winooski River, lower, June 9, 1969; middle, May 14, 1963; upper, February 5, 1958; Stevens Branch, August 7, 1962.

e. Wells River, January 22, 1958.

f. Waits River, February 19, 1960.

g. LaPlatte River, March 14, 1958.

h. Lewis and Little Otter Creek (Lake Champlain); March 21, 1968.

i. Upper Otter Creek, February 19, 1961.

j. Lower Otter Creek, November 13, 1961.

k. Ottauquechee River, November 16, 1967.

l. Mill Brook (lower Connecticut River), March 21, 1968.

m. Black River, March 30, 1968;

(9) Intrastate river basins not formally classified by Water Resources Board. These basins all designated as Class B waters as of July 1, 1971, pursuant to 10 V.S.A. 903; and

(10) Compilation of those waters considered by the Vermont Department of Health to be Class A waters by virtue of their use as public water supplies pursuant to 10 V.S.A. 903(a)".

VIRGINIA

State water quality standards for the navigable waters of the State of Virginia are those adopted by Virginia effective July 20, 1970, and approved by the EPA on August 3, 1973, which are contained in the document entitled "Commonwealth of Virginia Water Quality Standards" as amended.

VIRGIN ISLANDS

State water quality standards for the navigable waters of the Virgin Islands of the United States are those established by the Virgin Islands and approved by the EPA on November 15, 1973, which are contained in the documents entitled:

(1) "Report on Water Quality Criteria and Plan of Implementation, Virgin Islands, United States of America, July, 1967" as amended;

(2) "Report on Water Quality Criteria and Plan of Implementation, Virgin Islands, United States of America, August 25, 1957" as amended; and

(3) "Water Quality Standards for Coastal Waters of the Virgin Islands" Title 12, Virgin Islands Rules and Regulations, Sections 186-1 through 186-11, August 15, 1973.

WASHINGTON

State water quality standards for the navigable waters of the State of Washington are those adopted by Washington on June 19, 1973, and November 11, 1973, and approved by the EPA on March 18, 1974, which are contained in the document entitled "State of Washington Department of Ecology, Water Quality Standards, June 19, 1973" as amended.

WEST VIRGINIA

State water quality standards for the navigable waters of the State of West Virginia are those adopted by West Virginia effective April 15, 1974, and approved by the EPA on July 11, 1974, which are contained in the document entitled "West Virginia Administrative Regulations, State Water Resources Board, Chapter 20, Articles 5 and 5A, Code of West Virginia, Series I (1965) and Series II (1967)" as amended.

WISCONSIN

State water quality standards for the navigable waters of the State of Wisconsin are those adopted by Wisconsin effective October 1, 1973, July 1, 1975, and October 1, 1976, and approved by the EPA on April 15, 1974, April 12, 1976, and July 23, 1976, which are contained in the following chapters of the "Wisconsin Administrative Code".

(1) "Chapter NR 102, Water Quality Standards for Wisconsin Surface Waters. Created, Register, September 1973, No. 213, as amended;

(2) "Chapter NR 103, Interstate Waters—Uses and Designated Standards. Created, Register, September 1973, No. 213; and

(3) "Chapter NR 104, Intrastate Waters—Uses and Designated Standards. Created, Register, September 1973, No. 213", as amended.

WYOMING

State water quality standards for the navigable waters of the State of Wyoming are those adopted by Wyoming on June 28, 1973, July 30, 1974, and September 11, 1975 and approved by the EPA on August 23, 1973, January 30, 1975, July 25, 1975, and November 8, 1976 which are contained in the document entitled "Water Quality Standards and Stream Classification in Wyoming" as amended and the Colorado River Basin Salinity Control Forum report entitled "Proposed Water Quality Standards for Salinity, Including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975," and "Supplement Including Modification to Proposed Water Quality Standards for Salinity Including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975," dated August 25, 1975.

Dated: September 9, 1977.

THOMAS C. JORLING,
Assistant Administrator for Water & Hazardous Materials.

[FR Doc.77-31298 Filed 10-27-77;8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21419; File Nos. 16052/3/4/5-IS-67]

A&A READY MIXED CONCRETE, INC.

Designating Applications for Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: October 17, 1977.

Released: October 20, 1977.

By the Chief, Safety and Special Radio Services Bureau:

1. The Chief, Safety and Special Radio Service Bureau (the Bureau) has before him for consideration the above-captioned applications filed June 27, 1977, by A&A Ready Mixed Concrete, Inc. (A&A) for authorization of new facilities in the Special Industrial Radio Service at several locations in the Los Angeles, Calif. metropolitan area.

2. On July 12, 1977, while the above-captioned applications were pending before the Commission, an Engineer from the Commission's Long Beach Field Office conducted an inspection of A&A's business premises in Gardena and Torrance, Calif., at which time it was determined that the radio system for which A&A was then seeking Commission's authorizations had already been installed and placed in operation. In response to the Commission's advice that A&A was, because of its unlicensed operation, in violation of Section 301 of the Communications Act of 1934, as amended (the Act), A&A has stated that its eligibility for and prior use of authorized facilities in the Business Radio Service permitted use of Special Industrial Radio Service facilities; that the length of time which had elapsed since the May 23, 1977, execution date of its above-captioned applications and the delivery to and installation of the radios meant that the licenses must have been authorized; and that it was ignorant of Commission requirements concerning operation of radio facilities.

3. A&A's contention that it was ignorant of requirements of federal law for licensing of radio facilities is untenable because the applicant was for nearly eleven years (1963–1974) a licensee of stations in the Business Radio Service and thus was or should have been fully aware of the pertinent provisions of the Act and our Rules prohibiting unlicensed operation. Similarly, we cannot comprehend A&A's position that its eligibility in the Business Radio Service somehow led it to the belief that it could operate stations in the Special Industrial Radio Service without a license therefor, particularly when its authorizations in the Business Radio Service expired more than three years prior to the filing of the above-captioned applications. There is likewise not the slightest merit to A&A's position that "Our license application was dated May 23, 1977, and a considerable length of time had elapsed before we erroneously assumed that our license had been granted." Although the

applications were in fact dated May 23, 1977 they were not received by the Commissions until June 27, 1977, less than two weeks prior to the discovery by the Commission's staff of the illegal operation. Moreover, giving A&A the benefit of the doubt and assuming that the radios were first illegally used on July 12, only seven weeks had elapsed since the date the applications were signed. A&A's argument that it acted reasonably in assuming that its applications had been granted (without so much, apparently, as a telephone call to the Commission to ascertain their status) is simply not credible. It therefore appears that this applicant, rather than acting prudently or reasonably, has flagrantly violated Section 301 of the Act and our Rules. A serious question thus exists as to A&A's character qualifications to receive the authorizations which it here seeks. Hence, the Bureau cannot make the requisite finding, pursuant to Section 309(a) of the Act, that a grant of A&A's applications would serve the public interest, convenience and necessity, so that the applications must, in accordance with Section 309(e) of the Act, be designated for evidentiary hearing.

4. Accordingly, *It is ordered*, That in accordance with the provisions of Section 309(e) of the Communications Act of 1934, as amended (47 U.S.C. 309(e)), the above-captioned applications of A&A Ready Mixed Concrete, Inc. File Nos. 16052/3/4/5-IS-67 are, pursuant to authority delegated in Sections 0.131(a) and 0.331 of the Commission's Rules, designated for hearing, at a time and place to be specified at a later date, on the following issues:

(a) To determine if A&A Ready Mixed Concrete, Inc. has willfully violated the Communications Act of 1934, as amended, and the Commission's Rules by operating unlicensed radio facilities on frequencies allocated to the Special Industrial Radio Service.

(b) To determine, in light of the evidence adduced pursuant to issue (a) hereinabove, whether A&A Ready Mixed Concrete, Inc. possesses the requisite character qualifications to receive a grant of the applications which are the subject of this proceeding.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-captioned applications will best serve the pubic interest, convenience and necessity.

5. *It is further ordered*, That the Chief, Safety and Special Radio Services Bureau IS MADE A PARTY to this proceeding.

6. *It is further ordered*, That the burden of proceeding with the evidence and the burden of proof on the issues specified in subparagraphs (a), (b), and (c) hereinabove are, pursuant to Section 309(e) of the Act and Section 1.254 of the Commission's Rules, upon A&A Ready Mixed Concrete, Inc.

7. *It is further ordered*, That each of the parties to this proceeding in order to avail itself of the opportunity to be heard, shall within 20 days of the mailing of the notice of designation by the Secretary of the Commission, file with the Commission, in triplicate, a written notice of appearance that he will appear on the date to be fixed for hearing and present evidence on the issues specified in this Order, as prescribed in Section 1.221 of the Commission's Rules.

8. *It is further ordered*, That the Secretary of the Commission shall serve a copy of this Order, by Certified Mail, Return Receipt Requested, upon A&A Ready Mixed Concrete, Inc.

FEDERAL COMMUNICATIONS COMMISSION,
CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.77-31132 Filed 10-27-77;8:45 am]

[6712-01]

[Docket No. 21417; FCC 77-691]

AMERICAN TELEPHONE & TELEGRAPH CO. LONG LINES DEPARTMENT

Memorandum Opinion and Order (Initiating Inquiry)

Adopted: October 13, 1977.

Released: October 21, 1977.

1. Our decision in "Private Line Rate Case", Docket No. 18128, 61 FCC 2d 587 (October 1, 1976) and our subsequent Order on petitions for reconsideration — FCC 2d—(released June 13, 1977, FCC 77-385) marked the conclusion of the first phase of our extensive investigation into the lawfulness of rate levels and rate level relationships of each of the Interstate service categories offered by the American Telephone and Telegraph Co. (referred to herein as AT&T or Bell), and the cost allocation methodology to be used for ratemaking. Our goal in that proceeding was to establish "the basic principles and standards of general applicability for determining cost of service and corresponding rate levels by service category" and to delineate the appropriate methodology to measure the full cost of providing the individual interstate services offered by AT&T, "thus assuring carrier accountability to the public for its rate actions." Order on Reconsideration, *supra* (para. 2).

2. Part and parcel to the determination of those issues was our rejection of Bell's long run incremental cost approach (LRIC) as a basis for setting its competitive private line service rate levels. Instead, we found the fully distributed cost approach (FDC) to be more consistent with our responsibility under the Communications Act to assure that rates are just and reasonable and that monopoly ratepayers are not subsidizing competitive offerings.[1] We directed AT&T to file any necessary tariff rate revisions for all services within our jurisdiction, within eight months from our decision,[2] utilizing a revised FDC Method 7 historical cost causation basis of allocating costs. We expressly required Bell to structure each of its interservice rates so as to yield a rate of return equal to its prescribed overall return (presently 9.5 percent). We stated that no departures from full cost rates (above or below) would be permitted absent a grant of a waiver. (See para. II *infra*).

3. On July 1, 1977, AT&T filed a response, which is presently before us, to our October 1, 1976 Opinion and Order in connection with its Series 1000, Private Line Telegraph Channels service.[3] Bell petitions for permission to depart from the full cost rates envisioned in our Docket 18128 proceeding and maintains that its revenue/cost projections at various rate levels document the need for pricing flexibility for this service. Bell asserts that this departure is necessitated by the fact that "there is no rate level at which AT&T can offer Series 1000 service which will produce an earnings ratio which would fulfill the Commission's requirement in Docket No. 18128." The carrier states that the earnings ratio for its private line telegraph channels service for the most recent calendar year was (−0.6 percent) and claims that any additional increase in the rates for this service, in view of the lower competitive private line telegraph offerings of Western Union,[4] would further depress the demand for AT&T's Series 1000 service. AT&T claims that failure to grant a waiver in this instance would cause a deterioration of the earnings flow and cause it ultimately to discontinue this service.

4. AT&T's revenue data indicate a significant decrease in market demand (between 1969 and 1975 annual revenues dropped from $42.7 million to 35.1 million) for its private line telegraph service. AT&T attributes this drop in large part to the migration of longer circuit section telegraph users to voice-grade multiplexed channels and to less profitable shorter telegraph-grade channels. Bell also claims that this lessening of revenues for this service has been caused, in part, by its decision to maintain the service using existing technology rather than through the use of newer advanced technology, which would have decreased costs.

5. Bell revenue figures also indicate a recent acceleration in market decline during 1976 of approximately 26% (representing a monthly revenue loss of approximately $750,000). A disparity in rates for the competing private line tele-

---

[1] We have held this approach applicable for ratemaking purposes both to AT&T and Western Union Telegraph Company, and WU has requested that we reconsider this determination.

[2] This date was subsequently deferred by Memorandum Opinion and Order, FCC 77-332, released May 20, 1977.

[3] Series 1000 is a full-time dedicated, low speed (sub voice grade) communications service used for sending and receiving typewritten messages, remote metering, typesetting and alarm transmission.

[4] Western Union Tariffs Nos. 254 and 257, Transmittal No. 7176, suspended and designated for hearing July 16, 1976 (FCC 76-626), Docket No. 20847.

graph offerings developed after Western Union (WU) raised its rates 13 percent in response to AT&T's 38% rate increase filed on January 27, 1976. AT&T's action was purportedly an attempt to achieve "optimum contribution" from this service.[5] AT&T attributes the negative earnings flow to this rate disparity and the resulting shift of customers to WU (over $10M in lost revenues to WU in 1976), coupled with the general declining demand for low speed channels.

6. AT&T, moreover, contends that the declining demand for its Series 1000 offering will make it more difficult to successfully market its teletypewriter station equipment offering (Private Line Telegraph—other), which presently has an earnings ratio of below 9.5 percent, and for which rate action is pending. AT&T Transmittal No. 12791, filed July 27, 1977, rate revisions effective October 25, 1977.[6]

7. Bell states that while its analysis of market demand on the basis of different rate levels substantiates the inappropriateness of a rate increase, that analysis indicates a rate reduction (of approximately 10 percent) would be more appropriate as a means of ultimately creating a more favorable earnings ratio. The carrier states however that it does not intend to file rate changes until the appropriateness of previous AT&T and WU rate increases are determined. Thus, it requests a waiver in order to maintain its Series 1000 rates at their current levels.

8. Finally, AT&T states that continuation of current market trends would inevitably lead to an early demise of this service if its present rates were maintained, as a result of lower WU rates for comparable service. AT&T claims that discontinuance of Series 1000 service would shift the burden of "substantial sunk costs" associated with Series 1000 service to users of AT&T's other services.

9. Comments on Bell's waiver request for its Series 1000 were filed by the Department of Defense (DOD) and by numerous alarm company users of this service. DOD, in its letter filed on July 25, 1977, requests that the Commission conduct a full evidentiary hearing on the lawfulness and reasonableness of Bell's Series 1000 rates. DOD claims that the reasonableness of these rates was one of several issues designated for investigation and hearing in Docket 20736 but was held in abeyance until the conclusion of Docket 18128 and has yet to be fully litigated. DOD maintains that Docket 20736, as it relates to the reasonableness of rates, is still pending and was intended to be reactivated upon AT&T's compliance with Docket 18128. DOD further states that it would support the granting of Bell's waiver request to maintain current rates only if it is accompanied by the requirement that AT&T justify the reasonableness of those rates.

10. The alarm companies' submission[7] dated July 29, 1977, concurs with DOD's view that the waiver should be granted pending a final determination in Docket 20736 on the reasonableness of Series 1000 rates. The alarm companies agree that the current rate level for this service is excessive and should not be retained indefinitely, and they request that the Commission order Bell to produce a study of costs on a dissaggregated basis among various types of telegraph service. They further request that an accounting order remain in effect during the anticipated hearing until final resolution.

11. As mentioned above, any departure from full cost pricing for a particular service category must be preceded by a grant of a waiver by the Commission. We anticipated in the Docket 18128 Order that there would be exceptional circumstances "where less-than-full cost based rates will permit beneficial cost efficiencies and demand adjustments over time," and thus create an appropriate instance for a grant of a waiver. We have previously emphasized the fact that we would entertain requests for waivers permitting full cost departures (above or below full costs) for a reasonable time certain "provided that the carrier can make a clear and definitive showing of benefits to be realized by the body of Bell users, and that such departures are consistent with the public interest * * *" 61 FCC 2d at 66.3. Throughout the Docket 18128 proceeding, we have stressed the need for carrier accountability and equity among the ratepayers of the various interstate services offered by Bell. As we emphasized in our Order on Reconsideration, even where a waiver is requested, carriers will be held fully accountable for their rates and will be required to file "minimum materials * * * to support rate levels and departures for datum-based full costs." *Id* at 663. We identified these "minimum materials as that which will allow us to determine the full impact of any waiver of the requirement that the service cover its full costs, including a showing of the incidence, by service of any revenue requirement burden associated with a grant of the waiver.'" Order on Reconsideration, supra at para. 27, fn. 14. We emphasized that "These materials shall support both the rate levels petitioned for by waiver and rate levels corresponding to the then prevailing authorized return levels." *Id*.

Emphasizing that our "prime emphasis is on carrier accountability for its rates, we reiterate that "grant of a waiver requires that the carrier be able to reconcile and account for any requested departures from FDC Method 7 full costs in relation to datum-based investment assignments and an allocated share of expenses." *Id*.

12. Much of this necessary supporting material has not been included in the waiver request. Although AT&T states that Series 1000 cannot, at any rate level, be expected to reach a positive earnings flow, let alone meet its revenue requirement at any time certain, it provides no documentation of the extent to which its overall revenue requirement is burdened or to which services, if any, this shortfall will be allocated. We therefore believe it is necessary to institute a further inquiry into the question of the necessity of a waiver of the full cost pricing approach envisioned in Docket 18128. This inquiry will also include questions relating to the effects on current users of Bell's Series 1000 service should the waiver not be granted.

13. Accordingly, it must be determined if Bell proposes that any of its other services (as opposed to AT&T's shareholders) will be burdened by the losses from Series 1000, and, if so, we direct Bell to submit information relating to the nature of the revenue requirement burden on the carrier's other service offerings associated with the grant of a waiver in connection with its Series 1000. Additionally, we are requiring that Bell submit a detailed accounting, broken down by the various rate elements of both Series 1000 and Type 5100 channels along with additional cost data which specifically identifies the "sunk costs" cited by Bell in its waiver request, listing separately those which would be considered non-fungible investment within each rate element. This will aid us in determining the extent of the burden on the overall company rate structure should a waiver in this instance not be granted. This information should also include the actual extent of investment devoted to the Telpak private line telegraph service (Type 5100) as compared to the amount dedicated to Series 1000 customer use.

14. We wish to point out that the request by DOD and alarm company users of Bell's private line telegraph service for immediate reactivation of the Docket 20736 hearing on the question of the reasonableness of the service rates is premature. An ultimate determination on the appropriate rate level relationship between Series 1000 and other Bell interstate service offerings has yet to be reached. Such a determination, which includes the question of whether Bell may depart from full cost pricing of its private line telegraph service, must precede an investigation into the lawfulness of the specific charges or the reasonableness of the particular rate structure for this service. Should it be determined that it would not be in the public interest to permit Bell to depart from a full cost recovery pricing approach, it will be unnecessary to decide, under the present circumstances, whether Bell's current

[5] Both of these rate increases are subject to investigation in separate docketed proceedings. Western Union's April 30, 1976, rate increase in Docket 20847; AT&T's increase in Docket 20736.

[6] AT&T has filed revised rates for its Series 1000—Other Service, increasing rate levels to reach a 9.5 percent rate of return for this service category.

[7] Although the Comments filed by both DOD and the alarm companies are untimely, pursuant to § 1.45 of our rules, we believe that it is appropriate, in view of the complexity and the importance of the issue discussed herein, to accept these pleadings and to include them as part of the record in this proceeding.

Series 1000 rate level is reasonable. Therefore, we believe it would best serve current users of this service as well as the general public to reach a determination on the appropriate pricing approach to be employed regarding this service before launching into an investigation of the lawfulness of current rate levels or rate structures.

15. The Series 1000 waiver request contemplates a significant shortfall which will increase annually. There is no expectation that the shortfall will be made up within any time certain. Bell has maintained that it could nominally increase Series 1000 revenues only if it lowers its current rates by 10 percent, and concedes that this will result in a more favorable but still negative earnings flow. It further asserts that at no rate level can this service earn even a positive rate of return, much less return 9.5 percent, and that this will be true for the forseeable future. Thus, AT&T's own support documentation raises serious and presently unanswered questions concerning the economic viability of this offering. We have previously advised carriers that we expect them to utilize their investment in the most economical, cost efficient manner in order to generate sufficient revenues to cover their embedded costs. "AT&T Revisions to WATS Tariff FCC No. 259 (WATS)", 59 FCC 2d 671 (1976). To this point, it can hardly be maintained that Series 1000 fulfills this expectation.

16. In determining whether a waiver for Series 1000 is appropriate we must consider the particular benefits derived by the public through this service and the effects on the public of our rejection of Bell's request. Denial of waiver may be tantamount to our ordering a discontinuation of service, although we can consider discontinuance only upon proper application pursuant to Section 214 of the Act, 47 U.S.C. 214. We must therefore weigh the current burden on Bell's other customers versus possible hardship on present users of this service upon termination.[8] We therefore believe that an investigation into the consequences of discontinuance of Series 1000 is warranted.

17. We are requesting that users of Series 1000, competing carriers, as well as any other interested party, submit comments on the probable consequences of discontinuance and any hardships or advantages which may be derived therefrom. These comments should address such issues as the existence of alternative services offered either by AT&T or other carriers; the existence of other carriers which are presently willing and able to offer private line telegraph service to current users; the physical and economic viability of utilizing voice grade channels for private line telegraph use, including sharing and/or resale of such channels; the particular advantages, if any of Bell's Series 1000 offerings over other carriers' services, and to what extent customers or localities would not be served by other carriers or replacement services upon discontinuance of this service offering. We are interested in identifying those present users who are in a position to present information justifying continuation of Series 1000, although it falls substantially below its targeted revenue requirement, as well as the potential competitive impact of possible termination.

18. In order to aid the Commission in obtaining relevant comments on the waiver request, we direct Bell to provide within 30 days from release of this inquiry, each of its present private line telegraph customers (Series 1000 and Type 5100 Telpak telegraph channels) with a copy of our press release announcing the institution of our Inquiry.

19. All information from the carriers, users of Series 1000, or other interested parties must be submitted on or before 1977. Prior to reaching a determination on the question of waiver, the carrier may continue to maintain its present rate level for Series 1000. This action amounts to a waiver of the requirements of the Docket 18128 decision pending the outcome of this inquiry. Upon consideration of the impact of either continuation of below-cost rates or of discontinuance, we shall make a public interest determination of whether a permanent waiver should be granted or denied.

20. *Accordingly, it is ordered,* That the request for waiver filed by AT&T is granted, temporarily, pending completion of the proceeding ordered herein, and further order of the Commission.

21. *It is further ordered,* Pursuant to Section 4(i), 4(j), 201–205, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201–205, 403, That an inquiry is initiated into the reasonableness of granting a permanent waiver to permit AT&T to offer Series 1000 service at rates which are not designed to yield a 9.5 percent rate of return.

22. *It is further ordered,* That the following issues shall be addressed:

(a) The nature and extent of benefit to the public of the continuation of Series 1000 through a waiver of full cost rate level for this service;

(b) How AT&T proposes to cover expected future shortfalls produced by this service (if Bell proposes to burden ratepayers of other services, which services will be expected to cover this shortfall and to what extent?);

(c) The anticipated burdens on current Series 1000 users and other members of the public should the waiver not be granted and the service offering be discontinued, including the potential competitive impact of such discontinuance.

23. *It is further ordered,* That, on or before November 28, 1977, AT&T provide the Commission with the information described in para. 13 above.

24. *It is further ordered,* That, on or before November 28, 1977, AT&T send to each of its Series 1000 and Type 5100 channel service customers a copy of our press release announcing this inquiry in order that each user of these services has the opportunity to comment on the matters under consideration.

25. *It is further ordered,* That interested persons may file comments in this proceeding, no later than December 27, 1977 and reply comments may be filed no later than January 17, 1978.

26. *It is further ordered,* That the Docket 20736 investigation and hearing into the reasonableness of AT&T's Series 1000 rates shall be held in abeyance until further order of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,[9]
WILLIAM J. TRICARICO,
Acting Secretary.

[FR Doc.77-31229 Filed 10-27-77;8:45 am]

[8] Although the carrier has not provided such information, it may be determined that the accumulated shortfall from this service (amount below annual revenue requirement) outweighs the revenue and non-fungible cost associated with this service which would reasonably be expected to be lost should this service be discontinued. This would minimize negative aspects of discontinuance while underscoring the drain this service has been on AT&T's overall revenue requirement.

[6712–01]

[Docket No. 21416; File Nos. 43898-43900-IB-67-TV]

BILL SIMS AND SIMS TOW SERVICE

Designating Applications for Consolidated Hearing on Stated Issues Memorandum Opinion and Order

Adopted: October 11, 1977.

Released: October 18, 1977.

1. The Chief, Safety and Special Radio Services Bureau (the Bureau) has before him for consideration the above-captioned applications filed June 9, 1977, by Bill Sims d.b.a. Sims Tow Service (Sims), 3111 East Willow Street, Long Beach, Calif. 90806, for authorization of new facilities in the Business Radio Service at Long Beach, Calif. Also before the Bureau in connection with its consideration of the above-captioned applications are earlier applications filed by Sims (and subsequently dismissed by the Bureau) for facilities in the Automobile Emergency Radio Service.

2. At the time the first Sims applications were pending before the Commission, the Bureau received information that Sims might already be operating an unlicensed radio facility on the frequency pair for which he was seeking authorization in the Automobile Emergency Radio Service. The Commission's Long Beach field office had inspected Sims' premises and had issued to Sims an April 25, 1977, admonitory letter concerning unlicensed operation. The Bureau then issued a letter of inquiry to which Sims failed to reply. Thus the applications were dismissed.

3. Upon receiving Sims' above-captioned applications the Bureau attempted to resolve the question of the

[9] Chairman Wiley not participating.

applicant's alleged prior unlicensed operation by reiterating, in a July 20, 1977, letter, the matters raised in its original April 25, 1977, letter and directing Sims to respond thereto and to explain his earlier failure to respond. While Sims has provided no clear or satisfactory explanation of his failure to respond, his explanation of his alleged unlicensed operation essentially is that he understood from his equipment supplier (Charles R. Wells and William Hyde of Chapman Electronics Co. in Long Beach) that he could operate his radio facility while the first application was pending before the Commission, and that he did so. It is by no means clear, from the language of Sims' response, whether his illegal operation was simply based on his reliance upon erroneous information furnished to him by his equipment supplier or whether he and the supplier conspired to violate the Communication Act of 1934, as amended (the Act), and the Commission's Rules for their mutual benefit and convenience.

4. In either event, a serious question exists as to Sims' character qualifications to receive the authorizations which he here seeks. Because the Bureau cannot make the requisite finding, pursuant to Section 309(a) of the Act, that a grant of Sims' applications would serve the public interest, convenience and necessity, the applications must, in accordance with Section 309(e) of the Act, be designated for evidentiary hearing.

5. *Accordingly, it is ordered,* That in accordance with the provisions of Section 309(e) of the Communications Act of 1934, as amended (47 U.S.C. 309(e)), the above-captioned applications of Bill Sims d.b.a. Sims Tow Service, File Nos. 43898/43899/43900-IB-67-TV are, pursuant to authority delegated in §§ 0.131(a) and 0.331 of the Commission's Rules, designated for hearing, at a time and place to be specified at a later date, on the following issues:

(a) To determine if Bill Sims d.b.a. Sims Tow Service has willfully violated the Communications Act of 1934, as amended, and the Commission's Rules by operating unlicensed radio facilities on frequencies allocated to the Automobile Emergency Radio Service.

(b) To determine, in light of the evidence adduced pursuant to issue (a) hereinabove, whether Bill Sims d.b.a. Sims Tow Service possesses the requisite character qualifications to receive a grant of the applications which are the subject of this proceeding.

(c) To determine, in light of the evidence adduced pursuant to the foregomg issues, what disposition of the above-captioned applications will best serve the public interest, convenience and necessity.

6. *It is further ordered,* That Bill Sims d.b.a. Sims Tow Service, Charles R. Wells, William Hyde, Chapman Electronics Co. and the Chief, Safety and Special Radio Services Bureau are made parties in this proceeding.

7. *It is further ordered,* That the burden of proceeding with the evidence and the burden of proof on the issues specified in paragraphs (a), (b), and (c) hereinabove are, pursuant to Section 309(e) of the Act and § 1.254 of the Commission's Rules, upon Bill Sims d.b.a. Sims Tow Service.

8. *It is further ordered,* That each of the parties named in Paragraph 6 hereinabove, in order to avail themselves of the opportunity to be heard, shall within 20 days of the mailing of the notice of designation by the Secretary of the Commission, file with the Commission, in triplicate, a written notice of appearance that he will appear on the date to be fixed for hearing and present evidence on the issue specified in this Order, as prescribed in § 1.221 of the Commission's rules.

9. *It is further ordered,* That the Secretary of the Commission shall serve a copy of this Order, by Certified Mail, Return Receipt Requested, upon each of the parties (except the Bureau) named in paragraph 6 herein above.

FEDERAL COMMUNICATIONS COMMISSION,
CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.77-31228 Filed 10-27-77;8:45 am]

[6712-01]

FM BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: October 14, 1977.

Released: October 21, 1977.

Notice is hereby given, pursuant to Section 1.573(d) of the Commission's Rules, that on December 5, 1977, the FM broadcast applications listed in the attached Appendix below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on December 2, 1977, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on December 2, 1977. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix below by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.573(d) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending FM broadcast applications, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Acting Secretary.

APPENDIX

BPH-10560 WMDD-FM, Fajardo, P.R., Pan Caribbean Broadcasting Corp., Has: 96.5 mHz; Channel No. 243B. ERP: 6.8 kW; HAAT: 300 ft. (Lic). Req: 96.5 mHz; Channel No. 243B. ERP: 50 kW; HAAT: 965 ft.

BPH-10562 WRBR, South Bend, Ind., Booth American Co. Has: 103.9 mHz; Channel No. 280A. ERP: 3 kW; HAAT: 155 ft. (Lic). Req: 103.9 mHz; Channel No. 280A. ERP: 3 kW; HAAT: 300 ft.

BPH-10566 (new), Blountstown, Fla., Calhoun Broadcasting Corp. Req: 102.3 mHz; Channel No. 272A. ERP: 3 kW; HAAT: 146 ft.

BPH-10628 (new), Chickasaw, Ala., Phillips Radio, Inc. Req: 98.3 mHz; Channel No. 252A. ERP: 1.70 kW; HAAT: 410 ft.

BPH-10629 KACW, Paris, Tex. KPLT, Inc. Has: 99.3 mHz; Channel No. 257A. ERP: 3 kW; HAAT: 175 ft. Lic). Req: 99.3 mHz; Channel No. 257A. ERP: 3 kW; HAAT: 300 ft.

BPH-10630 (new), Liberal, Kans. the Seaward County Broadcasting Co., Inc. Req: 105.5 mHz; Channel No. 288A. ERP: 3 kW; HAAT: 186 ft.

BPH-10631 (new), Monterey, Calif. Cypress Communications Inc. Req: 92.7 mHz; Channel No. 224A. ERP: .64 kW; HAAT: 585 ft.

BPH-10632 (new), Keauhou, Hawaii, Communico Honi Corp., Req: 92.1 mHz; Channel No. 221A. ERP: 3 kw; HAAT: 100 ft. (Allocated to Kealakekua, Hawaii)

BPH-10635 KHSJ-FM Hemet, Calif., KHSJ-Inc., KHSJ-FM. Has: 105.5 mHz; Channel No. 288A. ERP: .700 kW; HAAT: — 265 ft. (Lic). Req: 105.5 mHz; Channel No. 288A. ERP: 3 kW; HAAT: — 244 ft.

BPH-10636 (new), Mitchell, S. Dak., Korn Palace Broadcasting. Req: 107.3 mHz; Channel No. 2970. ERP: 100 kW; HAAT: 450.5 ft.

BPH-10637 KQQQ Pullman, Wash., Radio Palouse, Inc. Has: 104.9 mHz; Channel No. 285A. ERP: 1.7 kW; HAAT: 57 ft. (Lic). Req: 104.9 mHz; Channel No. 285A. ERP: 3 kW; HAAT: 273 ft.

BPH-10642 KJFF Jefferson City, Mo., KLIK Radio 950 Inc. Has: 106.9 mHz; Channel No. 295C. ERP: 100 kW; HAAT: 215 ft. (Lic). Req: 106.9 mHz; Channel No. 295C. ERP: 100 kW; HAAT: 603 ft.

BPH-10643 WLWS Hamilton, Ohio, WLW Radio of Hamilton, Inc. Has: 96.5 mHz; Channel No. 243B. ERP: 50 kW; HAAT: 430 ft. (Lic). Req: 96.5 mHz; Channel No. 243B. ERP: 14.5 kW; HAAT: 819 ft.

BPH-10644 (new), Corpus Christi, Tex., Big C Broadcasting Corp., Req: 99.1 mHz; Channel No. 256C. ERP: 100 kW; HAAT: 932 ft.

BPT-10645 (new), Trenton, Mo., Luehro Broadcasting Co. Req: 92.1 mHz; Channel No. 221A. ERP: 1.74 kW; HAAT: 380.4 ft.

BPH-10646 (new), Cortez, Colo., Sound 74, Inc. Req: 97.9 mHz; Channel No. 250C. ERP: 100 kW; HAAT: 1306 ft.

BPH-10647 (new), Carthage, Ill., Tri State Broadcasting Co. Req: 92.1 mHz; Channel No. 221A. ERP: 3 kW; HAAT: 300 ft.

BPH-10649 (new), Corpus Christi, Tex., A. V. Bamford. Req: 99.1 mHz; Channel No. 256C. ERP: 100 kW; HAAT: 894 ft.

BPH-10652 (new), Victoria, Tex., McDougal Broadcasting Co. Req: 107.9 mHz; Channel No. 300C. ERP: 57.9 kW; HAAT: 360 ft.

BPH-10654 (new), Corpus Christi, Tex., Radio KCCT, Inc. Req: 99.1 mHz; Channel No. 256C. ERP: 100 kW; HAAT: 752 ft.

BPH-10663 WIYD-FM Palatka, Fla., Hall Broadcasting Co. Has: 99.9 mHz; Channel No. 260C. ERP: 100 kW; HAAT: 180 ft. (Lic). Req: 99.9 mHz; Channel No. 260C. ERP: 100 kW; HAAT: 951 ft.

BPED-2405 (new), New Orleans, La., New Orleans Baptist Theological Seminar. Req: 89.1 mHz; Channel No. 206D. TPO: .01 kW.

BPED-2406 (new), Atherton, Calif., Menlo Atherton High School. Req: 88.9 mHz; Channel No. 205D. TPO: .01 kW.

BPED-2407 (new), Grand Junction, Colo., Pear Park Baptist Schools. Req: 88.5 mHz; Channel No. 203A. ERP: .439 kW; HAAT: −481 ft.

BPED-2409 (new), Nevada City, Calif., The American Victorian Museum. Req: 89.5 mHz; Channel No. 208D, ERP: 1.08 kW; HAAT: 980 ft.

BPED-2428 (new), Bangor, Maine, Bangor Christian Schools. Req: 88.5 mHz; Channel No. 203B. ERP: 15.8 kW; HAAT: 785 ft.

BPED-2443 (new), Norfolk, Va., Norfolk State College. Req: 91.1 mHz; Channel No. 216A. ERP: .956 kW; HAAT: 117 ft.

BPED-2455 (new), Santa Rosa, Calif., Christian Life Center of Santa Rosa. Req: 91.9 mHz; Channel No. 220B. ERP: 0.25 kW; HAAT: 1058 ft.

BPED-2457 (new), Neola, Utah, Unrecognized Uintah Ute Indians, Inc. Req: 88.1 mHz; Channel No. 201D. TPO: .01 kW.

BPED-2461 (new), Mobile, Ala., Spring Hill College, County of Mobile. Req: 90.5 mHz; Channel No. 213D. TPO: .01 kW.

BPED-2463 (new), Gallatin, Tenn., Volunteer State Community College. Req: 88.3 mHz; Channel No. 202A. ERP: .04 kW; HAAT: 6 ft.

BPED-2477 (new), Plattsburgh, N.Y., State University of New York. Req: 91.1 mHz; Channel No. 216D. TPO: .01 kW.

BPED-2519 (new), Sacramento, Calif., San Juan Unified School District. Req: 91.5 mHz; Channel No. 218D. TPO: .01 kW.

BPED-2544 WCXL, Dayton, Ohio, Broadcast Workshop, Inc. Has: 88.7 mHz; Channel No. 204D. TPO: .01 kK. (Lic) (Kettering, Ohio). Req: 89.1 mHz; Channel No. 206D. TPO: .01 kW (Dayton, Ohio).

[FR Doc.77-31230 Filed 10-27-77;8:45 am]

[6712-01]

[Mexican List No. 282]

NOTIFICATION LIST

In the matter of list of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

SEPTEMBER 1, 1977.

Call letters	Location	Power (kilowatts)	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number radials	Length (feet)	
		580 kHz							
(New)	Cancun, Q.R., N. 21°04'52", W. 86°46'18"	0.500	ND-D-175	D	III	339	120	356	1-30-78
		600 kHz							
(New)	Barra, D. Navidad, Jal., N. 19°11'01", W. 104°42'00"	0.250	ND-D-175	D	III	246	120	459	1-30-78
		800 kHz							
(New)	Tlapa, Gro., N. 17°32'00", W. 98°32'00"	1.000	ND-D-175	D	II	308	120	216	1-30-78
		1000 kHz							
(New)	Sombrerete, Zac., N. 23°37'53", W. 103°38'30"	0.500	ND-D-190	D	II	246	120	246	1-30-78
		1040 kHz							
(New)	Guadalupe, Zac., N. 22°45'30", W. 102°31'09"	1.000	ND-D-190	D	II	236	120	236	1-30-78
		1090 kHz							
(New)	Zacatecas, Zac., N. 22°46'30", W. 100°04'45"	0.250	ND-D-190	D	II	226	120	226	1-30-78
		1120 kHz							
(New)	Tuxtla Gtz., Chis., N. 16°45'20", W. 93°06'46"	0.250	ND-D-190	D	II	219	120	219	1-30-78
		1120 kHz							
(New)	Tenosique, Tab., N. 17°28'45", W. 91°25'33"	1.000	ND-D-190	D	II	219	120	219	1-30-78
		1180 kHz							
(New)	Rio Grande Zac. N. 23°49'40", W. 103°02'17"	1.000	ND-D-190	D	II	208	120	208	1.30.78
		1300 kHz							
(New)	Chilpancingo, Gro. N. 17°33'10", W. 99°30'03"	1.000	ND-D-190	D	III	189	120	189	1.30.78
		1370 kHz							
(New)	Aguascalientes, Ags. N. 21°52'43", W. 102°18'04"	0.250	ND-D-190	D	III	179	120	179	1.30.78
		1430 kHz							
(New)	Encarnacion D, Jal. N. 21°31'37", W. 102°14'06"	0.250	HD-D-190	D	III	171	120	171	1,30.78
		1470 kHz							
(New)	Tlaltenango, Zac. N. 21°47'00", W. 103°18'44"	0.500	ND-D-190	D	III	167	120	167	1.30.78
		1480 kHz							
(New)	Teepan, Gro. N. 17°13'30", W. 100°37'30"	0.500	ND-D-190	D	III	166	120	166	1.30.78
		1510 kHz							
(New)	Salina Cruz, Oax. N. 16°09'37", W. 95°12'11"	1.000	ND-D-190	D	II	162	120	162	1.30.78
		1510 kHz							
(New)	Cozumel, Qro. N. 20°30'00', W. 86°56'35"	5.000	DA-D	D	II				1.30.78
		1510 kHz							
(New)	Navojoa, Son. N. 27°04'42", W. 109°27'13"	0.500	ND-D-190	D	II	164	120	164	1.30.78
		1550 kHz							
(New)	Manzanillo, Col. N. 19°03'15", W. 104°19'46"	1.000	ND-D-190	D	II	158	120	158	1.30.78
		1550 kHz							
(New)	Morelia, Mich. N. 19°42'16", W. 101°11'31"	0.500D/ 1.000N.	ND-D-175 DA-N	U	II	159	120	143	1.30.78
		1550 kHz							
(New)	Pto. Escondido, Oax. N. 15°51'00", W. 97°06'18"	1.000	ND-D-190	D	II	158	120	158	1.30.78
		1580 kHz							
(New)	Comitan, Chis. N. 16°15'12", W. 92°07'41"	1.000	ND-D-190	D	II	155	120	155	1.30.78
		1580 kHz							
(New)	Tapachula, Chis. N. 14°59'29", W. 92°15'36"	0.500	ND-D-190	D	II	155	120	155	1.30.78
		1600 kHz							
(New)	Pto. Angel, Oax. N. 15°39'24", W. 96°29'35"	1.000	ND-D-175	D	III	104	120	153	1.30.78
		1600 kHz							
(New)	Villahermosa, Tab. N. 17°59'15", W. 92°55'00"	0.250	ND-D-190	D	III	153	120	153	1.30.78

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.77-31131 Filed 10-27-77;8:45 am]

[6210–01]

FEDERAL RESERVE SYSTEM

CAHOKIA BANCSHARES, INC.

Formation of Bank Holding Company

Cahokia Bancshares, Inc., Chesterfield, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bank of Cahokia, Cahokia, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 17, 1977.

Board of Governors of the Federal Reserve System, October 21, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-31178 Filed 10-27-77;8:45 am]

[6210–01]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of September 20, 1977

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on September 20, 1977.[1]

The information reviewed at this meeting suggests that real output of goods and services has grown less rapidly in the current quarter than in the second quarter. In August industrial output declined by about as much as it had risen in July. Employment increased moderately but the labor force rose more and the unemployment rate edged up to 7.1 percent, the same as in June. The dollar value of total retail sales, which had turned up in July, rose appreciably in August. The wholesale price index for all commodities was about unchanged; average prices of farm products and foods declined sharply for the third successive month, and average prices of industrial commodities continued to rise at a more moderate pace than in the early months of 1977. So far this year the index of average hourly earnings has advanced at about the same pace as it had on the average during 1976.

The weighted average exchange rate for the dollar against leading foreign currencies has recovered further in recent weeks, returning to the level of late June. In July the U.S. foreign trade deficit was at about the second-quarter rate, and there were sizable net inflows of foreign private and official capital.

Growth in M–1 and M–2 slowed in August from the exceptionally rapid rates in July. Expansion of both demand deposits and time and savings deposits at banks slackened. Growth in M–3 also slowed, although inflows to nonbank thrift institutions remained strong. Business short-term borrowing increased somewhat from the reduced pace in July, but remained below the volume of preceding months. Short-term interest rates, which had risen appreciably in early August, most recently have advanced somewhat further. Yields on longer-term market securities, however, have changed little on balance in recent months. Federal Reserve discount rates were increased from 5¼ to 5¾ percent in late August and early September, and member bank borrowings receded from the high levels of the latter part of August.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster bank reserve and other financial conditions that will encourage continued economic expansion and help resist inflationary pressures, while contributing to a sustainable pattern of international transactions.

At its meeting on July 19, 1977, the Committee agreed that growth of M–1, M–2, and M–3 within ranges of 4 to 6½ percent, 7 to 9½ percent, and 8½ to 11 percent, respectively, from the second quarter of 1977 to the second quarter of 1978 appears to be consistent with these objectives. These ranges are subject to reconsideration at any time as conditions warrant.

The Committee seeks to encourage near-term rates of growth in M–1 and M–2 on a path believed to be reasonably consistent with the longer-run ranges for monetary aggregates cited in the preceding paragraph. Specifically, at present, it expects the annual growth rates over the September–October period to be within the ranges of 2 to 7 percent for M–1 and 4 to 8 percent for M–2. In the judgment of the Committee such growth rates are likely to be associated with a weekly-average Federal funds rate of about 6¼ percent. If, giving approximately equal weight to M–1 and M–2, it appears that growth rates over the 2-month period will deviate significantly from the midpoints of the indicated ranges ,the operational objective for the Federal funds rate shall be modified in an orderly fashion within a range of 6 to 6½ percent.

If it appears during the period before the next meeting that the operating constraints specified above are proving to be significantly inconsistent, the Manager is promptly to notify the Chairman who will then decide whether the situation calls for supplementary instructions from the Committee.

By order of the Federal Open Market Committee, October 21, 1977.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.77-31179 Filed 10-27-77;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of September 20, 1977, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

[1610–01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on October 20, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed OSM request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before November 15, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

OFFICE OF SURFACE MINING

The Office of Surface Mining Reclamation and Enforcement (OSM), Department of the Interior, requests clearance of new Form OSM 837–1, Coal Production and Reclamation Fee Report. The OSM 837–1 collects information from operators engaged in coal mining who remove or intend to remove more than 250 tons of coal from the earth within twelve consecutive calendar months in any one location; and provides that basis for ascertaining that the appropriate reclamation fee is paid.

The authority for collecting these data and fee payments is provided in Sections 401 and 402 of the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95–87). The Act requires a notarized statement concerning the accuracy of the data and the fee submitted. Pub. L. 95–87 prescribes October 1, 1977, as the beginning of the first calendar quarter for which coal production data is to be reported. The initial payment is due no later than January 30, 1978. All subsequent reports and fees must be submitted within 30 days after the end of each calendar quarter.

The OSM estimates that respondents are approximately 7,000 coal mine operators that may be an individual, partnership, association, society, joint stock company, firm, company, corporation or other business organization; and that reporting time averages 15 minutes per quarterly response.

NORMAN H. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-31231 Filed 10-27-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

ARCHIVES ADVISORY COUNCIL

Meeting

Notice is hereby given that the National Archives Advisory Council shown below will meet at the time and place indicated. Anyone interested in attending, or who wishes additional information, should contact the person shown below.

NATIONAL ARCHIVES ADVISORY COUNCIL

MEETING DATES: December 1–3, 1977; December 1: 7:00 p.m.—10:00 p.m.; December 2: 9:00 a.m.—4:00 p.m.; December 3: 9:00 a.m.—adjournment.

PLACE: Room 410, National Archives and Records Service, 8th and Pennsylvania Avenue, NW., Washington, D.C. 20408.

AGENDA: Presidential libraries, Washington National Records Center, preservation of documents, Pennsylvania Avenue Development Corp., training programs, and declassification.

FOR FURTHER INFORMATION CONTACT:

R. Michael McReynolds, General Services Administration (NS), Washington, D.C. 20408 (202–523–3013).

Issued in Washington, D.C., on October 17, 1977.

JAMES E. O'NEILL,
Acting Archivist of the United States.

[FR Doc.77–31174 Filed 10–27–77;8:45 am]

[4110–87]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

REQUEST FOR INFORMATION

Certain Chemical Agents and Processes

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Center for Disease Control, Public Health Service, HEW.

ACTION: Notice of Request for Information.

SUMMARY: This notice solicits information concerning the establishment of a safe and healthful occupational environment involving certain chemical agents and processes. This information will be used in the development of criteria for recommended standards for occupational exposure.

DATES: Comments concerning this notice should be submitted by December 27, 1977.

ADDRESSES: Comments and recommendations should be submitted in writing to: Mr. Vernon E. Rose, Director, Division of Criteria Documentation and Standards Development, National Institute for Occupational Safety and Health, 5600 Fishers Lane (Room 8A–52), Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Dr. Irwin Baumel, Chief, Criteria Development Branch, NISH, (301) 443–5290

SUPPLEMENTARY INFORMATION: Section 20(a)(3) of the Occupational Safety and Health Act of 1970 [29 U.S.C. 669(a)(3)] provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health (NIOSH) to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare under sections 20 and 21 of the Act. NIOSH is proposing to develop criteria documents containing recommended occupational health standards for the following substances and processes for completion in 1978–79:

Aliphatic Primary Monoamines
Brominated Aromatics
Coal Liquifaction
Cobalt and Its Compounds
Fluorocarbons
Mercaptans
Methyl Chloride
Nitriles
Nitrobenzenes
Nitrotoluenes
Organo-isocyanates
Oxalic Acid
Paint and Allied Products Manufacture
Printing Industry
Radiofrequency and Microwave Radiation
Slaughtering and Rendering Plants
Talc

In the process-oriented standards NIOSH does not plan to recommend workplace environmental limits for all products or intermediates involved in their respective processes. The vast number of chemical species, their varying toxicities, unique safety hazards, and potential for exposure to suspected chemical carcinogens are exceedingly important considerations. Therefore, work practices and engineering controls designed to limit occupational exposure, methods to educate the employee and employer, and methods of biological and workplace monitoring will be recommended in lieu of specific environmental limits.

Each criteria document will include among other items an evaluation of available information relative to the areas listed below.

Any person having information or data in any of the areas listed below, or in other areas considered relevant to the establishment of a safe and healthful occupational environment involving these substances and processes is requested to submit such information with accompanying documentation.

1. Establishment of safe occupational environmental levels for such agents including levels for acute and chronic exposure to airborne concentration of the chemical agents as well as safe practices concerning direct contact with such agents.

2. Establishment of biologic standards, i.e., the levels of such agents, metabolites, or other effects of exposure which may be present within man without his suffering ill effects, taking into consideration (a) the correlation of airborne concentrations of, and extent of exposure to, such substances with effects on specific biologic systems of man such as the circulatory, respiratory, urinary, and nervous system, and (b) the analytical methods for determining the amount of the substance which may be present within man.

3. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

4. Specifications for the conditions under which personal protective devices should be required.

5. Methods, including instruments, for air sampling and sample analysis of the chemical agents and methods of measuring levels of exposure to the physical agents.

6. The need for medical examinations for workers exposed to such agents and/or processes, the frequency of such examinations, and the specific diagnostic tests which should be used, and the rationale for their selection.

7. Work practices or procedures which may be instituted for control of the workplace environment in normal operations and those which may be instituted when ocupational environmental levels are temporarily exceeded or where peak concentrations of chemical agents in man are reached.

8. The types of records concerning occupational exposure to such agents and/or processes that employers should be required to maintain.

9. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by such agents and/or processes.

All information received concerning these substances and/or processes, except that information which is trade secret and protected by Section 15 of the Act, will be available for public inspection at the foregoing address.

Dated: October 19, 1977.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.77–30933 Filed 10–27–77; 8:45 am]

[4110–03]

Food and Drug Administration

[Docket No. 76N–0400]

GOOD LABORATORY PRACTICE FOR NONCLINICAL LABORATORY STUDIES

Availability of Results of the Pilot Compliance Program

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces the availability of the Office of Planning and Evaluation (OPE) Study 42 entitled "Results of the Nonclinical Toxicology Laboratory Good Laboratory Practices Pilot Compliance Program." This report presents the re-

sults of the pilot compliance program to inspect nonclinical toxicology laboratories. The report examines the adherence of these laboratories to the proposed good laboratory practice regulations.

FOR FURTHER INFORMATION CONTACT:

Paul D. Lepore, Bureau of Veterinary Medicine (HFV-102), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD. 20857 (301-443-4313).

SUPPLEMENTARY INFORMATION: The preamble to the proposed good laboratory practice regulations published in the FEDERAL REGISTER of November 19, 1976 (41 FR 51206) announced the intention of the Food and Drug Administration (FDA) to conduct inspections of toxicology laboratories under a pilot compliance program. The objectives of this program were:

(1) to develop baseline data on the degree of laboratory conformity to the proposed regulations,

(2) to attain state-of-the-art information which would impact on the final version of the regulations and the associated compliance program,

(3) to demonstrate to the regulated laboratories that inspections were to be made prior to the development of final rules, and

(4) to take appropriate steps to correct fraudulent actions and other serious violative practices that may have compromised the quality and integrity of the safety data collected.

The state-of-the-art data collection phase of the pilot compliance program has ended, and the results have been analyzed and summarized by the agency's Office of Planning and Evaluation.

A copy of this report is available for review between 9 a.m. and 4 p.m., Monday through Friday, in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Copies may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, Va. 22161, as follows:

Title	Order No.	Price code	Price*
Results of the nonclinical toxicology laboratory good Laboratory practices pilot compliance program OPE study 42.	PB 272-270/AS	A03	$4.50
Above report available on microfiche.	PB 272-270/AS	A01	3.00

*Price subject to change.

Dated: October 20, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-31176 Filed 10-27-77;8:45 am]

[4110-03]

Food and Drug Administration

[Docket Nos. 77N-0295 through 77N-0299]

SKIN TEST ANTIGENS

Opportunity for Hearing on Intent to Revoke Certain U.S. Licenses

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This is a notice of opportunity for hearing on a proposal to revoke the U.S. Licenses for the following: (1) Diphtheria Toxin for Schick Test, and Tuberculin Old, Parke, Davis and Co., license No. 1, (Docket No. 77N-0295), Lymphogranuloma Venereum Antigen, E. R. Squibb and Sons, Inc., license No. 52 (Docket No. 77N-0296) for which available data are insufficient to classify their safety and effectiveness and manufacturing of the products has been discontinued to an extent that a meaningful inspection cannot be made; and (2) Mumps Skin Test Antigen, Eli Lilly and Co., license No. 56 (Docket No. 77N-0297), Diptheria Toxin for Schick Test, and Schick Test Control, Texas Department of Health Resources, license No. 121 (Docket No. 77N-0298), Tuberculin, Old, Eli Lilly and Co., license No. 56 (Docket No. 77N-0297), and Tuberculin, Old, Massachusetts Public Health Biologics Laboratories, license No. 64 (Docket No. 77N-0299) for which available data are insufficient to classify their safety and effectiveness.

DATES: The licensees may submit written requests for a hearing to the Hearing Clerk, Food and Drug Administration, by November 28, 1977, and any data justifying the hearing must be submitted by December 27, 1977. Other interested persons may submit comments on the proposed revocation to the Hearing Clerk by December 27, 1977.

ADDRESS: Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

John J. Singleton, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, Md. 20014, 301-443-1920.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of September 30, 1977 (42 FR 52674), the Commissioner of Food and Drugs announced his intention to revoke the license(s) for Skin Test Antigens classified as Category IIIB, pursuant to 21 CFR 601.5(b)(2) and 601.25(f)(3), based upon the recommendation of the Panel on Review of Skin Test Antigens and the Commissioner's concurrence that (1) manufacturing has been discontinued to an extent that a meaningful inspection cannot be made and/or (2) the data are insufficient to classify the product(s) as safe and effective. The basis of the Panel's recommendation, with which the Commissioner agrees and adopts as the grounds for revocation, is contained in the September 30 FEDERAL REGISTER document.

Accordingly, pursuant to § 12.21(b) (21 CFR 12.21(b)), the Commissioner is offering an opportunity for a hearing. A written request for a hearing by the licensee may be submitted to the Hearing Clerk, Food and Drug Administration, by November 28, 1977, and any data justifying a hearing must be submitted by December 27, 1977. Other interested persons may submit comments on the proposed revocation to the Hearing Clerk, Food and Drug Administration by December 27, 1977.

The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, the submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR Part 12 and 21 CFR 314.200. (See 21 CFR 601.7(a).)

The failure of a licensee to file timely written appearance and request for a hearing constitutes an election of the licensee not to avail itself of the opportunity for a hearing concerning the proposed license revocation and a waiver of any contentions concerning the legal status of the product at issue. Any such product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such product from the market. Any biological product marketed with an approved license is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must be set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for a hearing that there is no genuine and substantial issue of fact which precludes the revocation of the license, or when a request for a hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the licensee requesting the hearing, making findings and conclusions, and denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk, between 9 a.m. and 4 p.m., Monday through Friday.

(Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040-1042 as amended, 1050-1053 as amended, 1055-56

as amended by 70 Stat. 919 and 72 Stat. 948 (31 U.S.C. 321, 352, 355, 371)).)

Dated: October 21, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-31346 Filed 10-27-77;8:45 am]

[4110-89]

Office of Education

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Meeting

AGENCY: Office of Education National Advisory Council on Women's Educational Programs.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Women's Educational Programs and its Executive, Federal Policy and Practices, Legislation, Program and Public Information Committees. It also describes the functions of the Council. Notice of the meetings is required pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). This document is intended to notify the general public of its opportunity to attend.

DATE: November 15, 6:00 to 9:00 p.m.; November 16 and 17, 1977, 8:30 a.m. to 5:00 p.m.

ADDRESS: To be announced.

FOR FURTHER INFORMATION CONTACT:

Kathleen Maurer, National Advisory Council on Women's Educational Programs, 1832 M Street NW., Suite 821, Washington, D.C. 20036. Telephone: 202-653-5846.

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 for Education 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 activities under Section 408 of Pub. L. 93-380.

The meeting of the Executive Committee will take place on November 15, 1977 from 6 p.m. to 9 p.m. The agenda will include preparation for the Council meeting. The meetings of the Federal Policy and Practices Committee, the Legislation Committee and the Program Committee will take place on November 16 from 8:30 p.m. to 4 p.m. The agenda for the Federal Policy and Practices Committee will include discussion of the project on the educational needs of Indian women and a progress report on the Education Division Review series. The agenda for the Legislation committee will include discussion of Title IX and pending legislation and regulations as they affect women. The agenda for the Program Committee will include discussion of monitoring and evaluation efforts directed toward the WEEA Program. The meeting of the Public Information Committee will take place from 11 a.m. to 1:30 p.m. on November 16. The agenda for that Committee will include discussion of the committee's tasks, criteria for Council representation at conferences, dissemination of the Council's report on women's studies programs and Committee membership.

The meeting of the National Advisory Council on Women's Educational Programs will take place from 4 to 5 p.m. on November 16 and from 8:30 a.m. to 5 p.m. on November 17. The agenda will include (1) report of the Executive Director; (2) report of the Women's Program Staff; (3) action on committee reports; (4) discussion of plans for the National Women's Conference.

All of the Council and committee meetings will be open to the public. Records will be kept of all Council proceedings and will be available for public inspection at the Council offices at Suite 821, 1832 M Street NW., Washington, D.C.

Signed at Washington, D.C. on October 25, 1977.

JOY R. SIMONSON,
Executive Director.

[FR Doc.77-31323 Filed 10-27-77;8:45 am]

[4110-83]

Health Resources Administration

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 November 1977:

Name: National Council on Health Planning and Development.
Date and time: November 11, 1977, 8:30 a.m.
Place: First Floor Auditorium, 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 Titles 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) discussion and development of recommendations on the national guidelines for health planning, and (2) consideration of progress and problems in the administration of the Health Planning and Health Facilities Construction Programs.

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.

Date: --------

JAMES A. WALSH,
Associate Administrator for Operations and Management.

NOTE.—The National Council on Health Planning and Development met on October 21. At that time, arrangements were made for the next meeting of the Council to be held on November 11, 1977, thereby reducing time of public notice.

[FR Doc.77-31427 Filed 10-27-77;8:45 am]

[4110-83]

Health Resources Administration

APPLICATION ANNOUNCEMENT FOR GRANTS FOR DENTAL TEAM PRACTICE

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal year 1978 Grants for Dental Team Practice are now being accepted under the authority of section 783(a)(3) of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484).

Section 783(a)(3) authorizes the Secretary to make grants to public or nonprofit private entities to meet the costs of projects to: plan, develop, and operate or maintain a program to train dental students in the organization and

management of multiple auxiliary dental team practice.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer, Bureau of Health Manpower, HRA, Center Building, Room 4-22, 3700 East-West Highway, Hyattsville, Md. 20782, Phone: 301-436-6564.

To be considered for fiscal year 1978 funding, completed applications must be postmarked no later than November 10, 1977 and sent to the Grants Management Officer at the above address.

Should additional programmatic information be required, please contact:

Education Development Branch, Division of Dentistry, Bureau of Health Manpower, HRA, 3700 East-West Highway, Hyattsville, Md. 20782, Phone: 301-436-6510.

Dated: October 19, 1977.

HAROLD MARGULIES,
Deputy Administrator, HRA.

[FR Doc.77-31113 Filed 10-27-77;8:45 am]

[4110-08]

National Institutes of Health

BIOTECHNOLOGY RESOURCES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biotechnology Resources Advisory Committee, Division of Research Resources, December 15 and 16, 1977, National Institutes of Health, Bldg. 31, conference rm. 9, Bethesda, Md. 20014.

This meeting will be open to the public on December 15 from 8:30 a.m. to recess for (1) introductory remarks, (2) a review of the current Biotechnology Resources Program, and (3) a status report on the PROPHET System. 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.C. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 16 from 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual research prospectuses submitted by organizations seeking access to PROPHET System services. These prospectuses and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the prospectuses.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, Bldg. 31, Rm. 5B-19, National Institutes of Health, Bethesda, Md. 20014, telephone area code 301, 496-5545, will provide summaries of meetings and rosters of committee members.

Dr. Charles L. Coulter, Executive Secretary, Biotechnology Resources Advisory Committee, Division of Research Resources, Bldg. 31, Rm. 5B-41, National Institutes of Health, Bethesda, Md. 20014, telephone area code 301 496-5411, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.371, National Institutes of Health.)

Dated: October 14, 1977.

MRS. SUZANNE L. FREMEAU,
Committee Management Officer
National Institutes of Health.

[FR Doc.77-30968 Filed 10-27-77;8:45 am]

[4110-08]

BOARD OF SCIENTIFIC COUNSELORS, NICHD

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, November 28, 1977, in Building 31, Room 2A-50. This meeting will be open to the public from 9 a.m. to 3 p.m. on November 28, for the review of the NICHD Intramural Research Programs. 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 from 3 p.m. to adjournment on November 28 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, NICHD, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Md., Area Code 301, 496-1848, will provide a summary of the meething and a roster of committee members. Dr. James Sidbury, Scientific Director, NICHD, Building 31, Room 2A-50, National Institutes of Health, Bethesda, Md., Area Code 301, 496-2133, will furnish substantive program information.

Dated: October 19, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
NIH.

[FR Doc.77-30976 Filed 10-27-77;8:45 am]

[4110-08]

BOARD OF SCIENTIFIC COUNSELORS, NEI

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Eye Institute, November 28-29, 1977, Building 31, Room 6A-23, National Institutes of Health, Bethesda, Md.

This meeting will be open to the public on November 28 from 8:30 a.m. until 2:30 p.m. for general remarks by the Institute Director on matters concerning the intramural programs of the National Eye Institute. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on November 28 from 2:30 p.m. until adjournment and the entire day on November 29 for review, discussion, and evaluation of individual projects conducted by the Laboratory of Vision Research, NEI. This evaluation and discussion could reveal personal information concerning individuals associated with the projects. Consequently, this meeting is concerned with matters exempt from mandatory disclosure.

Mr. Julian Morris, Head, Office of Program Planning and Scientific Reporting, National Eye Institute, Building 31, Room 6A-27, telephone 301-496-5248 will furnish summaries of the meeting and rosters of committee members.

Substantive program information may also be obtained from Dr. Carl Kupfer, Director, National Eye Institute, Building 31, Room 6A-03, telephone 301-496-2234, National Institutes of Health, Bethesda, Md. 20014.

Dated: October 19, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-30972 Filed 10-27-77;8:45 am]

[4110-08]

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, November 14, 1977, Federal Building, Conference Room B119, Bethesda, Md.

This meeting will be open to the public on November 14, 1977, from 9 a.m. to 10:30 a.m., when the current progress of the Multiple Risk Factor Intervention Trial will be discussed. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on November 14, from 10:30 a.m. to adjournment, for the review, discussion and evaluation of individual contract renewal proposals. The proposals and the discussions could reveal confidential trade secrets and personal information such as privileged unblinded medical data about individuals associated with the proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart,

Lung, and Blood Institute, Building 31, Room 5AO3, National Institutes of Health, Bethesda, Md., 20014, phone 301–496–4236, will provide summaries of meetings and rosters of committee members. Dr. William J. Zukel, Executive Secretary of the Committee, Federal Building, Room 4C10, Bethesda, Md. 20014, phone 301–496–2533, will furnish substantive program information.

Dated: October 19, 1977.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-30974 Filed 10-27-77;8:45 am]

[4110–08]

CLINICAL TRIALS REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, November 15–17, 1977, Sheraton-Ritz Hotel, Minneapolis, Minn.

This meeting will be open to the public on November 15, 1977 from 8 to 8:30 p.m. to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. 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 Public Law 92–463, the meeting will be closed to the public on November 15, 1977 from 8:30 p.m. to adjournment, and on November 16 and 17, 1977 from 8:30 a.m. to adjournment both days, for the review, discussion and evaluation of an individual grant application. This application 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. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 5A03, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Room 548B, phone 301–496–7363, will furnish substantive program information.

Dated: October 19, 1977.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-30973 Filed 10-27-77;8:45 am]

[4110–08]

COMMITTEE ON CANCER IMMUNOTHERAPY

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, November 14, 1977, Building 10, Room 4B–14, National Institutes of Health. This meeting will be open to the public on November 14, 1977 from 1:15 p.m. to 1:45 p.m. to review administrative details. 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 P.L. 92–463, the meeting will be closed to the public on November 14, 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 confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B–43, National Institutes of Health, Bethesda, Maryland 20014, 301–496–5708 will provide summaries of the meeting and rosters of committee members.

Dr. George M. Steinberg, Executive Secretary, National Cancer Institute, Building 10, Room 4B–09, National Institutes of Health, Bethesda, Md. 20014, 301–496–1791 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.314, National Institutes of Health.)

Date: October 19, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-30970 Filed 10-27-77;8:45 am]

[4110–08]

DENTAL RESEARCH INSTITUTES AND SPECIAL PROGRAMS ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Dental Research Institutes and Special Programs Advisory Committee, National Institute of Dental Research, on November 29–30 and December 1, 1977, in Building 31–C, Conference Room 8, National Institutes of Health, Bethesda, Md. This meeting will be open to the public on November 29 from 9:00 a.m. to 10:00 a.m. to discuss administrative details relating to Committee business and general discussion. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public from 10:00 a.m., November 29 to adjournment on December 1 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 individuls associated with the applications.

Dr. Emil L. Rigg, Chief of Scientific Review Branch, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 504, Bethesda, Md. 20014, phone 301–496–7658 will provide summaries of meetings, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.845, National Institutes of Health.)

Dated: October 14, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-30978 Filed 10-27-77;8:45 am]

[4110–08]

GENERAL CLINICAL RESEARCH CENTERS PROGRAM GROUP OF THE NATIONAL ADVISORY RESEARCH RESOURCES COUNCIL

Meeting

Notice is hereby given of the meeting of the General Clinical Research Centers Program Group of the National Advisory Research Resources Council (NARRC) on Thursday, December 15, 1977, from 10:30 a.m. to 4:00 p.m. in Room 5B51, Building 31–B, National Institutes of Health, Bethesda, Md. 20014. The entire meeting will be open to the public. The General Clinical Research Centers Program Group will discuss the development of Council Agenda for the January 30–31, 1978, General Clinical Research Centers Program Review by the NARRC. Attendance by the public will be limited to space available.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Building 31, Bethesda, Maryland 20014, phone 301–496–5545, will provide summaries of the meeting and rosters of the Work Group members, and Dr. William DeCesare, Director of the GCRC Program of the Division of Research Resources, National Institutes of Health, Room 5B51, Building 31, Bethesda, Md. 20014, phone 301–496–6595, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.333, National Institutes of Health.)

Dated: October 18, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-30969 Filed 10-27-77;8:45 am]

[4110–08]

MATERNAL AND CHILD HEALTH RESEARCH COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting date of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, which was published in the FEDERAL REGISTER on September 30, 1977, 42 FR 52493.

This Committee was to have convened at 9 a.m. on November 14–15, 1977, but has been changed to 9 a.m. November 28, 1977, in the Landow Building, Conference Room 4C18.

This meeting will be open to the public from 9 a.m. to 11 a.m.

Dated: October 18, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-30977 Filed 10-27-77;8:45 am]

[4110–08]

NATIONAL CANCER ADVISORY BOARD; PRESIDENT'S CANCER PANEL BOARD SUBCOMMITTEES

Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the National Cancer Advisory Board, its Subcommittees, and the President's Cancer Panel, November 13–16, 1977, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.

Some of these meetings will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Some of these meetings will be closed to the public as indicated below in accordance with the provisions set forth in Section 552b(c)(4) and Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, 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 personnel information concerning individuals associated with the 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, substantive program information and rosters of members, upon request.

Name of committee: National Cancer Advisory Board/President's Cancer Panel.
Dates of meeting: Nov. 14–16, 1977.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Times: Open: Nov. 14, 1 p.m.–5 p.m.
Open: Nov. 15, 9 a.m.–11:30 a.m.
Open: Nov 15, 2:45 p.m.–4:30 p.m.
Open: Nov. 16, 9 a.m.–adjournment.
Agenda/open portion: November 14; reports on activities of the President's Cancer Panel and the Director, NIH, the cost of upgrading grantee/contractor facilities regarding biohazards and animal quarters, particles for radiation therapy, and cancer research in China. November 15; reports of the Board's Subcommittees, the Pathology/Toxicology Manpower meeting, an update on the NCI Bioassay Program, proposed modification of core support grants to centers, and manpower needs and resources for cancer research and clinical application. November 16; reports on the overview of the NCI International Affairs program, disorders of immuno-regulatory cells in cancer, and the NCI Epidemiology program.
Times: Closed: Nov. 15, 1 p.m.–2:30 p.m.
Agenda/closed portion: To review research grant applications.
Name of committee: Board subcommittee on environmental carcinogenesis.
Date of meeting: Nov. 13, 1977, 7:30 p.m.—adjournment.
Place of meeting: Building 31C, Conference Room 7, National Institutes of Health.

OPEN FOR THE ENTIRE MEETING

Agenda: To discuss the status of environmental carcinogenesis at the National Cancer Institute.
Name of committee: Board Subcommittee on Construction.
Date of meeting: Nov. 14, 8:30 a.m.–9:15 a.m.
Place of meeting: Building 31C, Conference Room 6, National Institutes of Health.

CLOSED FOR THE ENTIRE MEETING

Agenda: To review research grant applications.
Name of committee: Board Subcommittee on Centers.
Date of meeting: Nov. 14, 9:15 a.m.–10 a.m.
Place of meeting: Building 31C, Conference Room 6, National Institutes of Health.

CLOSED FOR THE ENTIRE MEETING

Agenda: To review research grant applications.
Name of committee: Board Subcommittee on Planning and Budget.
Date of meeting: Nov. 14, 1977, 10:30 a.m.–12 noon.
Place of meeting: Building 31C, Conference Room 6, National Institutes of Health.

OPEN FOR THE ENTIRE MEETING

Agenda: To review the status of the 1978 budget and the 1979 preliminary budget submitted to the Office of Management and Budget.

(Catalog of Federal Domestic Assistance Program Nos. 13.392 and 13.397, National Institutes of Health.)

Dated: October 14, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-30971 Filed 10-27-77;8:45 am]

[4110–08]

NATIONAL COMMISSION ON DIGESTIVE DISEASES

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Commission on Digestive Diseases, December 7, 1977, 9:00 a.m. to 5:00 p.m., at the Sheraton Inn, West Palm Beach, Florida. In addition, the Commission will hear public testimony on December 8, 1977, 10:00 a.m. to 6:00 p.m., in the Auditorium of the Palm Beach Junior College. The entire two days will be open to the public. Attendance by the public will be limited to space available.

Any member of the public who wishes to appear before the Commission at this time shall file a written statement or detailed summary of his remarks with the Commission before November 23, 1977. Statements or summaries shall be sent to Dr. Thomas P. Vogl, Executive Secretary, National Commission on Digestive Diseases, Room 6C16, the Federal Building, 7550 Wisconsin Avenue, Bethesda, Maryland 20014. The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, telephone (301) 496–3583, will provide summaries of the Commission meeting.

(Catalog of Federal Domestic Assistance Program No. 13.484, National Institutes of Health.)

Dated: October 18, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-30975 Filed 10-27-77;8:45 am]

[4110–08]

PHARMACOLOGY-TOXICOLOGY RESEARCH PROGRAM COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given to the meeting of the Pharmacology-Toxicology Research Program Committee, National Institute of General Medical Sciences, November 16, 1977, The Washington Hotel, Washington, D.C.

This meeting will be open to the public on November 16 from 9:00 a.m. to 10:30 a.m. for opening remarks and general administrative business. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6), the meeting will be closed to the public on November 16 from 10:30 a.m. to adjournment for the review, discussion, and evaluation of an initial program project application. This application could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the application.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 9A05, Bethesda, Maryland 20014, Telephone: 301–496–7301, will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Raymond E. Bahor,

Executive Secretary, Westwood Building, Room 919, Bethesda, Maryland, Telephone: 301, 496-7707.

(Catalog of Federal Domestic Assistance Program 13-859, Pharmacology-Toxicology Program, National Institute of General Medical Sciences, National Institutes of Health.)

Dated: October 19, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.77-30979 Filed 10-27-77;8:45 am]

[4110-08]

REPORT ON BIOASSAY OF CHLORAMBEN FOR POSSIBLE CARCINOGENICITY

Availability

Chloramben 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: A bioassay of technical-grade chloramben for possible carcinogenicity was conducted by administering the test material in feed to Osborne-Mendel rats and B6C3F1 mice. Groups of 50 rats and 50 mice of both sexes were administered chloramben at one of two doses, either 10,000 or 20,000 ppm. The rats were treated for 80 weeks, then observed for 32 or 33 weeks; the mice were treated for 80 weeks, then observed for 11 or 12 weeks. Matched controls consisted of groups of 10 untreated rats and 10 untreated mice of each sex; pooled controls, used for statistical evaluation, consisted of these matched controls combined with 75 untreated male and 75 untreated female rats or 70 untreated male and 70 untreated female mice from similarly performed bioassays of six other test chemicals. Surviving rats were killed at 112 or 113 weeks; surviving mice were killed at 91 or 92 weeks.

Body weights and mortality of the treated animals were not markedly affected by chloramben under the conditions of the bioassay. The various clinical signs observed were common to both treated and control groups.

In male rats, hemangiomas occurred at a significantly higher incidence in the low-dose animals than in the pooled controls (controls 0/73, low-dose 5/48, P=0.009). This lesion was not considered to be related to the administration of chloramben, since the tumor did not occur at a significantly higher incidence in the high-dose group than in the pooled-control group, and the incidences did not show a significant dose-related trend.

In both male and female mice, the incidents of hepatocellular carcinoma showed significant dose-related trends using pooled controls (for males: controls 9/69, low-dose 16/48, high-dose 14/48, P=0.029; for females: controls 2/67, low-dose 7/48, high-dose 10/50, P=0.004). Direct comparisons showed significantly higher incidences of the tumor in the low-dose males (P=0.008) and in the high-dose females (P=0.003) than in the pooled controls. Probability levels of P=0.028 in high-dose males and P=0.027 in low-dose females were attained. In male mice, however, the incidence of hepatocellular carcinoma was considered to be only marginally associated with the administration of chloramben because of the variations in the spontaneous incidence of this lesion in male mice encountered at this laboratory.

In conclusion, under the conditions of this bioassay, there were no tumors in Osborne-Mendel rats that significantly related to administration of the chemical. In B6C3FI female mice, chloramben was carcinogenic, producing hepatocellular carcinomas in treated animals.

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, Maryland 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention.)

Dated: October 18, 1977.

DONALD S. FREDERICKSON, M.D.,
Director, National Institutes of Health.

[FR Doc.77-30967 Filed 10-27-77;8:45 am]

[4110-87]

Public Health Service

RESPIRATOR TESTING AND APPROVAL

AGENCIES: National Institute for Occupational Safety and Health (NIOSH), Center for Disease Control, PHS, HEW; and Mining Enforcement and Safety Administration (MESA), Department of the Interior.

ACTION: Notice of public meeting.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH) and the Mining Enforcement and Safety Administration (MESA) conduct a joint testing and approval program for occupational respiratory protective devices under the provisions of 30 CFR Part 11. NIOSH and MESA will hold a public meeting to discuss the existing provisions of 30 CFR Part 11 and solicit suggestions for improvement. Information obtained at the meeting will be used by the agencies to (1) develop new and improved performance requirements for respiratory protective devices, and (2) prepare future revisions to 30 CFR Part 11.

DATES: The meeting will be held November 29 through December 1, 1977. The meeting will begin at 10 a.m. on the 29th and extend through normal business hours each day to no later than 4:30 p.m. on December 1.

Requests to participate in the meeting must be received by November 18, 1977.

ADDRESSES: The meeting will be held in Room N5437 of the Department of Labor, 200 Constitution Avenue NW., Washington, D.C.

Those persons wishing to present statements at the meeting should send their requests to the Regulations Assistant, NIOSH, Room 8-11, 5600 Fishers Lane, Rockville, Md. 20857. Requests should include the name, address, and telephone number of the participant and approximate time needed for the presentation. For those persons who cannot participate at the meeting, written comments may be submitted to the Regulations Assistant.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert H. Schutz, Chief, Testing and Certification Branch, Division of Safety Research, NIOSH, 944 Chestnut Ridge Road, Morgantown, W. Va., 26505; telephone: 304-599-7331 or FTS-923-7331.

SUPPLEMENTARY INFORMATION: The meeting will be conducted in an informal manner under the joint co-chairmanship of the Chief, Office of Approval and Certification, MESA, and the Director, Division of Safety Research, NIOSH, or their designated representatives. The meeting will first be limited to presentation of prepared statements by interested persons. It would be helpful if 10 copies of the prepared statements could be provided for distribution at the meeting. To accommodate all persons wishing to present statements, the chairman may limit the time allowed for presentation of each statement. Following presentation of the prepared statement, clarifying questions will be permitted. Any time remaining will be available to receive additional comments. A verbatim record of the meeting will be made.

Dated: October 25, 1977.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.77-31425 Filed 10-27-77;8:45 am]

[4110-85]

QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

Notice is hereby given, pursuant to 42 CFR 110.605, that in the month of September 1977 the following entitles have been determined to be qualified health maintenance organizations under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)).

QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

Name, address, service area, and date of qualification:

(Transitionally Qualified Health Maintenance Organization: 42 CFR 110.603(b).)

1. Harvard Community Health Plan, (Staff Model, see section 1310(b)(1) of the Public Health Service Act), 80 Brighton Avenue, Allston, Mass. 02134. Service area: The following cities and towns in Massachusetts:

Acton	Natick
Arlington	Needham
Bedford	Newton
Belmont	North Reading
Billerica	Norwood
Boston	Peabody
Braintree	Quincy
Brookline	Randolph
Burlington	Reading
Cambridge	Revere
Canton	Salem
Carlisle	Saugus
Chelsea	Somerville
Concord	Stoneham
Dedham	Sudbury
Dover	Swampscott
Everett	Wakefield
Framingham	Waltham
Lexington	Watertown
Lincoln	Wayland
Lynn	Wellesley
Lynnfield	Weston
Malden	Westwood
Maynard	Weymouth
Marblehead	Wilmington
Medford	Winchester
Melrose	Winthrop
Milton	Woburn
Nahant	

Date of qualification: September 1, 1977. (Preoperational Qualified Health Maintenance Organization: 42 CFR 110.603(c).)

2. AV-MED, Inc., (Individual Practice Association Model, see section 1310(b)(2)(A) of the Public Health Service Act), 9300 South Dadeland Boulevard, Miami, Fla. 33156. Service area: Dade County, Fla.

Date of qualification: September 9, 1977. (Operational Qualified Health Maintenance Organization: 42 CFR 110.603(a).)

3. Group Health Plan of Southeast Michigan, (Staff Model, see section 1310(b)(1) of the Public Health Service Act), 21000 Mound Road, Warren, Mich. 48091. Service area: The following zip codes in the city of Detroit, Mich.: 48201, 48202, 48203, 48205, 48207, 48211, 48212, 48213, 48214, 48215, 48224, 48226, and 48234; and the cities of Hamtramck, Highland Park, Harper Woods, Oak Park, Ferndale, Pleasant Ridge, Berkley, Huntington Woods, Royal Oak, Hazel Park, Center Line, Warren, East Detroit, Madison Heights, and Roseville. Date of qualification: September 20, 1977. (Achieved preoperational qualification on September 1, 1977.)

Files containing detailed information regarding qualified health maintenance organizations will be available for public inspection between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, at the Office of Quality Standards, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Room 16A-08, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

Questions about the review process or requests for information about qualified health maintenance organizations should be sent to the same office.

Dated: October 21, 1977.

WILLIAM B. MUNIER,
Director,
Office of Quality Standards.

[FR Doc.77-31270 Filed 10-27-77;8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[SAC 079877]

CALIFORNIA

Termination of Proposed Withdrawal and Reservation of Land

OCTOBER 21, 1977.

Notice of a Bureau of Reclamation, U.S. Department of the Interior, application Sacramento 079877, for withdrawal and reservation of land for the planned facilities of the Auburn-Folsom South Unit of the Central Valley Project, California, was published as FR Doc. 65-11539 on pages 13747 and 13748 of the issue of October 28, 1965. The applicant agency has cancelled its application.

MOUNT DIABLO MERIDIAN

T. 13 N., R. 10 E.,
Sec. 30, lot 14.

The area described aggregates .16 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2350, such lands at 10:00 a.m. on November 30, 1977, will be relieved of the segregative effect of the above mentioned application.

VIOLA ANDRADE,
Acting Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-31272 Filed 10-27-77;8:45 am]

[4310-84]

[C-24996]

COLORADO

Proposed Withdrawal and Reservation of Lands—Amendment

OCTOBER 20, 1977.

Notice of proposed withdrawal and reservation of lands, appearing in the FEDERAL REGISTER of September 23, 1977 at page 48400, Doc. No. 77-27764, is hereby amended to add the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 46 N., R. 8 W.,
Sec. 33, NE¼SW¼.

The area described contains 40 acres.

The period for filing requests for a public hearing and for filing of comments provided in the original notice is extended to November 23, 1977.

THOMAS N. HARDIN,
Chief, Branch of Adjudication.

[FR Doc.77-31247 Filed 10-27-77;8:45 am]

[4310-84]

[Colorado 25097-RW]

COLORADO INTERSTATE GAS CO.

Pipeline Application

OCTOBER 17, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80944, has applied for a right-of-way for a 4.5-inch o.d. natural gas pipeline totaling slightly less than one and one-half miles across the following public lands in Moffat County, Colorado:

T. 12 N., R. 99 W., 6th P.M.
Sec. 27 and 35.

The facilities will enable applicant to convey natural gas from Shell Creek No. 5 natural gas well in the Shell Creek Unit Area to meet customer demand for increased natural gas supply in applicants' service area.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

THOMAS N. HARDIN,
Chief, Branch of Adjudication.

[FR Doc.77-31248 Filed 10-27-77;8:45 am]

[4310-84]

[NM 31981]

NEW MEXICO

Application

OCTOBER 20, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas

pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 26 E.,
Sec. 13, NE¼SE¼.
T. 21 S., R. 27 E.,
Sec. 18, lots 3 and 4.

This pipeline will convey natural gas across 0.503 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-31249 Filed 10-27-77;8:45 am]

[4310-84]

[NM 31982]

NEW MEXICO

Application

OCTOBER 20, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 5 W.,
Sec. 21, SW¼NE¼.

This pipeline will convey natural gas across 0.032 miles of public land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-31250 Filed 10-27-77;8:45 am]

[4310-84]

[NM 31974]

NEW MEXICO

Application

OCTOBER 20, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for a meter station site right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 N., R. 9 W.,
Sec. 7, lot 2.

This meter station will be used for natural gas operations across 0.086 acres of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87197.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-31251 Filed 10-27-77;8:45 am]

[4310-84]

[NM 31771 and 31772]

NEW MEXICO

Applications

OCTOBER 18, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 5 W.,
Sec. 4, W½SW¼;
Sec. 5, SE¼NE¼ and NE¼SE¼.

T. 25 N., R. 11 W.,
Sec. 1, lot 4 and S½NW¼;
Sec. 2, lot 1.

These pipelines will convey natural gas across 1.382 miles of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N.M. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-31252 Filed 10-27-77;8:45 am]

[4310-84]

[NM 31756 and 31813]

NEW MEXICO

Applications

OCTOBER 19, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipelines with related facilities rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 8 W.,
Sec. 5, SW¼NE¼, SE¼SW¼, N½ SE¼ and SW¼SE¼;
Sec. 8, lot 3.
T. 31 N., R. 10 W.,
Sec. 23, lot 3.

These pipelines will convey natural gas across 1.111 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N.M. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-31253 Filed 10-27-77;8:45 am]

[4310-84]

[NM 31980]

NEW MEXICO

Application

OCTOBER 20, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for one 3½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 16 S., R. 30 E.,
Sec. 27, NE¼SW¼ and W½SE¼.

This pipeline will convey natural gas across 0.487 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Mana-

ger, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-31254 Filed 10-27-77;8:45 am]

[4310-84]

[NM 31977]

NEW MEXICO

Application

OCTOBER 20, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a cathodic protection station right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 22 E.,
Sec. 15, SE¼NE¼.

This cathodic protection station will be used for natural gas operations across 0.007 of a mile of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-31255 Filed 10-27-77;8:45 am]

[4310-84]

[NM 31809 and 31975]

NEW MEXICO

Applications

OCTOBER 20, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 25 N., R. 6 W.,
Sec. 14, NE¼SW¼.
T. 32 N., R. 10 W.,
Sec. 29, lot 5.

These pipelines will convey natural gas across 0.156 of a mile of public lands in San Juan and Rio Arriba Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-31256 Filed 10-27-77;8:45 am]

[4310-84]

[Wyoming 61125]

WYOMING

Application

OCTOBER 19, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Stauffer Chemical Co. of Wyoming of Green River, Wyo., filed an application for a right-of-way to construct a 4-inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 21 N., R. 99 W.,
Sec. 16, S½NE¼, SE¼NW¼, NE¼SE¼.

The pipeline will transport gas from a well in the SW¼ of section 15, to a point in the NW¼ of section 16, T. 21 N., R. 99 W., in Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-31257 Filed 10-27-77;8:45 am]

[4310-84]

[Wyoming 61157]

WYOMING

Application

OCTOBER 18, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Co. of Oklahoma City, Okla., filed an application for a right-of-way to construct one 4-inch and one 6-inch pipeline and related anode facilities for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 21 N., R. 94 W.,
Sec. 4.
T. 22 N., R. 94 W.,
Secs. 6, 30, and 32.
T. 23 N., R. 94 W.,
Sec. 32.
T. 22 N., R. 95 W.,
Secs. 12, 14, and 24.

The pipelines will transport natural gas from points in the SW¼ sec. 29, T. 23 N., R. 94 W., SE¼ sec. 11, T. 22 N., R. 95 W., and the SE¼ sec. 33, T. 22 N., R 94 W., to an existing Colorado Interstate Gas Co. pipeline in sec. 4, T. 21 N., R. 94 W., in Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-31258 Filed 10-27-77;8:45 am]

[4310-84]

[Wyoming 61151]

WYOMING

Application

OCTOBER 18, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah, filed an application for a right-of-way to construct a 4-inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 26 N., R. 112 W.,
Secs. 3, 4, 10, and 15.

The pipeline is a proposed addition to existing facilities in T. 26 N., R. 112 W., Lincoln County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyo. 82901.

LARRY L. STEWARD,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-31259 Filed 10-27-77;8:45 am]

[4310–09]

Bureau of Reclamation

[INT FES 77–39]

PROJECT SKYWATER

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for Project Skywater.

The environmental statement concerns a program of research in precipitation management.

Copies are available for inspection at the following locations:

Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240; telephone 202–343–9247.

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240; telephone 202–343–4991.

Division of Engineering Support, Technical Services and Publications Branch, E. & R. Center, Denver Federal Center, Denver, Colo. 20225; telephone 303–234–3006.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation or the E. & R. Center. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: October 25, 1977.

LARRY E. MEIEROTTO,
Secretary
of the Interior.

[FR Doc.77-31300 Filed 10-27-77;8:45 am]

[4310–10]

Office of the Assistant Secretary

SAN LUIS TASK FORCE

Availability of Report

On June 16, 1977, Secretary of the Interior Cecil D. Andrus announced the formation of the San Luis Task Force to analyze expenditures, design features, replacement obligations, contractual commitments, and fiscal, agricultural and environmental impacts of the Westlands Project, and to examine the record of excess holdings, residency requirements, and the success of the project in fostering family farms.

Notice is hereby given that the San Luis Task Force draft report will be available for public review and comment on October 31, 1977. All 11 chapters in the review draft have been reviewed by the Task Force and revised accordingly, except Chapter IV, Review of Contracts and Repayment Obligations, Chapter IX, The Acreage Provision, and Chapter X, Impacts of Additional Water Commitments from the Delta. These chapters have not received Task Force review but are regarded as acceptable for public review and comment at this time.

The final version of the Task Force report will likely include findings and conclusions for each chapter and recommendations for further action. Not all chapters are complete in each of these categories, and public comment regarding existing or desired findings or recommendations are solicited.

Copies of the draft report are available for review during working hours at the following locations:

Library, U.S. Bureau of Reclamation, Regional Office, 2800 Cottage Way, Sacramento, Calif. 95825.

Fresno Office (CVP), U.S. Bureau of Reclamation, Room 2215, Federal Building, 1130 "O" Street, Fresno, Calif. 93720.

Tracy Office (CVP), Mountain House and Kelso Roads, 10 miles west of Tracy, Tracy, Calif. 95376.

Library, State of California, 9th and Capitol Mall, Sacramento, Calif. 95814.

Department of Water Resources, 1416 9th Street, Sacramento, Calif. 95814.

California Department of Food and Agriculture, 1220 N Street, Sacramento, Calif. 95814.

Westlands Water District, 567 West Shaw, Fresno, Calif. 93755.

Fresno County Free Library, 2420 Mariposa, Fresno, Calif. 93721.

Kings County Library, 401 North Douty St., Hanford, Calif. 93230.

Tulare County Free Library, 200 West Oak St., Visalia, Calif. 93277.

Kern County Library System, 1315 Truxton Ave., Bakersfield, Calif. 93301.

Madera County Library, 121 North G Street, Madera, Calif. 93637.

Library, Fresno City College, 1101 E. University Ave., Fresno, Calif. 93704.

San Luis Water District, 1704 Sixth St., Los Banos, Calif. 93635.

Panoche Water District, 52027 West Althea Ave., Firebaugh, Calif. 93622.

Broadview Water District, 89393 North Fairfax, Firebaugh, Calif. 93622.

James F. Sorensen, Secretary, Friant Water Users Assn., 209 South Locust St., Visalia, Calif. 93277.

San Luis and Delta-Mendota Water Users Assn., 1704 Sixth Street, Los Banos, Calif. 93625.

Planning and Conservation League, 717 K Street, Suite 209, Sacramento, Calif. 93814.

National Land for People, 1759 Fulton, St., Room 11, Fresno, Calif. 93721.

Department of the Interior, Bureau of Reclamation, Room 7412, Main Interior Bldg., Washington, D.C. 20240.

COOPERATIVE EXTENSION, UNIV. OF CALIFORNIA

George N. Ferry, Kings County, 310–11½ Avenue, Farm and Home Advisor Bldg., Hanford, Calif. 93230.

William Hamilton, Fresno County, 1820 South Maple Ave., Fresno, Calif. 93702.

Curtis D. Lynn, Tulare County, Agricultural Bldg., Community Civic Center, Woodland and West Main, Visalia, Calif. 93277.

Glen H. Boskuil, Merced County, 240 West 17th Street, Merced Calif. 95340.

William R. Hambleton, Madera County, 128 Madera Ave., Madera, Calif. 93637.

Armen V. Sarquis, Stanislaus County, 733 County Center, III Court, Scenic Dr. and Oakdale Rd., Modesto, Calif. 95355.

Win M. Lawson, San Joaquin County, 420 South Wilson Way, Stockton, Calif. 95205.

Theodare S. Torngren, Sacramento County, 4145 Branch Center Rd., Sacramento, Calif. 95827.

Adolph F. Van Maren, Imperial County, Imperial County Services Bldg., Room 529, El Centro, Calif. 92243.

Water Resources Control Board, 2014 T Street, Sacramento, Calif. 95814.

Library, Government Documents Section, Universtiy of California, Davis, Davis, Calif.

Library, Government Publications Room, Hyde and McAllister, San Francisco, Calif.

Library, University of California, Berkeley, Water Resources Archives, Northgate Hall, Hearst and Euclid, Berkeley, Calif.

Library, California State University, Fresno, North Maple and East Shaw Avenues, Fresno, Calif. 93710.

North Delta Water Agency, 333 Forum Bldg., 1107 9th Street, Sacramento, Calif. 95814.

Central Delta Water Agency, 235 E. Weber Ave., Stockton, Calif. 95201.

South Delta Water Agency, 606 California Bldg., 11 South San Joaquin St., Stockton, Calif. 95202.

Contra Costa County Water District, 1331 Concorde Ave., Concorde, Calif.

Merced County Free Library, 2100 O Street, Merced, Calif. 95340.

Public hearings on the review draft of the Task Force report will be held at the Del Webb Townhouse Hotel (Burgundy Room), 2220 Tulare Street, Fresno, California 93721, on November 17, 1977, from 8:00 a.m. to 6:30 p.m. All participants will have 10 minutes to testify and will be chosen on a first come, first served basis. Written statements of any length may be filed.

Persons or organizations wishing to testify on the review draft should contact Mr. Marcel Vielleux, Office of the Assistant Secretary for Land and Water Resources, U.S. Department of the Interior, 19th and C Streets, NW., Washington, D.C. 20240: Phone 202–343–4606. Those who wish to testify are urged to limit their comments to the material contained in the review draft.

Dated: October 27, 1977.

GARY WICKS,
Deputy Assistant Secretary
for Land and Water Resources.

[FR Doc.77-31547 Filed 10-27-77;11:40 am]

[4410–01]

DEPARTMENT OF JUSTICE

SCOTT PAPER CO.

Proposed Consent Decree (Federal Water Pollution Control Act)

In accordance with departmental policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on October 7, 1977, a proposed consent decree in *United States v. Scott Paper Company*, Civil Action No. 77–498–H, was lodged with the United States District Court for the Southern District of Alabama. The proposed consent decree requires the construction of a new treatment system to be working properly by December 31, 1978. Penalties are provided for the failure to achieve deadlines for construction, the attainment of operational level, and noncompliance with the effluent limitations.

The Department of Justice will receive for a period of 30 days from the date of this notice written comments relating to the proposed consent decree. Comments should be addressed to the

Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Scott Paper Company*, DJ Ref. 90-5-1-1-789. The proposed consent decree may be examined at the office of the United States Attorney for the Southern District of Alabama, Mobile, Ala.; at the Region IV office of the Environmental Protection Agency, Enforcement Division, 345 Courtland Street NE., Atlanta, Ga.; and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2625, 9th Street and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Washington, D.C.

JAMES W. MOORMAN,
Assistant Attorney General,
Land and Natural Resources Division.

[FR Doc.77-31262 Filed 10-27-77;8:45 am]

[4410-01]

UNITED STATES STEEL CORP.

Proposed Consent Judgment in Action To Enjoin Discharge of Pollutants

In accordance with Departmental Policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on October 7, 1977, a proposed consent decree in *United States* v. *United States Steel Corporation* was lodged with the United States District Court for the Northern District of Illinois. The proposed decree requires United States Steel Corp. to complete construction of necessary water pollution control facilities to bring the company's Joliet, Ill. plant into compliance with the company's NPDES permit by September 16, 1977. The consent judgment imposes a civil penalty of $20,250 against United States Steel Corp. for violations of the permit beginning July 16, 1977 and ending September 16, 1977.

The Department of Justice will receive for 30 days from the date of publication of this notice written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *United States Steel Corporation*, D.J. Ref. 90-5-1-1-839.

The proposed consent decree may be examined at the office of the United States Attorney, Northern District of Illinois; the Region V Office of the Environmental Protection Agency, Chicago, Ill.; the Clerk of the District Court, Northern District of Illinois, Chicago, Ill.; and the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2623, Department of Justice Building, Ninth Street and Pennsylvania Avenue NW., Washington, D.C. A copy of the proposed consent judgment may be obtained in person or by mail from the Pollution Control Section.

JAMES W. MOORMAN,
Assistant Attorney General,
Land and Natural Resources Division.

[FR Doc.77-31263 Filed 10-27-77;8:45 am]

[4510-30]

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 availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 25th day of October 1977.

ERNEST G. GREEN,
Assistant Secretary for
Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING OCTOBER 21, 1977

Name of Applicant and Location of Enterprise	*Principal product or activity*
Seppala & Aho Construction Co., Inc., Rindge, N.H.	General contractor.
Pleasant Manor Nursing Home., Inc., Rutland, Vt.	Nursing home.
Aero Virgin Islands Corp., St. Thomas, Virgin Islands.	Air taxi and commerical airline service.
Southern Flyer, Inc., Hattiesburg, Miss.	Airline passenger service and air freight.
Elkin Valley Apparel Co., Inc., Elkin, N.C.	Manufacture of ladies sportswear.
Lee Alan Bryant Health Care Facilities, Inc., Rockville, Ind.	Nursing home.
Watton Cooperative Store, Watton, Mich.	Retailing groceries, hardware, feed seed, fertilizers, and building supplies.
Kargard Industries, Inc., Marinette, Wis.	Manufacture of pressure vessels, tanks, and process equipment.
Schuylkill Metals Corp., (tenant of Holt County), Holt, Mo.	Removing metal from automotive batteries and refining.
Better Weather, Inc., Selma, Calif.	Manufacture of sprinkler heads.
Cross Manufacturing, Inc., Lewis, Kans.	Manufacture of hydraulic cylinders.

[FR Doc.77-31154 Filed 10-27-77;8:45 am]

[4510-30]

FEDERAL ADVISORY COUNCIL ON UNEMPLOYMENT INSURANCE

Meeting

NOTE.—This document originally appeared at page ------ in the FEDERAL REGISTER for Wednesday, October 26, 1977. It is reprinted in this issue to meet the assigned day-of-the-week publication schedule.

A meeting of the Federal Advisory Council on Unemployment Insurance

will be held on November 7, 1977, beginning at 8:30 a.m., and adjourning at approximately 5:00 p.m. The meeting will be held in Room S5215 A, B, and C, Labor Department Building, which is located at 200 Constitution Avenue, N.W., Washington, D.C.

The agenda is as follows:

8:30 A.M. Meeting Convenes
8:45 A.M. UI Program Developments
9:15 A.M. Report of the Ad Hoc Committee on UI Financing Issues
12:00 Lunch
1:15 P.M. Report of the UI Research Subcommittee
3:00 P.M. Business Meeting
5:00 P.M. Adjournment

Members of the public are invited to attend the proceedings. Written data, views, or arguments pertaining to the agenda must be received by the Council's Executive Secretary prior to the meeting date. Twenty duplicate copies are needed for distribution to the members and for inclusion in the meeting minutes.

Telephone inquires and communications concerning this meeting should be directed to:

Mrs. Phyllis Fineshriber, Executive Secretary, Federal Advisory Council on Unemployment Insurance, Room 7000, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20213 (202-376-7034).

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

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-31140 Filed 10-27-77;8:45 am]

[4510-30]

Office of the Secretary

STATE OF NEW HAMPSHIRE DEPARTMENT OF EMPLOYMENT SECURITY

Postponement of Hearing

NOTE.—This document originally appeared at page ____ in the FEDERAL REGISTER for Wednesday, Oct. 26, 1977. It is reprinted in this issue to meet the assigned day-of-the-week publication schedule.

There was published in the FEDERAL REGISTER of October 7, 1977 (42 FR 54630) a notice announcing an opportunity for hearing for the State of New Hampshire Department of Employment Security on the question of whether the State of New Hampshire has fulfilled its commitments under an agreement with the Secretary of Labor as described in section 239 of the Trade Act of 1974. On the basis of the proceedings in this matter, it will be decided whether there shall be a reduction of 15 percent in the tax credits allowable to New Hampshire employers pursuant to section 3302 of the Internal Revenue Code of 1954 for the taxable year 1977.

The counsel for the New Hampshire Department of Employment Security has requested a postponement of the hearing to allow the State and interested parties additional time to prepare their arguments. For that reason, it has been determined that valid grounds for a continuance in this matter has been shown. Therefore, the second paragraph in the Department of Labor notice published on October 7, 1977, at 42 FR 54630 (FR Doc. 77-29725) is revised to read as follows:

Now, therefore, pursuant to section 3302 (c)(3) of the Internal Revenue Code of 1954, and section 91.63(e) of Title 29, Code of Federal Regulations, notice is hereby given that a hearing will be held beginning at 10 o'clock in the morning on October 31, 1977, in the United States Court of Appeals Courtroom, Fifteenth Floor, John W. McCormack Post Office and Courthouse, Post Office Square, Boston, Massachusetts, on the question stated above.

The notice shall otherwise remain unchanged.

Signed at Washington, D.C., on October 21, 1977.

F. RAY MARSHALL,
Secretary of Labor.

[FR Doc.77-31141 10-27-77;8:45 am]

[4510-26]

Occupational Safety and Health Administration

OREGON STATE STANDARDS

Proposed Rejection of Oregon Roll-Over Protective Structures (ROPS) Standards; Hearing

NOTE.—This document originally appeared in the FEDERAL REGISTER for Wednesday, October 26, 1977. It is reprinted in this issue to meet assigned day-of-the-week requirements.

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

ACTION: Intent to Reject; Notice of Hearing.

SUMMARY: This notice informs all interested persons that a hearing will be held in Pendleton, Oreg. on December 1, 1977 to determine whether Oregon roll-over protective structures standards for tractors used in agricultural operations promulgated under the Oregon occupational safety and health plan approved by the United States Department of Labor, December 28, 1972 (Subpart D, 29 CFR Part 1952), are as effective as the comparable Federal roll-over protective standards for tractors used in agricultural operations.

DATES: Notices of Intention to Appear must be filed no later than: November 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Irving Weisblatt, Director, Office of State Programs, Occupational Safety and Health Administration 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-8041.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On August 16, 1977, a notice was published in the FEDERAL REGISTER (42 FR 41333) entitled Oregon State Standards—Intent to Reject. This notice described the technical requirements of the Oregon safety standards for Roll-Over Protective Structures (ROPS) for tractors used in agricultural operations and the corresponding Federal OSHA standards reviewed by the Regional Administrator. This standards review is required by and conducted pursuant to section 18(c)(2) of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) which among other things, requires a State under an approved plan to provide for the development and enforcement of safety and health standards, which "* * * are or will be at least as effective in providing safe and healthful employment and places of employment as the [OSHA] standards, promulgated under section 6". Following his review of the State standards the Regional Administrator, under a delegation of authority from the Assistant Secretary for Occupational Safety and Health (hereinafter Assistant Secretary) (29 CFR 1953.4) determined that the State standards, which provide for an exemption from the roll over protective structure requirements for track-type agricultural tractors and for the reasons cited in the August 16, 1977 notice are not at least as effective as the comparable Federal safety-standards. Consistent with 29 CFR 1953.23(d)(2) such a finding is followed by an opportunity for the State to submit a revised standards submission or, in the alternative, to show cause why a proceeding should not be commenced for rejection of the State standards. Although meetings and discussions between Fedtral and State personnel were held in order to resolve the differences in the ROPS standards, these discussions proved unfruitful and by letter dated September 8, 1977 Oregon requested a hearing on the matter. The notice of Intent to Reject (42 FR 41333) included a summary of the differences between the State and Federal ROPS standards, the basis for rejection and an invitation to interested persons to submit written data, views, and arguments by September 16, 1977, concerning whether the State standards should be approved. In response to this notice, comments were received from the Grain Growers Assn. Membership and Insurance Trust, P.O. Box 538, Lewiston, Idaho 83501 requesting a hearing concerning the proposed rejection.

PUBLIC PARTICIPATION—NOTICE OF HEARING

Pursuant to section 18 of the Act, §§ 1953.4, 1953.23(d)(2) of Title 29, Code of Federal Regulations, notice is hereby given that a hearing will be held to resolve the issues with regard to the proposed rejection of the Oregon ROPS standards at issue herein. The hearing granted herein will be convened on December 1, 1977 at 9:30 a.m., in the Red Lion Indian Hills Motor Inn, Walla Walla Room, Highways 80 N. and 11, P.O. Box 1556, Pendleton, Oreg. 97801. Interested persons, including the State,

may file a notice of intent to appear and request to present views, evidence, and arguments and to participate in the hearing.

The notice of intent to appear and the data, views and arguments that are submitted must be postmarked on or before November 11, 1977 and submitted in quadruplicate to: H. Stephen Gordon, Chief Administrative Law Judge, U.S. Department of Labor, Suite 720, Vanguard Building, 1111 20th Street NW., Washington, D.C. 20210; and/or John Granchi, Assistant Regional Administrator, U.S. Department of Labor—OSHA, Room 6003, Federal Office Building, Seattle, Wash. 98174.

The notices of intention to appear will be available for inspection and copying at the above addresses and must contain the following information:

1. The name, address, and telephone number of each person to appear;
2. The capacity in which the person will appear;
3. The approximate amount of time requested for the comment or argument;
4. A statement of the position that will be taken with respect to the standard; and
5. Whether the party intends to submit documentary evidence, and if so, a brief summary of that evidence.

CONDUCT OF HEARING

The hearing will be presided over by Administrative Law Judge Rhea Burroughs appointed by the Chief Administrative Law Judge of the United States Department of Labor who shall have all the powers necessary and appropriate to conduct a fair, full and impartial hearing. Any interested person who has filed a request to appear in accordance with the above requirements may submit written and/or oral data, views, evidence or arguments and call witnesses, submit rebuttal evidence and conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the Administrative Law Judge may exclude evidence which is irrelevant, immaterial or unduly repetitious. The hearing shall be reported verbatim and a transcript will be available to any interested party on such terms as the presiding administrative law judge may provide.

Upon completion of the oral presentations the transcript and all written submissions on the proposed rejection shall be certified by the presiding Administrative Law Judge to the Regional Administrator. Regional Administrator shall within a reasonable period of time issue a tentative decision either rejecting the State Standards as being not as effective as the comparable Federal standards or accepting the State standards as being as effective as the Federal standards. Within 30 days after receipt of notice that the transcript of the testimony and submissions has been certified from the Administrator for his initial decision, any interested person may file with the Regional Administrator proposed findings of fact, conclusions of law and a proposed order together with a supporting brief on the matters in issue. The tentative decision, unless waived by the State and other interested persons participating in the hearing, shall be published in the FEDERAL REGISTER and shall become final upon the 30th day after service thereof unless exceptions are filed thereto.

Unless the tentative decision is waived, interested persons may file with the Regional Administrator written exceptions to the tentative decision. Such exceptions shall refer to the specific findings of fact and conclusions of law and tentative order excepted to. An original and four copies of any exceptions shall be filed. If exceptions are filed the Regional Administrator shall transmit the record of the proceeding to the Assistant Secretary for review. Thereafter the Assistant Secretary shall issue a final decision ruling upon each exception filed. The final decision may affirm, modify, or set aside in whole or in part the decision of the Regional Administrator.

Section 18(g) of the Act provides, in connection with the judicial review of withdrawal of approval or rejection of a State plan, that determinations of the Secretary shall be conclusive if supported by substantial evidence in the record. Although this proceeding is not directly concerned with either withdrawal or rejection of the Oregon plan as a whole, Section 18(g) in conjunction with §§ 1902.17 and 1953.23(d)(2) of Title 29 CFR indicates this evidentiary basis as the appropriate basis for review of the Assistant Secretary's final decision on whether any State plan component is as effective as its Federal counterpart. Only a final decision by the Assistant Secretary shall be deemed final agency action for purposes of judicial review.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

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

JACK JONES,
Acting Regional Administrator.

[FR Doc.77-31165 Filed 10-25-77;12:02 pm]

[4510-26]

WASHINGTON STATE STANDARDS

Proposed Rejection of Various Washington State Scaffold Standards; Hearing

NOTE: This document originally appeared in the FEDERAL REGISTER for Wednesday, October 26, 1977. It is reprinted in this issue to meet assigned day-of-the-week requirements.

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

ACTION: Intent to reject; notice of hearing.

SUMMARY: This notice informs all interested persons that a hearing will be held in Seattle, Washington on November 29, 1977 to determine whether various Washington scaffold standards promulgated under the Washington occupational safety and health plan approved by the United States Department of Labor January 19, 1973 (Subpart F, 29 CFR Part 1952), are as effective as the comparable Federal scaffold standards.

DATES: Notices of Intention to Appear must be filed no later than: November 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Irving Weisblatt, Director, Office of State Programs, Occupational Safety and Health Administration 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-8041.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On August 16, 1977, a notice was published in the FEDERAL REGISTER (42 FR 41335) titled Washington State Standards—Intent to Reject. This notice described the technical requirements of four Washington State Scaffold Standard and the corresponding Federal OSHA Standard reviewed by the Regional Administrator. This standards review is required by and conducted pursuant to Section 18(c)(2) of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) which among other things, requires a State under an approved plan to provide for the development and enforcement of safety and health standards, which "* * * are or will be at least as effective in providing safe and healthful employment and places of employment as the (OSHA) standards, promulgated under section 6." Following his review of the State scaffold standards (WAC 296-155-485(1)(e); WAC 296-155-485(18)(k) and (L); note to WAC 296-155-18(1)), the Regional Administrator, under a delegation of authority from the Assistant Secretary for Occupational Safety and Health (hereinafter Assistant Secretary) (29 CFR 1953.4), determined that the State standards, for the reasons cited in the August 16, 1977 notice are not at least as effective as the comparable Federal safety-standards. Consistent with 29 CFR 1953.23(d)(2), such a finding is followed by an opportunity for the State to submit a revised standards submission or, in the alternative, to show cause why a proceeding should not be commenced for rejection of the State standards. Although meetings and discussions between Federal and State personnel were held to resolve the differences in the scaffold standards, these discussions proved unfruitful, and by letter dated September 1, 1977, the State of Washington requested a hearing on the matter. The notice of Intent to Reject (42 FR 41335) included a summary of the differences between the State and Federal scaffold standards, the basis for rejection and an invitation to interested persons to submit written data, views and arguments by September 16, 1977, concerning whether the State standards should be approved. In response to this notice, comments were

received from Lathers International Union Local No. 104, 2800 First Avenue, Seattle, Wash.; Plasterers Union Local No. 77 Labor Temple, Seattle, Wash. 98121; Northwest Lath and Plaster Bureau, Inc., 215 W. Harnson St., Seattle, Wash. 98119; Advance Scaffolds-Northwest, Inc., 3636 E. Marginal Way S., Seattle, Wash. 98134; Associated General Contractors of America, E. 4935 Trent Avenue, Spokane, Wash. 99220, requesting a hearing concerning the proposed rejection.

PUBLIC PARTICIPATION—NOTICE OF HEARING

Pursuant to section 18 of the Act, §§ 1953.4, 1953.23(d)(2) of Title 29, Code of Federal Regulations, notice is hereby given that a hearing will be held to resolve the issues with regard to the proposed rejection of the Washington scaffold standards at issue herein. The hearing granted herein will be convened on November 29, 1977 at 9:30 a.m., in the Federal Building, Court Room 514, 915 Second Ave., Seattle, Wash. 98174. Interested persons, including the State, may file a notice of intent to appear and request to present views, evidence, and arguments and to participate in the hearing.

The notice of intent to appear and the data, views and arguments that are submitted must be postmarked on or before November 11, 1977 and submitted in quadruplicate to:

H. Stephen Gordon, Chief Administrative Law Judge, U.S. Department of Labor, Suite 720, Vanguard Building, 1111 20th Street NW., Washington, D.C. 20210; and/or

John Granchi, Assistant Regional Administrator, U.S. Department of Labor—OSHA, Room 6003, Federal Office Building, Seattle, Wash. 98174.

The notices of intention to appear will be available for inspection and copying at the above addreses and must contain the following information:

1. The name, address, and telephone number of each person to appear;

2. The capacity in which the person will appear;

3. The approximate amount of time requested for the comment or argument;

4. The specific scaffold standards provisions that will be addressed;

5. A statement of the position that will be taken with respect to each provision; and

6. Whether the party intends to submit documentary evidence, and if so, a brief summary of that evidence.

CONDUCT OF HEARING

The hearing will be presided over by Administrative Law Judge Rhea Burroughs, appointed by the Chief Administrative Law Judge of the United States Department of Labor who shall have all the powers necessary and appropriate to conduct a fair, full, and impartial hearing. Any interested person who has filed a request to appear, in accordance with the above requirements, may submit written and/or oral data, views, evidence, or arguments and call witnesses, submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the presiding Administrative Law Judge shall exclude evidence which is irrelevant, immaterial, or unduly repetitious. The hearing shall be reported verbatim and a transcript will be available to any interested party on such terms as the presiding administrative law judge may provide.

Upon completion of the oral presentations, the transcript and all written submissions on the proposed rejection shall be certified by the presiding Administrative Law Judge to the Regional Administrator. The Regional Administrator shall within a reasonable period of time issue a tentative decision either rejecting the State standards as being not as effective as the comparable Federal standards or accepting the State standards as being as effective as the Federal standards. Within 30 days after receipt of notice that the transcript of the testimony and submissions has been certified from the Administrative Law Judge to the Regional Administrator for his initial decision, interested persons may file with the Regional Administrator proposed findings of fact, conclusions of law, and a proposed order, together with a supporting brief on the matters in issue. The tentative decision, unless waived by the State and other interested persons participating in the hearing, shall be published in the FEDERAL REGISTER, and shall become final upon the 30th day after service thereof unless exceptions are filed thereto.

Unless the initial decision is waived, interested persons may file with the Regional Administrator written exceptions to the tentative decision. Such exceptions shall refer to the specific findings of fact and conclusions of law and proposed order excepted to. An original and four copies of any exceptions shall be filed. If exceptions are filed the Regional Administrator shall transmit the record of the proceeding to the Assistant Secretary for review. Thereafter the Assistant Secretary shall issue a final decision ruling upon each exception filed. The final decision may affirm, modify, or set aside in whole or in part the decision of the Regional Administrator.

Section 18(g) of the Act provides, in connection with the judicial review of withdrawal of approval or rejection of a State plan that determinations of the Secretary shall be conclusive if supported by substantial evidence in the record. Although this proceeding is not directly concerned with either withdrawal or rejection of the Washington plan as a whole, Section 18(g) in conjunction with §§ 1902.17 and 1953.23(d)(2) of Title 29 CFR indicates this evidentiary basis as the appropriate basis for review of the Assistant Secretary's final decision on whether any State plan component is as effective as its Federal counterpart. Only a final decision by the Assistant Secretary shall be deemed final agency action for purposes of judicial review.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

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

JACK JONES,
Acting Regional Administrator.

[FR Doc.77-31164 Filed 10-25-77;12:02 pm]

[7520-01]

NATIONAL CAPITAL PLANNING COMMISSION

TENTATIVE AGENDA ITEM

The following addition is made to the list of agenda items tentatively scheduled for consideration by the Commission at its meeting on November 3 and 10, 1977, at 9:30 A.M. in the Commission's Tenth Floor Conference Room at 1325 G Street NW.

File No.	*Item*
1735...	Proposed amendment to the zoning map of the District of Columbia to change from C-2-A and R-4 to C-2-B and R-5-C Squares 912 and 934 bounded by 8th, 10th, G, and H Streets, NE. (H Street Urban Renewal Area) (Zoning Commission Case No. 77-2). (Commission action requested: report to Zoning Commission pursuant to D.C. Code, sec. 5-417)

The Commission will afford interested and affected organizations and individuals an opportunity to present their views on this item in writing prior to and/or in person at the meeting at which the item is considered, with such limitations on the number and length of oral presentations as the item and the length of the agenda appear to warrant.

Organizations and individuals desiring to make a statement or otherwise communicate their views on this item should advise Samuel K. Frazier, Jr., Chief, Office of Public Affairs, National Capital Planning Commission, Washington, D.C. 20576, telephone 724-0174. Copies of the Executive Director's Recommendation on the item may be obtained from Mr. Frazier on or after November 1. If no organization or individual has advised Mr. Frazier by Thursday, October 27, 12:00 Noon, of a desire to present views in person to the Commission and the Executive Director recommends approval or a favorable report, this item may be placed on the "consent calendar" and acted upon by the Commission, without presentation or discussion, at the beginning of the Commission meeting on November 3. To insure that written comments on the item are placed before the Commission prior to Commission action thereon, written statements must be received by Mr. Fra-

zier by Wednesday, November 2, 12:00 Noon.

DANIEL H. SHEAR,
Secretary.

OCTOBER 20, 1977.

[FR Doc.77-31260 Filed 10-27-77;8:45 am]

[4510-30]

NATIONAL COMMISSION FOR MANPOWER POLICY

ROLE OF LABOR MARKET INTERMEDIARIES IN MANPOWER

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy will hold a working conference on the Role of Labor Market Intermediaries in Manpower on November 17, 1977. The conference will be held in the Federal Ballroom (North) of the Capitol Hill Quality Inn, 415 New Jersey Avenue, NW, Washington, D.C. The conference will commence at 9:00 a.m. and conclude at 5:00 p.m.

The National Commission for Manpower Policy was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973 (Pub. L. 92-203). The Act charges the Commission with the broad responsibility of advising the Congress, the President, the Secretary of Labor, and other Federal agency heads on national manpower issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations with respect to the Nation's manpower policies and programs.

The agenda will cover the following areas:

A. What is the conceptual justification for the existence of Labor Market Intermediaries (LMI) in general and in differing economic circumstances?

B. What is the nature of LMI output and how can this be measured?

C. What are the types of LMI and how do they affect the overall workings of the labor market?

D. How and why do job seekers and employers use LMI?

Members of the general public or other interested individuals may attend the Commission conference. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so provided such statements are in reproducible form and are submitted to the Director not later than two days before and seven days after the meeting.

Additionally, members of the general public may request to make oral statements to the Commission to the extent that the tmie available for the meeting permits. Such oral statements must be directly germane to the announced agenda items and written application must be submitted to the Director of the Commission three days before the meeting. This application shall identify the following: The name and address of the applicant, the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individual's qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at the meeting. Oral presentations shall be limited to statements of facts and views and shall not include any question of Commission members or other participants unless these qusetions have been specifically approved by the Chairman.

Minutes of the meeting, working papers and other documents prepared for the meeting will be available for public inspection five working days after the conference at the Commission's headquarters located at 1522 K Street, NW., Suite 300, Washington, D.C.

Signed at Washington, D.C., this 25th day of October 1977.

ISABEL V. SAWHILL,
Director, National Commission for Manpower Policy.

[FR Doc.77-31498 Filed 10-27-77;8:45 am]

[1505-01]

OFFICE OF THE FEDERAL REGISTER

PRIVACY ACT ISSUANCES, ANNUAL PUBLICATIONS

Corrections

In the recent Privacy Act Issuances, Annual Publications, 1977, appearing in the FEDERAL REGISTER during September 1977, the following corrections should be made:

1. In the issue for Wednesday, September 28, 1977, Book 5, under the Privacy Act Access Regulations for the Air Force Department, on page 51533, the third column, the paragraphs designated (4), (d), and (e) should be deleted.

2. In the issue for Friday, September 30, 1977, the Federal Energy Administration published two documents relating to the Privacy Act systems of records. A proposed amendment and addition to the systems of records appeared at page 52483. The annual publication of the systems of records appeared at page 53480.

[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 October 21, 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 AGRICULTURE

Rural Electrification Administration, Construction Work Plan and Cost Distribution—Telephone, REA-157, 158 and 159, on occasion, REA telephone borrowers receiving large loans, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Clinical Trial on Antenatal Steroid Therapy, single time, patents with anticipated premature delivery, Richard Eisinger, 395-3214.

Alcohol, Drug Abuse and Mental Health Administration, Use of Volunteers in Drug Abuse Treatment Programs, a preliminary analysis, single time, paid counselors, volunteers, administrators, Richard Eisinger, 395-3214.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Positive Beam Limitation—Effectiveness Evaluation, FD-2969, single time, X-ray equipment operators, Richard Eisinger, 395-3214.

Health Services Administration, Sickle Cell Clinic Reporting Forms, HSA-378, quarterly, sickle cell clinics, Richard Eisinger, 395-3214.

Office of Education, Right to Read Financial and Performance Report, OE 361, semiannually, SEA's, LEA's, education institutions, Budget Review Division, 395-4775.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration, project application for Federal Financial Assistance, HUD 483, on occasion, State and local governments, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Tree Nut Buyers Inquiries, other (see SF-83), nut buyer, Ellett, C. A., 395-6132.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary, Annual Housing Survey—National Sample, AHS 1 thru 4, annually, Households in 461 PSU Design, *Laverne v. Collins*, 395-3214.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-31361 Filed 10-27-77;8:45 am]

[3110-01]

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 October 14, 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 thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

U.S. CIVIL SERVICE COMMISSION

Native American Intern Program Application Form, CSC-1305, on occasion, National American intern program applicant, Marsha Traynham, 395-4529.

PRESIDENT'S COMMISSION ON MENTAL HEALTH

Migrant Health Survey, single-time, all migrant health clinics, Richard Eisinger, 395-3214.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Rental Project Worksheet for Interest Credit and Assistance, FMH-444-29, monthly, FmHA borrowers, Ellett, C. A., 395-6132.

Farmers Home Administration, Request for Rental Assistance, FMHA-444-25, on occasion, FMHA borrowers having rental, Ellett, C. A., 395-6132.

DEPARTMENT OF COMMERCE

Bureau of Census, Feasibility Study for Agricultural Land Ownership by Financial Institutions, S-290-L, single-time, sample of financial institutions, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Survey of Readers and Subscribers of the Journal of the National Cancer Institute, single-time, authors, readers, subscribers, Reese B. F., 395-3211.

Office of Education, National Evaluation of Title I—Neglected or Delinquent Youth in State Institutions, OE-518, 1 thru 7, single-time, facility directors, educational administrators, teachers and students, Human Resource Division, Raynsford, R., 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration, Federal Assistance—Application Community Disaster Loan, on occasion, local governments in disaster areas, Lowry, R. L., 395-3772.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, Grantee Project Director Check List, NIC-1, quarterly, grantee, Warran Topelius, 395-6132.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Survey of Job Tenure and Occupational Mobility, CPS-1, single-time, interviewed households in January 1978 CPS, Strasser, A., 395-6132.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management:

National Survey on Use in the California Desert, other (see SF-83), random sample of 1,500 citizens, Caywood, D. P., 395-3443.

Statewide Recreation Survey of California Residents Regarding Use of the California Desert, other (see SF-83), random sample of approximately 1,000 California adults, Caywood, D. P., 395-3443.

National Park Service, Historic Preservation Certification Application, on occasion, individuals, Warren Topelius, 395-6132.

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board, Pilot/Operator Aircraft Accident Report, NTSB 6120.1, on occasion, only in case of an accident, Strasser, A., 395-5867.

REVISIONS

VETERANS ADMINISTRATION

Veterans Application for Compensation or Pension, 21-526, on occasion, veterans, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Potato and Sweetpotato Inquiries (acreage and Production), other (see SF-83), potato and sweetpotato growers, Ellett, C. A., 395-6132.

Agricultural Stabilization and Conservation Service, Regulations—Peanut Warehouse Storage Loans, on occasion, peanut warehousemen, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Financial Status and Performance Reports for Special Programs for the Disadvantaged, OE form 1231, semiannually, project directors at post-Sec. Insts., Laverne V. Collins, 395-3214.

EXTENSIONS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Quarterly Report of Participating Large Company on Subcontract Commitments to Small and Minority Business Concerns, NASA 524, quarterly, business firms participating in program, Warren Topelius, 395-6132.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration, Community Development Survey, REA 627, annually, REA electric and telephone borrowers, Ellett, C. A., 395-6132.

Agricultural Marketing Service, Field Review of Compliance with Civil Rights Act, annually, State Departments of Agriculture, Laverne V. Collins, 395-3214.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Application for Fishing Vessel Mortgage and or Loan Insurance, NOAA88-1, on occasion, fishing companies seeking guarantees, Warren Topelius, 395-6132.

Domestic and International Business Administration, Booth Layout and Specifications/Promotion Information Sheet, DIB-4029P, DIB-4062P, other (see SF-83), manufacturers and exporters, Warren Topelius, 395-6132.

DEPARTMENT OF HOUSING AND MORTGAGE

Housing Production and Mortgage Credit, Processing Form—Housing for the Elderly, FHA-2013-E, on occasion, profit motivated sponsors, nonprofits housing, veterans and labor division, 395-3532.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration:

State Motor Vehicle Registration, Registration Fees, and Miscellaneous Receipts, PR551, annually, 50 States, District of Columbia, Puerto Rico, Guam, American Samoa, Strasser, A. 395-6132.

Receipts from State Taxation of Motor Vehicles Operated for Hire and Other Major Carriers PR-571, annually, 50 States, District of Columbia, Puerto Rico, Guam, American Samoa, Strasser, A., 395-6132.

Coast Guard, Seamans Certificate Application, CG-719B, on occasion, applicants for MMD's, Strasser, A., 395-5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-31362 Filed 10-27-77;8:45 am]

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING AND TECHNOLOGY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Intergovernmental Science, Engineering and Technology Advisory Panel—Human Resources Task Force

PLACE: Room 3104, New Executive Office Building, 726 Jackson Place NW., Washington, D.C.

DATE: Wednesday, November 16, 1977; 1:30-5:30 p.m.; Thursday, November 17, 1977; 9 a.m.-4 p.m.

CONTACT PERSON:

Mr. Louis Blair, Office of Science and Technology Policy, Executive Office of the President; telephone 202-395-4596. Anyone who plans to attend should contact Mr. Blair by November 14, 1977.

The purpose of the meeting is to be briefed by the appropriate offices of the Department of Health, Education and Welfare on: FY 79 Intergovernmental R&D budget priorities; FY 78 Intergovernmental research plans; Intergovernmental research utilization activities in DHEW.

Minutes of the meeting: Summary minutes of the meeting will be available from Mr. Blair.

TENTATIVE AGENDA

Opening remarks by Representative Thomas Jensen, Task Force Chairman. Briefings by HEW officials from the following organizations:

National Institutes of Health
Health Resources Administration
Health Services Administration
Alcohol, Drug Abuse and Mental Health Administration
Social Security Administration
Health Care Financing Administration
Office of Human Development Services

Comments by Task Force members and by Public Interest Group representatives.

Comments from the public.

Discussions by Task Force members.

WILLIAM J. MONTGOMERY,
Executive Officer, Office of Science and Technology Policy.

OCTOBER 21, 1977.

[FR Doc.77-31177 Filed 10-27-77;8:45 am]

[7555-02]

WORKING GROUP ON BASIC RESEARCH IN THE DEPARTMENT OF ENERGY

Notice of Establishment

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), it is hereby determined that the establishment of the Working Group on Basic Research in the Department of Energy (DOE) is necessary, appropriate, and in the public interest in connection with the performance of the duties imposed upon the Director, Office of Science and Technology Policy (OSTP) by the National Science and Technology Policy, Organization, and Priorities Act of 1976. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to Section 9 (a) (2) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

1. Name of group. Working Group on Basic Research in the Department of Energy.

2. Purpose and Function. The Office of Science and Technology policy has commenced a series of studies which will lead to the formulation of policy governing the performance of basic research by or for the mission agencies. Appropriate policy will depend on the future of particular missions, the agency organization, and the practices of the research communities that can contribute to the performance of mission. In order to secure necessary facts, the Working Group on Basic Research in the DOE will review the existing and potential role of basic research, the policies that affect the conduct and utilization of basic research in the DOE, and the means to achieve the maximum possible benefit. The activities of this Working Group will be conducted under the direction of the Steering Committee on Basic Research in Mission Agencies.

3. Effective Date of Establishment and Duration. The Working Group on Basic Research in the DOE is established to advise the Director of the OSTP through the Steering Committee on Basic Research in Mission Agencies. The duration of the Working Group is six months from the date the charter is filed with the standing committees of Congress having legislative jurisdiction for the Office of Science and Technology Policy.

4. Membership. The Working Group on Basic Research in the DOE will be comprised of approximately ten individuals selected primarily from the private sector and having qualifications for providing expert knowledge of science, engineering, and administration.

5. Advisory Group Operation. The Working Group on Basic Research in the DOE is established by the OSTP pursuant to Public Law 94-282. The Working Group will operate under the provisions of the Federal Advisory Committee Act, Public Law 92-463, OMB Circular A-63, revised and supplementary instructions.

FRANK PRESS,
Director.

[FR Doc.77-31306 Filed 10-27-77;8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14072; File No. SR-Amex-77-23]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b) (1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s (b) (1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 14, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. (the "Amex") proposes to amend its Constitution, Rules and policies to facilitate the offering of 150 options memberships and to expand the rights and privileges of existing options members.

Number of Options Members. The number of options memberships would be increased to permit an offering of 150 such memberships (Article IV, Section 1(b) (1)).

Initiation Fee. A provision would be added specifying that no initiation fee is required on the first activation of an options membership acquired pursuant to the Plan (Article VII, Section 1(c)).

Trading Privileges. The prohibition against options members becoming specialists would be deleted, and new provisions added, allowing options members to specialize on payment of an annual fee and proper qualification; when registered as a specialist, an options member would be permitted temporarily to assist another specialist in options at the same post [Article IV, Section 1(b) (4); Rule 50, Commentary .01; Rule 172; Rule 183].

Primary Occupation. The requirement that an options member have as his primary occupation the transaction of business in options as principal on the Floor of the Exchange would be deleted (Article IV, Section 1(b) (2)).

Suspension and Disposal of Membership. Provisions would be added to the effect that failure to make timely payment of options membership purchase price installments will constitute grounds for suspending an options member for a period of thirty days, and ultimately transferring his membership in the same manner as now applicable for failure to pay dues, fees, and other charges [Article IV, Section 4(h); Article IV, Section 7(a); Article IV, Section 7(b); Article V, Section 3(f); Article V, Section 4(t)].

Minimum Capital Requirements. The minimum capital requirement for a registered trader in options would be lowered from $25,000 to $15,000, and the minimum capital maintenance requirement lowered from $15,000 to $10,000 (Rule 110(c)).

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed changes are as follows:

The Amex proposes to broaden access to the Amex options markets, provide more personnel for the market-making function, and foster competition among options exchanges. This will be accomplished through an offering of 150 options memberships pursuant to a plan approved by the Amex Board of Governors, entitling the holder to trade as principal in options and, upon payment of an annual fee and proper qualifications, to specialize in options. Under the Plan, new options members and present options principal members would form a single class of membership with identical rights and obligations.

The basis under the Act for adopting the proposed changes is to carry out the purposes of the Act; to remove unnecessary restrictions on the ability of persons to become members or to become associated with members of the Exchange; and to remove impediments to the mechanism of a free and open market, as exemplified by the following:

The amendments to Article IV, Section 1(b) (1) and Article VII, Section 1(c), which would enlarge the number of options memberships of the Amex and modify initiation fee requirements to facilitate a further offering of such memberships, are consistent with Section 6 (b) (5) of the Act in that they would broaden access to membership and remove impediments to a free and open market.

The amendments to Article IV, Section 1(b) (4), Rule 50, Commentary .01, Rules 172 and 183, which would enable options members to specialize in options, are consistent with Section 6(b) (5) of the Act in that they would broaden access to membership and remove impediments to a free and open market.

The amendment to Article IV, Section 1(b) (2), which would delete the "primary occupation" requirement, is consistent with Section 6(b) (2) of the Act in that it would remove restrictions on

the ability of any registered broker or dealer, or associated natural person, to become a member of the Amex.

The amendments to Article IV, Sections 4(h), 7 (a) and (b), Article V, Sections 3(f) and 4(t), which provide for suspension and disposal of membership for default in making purchase price installment payments, are consistent with Section 6(b)(6) of the Act in providing appropriate sanctions for violations of the provisions of the Constitution and Rules of the Amex.

The amendment to Rule 110(c), relating to the minimum capital requirements which must be maintained by registered traders in options, is consistent with Section 6(b)(2) of the Act in removing restrictions on the ability of any registered broker or dealer or associated natural person to become a member of the Amex.

No written comments were solicited or received from Exchange members or others.

The Amex has determined that the proposed rule changes will impose no burden on competition.

On or before December 2, 1977, or within such longer period (i) as the Commission may designate, up to 90 days of such date if it finds such longer period to be appropriate, and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 28, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 20, 1977.

[FR Doc.77-31319 Filed 10-27-77;8:45 am]

[8010-01]

[Release No. 14082; SR-BSE-77-3]

BOSTON STOCK EXCHANGE

Order Approving Proposed Rule Change

OCTOBER 21, 1977.

On September 1, 1977, the Boston Stock Exchange, 53 State Street, Boston, Massachusetts 02109, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to reduce the time in which the Exchange can take action for non-payment of dues, fees, fines or assessments.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13941 (September 8, 1977)) and by publication in the FEDERAL REGISTER (42 FR 46965 (September 21, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on September 1, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulations, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31307 Filed 10-27-77;8:45 am]

[8010-01]

[Filed Nos. 2-52263, (22-8125)]

BRITISH PETROLEUM COMPANY LTD. AND BP PIPELINES INC.

Application and Opportunity for Hearing

OCTOBER 21, 1977.

Notice is hereby given that the British Petroleum Company Limited (an English corporation) ("BP") and BP Pipelines Inc. (a Delaware corporation) ("BP Pipelines") have filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission ("Commission") that the trusteeships of Morgan Guaranty Trust Company of New York (the "Bank") under a certain indenture which is qualified under the Act and under a new indenture which is not qualified under the Act and under a new indenture which is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under such qualified indenture.

Section 310(b) of the Act provides, inter alia, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the Section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this Section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

BP and BP Pipelines allege that:

1. The Bank, as Trustee, has entered into an Indenture dated as of December 1, 1974 (the "1974 Indenture") with Sohio/BP Trans Alaska Pipeline Finance Inc. (which name has since been changed to Sohio/BP Trans Alaska Pipeline Capital Inc.), a Delaware corporation ("Capital"), pursuant to which there has been issued $250,000,000 principal amount of Capital's 9¾ percent Debentures Due 1999 (the "Capital Debentures"). The 1974 Indenture was filed as Exhibit 4 to Registration Statement No. 2-52263 under the Securities Act of 1933, and such Indenture has been qualified under the Act.

2. Capital is owned 32.2 percent by BP Pipelines, a wholly-owned subsidiary of BP, and 67.8 percent by Sohio Pipe Line Company ("Sohio Pipe Line"), a wholly-owned subsidiary of The Standard Oil Company ("Sohio"). Simultaneously with the issuance and sale of the Capital Debentures, Capital applied the proceeds thereof to the purchase of a note of BP Pipelines (the "BP Pipelines Note") in a principal amount equal to 32.2 percent of the Capital Debentures and a note of Sohio Pipe Line in a principal amount equal to 67.8 percent of the Capital Debentures. The BP Pipelines Note is guaranteed by BP and has been pledged to the Bank, as Trustee under the Capital Indenture, to secure payment of the Cap-

ital Debentures. The Capital Debentures are also secured by the pledge of rights under the completion agreement and financing agreement of BP referred to below. BP is obligated with respect to 32.2 percent in principal amount of the Capital Debentures pursuant to its unsecured guarantee of the BP Pipelines Note and it is also committed under a completion agreement and a financing agreement with BP Pipelines to advance funds sufficient to enable BP Pipelines to pay its share of the construction costs of its interest in the Trans Alaska Pipeline System and all of its financial obligations, including those which relate to the Capital Debentures, as they become due. Sohio is obligated with respect to the remaining 67.8 percent in principal amount of the Capital Debentures.

3. On August 31, 1977, the City of Valdez, Alaska (the "City") and the Bank, as Trustee, entered into an Indenture dated as of August 15, 1977 (the "1977 Indenture") pursuant to which the City issued $315,000,000 aggregate principal amount of its 6.05% Marine Terminal Revenue Bonds (Sohio Pipe Line Company and BP Pipelines Inc. Projects) Series B, Due August 15, 2007 (the "Bonds"). The Bonds are being issued to provide funds for the acquisition, construction and equipping of certain docks, wharves and facilities directly related thereto and real property and interests therein constituting a portion of the Trans Alaska Pipeline System Marine Terminal (the "TAPS Marine Terminal"), August 15, 1977 in Port Valdez in the City. The City has acquired a leasehold interest in a portion of the undivided interest of BP Pipelines in the TAPS Marine Terminal (the "BP Pipelines Project") pursuant to a Lease, dated as of August 15, 1977 (the "BP Pipelines Lease"), between the City and BP Pipelines, and the City has acquired a leasehold interest in a portion of the undivided interest of Sohio Pipe Line in the TAPS Marine Terminal (the "SOHIO Pipe Line Project") pursuant to a lease, dated as of August 15, 1977 (the "Sohio Pipe Line Lease"), between the City and Sohio Pipe Line. The City has subleased the BP Pipelines Project to BP Pipelines pursuant to a Sublease Agreement, dated as of August 15, 1977 (the "BP Pipelines Sublease"), between the City and BP Pipelines, and the City has subleased the Sohio Pipe Line Project to Sohio Pipe Line pursuant to a Sublease Agreement, dated as of August 15, 1977 (the "Sohio Pipe Line Sublease"), between the City and Sohio Pipe Line. The Bonds will be payable from and secured by subrents derived under the BP Pipelines Sublease, which subrents will be sufficient to pay 32.2 percent of the principal of, premium, if any, and interest on the Bonds, and by subrents derived under the Sohio Pipe Line Sublease, which subrents will be sufficient to pay 67.8 percent of the principal of, premium, if any, and interest on the Bonds. In addition, pursuant to a Guarantee Agreement, dated as of August 15, 1977 (the "BP Guarantee Agreement"), BP has guaranteed to the Trustee, for the benefit of the holders of the Bonds and of the coupons appertaining thereto, the payment of 32.2 percent of the principal of, premium, if any, and interest on the Bonds, and pursuant to a Guarantee Agreement, dated as of August 15, 1977, Sohio has guaranteed to the Trustee, for the benefit of the holders of the Bonds and of the coupons appertaining thereto, the payment of 67.8 percent of the principal of, premium, if any, and interest on the Bonds. The obligations of BP and Sohio under the Guarantee Agreements are several and not joint obligations of BP and Sohio, respectively. The Bonds have not been registered under the Securities Act of 1933 on the basis of the exemption provided by Section 3(a)(2) thereof, and the 1977 Indenture has not been qualified under the Act on the basis of the provisions of Section 304(b) thereof.

4. Under Section 8.09(c)(1) of the 1974 Indenture, the Bank shall not be deemed to have a conflicting interest by reason of acting as Trustee under the 1977 Indenture if BP and BP Pipelines shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeships under the 1974 Indenture and under the 1977 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under one of such Indentures.

5. No default has at any time existed under the 1974 Indenture or the 1977 Indenture. BP's obligations in respect of the Capital Debentures and the Bonds are wholly unsecured and rank equally pari passu. BP Pipelines' obligations in respect of the Capital Debentures and the bonds are wholly unsecured and rank equally pari passu. The 1974 Indenture (including the BP Pipelines Note Purchase Agreement referred to therein) includes covenants of BP relating to limitations on liens and consolidation, merger and sale, all of which apply to the future. Except for the covenant relating to consolidation, merger and sale, there is no other comparable covenant of BP included in the 1977 Indenture (including the BP Guarantee Agreement). The 1974 Indenture (including the BP Pipelines Note Purchase Agreement referred to therein) includes covenants of BP Pipelines relating to limitations on liens, sale and leaseback transactions and consolidation, merger and sale, all of which apply to the future. Except for the covenant relating to consolidation, merger and sale, there are no comparable covenants of BP Pipelines included in the 1977 Indenture (including the BP Pipelines Lease and BP Pipelines Sublease).

6. Such differences as exist between the 1974 Indenture and the 1977 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under either of the said Indentures.

BP and BP Pipelines have waived (a) notice of hearing, (b) hearing on the issues raised by said application and (c) all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, NW., Washington, D.C.

Notice is further given that any interested person may, not later than November 15, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31322 Filed 10-27-77;8:45 am]

[8010-01]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

[Release No. 34-14075; File No. SR-CBOE-1977-9]

Self-Regulatory Organizations; Proposed Rule

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on May 10, 1977, the Chicago Board Options Exchange, Inc. ("CBOE") filed with the Securities and Exchange Commission a proposed rule change as follows:

CBOE STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

On April 28, 1977, the Board of Directors of the Chicago Board Options Exchange, Inc., ("CBOE") adopted the following resolution in accordance with the provisions of CBOE Rule 4.16:

The Board of Directors of the Chicago Board Options Exchange, Inc. ("CBOE"), having been advised that American Electric Power Co., Inc. ("AEP") proposes to make a Subscription Offer to the holders of its common stock ("AEP common stock") to subscribe to up to 9,000,000 shares of AEP common stock beginning on May 31, 1977, and continuing through June 24, 1977, and that

the underwriters (the "underwriters") for such distribution may effect stabilizing transactions in AEP common stock, deems it advisable in the public interest and for the protection of investors to prohibit opening writing transactions in any CBOE option contract for AEP common stock at a premium which is, at the time of the transaction, less than the amount by which the Subscription Price per share of AEP common stock exceeds the exercise price for such option contract. Such prohibition shall only become effective at the time the underwriters shall have advised CBOE that they have placed or transmitted a stabilizing bid for or effected a stabilizing transaction in AEP common stock at the Subscription Price on a national securities exchange (but no earlier than 15 minutes after it has been announced on the floor of the CBOE) and shall terminate upon the termination of stabilizing transactions by the underwriters; *Provided*, That such prohibition shall not be effective unless and until the underwriters shall have given to CBOE written notice of the date on which they propose to commence distribution and written undertaking to advise CBOE immediately upon termination of their stabilizing transactions. Such prohibition shall not apply to (1) any opening writing transaction that is and remains covered in the account on a share-for-share basis by a long position in AEP common stock or in a security (including an option contract) that is immediately exchangeable or convertible without restriction, other than the payment of money, into AEP common stock; or (2) any transaction entered into by a Market-Maker in the Course of contributing to the maintenance of a fair and orderly market.

CBOE's STATEMENT OF BASIS AND PURPOSE, COMMENTS RECEIVED, AND BURDENS ON COMPETITION

The purpose of the Board of Directors' action is to maintain a fair and orderly market in the securities underlying AEP option contracts and to protect the public interest.

The Board of Directors' action is based upon that provision of Section 6(b)(5) of the Act which requires that CBOE's rules "* * * protect investors and the public interest * * *."

CBOE does not intend to solicit comments on the proposed rule change.

CBOE does not believe there will be any burden upon competition as a result of the proposed rule change.

The foregoing rule change became effective upon filing with the Commission, pursuant to Section 19(b)(3) of the Act and Rule 19b-4 thereunder. Notice of the filing of the proposed rule change was not given prior to this date due to certain inadvertent delays in administrative processing. At any time within sixty days of the filing of the proposed rule change, the Commission could have summarily abrogated the Rule Change pursuant to Section 19(b)(3)(c) of the Act if it appeared to the Commission that such action were necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Securities and Exchange Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced on the caption above and should be submitted on or before November 28, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 20, 1977.

[FR Doc.77-31320 Filed 10-27-77;8:45 am]

[8010-01]

[File No. 500-1]

CONSOLIDATED SERVICES INC.

Suspension of Trading

OCTOBER 21, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Consolidated Services Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 12:55 p.m. (EDT) on October 21, 1977, through October 30, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31308 Filed 10-27-77;8:45 am]

[8010-01]

[Rel. No. 9969; 812-4159]

IDS LIFE INSURANCE CO. AND IDS VARIABLE ANNUITY FUND B

Application of Act for an Order of Exemption

OCTOBER 21, 1977.

Notice is hereby given that IDS Life Insurance Co. ("IDS Life"), a Minnesota stock life insurance company, and IDS Variable Annuity Fund B ("Fund B"), IDS Tower, Minneapolis, Minn. 55402, a separate account of IDS Life registered under the Investment Company Act of 1940 ("Act") as a diversified open-end management investment company (hereinafter collectively referred to as "Applicants"), filed an application on July 18, 1977, and amendments thereto on September 19, 1977, and October 17, 1977, pursuant to Section 6(c) of the Act for an order exempting Applicants from the provisions of Sections 22(e), 27(c)(1), and 27(d) of the Act to the extent necessary to permit compliance by Applicants with certain provisions of the Education Code of the State of Texas. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Fund B was established pursuant to the Insurance Code of the State of Minnesota on June 10, 1968. Among the variable annuity contracts offered by Fund B and IDS Life are group and individual annuity contracts which participate in Fund B and which are designed to fund benefits provided by annuity purchase plans adopted by public school systems and certain tax-exempt organizations for their employees and qualifying for tax-deferred treatment under Section 403(b) of the Internal Revenue Code of 1954, as amended. IDS Life serves as investment adviser to and principal underwriter for Fund B.

In 1967, the State of Texas directed the governing boards of all Texas institutions of higher education to make available to certain employees an Optional Retirement Program ("Program"), codified as Subchapter G of Chapter 51 of the Texas Education Code. The statute provides as the funding media for the Program fixed or variable annuity contracts purchased from any insurance or annuity company qualified to do business in Texas. In 1973, the Texas legislature made two amendments in the Program legislation, which amendments became effective on June 14, 1973. The statutory definition of the Program was amended to provide that the benefits of such annuities are to be available only upon termination of employment in the Texas public institutions of higher education, retirement, death or total disability of the participant. The other amendment added a new Section 51.358 to Subchapter G which also provides that the benefits of such annuities will be available only if the participant dies, terminates his employment due to total disability, accepts retirement, or terminates employment in the Texas public institutions of higher education.

Because of uncertainty regarding the effect of these amendments, the University of Texas System ("System") requested the opinion of the Attorney General of Texas with respect to several questions concerning such amendments. The Attorney General rendered an opinion dated February 18, 1975, in response to the System's letter. The Attorney General interpreted Section 51.358 to prohibit provisions in a variable annuity contract issued in connection with the Program on or after June 14, 1973, which provide for making available the redemption value of such contract prior to the occurrence of one of the conditions specified in the statute, i.e., termination of employment, retirement, death, or total disability. Moreover, the opinion further stated that the prohibitions of

Section 51.358 were impliedly in effect upon the establishment of the Program (in 1967) and that notwithstanding any language which may be contained in existing contracts, a participant in the Program has never had the right to redeem his annuity contract otherwise than in accordance with the limitations described above. The opinion did not affect the right of a participant to transfer the redemption value of his annuity contract from one carrier to another; accordingly, the granting of the relief requested in the application would not affect such right.

SECTIONS 27(c)(1), 22(e), and 27(d)

Section 27(c)(1) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless such certificate is a redeemable security. Section 2(a)(32) of the Act defines "redeemable security" to mean any security under the terms of which the holder upon its presentation to the issuer or to a person designated by the issuer is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

Section 22(e) of the Act provides that no registered investment company shall suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designated for that purpose for redemption except in certain prescribed circumstances.

Section 27(d) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first eighteen months after the issuance of the certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is over 15 per centum of the gross payments made by the certificate holder.

Applicants request exemptions from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance with Section 51.358 as it pertains to (i) redemption values under Contracts issued to participants in the Program subsequent to the date of such exemptive order and (ii) redemption values under Contracts issued prior thereto but attributable to payments made subsequent to the date of such order.

Applicants assert that if such exemptions are not granted, persons participating in the Program effectively will be denied an opportunity to select as a funding medium for their retirement benefits one or two funding media (the other being fixed annuity contracts) specifically provided in the Texas statute for such purpose. Additionally, participants will be unable to obtain the State's matching contributions for the purchase of an equity-based retirement vehicle. In this respect, the Attorney General's opinion indicated that these matching contributions will encourage participation in the retirement plan but that unrestricted withdrawals prior to retirement might be detrimental to an effective retirement vehicle. In view of the foregoing, Applicants assert that the Commission should grant the requested exemptions because: (1) The limited restriction on redemption would be voluntarily assumed by participants, i.e., eligible employees are not required to participate in the Program; (2) the restrictions were not formulated nor suggested by Applicants; and (3) participants' relinquishment of the full right of redemption is a reasonable requirement in exchange for the benefits bestowed by the matching contributions of the State of Texas.

Applicants will ensure that appropriate disclosure is made to persons who consider participation in the Program, informing them of the restriction on the availability of redemption values under Contracts to be issued to them. This disclosure will take the form of an appropriate reference in each Prospectus to the restrictions on redemption of these Contracts, as well as requiring each participant, as a part of the determination that the sale of these Contracts is suitable for that participant, to sign a statement indicating that he/she is aware that these restrictions will be placed on his/her Contract when it is issued. In addition, IDS Life will review all sales literature that is to be used in conjunction with the sales of these contracts for the existence of material representations that are inconsistent with the restrictions to be placed on these contracts and will instruct the salespeople involved in soliciting in this market specifically to bring this restriction to the attention of the potential participants.

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 15, 1977, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following November 15, 1977, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–31309 Filed 10–27–77; 8:45 am]

[8010–01]

[Release No. 14081; SR–MSE–77–31]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

OCTOBER 21, 1977.

On August 26, 1977, the Midwest Stock Exchange, Inc., 120 South LaSalle Street, Chicago, Ill. 60603, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b–4 thereunder, copies of a proposed rule change to clarify the practice that bids for memberships are accepted upon preliminary determination that no statutory disqualification to membership exists.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13916 (September 1, 1977)) and by publication in the FEDERAL REGISTER (42 FR 45401 (September 9, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on August 26, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–31310 Filed 10–27–77;8:45 am]

[8010–01]

[Release No. 14083; SR–MCC–77–3]

MIDWEST CLEARING CORP.

Order Approving Rule Change Relating to Deposited Securities Available for Loans

OCTOBER 21, 1977.

On June 10, 1977, the Midwest Clearing Corp. ("MCC"), 120 South LaSalle Street, Chicago, Ill. 60603, submitted, pursuant to Rule 19b–4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change which would provide for the automatic allocation of securities held in loan free positions to long value positions.

In accordance with Section 19(b) of the Act and Rule 19b–4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (42 FR 32602, June 27, 1977), and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34–13640, June 17, 1977. No letters of comment were received.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR–MCC–77–3 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–31311 Filed 10–27–77;8:45 am]

[8010–01]

[Release No. 9967; 812–4177]

MONEY MARKET MANAGEMENT, INC. AND TRUST FOR SHORT-TERM U.S. GOVERNMENT SECURITIES

Filing of Application for Order of Exemption

OCTOBER 21, 1977.

Notice is hereby given that Money Market Management, Inc. ("MMM"), and Trust for Short-Term U.S. Government Securities ("Trust"; 421 Seventh Avenue, Pittsburgh, Pa., 15219, collectively, "Applicants"), both registered under the Investment Company Act of 1940 (the "Act") as diversified, open-end, management investment companies, filed an application on August 15, 1977, and amendments thereto on September 6, 1977, and October 5, 1977, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicants to value their assets in the manner set forth in the application, which generally would be the "amortized cost" method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that they are "money market funds" designed as investment vehicles for investors with temporary cash balances or cash reserves, and that their investment objectives are to provide current income consistent with stability of principal. They also state that Cash Management Research Corp. and Institutional Research Corp., both wholly-owned subsidiaries of Federated Investors, Inc., act as investment advisers to MMM and the Trust, respectively, and that Federated Research Corp., another wholly-owned subsidiary of Federated Investors, Inc., acts as subinvestment adviser to both Applicants.

Applicants further state that the portfolio of MMM may be invested in a variety of money market instruments including U.S. government securities, instruments of banks and savings and loan associations, and other money market instruments maturing in one year or less; that the portfolio of the Trust is limited to short-term U.S. government securities maturing in one year or less; and that in actual practice MMM has invested almost exclusively in the certificates of deposit of banks which are among the 100 largest commercial banks in the United States.

According to the application, these policies have been followed by Applicants: (1) As a matter of fundamental investment policy, investments are made only in instruments having a remaining maturity of one year or less; (2) the average portfolio maturities of Applicants' portfolios are 120 days or less; (3) portfolio securities are generally not sold prior to maturity; (4) portfolio securities are valued at "amortized cost"; and (5) in the case of the Trust, redemptions may at the option of the Trust be made in kind. Applicants state that these policies evolved because two features were deemed necessary to attract investments from bank trust departments and other institutional investors: (1) Absolute stability of principal, and (2) steady flow of investment income. According to the application, by utilizing high quality money market instruments of short maturities priced at amortized cost, it has been possible for Applicants to provide these features. Applicants state that, on the other hand, money market funds which trade their portfolio securities and use a "mark to market" valuation technique have not attracted substantial investments from bank trust departments and other institutional investors.

Applicants assert that their experience has shown that under their policies and operations there is a negligible discrepancy between prices obtained by amortized cost and those obtained through market valuation using matrices or other mechanical devices, and that the directors of Applicants have determined in good faith that, in view of the characteristics of Applicants, their use of the amortized cost method of valuation of portfolio securities is appropriate and preferable to the use of other methods.

According to the application, as of May 31, 1977, MMM had approximately $185 million in net assets, and the Trust approximately $194 million. As of that same date, approximately 90 percent of MMM's assets were held by bank trust departments, broker-dealers, and investment advisers; approximately 97 percent of the Trust's assets were held by those classes of shareholders together with municipalities. Individuals held 4.5 percent of MMM's assets and none of the Trust's. Applicants assert that their investors are sophisticated and that, while those investors are not concerned with differences which might occur between yield computed by pricing to a market and yield computed by using amortized cost, they are adamant that the yield not exhibit volatility which may occur through use of "mark-to-market" valuation methods.

As here pertinent, Section 2(a)(41) of the Act defines "value" to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities, fair value as determined in good faith by the board of directors.

Rule 22c–1 adopted under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that Rule, with estimates used where necessary or appropriate. Rule 2a–4 further provides that portfolio securities for which market quotations are readily available shall be valued at current market value, and other securities shall be valued at fair value as determined in good faith by the board of directors.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act and the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants have requested an order of the Commission pursuant to Section 6(c) of the Act exempting them from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent that the amortized cost valuation method as employed by Applicants

may be deemed not fully to comply with the requirements of Section 2(a)(41) and Rules 2a–4 and 22c–1.

Applicants state that their request for exemption is made based upon their existing management policies, and have agreed that the order they seek may be conditioned upon the following:

1. That they will continue their fundamental investment policy that investments will be made only in instruments having a remaining maturity of one year of less, and that their portfolios will continue to be managed so that (1) the average maturity of all instruments in the portfolio (on a dollar-weighted basis) will be 120 days or less, and (2) so that redemptions of shares of the Applicants in the largest foreseeable volume may be made without the necessity of disposing of portfolio instruments. In accomplishing these policies, Applicants will typically maintain over-night liquidity through investments in instruments such as repurchase agreements, and will schedule maturity dates of the instruments which they purchase in consideration of sufficient regular and systematic cash availability.

2. That they will not sell instruments in their portfolios prior to maturity unless such sale or other disposition is mandated by redemption requirements, changes in creditworthiness of issuers, or other extraordinary circumstances not presently foreseen by the Applicants, and that they will disclose such policies in their prospectuses.

3. That they henceforth will offer their shares only to present shareholders and to institutional investors, with a required minimum initial purchase of $50,000.

4. That they will describe in their respective prospectuses their policies and practices set forth in the application and the concept and impact upon reported yield and net asset value of valuation of instruments using the amortized cost method as compared to mark-to-market.

5. That their Executive Committees shall continuously review this method of valuation and recommend changes to their directors (trustees, in the case of the Trust) which may be necessary to assure that their portfolio instruments are valued at their fair value, as determined by their boards of directors in good faith. In their review, the Executive Committees shall consider the relevant factors which may affect the value of portfolio instruments. These shall include such things as maturity, yield, stability, special circumstances of trading markets, the creditworthiness of the issuers whose instruments are owned (as indicated by dissemination of unfavorable financial data, change in their rating by the leading agencies, suspension of trading in securities or default in the payment of principal or interest) (not applicable in the case of the Trust, which invests only in U.S. government and agency securities), and economic, social and political factors which may cause unusually large and precipitous changes in prevailing levels of short-term market interest rates. Any one or more of these factors may indicate the need to change the method of valuation of a portfolio instrument. If such a change is indicated, the board of directors will revise the method of valuation in order to approximate more closely that instrument's market value.

6. That MMM will limit investments in commercial paper to investment grade issues rated A–1 or A–2 by Standard & Poor's Corp., Prime 1 or Prime 2 by Moody's Investors Services, Inc., or F–1 or F–2 by Fitch Investors Service, and to the extent that it invests in instruments of banks and savings and loan associations, it will limit its investments to those institutions which at the date of investment have capital, surplus and undivided profits as of the date of their most recently published financial statements in excess of $100,000,000.

7. That MMM will institute a redemption policy (which the Trust already has) which will enable MMM to redeem its securities in kind, subject to the election provided for by Rule 18f–1 under the Act.

8. That to the extent an Applicant has initiated or maintained a policy of reserving the right to honor redemption requests in whole or in part by a distribution in kind of portfolio securities in lieu of cash, such policy will be implemented if management of a particular Applicant determines that a material adverse effect would be experienced by the remaining investors of that Applicant if a redemption request was satisfied wholly or partly in cash.

Applicants submit that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 14, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31312 Filed 10-27-77;8:45 am]

[8010–01]

[Release No. 20224; 70–6065]

MONONGAHELA POWER CO.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

Notice is hereby given that Monongahela Power Co. ("Monongahela"), 1310 Fairmont Avenue, Fairmont, W. Va. 26554, a wholly owned electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Monongahela proposes to issue up to $25,000,000 aggregate principal amount of its First Mortgage Bonds (the "Bonds") in one or more series, each such series to have a term of not less than five years nor more than 30 years and to sell such bonds at competitive bidding for the best price obtainable but for a price to Monongahela of not less than 100 percent (unless Monongahela shall have authorized a lower percentage not less than 99 percent) nor more than 102¾ percent of the principal amount thereof. Monongahela may request by amendment hereto that such sale be excepted from the competitive bidding requirements of Rule 50 should circumstances develop which, in the opinion of Monongahela's management, make such exception in the best interest of Monongahela and its investors and consumers.

The Bonds will be issued under and secured by the Indenture dated as of August 1, 1945, between Monongahela and City Bank Farmers Trust Co. (succeeded by Citibank, N.A.), as Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a Supplemental Indenture to be dated December 1, 1977.

Monongahela states that it is difficult to determine, under present bond market conditions whether it would be more advantageous to Monongahela to sell bonds having a 30-year or some shorter term. Monongahela states that it desires to have available the necessary flexibility to adjust its financing program to developments in the market for long-term debt securities when and as they occur in order to obtain the best possible price and interest rate for its Bonds, Monongahela proposes, therefore, that Monongahela decide on the term and number of

series of the Bonds at a later time, which may be before or after November 23, 1977, and notify prospective purchasing underwriters by telegraphic or other written notice of its decision, not less than 72 hours prior to the day the Bonds are to be offered.

It is proposed that the Bonds will be redeemable at any time at the option of Monongahela, except that prior to December 1, 1982, the Bonds shall not be redeemable directly or indirectly, at the regular redemption price, described in the Indenture, with, or in anticipation of, monies borrowed at an interest cost to Monongahela of less than the cost of money to Monongahela in respect of such Bonds.

Monongahela proposes to publicly invite sealed written proposals for the Bonds at least 6 days prior to entering into any contract or agreement for the issuance and sale of the Bonds. It is expected that bids will be submitted for the Bonds on or as soon after December 1, 1977, as market conditions appear to Monongahela to be appropriate. It is expected that the successful bidder will make a public offering of the Bonds.

Monongahela proposes to use the proceeds from the sale of the Bonds, together with other funds of the Company, to pay or prepay short-term debt, to finance its construction program which, as of September 30, 1977, was expected to have expenditures aggregating $173,000,000 for 1977 and 1978, and to reimburse its treasury for the payment at maturity of $7,000,000 of Monongahela's 3 percent First Mortgage Bonds on September 1, 1977. Monongahela expects that approximately $44,000,000 of short-term debt will be outstanding at the time of issuance of the Bonds.

The fees and expenses to be incurred in connection with this transaction are to be filed by amendment. It is stated that the Public Utility Commission of Ohio has jurisdiction over the proposed transaction. It is further stated that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 15, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address; and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31313 Filed 10-27-77;8:45 am]

[8010-01]

[Release No. 14076; SR-NYSE-77-20]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

OCTOBER 20, 1977.

On July 29, 1977, the New York Stock Exchange, Inc. ("NYSE"), Eleven Wall Street, New York, N.Y. 10005, filed with the Commission pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to amend Exchange Rules 390, 395 and 396, to conform those rules to the provisions of Rule 19c-1 under the Act, and Exchange Rule 54, to clarify the scope of that Rule.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-13925 (September 2, 1977)) and by publication in the FEDERAL REGISTER (42 F.R. 46442 (September 15, 1977)). By letter dated October 7, 1977, the NYSE has confirmed that Exchange Rule 54, as amended, would limit to members the conduct of business activity on the NYSE floor, thereby prohibiting such activity by others, such as telephone clerks. Accordingly, Rule 54 would have no application to members on the NYSE floor effecting transactions with persons located elsewhere.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges and, in particular, the requirements of Section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31314 Filed 10-27-77;8:45 am]

[8010-01]

[Release No. 34-14074; File No. SR-NYSE-77-28]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1); as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 13, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

NEW YORK STOCK EXCHANGE'S ("NYSE") STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change eliminates the requirement that members and member organizations report transactions of 3,000 shares or more effected on regional exchanges in NYSE-listed stocks on Form 100 to the Exchange (hereinafter referred to as "the reporting requirement").

NYSE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

PURPOSE OF PROPOSED RULE CHANGE

The Commission in its review of Exchange rules conducted in accordance with Section 31(b) of the Securities Acts Amendments of 1975 has cited the reporting requirement as being inconsistent with the Act.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

As cited by the Commission in its review of Exchange rules conducted in accordance with Section 31(b), the proposed rule change relates to Section 6(b)(8) of the Act and item (v)(D) of Item 4 of Form 19b-4A.

NYSE states that the Exchange has not solicited comments regarding the proposed elimination of the reporting requirement.

The NYSE believes the proposed rule change will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with re-

spect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 18, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 20, 1977.

[FR Doc.77-31321 Filed 10-27-77;8:45 am]

[8010-01]

[Release No. 14073; File No. 1-6884]

PACIFIC RESOURCES, INC.

Order Amending Effective Date of Withdrawal From Listing and Registration and Extending the Exemption of Certain Persons and Securities From the Provisions

OCTOBER 20, 1977.

On June 22, 1977 we approved the application of Pacific Resources, Inc. ("PRI") to withdraw its securities from listing and registration on the Pacific Stock Exchange Incorporated ("PSE").[1] We prescribed as a term of that delisting that it not become effective until the time of our determination with respect to the PSE's application for unlisted trading privileges in PRI common stock, but in no event later than 120 days.[2] We delayed the effective date of the delisting for two reasons, as stated in the order:

1. A temporary disruption in trading in PRI stock on the PSE would result in a lessening of potential competition among dealers and between exchange markets and markets other than exchange markets during any interim period after delisting but before unlisted trading privileges are (if at all) granted.

2. If the delisting were effective immediately, PRI stock would not be marginable for a period of several months until it was included on the Federal Reserve Board's margin list. This temporary lack of marginability could result in adjustments and readjustments in customer accounts of broker-dealers, banks and other persons. In addition, if PRI stock is thereafter admitted to unlisted trading on any national securities exchange, marginability would automatically reattach.[3] This "on and off" status of margin requirements could be confusing to brokers, dealers and investors.

We have not completed our deliberations concerning the hearing on PSE's application for unlisted trading privileges in PRI stock. For the reasons enunciated in the June 22 delisting order, as stated above, we therefore find it necessary to extend until November 21, 1977 the effective date of removal of PRI stock from listing and registration on the PSE.

PRI stock has been traded both on the PSE and over-the-counter ("OTC") since our June 22 order.[4] At that time we also exempted the National Association of Securities Dealers, Inc. ("NASD") and all brokers and dealers from the reporting requirements of Rule 17a-15 under the Securities Exchange Act of 1934 relating to last sale reports of OTC transactions in the common stock of PRI. That exemption expires on October 20, 1977. The basis for that exemption is that until we make a determination on the PSE unlisted trading application there will be uncertainty as to whether real-time reporting in PRI stock will be required as a general matter (since if the unlisted trading privileges application of the PSE is denied, PRI stock will be traded solely OTC and, therefore, will not be subject to current reporting under Rule 17a-15). We continue to believe it is not necessary in the public interest or for the protection of investors to require members of the PSE (who may trade PRI stock in the OTC market) and other brokers and dealers to develop and implement reporting procedures for this single security during the time remaining before we make a determination as to the PSE's application. Accordingly, we have determined to, and hereby, exempt, until November 21, 1977, the NASD and all brokers and dealers from the requirements of Rule 17a-15 relating to last sale reports of OTC transactions in the common stock of PRI.[5]

Accordingly, it is hereby ordered, That our order of June 22, 1977 granting PRI's application to withdraw from listing and registration on the PSE be, and it hereby is, amended, as set forth herein.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31315 Filed 10-27-77;8:45 am]

[1] See, Securities Exchange Act Rel. No. 13657 (June 22, 1977); 42 FR 33398 (June 30, 1977).

[2] The PSE filed an application, pursuant to Section 12(f)(1)(C) of the Securities Exchange Act of 1934, for unlisted trading privileges in PRI stock on March 25, 1977 in response to PRI's application to withdraw that security from listing and registration on the PSE (filed March 23, 1977). Concurrently with our order withdrawing PRI stock from listing, we ordered a hearing on the PSE application. See, Securities Exchange Act Rel. No. 13658 (June 22, 1977); 42 FR 33402 (June 30, 1977).

[3] A security which is admitted to unlisted trading privileges is deemed to be registered by Section 12(f)(6) of the Act.

[4] The PSE has exempted from its off-board trading restrictions securities, such as PRI, which are both the subject of a delisting application and in which the PSE has applied for unlisted trading privileges. See, Securities Exchange Act Rel. No. 13656 (June 22, 1977); 42 FR 33400 (June 30, 1977).

[5] This exemption does not prohibit those persons individually from complying voluntarily with Rule 17a-15 as long as such broker or dealer complies with the Rule in a uniform and consistent manner.

[8010-01]

PHILADELPHIA STOCK EXCHANGE, INC.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 20, 1977.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

Columbia Pictures Industries, Inc., Common Stock—$2.50 Par Value; File No. 7-5000.

Upon receipt of a request, on or before November 5, 1977, from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to the particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31316 Filed 10-27-77;8:45 am]

[8010-01]

[Release No. 20226; 70-6064]

POTOMAC EDISON CO.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

Notice is hereby given that The Potomac Edison Co. ("Potomac"), Downsville Pike, Hagerstown, Md. 21740, a wholly owned electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed an application with this Commis-

sion pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Potomac proposes to issue up to $25 million aggregate principal amount of its First Mortgage Bonds (the "Bonds") in one or more series, each series to have a term of not less than 5 years nor more than 30 years and to sell such bonds at competitive bidding for the best price obtainable but for a price to Potomac of not less than 100 percent (unless Potomac shall have authorized a lower percentage not less than 99 percent nor more than 102¾ percent of the principal amount thereof. Potomac may request by amendment hereto that such sale be excepted from the competitive bidding requirements of Rule 50 should circumstances develop which, in the opinion of Potomac's management, make such exception in the best interest of Potomac and its investors and consumers.

The Bonds will be issued under and secured by the Indenture dated as of October 1, 1944, between Potomac and Chemical Bank and Thomas J. Foley, as Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a Supplmental Indenture to be dated December 1, 1977.

Potomac states that it is difficult to determine, under present bond market conditions, whether it would be more advantageous to Potomac to sell bonds having a 30-year or some shorter term. Potomac states that it desires to have available the necessary flexibiliy to adjust its financing program to developments in the market for long-term debt securities when and as they occur in order to obtain the best possible price and interest rate for its Bonds. Potomac proposes, therefore, that Potomac decide on the term and number of series of the Bonds at a later time, which may be before or after November 23, 1977, and notify prospective purchasing underwriters by telegraphic or other written notice of its decision, not less than 72 hours prior to the day the Bonds are to be offered.

It is proposed that the Bonds will be redeemable at any time at the option of Potomac, except that prior to December 1, 1982, the Bonds shall not be redeemable directly or indirectly, at the regular redemption price, described in the Indenture, with, or in anticipation of, monies borrowed at an interest cost to Potomac of less than the cost of money to Potomac in respect of such Bonds.

Potomac proposes to publicly invite sealed written proposals for the Bonds at least 6 days prior to entering into any contract or agreement for the issuance and sale of the Bonds. It is expected that bids will be submitted for the Bonds on or as soon after December 1, 1977, as market conditions appear to Potomac to be appropriate. It is expected that the successful bidder will make a public offering of the Bonds.

Potomac proposes to use the proceeds from the sale of the Bonds to pay or prepay short-term debt, to finance its construction program which, as of September 30, 1977, was expected to have gross expenditures aggregating $178 million for 1977 and 1978, and to refund $5,500,000 of its 3¼ percent first mortgage bonds maturing December 1, 1977, and $4 million of its 3⅛ percent first mortgage bonds maturing January 1, 1978. Short-term debt outstanding at the time of issuance of the Bonds is estimated at approximately $35 million.

The fees and expenses to be incurred in connection with this transaction are to be filed by amendment. It is stated that the State Corporation Commission of Virginia and the Public Service Commission of Maryland have jurisdiction over the issuance and sale of the Bonds. It is further stated that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 15, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address; and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31317 Filed 10-27-77;8:45 am]

[8010-01]

[Rel. No. 20217; 70-5648]

PUBLIC SERVICE CO. OF OKLAHOMA AND TRANSOK PIPE LINE CO.

Proposed Extension of Authorization To Make Loans, and of Proposed Capital Contribution, From Parent Co. to Subsidiary Pipeline Co.

OCTOBER 19, 1977.

Notice is hereby given that Public Service Company of Oklahoma ("PSO"), P.O. Box 201, Tulsa, Oklahoma 74102, an electric utility subsidiary of Central and South West Corporation ("CSW"), a registered holding company, and Transok Pipe Line Company ("Transok"), P.O. Box 3008, Tulsa, Oklahoma 74101, a subsidiary pipeline company of PSO, have filed a post-effective amendment to their application-declaration, previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Act and Rules 43 and 45 promulgated thereunder, as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

Transok is an intrastate pipeline company with operations limited to its state of incorporation, Oklahoma. All of its common stock is owned by PSO. Transok is engaged in the purchase, transportation and sale to PSO of natural gas pursuant to a contractual arrangement to supply PSO's electric generating stations with boiler fuel on a long-term basis.

By order dated May 13, 1975 (HCAR No. 18984), Transok was authorized to issue and sell from time to time, as needed, promissory notes to PSO in an amount not to exceed at any time $25,000,000 outstanding, with each note to mature not later than two and one-half years from the date of the first such borrowing. That authorization expires on November 17, 1977.

PSO and Transok now propose, via this post-effective amendment, to extend the authorization for such borrowings by Transok from PSO through June 30, 1979, in an aggregate amount at any one time not to exceed $21,000,000 outstanding. PSO also proposes to make, in the first quarter of 1978, a $2,000,000 capital contribution to Transok.

Proceeds of the two financings will be used (a) to repay existing borrowings from PSO by Transok made pursuant to the authorization in HCAR No. 18984, which borrowing aggregated $8,749,280 at June 30, 1977 and which are estimated to aggregate about $8,750,000 at November 17, 1977 and (b) to pay a portion of estimated construction expenditures for the last quarter of 1977, all of 1978 and the first two quarters of 1979, which are as follows:

	Last quarter, 1977	1978	1st and 2d quarters, 1979
Gathering	$1,386,000	$5,360,000	$1,933,000
Transmission	750,000	6,045,000	2,500,000
Storage	0	1,000,000	500,000
Miscellaneous	50,000	668,000	150,000
Gas processing plant	0	5,000,000	3,000,000
Total	2,186,000	18,073,000	8,083,000

PSO and Transok state that principal construction projects during this period include the construction of a 12-inch transmission line from the Bradley-Thomas 20-inch line running north of Gracemont to PSO's Southwestern Station at Washita in Caddo County; the restoration and modification of the transmission line that extends from Bradley in Grady County to PSO's Tulsa Power Station in Tulsa County and PSO's Northeastern Station in Rogers County; the construction of a transmission line into Washita County to connect newly discovered reserves; the construction of an additional underground gas storage facility; the gathering lines and compressors necessary to connect additional reserves during this period; and the construction of gas processing plants within Transok's gathering system.

PSO and Transok state that the proposed borrowings will be in the form of open-account advances although PSO would be entitled at any time to receive upon demand a promissory note evidencing any loan. Each loan would mature not later than June 30, 1979 and would bear interest at a rate equal to the daily average interest rate then being paid by PSO for its short-term borrowings. If at any relevant time PSO has no short-term borrowings outstanding, the loans will bear interest at the prime rate for commercial loans then in effect at The First National Bank and Trust Company of Tulsa. The loans will be subject to prepayment at any time without penalty or premium.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated at $500. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction with respect to the proposed transactions.

Notice is further given that any interested person may, not later than November 14, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by the post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31085 Filed 10-27-77;8:45 am]

[8010-01]

[Rel. No. 9964; 812-4156]

STATE MUTUAL LIFE ASSURANCE COMPANY OF AMERICA

Filing of Application Thereunder for Order Permitting Proposed Acquisition of Certain Notes

OCTOBER 19, 1977.

Notice is hereby given that State Mutual Life Assurance Company of America ("Applicant"), 440 Lincoln Street, Worcester, Massachusetts 01605, a mutual life insurance company organized under the laws of Massachusetts, filed an application on July 12, 1977, and an amendment thereto on September 28, 1977, for an order pursuant to Section 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d-1 thereunder permitting Applicant to acquire $1,000,000 in principal amount of a new issue of 9⅛% Senior Notes due in 1993 of A. B. Dick Company ("Dick"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is the investment adviser of State Mutual Securities, Inc. ("Fund"), a closed-end investment company registered under the Act. Applicant and the Fund jointly obtained an order of the Commission pursuant to Section 17(d) and Rule 17d-1 thereunder issued on February 12, 1973 (Investment Company Act Release No. 7665), corrected on February 27, 1973 (Investment Company Act Release No. 7698), and amended on July 28, 1976 (Investment Company Act Release No. 9371) (collectively "Order"), which permits Applicant and the Fund to engage in certain proposed transactions whereby Applicant invests concurretly in each issue of securities purchased by the Fund at direct placement. The Order was issued subject to the following conditions:

(1) Each investment will be made by Applicant and the Fund at the same unit price in securities of the same class (except that Applicant's investment may include non-voting securities which are, except for voting rights, identical with those purchased by the Fund);

(2) Unless otherwise permitted by order of the Commission, Applicant will invest an amount equal to the amount invested in the issue by the Fund, and Applicant and the Fund will exercise warrants, conversion privileges and other rights at the same time and in the same amount;

(3) All securities which Applicant is prepared to purchase at direct placement and which would be consistent with the investment policies of the Fund will be shared equally by the Applicant and the Fund unless:

(a) In the judgment of the Fund's board of directors, concurred in by a majority of those directors who are not "interested persons" (as defined in the Act) of Applicant or Colonial Management Associates, Inc., a subsidiary of Applicant which advises the Fund with respect to its publicly traded securities, (i) 42% or more by value of the assets of the Fund are invested, in accordance with the investment policies of the Fund, in long-term debt obligations or preferred stocks purchased directly from the issuers or in equities acquired either in connection with such purchases or as a result of the exercise of rights or other options so acquired, (ii) there is insufficient cash to make the investment, and (iii) the sale of portfolio securities of the Fund to provide such cash is inadvisable;

(b) The security to be so purchased is a long-term debt obligation or preferred stock without equity participation;

(c) The purchase by the Fund would be inconsistent with the provisions of any Commission order granted on that Application or otherwise and then in effect; or

(d) The Commission by order otherwise permits;

(4) Neither Applicant nor the Fund, unless otherwise permitted by order of the Commission, will have any prior interest in the issuer or in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person other than interests in all respects identical;

(5) Neither Applicant nor the Fund, unless otherwise permitted by order of the Commission, will acquire any further interest in the issuer, or in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person other than interests in all respects identical;

(6) Neither Applicant nor the Fund will, unless otherwise permitted by order of the Commission, sell, exchange or otherwise dispose of any interest in any security of a class held by the Fund unless each makes such disposition at the same time, for the same unit consideration and in the same amount (each in

the same proportion to the amounts it holds if the amounts held by each are different); and

(7) The expenses, if any, of the distribution of securities registered for sale under the Securities Act of 1933 and sold by Applicant and the Fund at the same time will be shared by Applicant and the Fund in proportion to the amount each is selling.

Applicant represents that it has made a commitment to purchase at direct placement $1,000,000 in principal amount of a new issue of 9⅛% senior notes of Dick due 1993 ("Notes"). Applicant states that because Applicant and the Fund each currently hold $1,000,000 in principal amount of 10½% senior notes of Dick due in 1990 issued by Dick in September of 1975 ("Outstanding Senior Notes"), Applicant may not purchase the Notes unless it first obtains an order of the Commission specifically permitting such purchase. Accordingly, Applicant's commitment is subject to the prior issuance of an order by the Commission permitting such purchase.

Applicant states that the Fund currently is fully invested in long-term debt securities priced to yield approximately 9.16%. Applicant also states that since investment in the Notes will be delayed until the first quarter of 1978, the Fund does not wish to make a commitment which would effectively obligate it to liquidate portfolio securities at a potentially disadvantageous price. Accordingly, Applicant states that the Notes are not an appropriate investment for the Fund and the directors of the Fund have unanimously voted to decline participation of the Fund in the proposed acquisition of the Notes. Applicant represents that its proposed acquisition of the Notes is in no way connnected with the sale of the Outstanding Senior Notes to Applicant and the Fund in 1975 other than by virtue of the fact that Applicant established a relationship with Dick at that time through the acquisition of the Outstanding Senior Notes. Applicant further represents that neither Applicant nor the Fund is an affiliated person of Dick or an affiliated person of an affiliated person of Dick.

Section 17(d) of the Act and Rule 17d–1 thereunder, in part, provide that it shall be unlawful for an affiliated person, or an affiliated person of an affiliated person, of a registered investment company, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or arrangement in which any such registered investment company is a participant, unless an application regarding such arrangement has been filed with the Commission and has been granted by an order of the Commission. In passing upon such application, the Commission will consider whether the participation of such registered investment company is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from, or less advantageous than, that of the other participants.

The arrangement whereby Applicant and the Fund invest concurrently in each issue of securities purchased by the Fund at direct placement may be deemed a joint enterprise or arrangement for purposes of Section 17(d) of the Act and Rule 17d–1 thereunder. Moreover, as stated above, once Applicant and the Fund have acquired an interest in an issuer, the order prohibits acquisition of any further interest in such issuer by Applicant or the Fund unless such acquisition is made on an equal basis or is otherwise permited by Commission order. Accordingly, Applicant requests that the Commission issue an order, pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder, permitting the acquisition by Applicant alone of $1,000,000 principal amount of the Notes, notwithstanding the present ownership by Applicant and the Fund of the Outstanding Senior Notes.

In support of this request, Applicant states that the proposed investment will not be disadvantageous to the Fund and is consistent with the provisions, policies and purposes of the Act. Applicant states that the Fund's investment in the Outstanding Senior Notes will not be adversely affected, because Dick will be receiving significant new value from Applicant in consideration for issuing the Notes and because the Outstanding Senior Notes owned by the Fund will mature prior to the Notes which Applicant proposes to acquire. Accordingly, the proposed purchase of the Notes by Applicant will not materially affect Dick's ability to meet its obligation to the Fund on the Outstanding Senior Notes. Although the Fund has declined to participate in the purchase of the Notes, Applicant represents that the Notes are an attractive investment for it. Applicant also submits that it will be disadvantaged if it is not permitted to acquire a portion of the Notes at direct placement.

Notice is further given that any interested person may, not later than November 14, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31086 Filed 10-27-77;8:45 am]

[8010-01]

[Release No. 20225; 70-6066]

WEST PENN POWER CO.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

OCTOBER 21, 1977.

Notice is hereby given that West Penn Power Co. ("West Penn"), 800 Cabin Hill Drive, Greensburg, Pa. 15601, a wholly-owned electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

West Penn proposes to issue up to $45,000,000 aggregate principal amount of its First Mortgage Bonds (the "Bonds") in one or more series, each such series to have a term of not less than five years nor more than 30 years and to sell such bonds at competitive bidding for the best price obtainable but for a price to West Penn of not less than 100 percent (unless West Penn shall have authorized a lower percentage which shall be not less than 90 percent nor more than 102¾ percent of the principal amount thereof. West Penn may request by amendment hereto that such sale be excepted from the competitive bidding requirements of Rule 50 should circumstances develop which, in the opinion of West Penn's management, make such exception in the best interest of West Penn and its investors and consumers.

The Bonds will be issued under and secured by the Indenture dated as of March 1, 1916, between West Penn and The Equitable Trust Co. of New York (succeeded by The Chase Manhattan Bank, N.A.), as Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a Supplemental Indenture to be dated December 1, 1977.

West Penn states that it is difficult to determine, under present bond market conditions, whether it would be more advantageous to West Penn to sell bonds having a 30-year or some shorter term. West Penn states that it desires to have available the necessary flexibility to adjust its financing program to develop-

ments in the market for long-term debt securities when and as they occur in order to obtain the best possible price and interest rate for its Bonds. West Penn proposes, therefore, that West Penn decide on the term and number of series of the Bonds at a later time, which may be before or after December 1, 1977, and notify prospective purchasing underwriters by telegraphic or other written notice of its decision, not less than 72 hours prior to the day the Bonds are to be offered.

It is proposed that the Bonds will be redeemable at any time at the option of West Penn, except that prior to December 1, 1982, the Bonds shall not be redeemable directly or indirectly, at the regular redemption price, described in the Indenture, with, or in anticipation of, monies borrowed at an interest cost to West Penn of less than the cost of money to West Penn in respect of such Bonds.

West Penn proposes to publicly invite sealed written proposals for the Bonds at least 6 days prior to entering into any contract or agreement for the issuance and sale of the Bonds. It is expected that bids will be submitted for the Bonds on or as soon after December 8, 1977, as market conditions appear to West Penn to be appropriate. It is expected that the successful bidder will make a public offering of the Bonds.

West Penn proposes to use the proceeds from the sale of the Bonds, together with other funds of the Company, to finance construction expenditures which, as of September 30, 1977, were estimated to aggregate $267,000,000 for 1977 and 1978, and to pay or prepay any short-term debt that may be outstanding. Short-term debt outstanding at the time of issuance of the Bonds is estimated at approximately $25,000,000. Any remaining proceeds may be applied to the refunding of $12,000,000 of West Penn's 3% First Mortgage Bonds maturing March 1, 1978.

The fees and expenses to be incurred in connection with this transaction are to be filed by amendment. It is stated that registration by the Pennsylvania Public Utility Commission of a Securities Certificate with respect to the Bonds is required for their issue and sale and that such Securities Certificate has been filed with that Commission. It is further stated that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 15, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address; and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-31318 Filed 10-17-77;8:45 am]

[4710-01]

DEPARTMENT OF STATE

[CM-7/127]

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE OF THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Meeting

The Department of State announces that Study Group 1 of the U.S. CCITT National Committee will meet on November 16, 1977 at 10 a.m. in Room 511 of the Federal Communications Commission, 1919 M Street NW., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The Committee will discuss international telecommunications questions relating to the monetary unit of account for international telecommunications settlements, and questions concerning telegraph and telex services. It will consider the development of U.S. positions to be taken at international CCITT meetings to be held in February, 1978 in Geneva, Switzerland.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: October 18, 1977.

GORDON L. HUFFCUTT,
Acting Director, Office of International Communications Policy.

[FR Doc.77-31264 Filed 10-27-77;8:45 am]

[4910-61]

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

ADVISORY BOARD

Amended Meeting

The Advisory Board of the Saint Lawrence Seaway Development Corporation meeting scheduled for November 11, 1977, as published in FEDERAL REGISTER Vol. 42, No. 197, page 54973 was announced as an open meeting beginning at 10 a.m.

The Advisory Board is responsible for advising the Administrator with respect to, among other things, the rates and charges and tolls on the St. Lawrence Seaway. A part of this meeting will deal with determining whether future negotiations with Canada with respect to proposed revisions to the U.S.-Canada Joint Seaway Tariff of Tolls are necessary, and if so the development and formulation of U.S. positions, the premature disclosure of which would be likely to significantly frustrate the implementation of the action which may be proposed.

Under the provisions of section 10 of the Federal Advisory Committee Act meetings may be closed to the public when they are "concerned with matters listed in section 552.6 of Title 5 of the United States Code." Among the matters so listed are those dealing with information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action.

Accordingly, the Secretary of Transportation has determined that part of the November 11 meeting of the Advisory Board will be closed to the public because premature disclosure of matters to be considered could significantly frustrate the agency action of negotiation with Canada further revisions to the previously proposed Joint Seaway Tariff of Tolls.

The meeting is now scheduled to begin at 9 a.m., November 11, 1977, in the Offices of the Corporation at 800 Independence Avenue SW., Washington, D.C. 20591, with that portion of the meeting from 9 a.m. to 10 a.m. to be closed. Additional information may be obtained from Robert D. Kraft, Deputy General Counsel, Saint Lawrence Seaway Development Corporation; 800 Independence Avenue SW., Washington, D.C. 20591, 202-426-3574.

Issued at Washington, D.C., October 21, 1977.

D. W. OBERLIN,
Administrator.

[FR Doc.77-31324 Filed 10-27-77;8:45 am]

[1505–01]

DEPARTMENT OF THE TREASURY

[Delegation Order No. 28 (Rev. 4)]

Internal Revenue Service

DELEGATION OF AUTHORITY

Correction

In FR Doc. 77–30443, appearing at page 55657 in the issue of Tuesday, October 18, 1977, the signature at the end of the document on page 55658 should read "Jerome Kurtz" instead of "Jerome Kennedy."

[1505–01]

[Delegation Order No. 59 (Rev. 8)]

Internal Revenue Service

DELEGATION OF AUTHORITY

Correction

In FR Doc. 77–30444, appearing at page 55658 in the issue of Tuesday, October 18, 1977, the signature in the second column at the end of the document should read "Jerome Kurtz" instead of "Jerome Kennedy".

[4810–25]

Office of the Secretary

ANIMAL GLUE AND INEDIBLE GELATIN FROM THE NETHERLANDS

Modification of Determination of Sales at Less Than Fair Value

AGENCY: Treasury Department.

ACTION: Modification of determination of sales at less than fair value.

SUMMARY: This notice is to advise the public that the determination of sales at less than fair value under the Antidumping Act, 1921, as amended, on animal glue and inedible gelatin from the Netherlands has been reconsidered and certain modifications in that determination are determined to be appropriate. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than prices in the home market or to third countries. Accordingly, the determination is being modified to reflect the results of this reconsideration.

EFFECTIVE DATE: October 28, 1977.

FOR FURTHER INFORMATION CONTACT:

John R. Kugelman, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue, NW., Washington, D.C. 20229. (202–566–5492).

SUPPLEMENTARY INFORMATION: A "Determination of Sales at Less Than Fair Value" with respect to animal glue and inedible gelatin from the Netherlands was published in the FEDERAL REGISTER of August 3, 1977 (42 FR 39289).

In the "Statement of Reasons" of that notice, paragraph two under the subheading (b) "Basis of comparison," it was indicated that for determining the basis of home market price with respect to Trommelen, one of the two Dutch companies investigated, sales to a distributor located in the Netherlands would be used. This distributor took title to the goods in the Netherlands and was free to resell the merchandise to whatever destinations the distributor chose. The distributor, however, "resold the merchandise principally for use within the neighboring countries of the European Community." Using these sales, margins were found ranging from 0.8 to 21.5 percent on 100 percent of Trommelen's sales. The weighted average margin for sales from the Netherlands as a whole, under that basis, was 7.5 percent.

Upon reconsideration, it has been determined that sales by Trommelen to this distributor referred to above are not sales for home consumption within he meaning of section 205(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 164(a)). It appears that most of the merchandise so sold was shipped directly by Trommelen to points outside of the Netherlands, and further, that Trommelen knew or, on the basis of available information, should have known, at the time of making the sales, that most of the merchandise in question was destined for exportation. Accordingly, home market price, in accordance with § 153.2, Customs Regulations (19 CFR 153.2), has been recalculated using only those sales to customers located in the Netherlands who purchased the merchandise for consumption within the Netherlands. As a result, the margins found with respect to all sales from the Netherlands now range from 4.8 to 46.8 percent, with a weighted average margin of 19.6 percent.

Accordingly, the "Notice of Determination of Sales at Less Than Fair Value" referred to above is modified to reflect the change in the basis of comparison and the results of comparisons made as discussed in the preceding paragraph.

The United States International Trade Commission is being advised of this modification.

This notice is published pursuant to § 153.42, Customs Regulations (19 CFR 153.42).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

OCTOBER 21, 1977.

[FR Doc.77–31190 Filed 10–27–77;8:45 am]

[7035–01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 512]

ASSIGNMENT OF HEARINGS

OCTOBER 25, 1977.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

I&S No. M–29619, Passenger Fare Increases, Pawtuxet Valley Bus Lines, Inc., now assigned November 1, 1977, at Providence, R.I., will be held in Room 217(L), John O. Pasture, Federal Building and Post Office, 27 Exchange Towers.

MC 143129, B. J. T. Transport, Inc., now assigned for Pre-hearing Conference on October 31, 1977, at Providence, R.I., will be held in Room 234, John O. Pasture, Federal Building and Post Office, 37 Exchange Towers.

MC 99581 (Sub-No. 4), Horace Simmons, d.b.a. Vaca Valley Bus Lines, now being assigned December 5, 1977, at San Francisco, Calif., in Room 510 Fifth Floor, 211 Main Street (1 week).

MC 140389 (Sub-No. 17), Osborn Transportation, Inc., now being assigned December 12, 1977 (1 week), at San Francisco, Calif., in Room 510, Fifth Floor, 211 Main Street

MC 134755 (Sub-No. 107), Charter Express, Inc., now being assigned November 10, 1977 (2 days), for hearing in Kansas City, Mo., will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 114211 (Sub-No. 294), Warren Transport, Inc., now assigned December 12, 1977, at Memphis, Tenn., is cancelled and transferred to modified procedure.

MC–C 9754, *Carolina Coach Co., Inc.* v. *Hopkins Motor Coach, Inc.* and MC 48315 (Sub-No. 7), Hopkins Motor Coach, Inc., now assigned November 28, 1977, is postponed to December 12, 1977 (1 week) at Salisbury, Md., in a hearing room to be later designated.

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

[FR Doc.77–31282 Filed 10–27–77;8:45 am]

[7035–01]

[Notice No. 513]

ASSIGNMENT OF HEARINGS

OCTOBER 25, 1977.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

MC 142238 (Sub-No. 1), Rollcarrier, Inc., now assigned November 8, 1977, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

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

Hearing Room assignment published in FEDERAL REGISTER of October 14, 1977, showed Docket Number incorrectly. Docket Number should read as shown above instead of MC 142830 (Sub-No. 1).

[FR Doc.77-31283 Filed 10-27-77;8:45 am]

[7035-01]

[Notice No. 139TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 21, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35628 (Sub-No. 394 TA), filed October 11, 1977. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids, Mich. 49502. Applicant's representative: Michael P. Zell, 134 Grandville Avenue SW., Grand Rapids, Mich. 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from the warehouse facilities utilized by General Electric Co. at or near Mount Vernon, Ind., as an off-route point in connection with applicant's currently authorized operations, for 180 days. Applicant intends to tack authority and interline with other carriers. Supporting shipper(s): General Electric Corp., Mount Vernon, Ind. 47620. Send protests to: C. R. Flemming District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 77424 (Sub-No. 41TA) (Correction), filed August 15, 1977, published in the FEDERAL REGISTER issue of September 20, 1977, and republished as corrected this issue. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79 Street, P.O. Box 6931, Cleveland, Ohio 44104. Applicant's representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles and tricycles, and parts and accessories for bicycles and tricycles*, from Celina, Ohio, to points in Alabama, Connecticut, Delaware, Georgia, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, Mississippi, Missouri (except St. Louis), New Jersey, North Carolina, Tennessee, Virginia, West Virginia, Wisconsin, District of Columbia, Illinois south of U.S. Highway 24, Indiana, south of U.S. Highway 24 (except Indianapolis), Michigan north of U.S. Highway 16, New York east of a line beginning at Oswego, N.Y., extending along a line to Syracuse, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line, and Pennsylvania east of U.S. Highway 220 (except Scranton and Philadelphia, Pa.), for 180 days. Supporting shipper: Huffman Manufacturing Co., Ohio Bicycle Division, 410 Grand Lake Road, Celina, Ohio 45822. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199. The purpose of this republication is to add the State of West Virginia, which was previously omitted in error.

No. MC 107403 (Sub-No. 1041TA), filed October 7, 1977. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nickel oxide sinter and nickel granules*, in bulk, in tank vehicles, from the International Boundaries of Michigan and New York States to Pittsburgh, Washington, and Houston, Pa., for 180 days. Supporting shipper(s): International Nickel Co., Inc., One New York Plaza, New York, N.Y. 10004. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 111302 (Sub-No. 111TA), filed October 7, 1977. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, Tenn. 37919. Applicant's representative: David A. Peterson, P.O. Box 10470, 1500 Amherst Road, Knoxville, Tenn. 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sodium sulphate*, in bulk in hopper-type vehicles, from the plantsite of International Salt Co. (American Enka) in Lowland, Tenn., to the plantsites of Deering-Milliken Co. in Barnwell and Spartanburg, S.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Salt Co., 1600 Tullie Circle, Suite 133, Atlanta, Ga. 30329. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 112989 (Sub-No. 52 TA), filed October 11, 1977. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, Oreg. 97405. Applicant's representative: Jerry R. Woods, 200 Market Building, Suite 1440, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic or rubber*, expanded, from the plantsites of General Tire and Rubber Co. at Orange and Hayward, Calif., to points in Idaho, Oregon, and Washington, for 180 days. Supporting shipper(s): General Tire and Rubber Co., 18895 Arenth Avenue, City of Industry, Calif. 91749. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, Oreg. 97204.

No. MC 113908 (Sub-No. 405TA) (Correction), filed August 15, 1977, published in the FEDERAL REGISTER issue of September 23, 1977, and republished as corrected this issue. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Part I—*Alcoholic liquors and flavored syrups*, in bulk, from ports of entry on the United States-Republic of Mexico Boundary Line located in Texas, New Mexico, Arizona and California, to Chicago, Delavan, Peoria, and Pekin, Illinois; Newark and Scobeyville, New Jersey; Detroit and Allen Park, Michigan; Union City, San Francisco, Menlo Park, California; Colonial Heights, Virginia; Hartford, Connecticut; Paducah, Bardstown, and Frankfort, Kentucky, Schenley, Pennsylvania; Lawrenceburg, Indiana; and Hood River, Oregon. Part II—(A) *alcoholic liquors*, in bulk, from ports of entry on the United States-Canada Boundary Line located in New York; Pennsylvania; Washington; Detroit, and Port Huron, Michigan; and Toledo, Ohio, to Delavan, Peoria, and Pekin, Illinois; Detroit and Port Huron, Michigan; San Francisco, Union City, and Menlo Park,

California, and Petersburg, Virginia; (B) *alcoholic liquors*, in bulk, from Scobeyville, New Jersey; Pekin, Illinois; San Francisco, Union City, Menlo Park, Lamont, and Di Giorgio, California, to ports of entry on the United States-Canada Boundary Line located in New York; Pennsylvania; Detroit and Port Huron, Michigan; and Toledo and Sandusky, Ohio. Restriction: The operators authorized in (A) and (B) above are restricted to the transportation of traffic in foreign commerce only.

Part III—(A) *alcohol, alcoholic liquors, neutral spirits, distilled spirits, wines, brandies, grape and citrus juice and concentrates thereof*, from points in California, to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, Ohio, Oregon, Pennsylvania, and Texas; (B) *alcohol and alcoholic liquors*, in bulk, (1) from points in New York, New Jersey, Pennsylvania, Maryland, Virginia, and Delaware, to Peoria and Pekin, Illinois; San Francisco and Union City, California; and Port Huron and Detroit, Michigan. Restriction: The operations authorized in (B) (1) above are restricted to the transportation of traffic in foreign commerce only; (2) between the following points: Delavan and Peoria, Illinois; Scobeyville, New Jersey; San Francisco, California; and Detroit, Michigan; (3) between the following points: Chicago and Pekin, Illinois; Colonial Heights, Virginia; Union City, California; Houston, Texas; Cincinnati and Toledo, Ohio; New Orleans, Louisiana; Detroit, Michigan; and Boston, Massachusetts; (4) from Pekin, Illinois to Baltimore, Maryland; Williamstown, Pennsylvania; and points in New York and New Jersey; (5) from Schenley, Pennsylvania; Lawrenceburg, Indiana; Frankfort, Bardstown, and Paducah, Kentucky; Newark and Crosswick, New Jersey, to points in California, for 180 days.

Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately thirteen (13) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106. The purpose of this republication is to indicate that in the FEDERAL REGISTER dated September 23, 1977, this application was published partially in error.

No. MC 114569 (Sub-No. 194TA), filed October 5, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. Cummins, P.O. Box 418, New Kingstown, Pa. 17072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles, recreational vehicles and machines, and materials and supplies* used in the manufacture and distribution thereof (except in bulk and except those commodities which, because of size and weight, require special equipment), from Los Angeles, Calif. and Wilmington, Calif., and their commercial zones, to points in Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper(s): Kawasaki Motors Corp., U.S.A., 2009 East Edinger, Santa Ana, Calif. 92711. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, Box 869, Federal Building, Harrisburg, Pa. 17108.

No. MC 114608 (Sub-No. 32TA), filed October 7, 1977. Applicant: CAPITAL EXPRESS, INC., 5635 Clay, Grand Rapids, Mich. 49508. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Microwave ovens*, from Marion, Ohio, to Grand Rapids and Wyoming, Mich., and from Marion, Ohio, to Grand Rapids, Greenville, Holland, Kentwood, and Muskegon, Mich., under a continuing contract or contracts with Kelvinator, Inc. and Gibson Products Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kelvinator, Inc., Grand Rapids, Mich. 49509 and Gibson Products Corporation, Greenville, Mich. 48338. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 119493 (Sub-No. 160TA) (Correction), filed August 22, 1977, published in the FEDERAL REGISTER issue of September 20, 1977, and republished as corrected this issue. Applicant: MONKEM COMPANY, INC., West 20th St. Rd., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the facilities of La-Z-Boy Midwest Co., at or near Neosho, Mo., and the facilities of La-Z-Boy Arkansas Company at or near Siloam Springs, Ark., to points in the United States, except Alaska and Hawaii, and (2) *materials and supplies* used in the manufacture of new furniture, from points in the United States, except Alaska and Hawaii, to the facilities of La-Z-Boy Midwest Co., at or near Neosho, Mo., and the facilities of La-Z-Boy Arkansas Co., at or near Siloam Springs, Ark., for 180 days. Supporting shippers: La-Z-Boy Midwest Company, P.O. Box 628, Neosho, Mo. 64850. La-Z-Boy Arkansas, Siloam Springs, Ark. 72761. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOp, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106. The purpose of this republication is (1) is to correct the commodity description; (2) correct the spelling of Siloam Springs, Ark., in lieu of Siloma Springs, Ark.; and (3) to add another supporting shipper.

No. MC 119628 (Sub-No. 2TA), (Correction), filed September 8, 1977, published in the FEDERAL REGISTER issue of September 23, 1977, and republished as corrected this issue. Applicant: GARMARC TRANSPORTATION CO., INC., 10 Independence Street, Rochester, N.Y. 14611. Applicant's representative: S. Michael Richards, Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen beef*, between Rochester, N.Y., on the one hand, and, on the other, all points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, under a continuing contract, or contracts, with Double B. Corp., for 180 days. Supporting shipper(s): Double B Corp., 571 Colfax Street, Rochester, N.Y. 14606. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 South Clinton Street, Room 1259, Syracuse, N.Y. 13202. The purpose of this republication is to indicate (1) applicant's correct address 10 Independence Street, in lieu of 11 Independence Street, and (2) to add the State of New York to the territorial description.

No. MC 120981 (Sub-No. 26TA), filed October 12, 1977. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, Tenn. 37210. Applicant's representative: George M. Catlett, 708 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, 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 Pikeville, Ky., and South Williamson, Ky. (except those points in West Virginia in the South Williamson, Ky., commercial zone) from Pikeville, Ky., over U.S. 119 to South Williamson, Ky., and return over the same route, serving all intermediate points; (2) between Prestonsburg, Ky., and Louisa, Ky.; from Prestonsburg, Ky., over U.S. Highway 23 to Louisa, Ky., and return over the same route, serving all intermediate points except those points in West Virginia); (3) between Salyersville, Ky., and the junction of U.S. Highway 460 and U.S. Highway 23 near Paintsville, Ky., from Salyersville, Ky., over U.S. Highway 460 to the junction of U.S. Highway 23 near Paintsville, Ky., and return over the same route, serving all intermediate points; (4) between Lexington, Ky., and Salyersville, Ky., from Lexington, Ky., over Interstate Highway 64 to junction of Mountain Parkway, thence over Mountain Park-

way to Salyersville, Ky., and return over the same route, serving no intermediate points; (5) between Salyersville, Ky., and Pikeville, Ky., from Salyersville over Kentucky Highway 114 to Prestonsburg, Ky., thence over U.S. Highway 460 to Pikeville, Ky., and return over the same route, serving all intermediate points; (6) between Salyersville, Ky., and Paintsville, Ky., from Salyersville, Ky., over U.S. Highway 460 to Paintsville, Ky., and return over the same route, serving all intermediate points. Authority is sought to serve the commercial zones of all points and places set forth in routes (1) through (6) next above (except those points in West Virginia) for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 34 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A—422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 124221 (Sub-No. 62TA) (Correction), filed August 31, 1977, published in the FEDERAL REGISTER issue of September 23, 1977, and republished as corrected this issue. Applicant: HOWARD BAER, Rt. 98 W., P.O. Box 27, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: Part I: *Bakery products*, from Roanoke, Va., to Wilmington, N.C., and Columbia and North Charleston, S.C.; Part II: *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 (excluding commodities in bulk), in vehicles equipped with mechanical refrigeration, from Cincinnati, Ohio, to Wilmington, N.C., and Columbia and North Charleston, S.C. Restrictions: (1) Restricted to the transportation of traffic originating at and/or destined to a facility of the Kroger Co.; (2) restricted to movements in vehicles equipped with mechanical refrigeration; (3) limited to transportation services performed under a continuing contract or contracts with the Kroger Co. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Kroger Co., 1014 Vine Street, Cincinnati, Ohio 45201. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, Ill. 60604. The purpose of this republication is to indicate that in the FEDERAL REGISTER dated September 23, 1977, this application was published partially in error.

No. MC 128527 (Sub-No. 89TA), filed September 27, 1977. Applicant: MAY TRUCKING COMPANY, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: C. Marvin May (same address as applicant). Applicant hereby applies for authority to engage in operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *log homes, precut and knocked down, and hardware and accessories pertaining to the erection thereof*, and *pressure treated timbers*, from the facilities of Lodge Log Homes, Inc., and Pressure Treated Timber Co. located at/or near Boise, Idaho, to points in Arizona, California, Colorado, Oregon, Montana, New Mexico, Nevada, Washington, Wyoming, and Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lodge Log Homes, Pressure Treated Timber Co., Gowen Field, Boise, Idaho 83705. Send protests to: Barney L. Hardin, District Supervisor, 550 West Fort Street, Box 07, Boise, Idaho, 83724.

No. MC 134979 (Sub-No. 11TA) (Partial correction), filed August 30, 1977, published in the FEDERAL REGISTER issue of October 3, 1977, and republished as corrected this issue. Applicant: DAGGETT TRUCK LINE, INC., Frazee, Minn. 56544. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, N. Dak. 58102.

NOTE.—The purpose of this partial correction is to show where to send protests to: Interstate Commerce Commission, P.O. Box 2340, Ronald R. Mau, District Supervisor, Fargo, N. Dak. 58102, in lieu of Interstate Commerce Commission, 12 and Constitution Avenue NW., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423, which was previously published in error. The rest of the publication remains the same.

No. MC 135795 (Sub-No. 5TA), filed October 5, 1977. Applicant: WILLIAM J. JAMES, d/b/a BILL JAMES, P.O. Box 1786, 541 Willow Lane, Hereford, Tex. 79045. Applicant's representative: Paul D. Angenend, 1806 Rio Grande, Austin, Tex. 78768. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used in the manufacture and distribution of dry animal and poultry feeds (except liquid commodities in bulk, in tank vehicles), from points in Arkansas, Colorado, Kansas, Louisiana, New Mexico, and Oklahoma to Comanche and Hereford, Tex., under a continuing contract, or contracts, with Moorman Mfg. Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Moorman Mfg. Co., P.O. Box 743, Comanche, Tex. 76442. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 141138 (Sub-No. 9TA) (correction), filed September 6, 1977, published in the FEDERAL REGISTER issue of September 23, 1977, and republished as corrected this issue. Applicant: STEVE SCHRANZ TRUCKING, INC., 350 Honeysuckle Lane, Belleville, Ill. 62221. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry feed ingredients*, between Shelby County, Tenn., on the one hand, and, on the other, points in Arkansas, Mississippi, and Tennessee, for 180 days. Supporting shipper(s): William F. McClusky, Distribution Production Manager, Supersweet Dixie (Firmerly Dixie Mills Co.) a division of International Multifoods, Inc., 1731 Channel Avenue, Memphis, Tenn. 38113. Harold McGeorge, Area Operator Manager, Cargill, Inc.—Nutrena Feed Division, 4943 Stephenson Road, Memphis, Tenn. 38113. Send protests to: District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield Ill. 62705. The purpose of this republication is to add the state of Arkansas to this publication.

No. MC 141529 (Sub-No. 2TA), filed October 12, 1977. Applicant: WAINWRIGHT TRANSFER CORP. of Virginia, P.O. Box 1854, Quantico, Va. 22134. Applicant's representative: Dwight L. Koerber, Jr., 666 11th Street NW., No. 805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between the warehouse facilities of Wainwright Transfer Corp. of Virginia, in Stafford County, Va., on the one hand, and, on the other points in Stafford, Spotsylvania, Prince William, Fauquier, Loudoun, Fairfax, and Arlington Counties, Va.; Vienna, Fredericksburg, Manassas, Manassas Park, Alexandria, Falls Church, and Fairfax City, Va.; Washington, D.C.; and Prince Georges and Montgomery Counties, Md. Restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Columbia Export Packers, Inc., Torrance, Calif.; Imperial Van Lines International, Inc., Torrance, Calif. Send protests to: Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 142551 (Sub-No. 1TA) (partial correction), filed August 4, 1977, published in the FEDERAL REGISTER issue of September 20, 1977, and republished as corrected this issue. Applicant: ROBERT AND DOROTHY MUCKENHIRN, doing business as TRIANGLE TRUCKING, Delano, Minn. 55403. Applicant's

representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55043. NOTE.—The purpose of this partial republication is (1) to show that applicant is Robert and Dorothy Muckenhirn, doing business as Triangle Trucking; and (2) *China bath accessories*, from Baltimore, Md., Newark, Salem, Trenton, East Brunswick, Roselle Park, and Keyport, N.J.; Newburgh, N.Y., Elmsford and Brooklyn, N.Y.; Minerva and Dalton, Ohio; and Gettysburg and Philadelphia, Pa.; to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, in part (2) above the city of Brooklyn, N.Y., was added to the territorial description which was previously omitted before. The rest of the publication remains the same.

No. MC 143810TA, filed October 4, 1977. Applicant: SALCOM TRUCKING, INC., 3800 Independence Avenue, Bronx, N.Y. 10463. Applicant's representative: Bruce J. Robbins, Robbins & Newman, 118-21 Queens Boulevard, Forest Hills, N.Y. 11375. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods, and materials, equipment and supplies* used or useful in the manufacture, sale and distribution of wearing apparel (except in bulk), Between points in the New York, N.Y., Commercial Zone as defined by the Interstate Commerce Commission, on the one hand, and, on the other, Tarboro and Greensboro, N.C.; Heath Springs and Camden, S.C.; Atlanta, Ga.; Memphis, and Bruceton, Tenn.; Pass Christian and Long Beach, Miss.; and El Paso and Dallas, Tex., under a continuing contract, or contracts, with Adam Lyon Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Adam Lyon Industries, Inc., 1040 Avenue of the Americas, New York, N.Y. 10018. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 143822, filed October 3, 1977. Applicant: Y's TRUCKING CO., INC., 2378 Caladium Drive NE., Atlanta, Ga. 30345. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic aticles*, from the plantsite of Rehrig Pacific Co. at or near Doraville (Gwinnett County), Ga., to points in Alabama, North Carolina, South Carolina, Florida, Missouri, Louisiana, Arkansas, Oklahoma, Texas, Tennessee, Illinois, Indiana, Ohio, and St. Louis, Mo., under a continuing contract, or contracts, with Rehrig Pacific Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rehrig Pacific Co., 100 Piedmont Court, Atlanta, Ga. 30340. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

By the Commission

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

[FR Doc.77-31284 Filed 10-27-77;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

	Items
Civil Aeronautics Board	1
Commodity Credit Corporation	2
Commodity Futures Trading Commission	3
Consumer Product Safety Commission	20
Equal Employment Opportunity Commission	4, 5
Federal Deposit Insurance Corporation	6
Federal Election Commission	7
Federal Energy Regulatory Commission	8, 9, 10
Federal Home Loan Bank Board	21, 22, 23
Federal Maritime Commission	11
Federal Reserve System (Board of Governors)	12
Federal Trade Commission	13, 14
Indian Claims Commission	15
International Trade Commission	16, 25
Interstate Commerce Commission	17, 24
National Council on Education Research	29
National Transportation Safety Board	26
Occupational Safety and Health Review Commission	18
Renegotiation Board	27, 28
Securities and Exchange Commission	19

[6320-01]

1

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10:00 A.M.—October 25, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 1. Board review of staff denial of Duncan Travel's request for waiver of advance purchase requirement for 5 Chicago-Las Vegas OTC flights.

2. Dockets 31363, 31457, 31480, 31503, and 31532, North Atlantic Super-Apex fare filings by Pan Am, TWA, Aerlinte, Aeroflot, Air France, Air India, Alitalia, British Airways, Lufthansa, Finnair, Iberia, KLM, Olympic, Pakistan International, Royal Air Maroc, Sabena, Swiss Air, TAP, Iran Air, CSA, JAT, LOT, and Aero Mexico.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Item 1 concerns a filing by Duncan Travel. On October 19, 1977, Duncan Travel requested a waiver of the advance purchase requirements of Part 378a in order to sell five OTC's between Chicago and Las Vegas until the day of departure. On October 20, 1977, the staff denied Duncan's request, and by letter dated October 20, Duncan requested Board review. Because Duncan's first passenger list must be filed on October 25, 1977, and because Duncan must know on that date whether a waiver has been granted, the Board must meet as soon as possible.

Item 2 involves tariffs concerning various low fare filings for North Atlantic services. Any orders of suspension would have to be sent to the President within a short time. In order for the Board to decide what action to take on these filings in the light of the recommendations the Board has received from the Departments of State, Transportation, and Justice, the Board must meet as soon as possible. Accordingly the following Members have voted that agency business requires that the Board meet on these items on less than seven days' notice and that no earlier announcement of the meeting was possible: Chairman, Alfred E. Kahn; Vice Chairman, Richard J. O'Melia; Member, G. Joseph Minetti; Member, Elizabeth E. Bailey.

[S-1683-77 Filed 10-26-77;9:44 am]

[3410-05]

2

COMMODITY CREDIT CORPORATION.

TIME AND DATE: 3:00 p.m., November 3, 1977.

PLACE: Room 218-A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open except for agenda item 4 which will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Minutes of CCC Board meeting on September 30, 1977.

2. Docket SCP 137a, Amendment 2 re: 1977-crop barley, corn, oats, rye, sor-

4. Docket TMP 307 re: Purchase and payment programs.

3. Docket TCX 310a re: Commodities available for sale to foreign governments, international organizations and relief organizations during fiscal year 1978.

4. Docket IMP 307 re: Purchase and distribution of agricultural commodities and other foods for domestic distribution with FNS and Section 32 funds.

CONTACT PERSON FOR MORE INFORMATION:

Bill Cherry, Acting Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013, telephone 202-447-7583.

[S-1672-77 Filed 10-25-77;1:04 pm]

[6351-01]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:00 a.m., November 1, 1977.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

Speculative Limits/Policy Discussion.
Aggregration/Proposed Regulatory Strategy.

Portions closed to the public:

FOIA Appeal.

CONTACT PERSON FOR MORE INFORMATION:

James Stuckey, 254-6314.

[S-1688-77 Filed 10-26-77;12:17 pm]

[6570-06]

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: October 25, 1977, a.m., S-1660-77. To be published October 27, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (Eastern time), Wednesday, October 26, 1977.

CHANGES IN THE MEETING: Time of meeting changed to 9:00 a.m.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This Notice issued October 25, 1977.

[S-1679-77 Filed 10-26-77;9:44 am]

[6570-06]

5

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern time), Tuesday, November 1, 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 part will be closed to the public.

MATTERS TO BE CONSIDERED:

Part open to the public:

State and Local Agencies; FY '78 Contracts; Specific Allocation of Funds for Each Agency.

Part closed to the public:

Briefing on litigation matters, closed to the public under Sec. 1612.13 (a) (3) of the Commission's regulations (42 FR 13830, March 14, 1977).

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Office, Executive Secretariat, at 202-634-6748.

This Notice Issued October 25, 1977.

[S-1690-77 Filed 10-26-77;2:50 pm]

[6714-01]

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF CHANGE IN SUBJECT MATTER OF AGENCY MEETING

At its open meeting held at 11:00 a.m. on Tuesday, October 25, 1977, the Board of Directors of the Federal Deposit Insurance Corporation determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Heimann, that Corporation business required its addition of the following matters to the agenda for consideration at that meeting on less than seven days' notice to the public:

Resolution establishing an Office of Consumer Affairs and Civil Rights.

Memorandum and resolution extending to December 7, 1977 the comment period on the Corporation's proposed fair housing regulations.

Resolution adopting the revised salary rate schedule (Coordinated Federal Wage System) for application within the Washington Office to the Corporation's Messenger-Chauffeur and Laborer positions, effective October 23, 1977.

Resolution authorizing the conduct of a survey of all insured commercial banks in order to elicit information on bank stock loans, insider loans, and overdrafts.

The Board also determined that no earlier notice of a change in the subject matter of the meeting was practicable.

Dated: October 25, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-1686-77 Filed 10-26-77;12:17 pm]

[6715-01]

7

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, November 2, 1977 at 10:00 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance.

* * * * *

DATE AND TIME: Thursday, November 3, 1977 at 10:00 a.m.

STATUS: Portions of this meeting will be open to the public and portions will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

I. Future meetings.
II. Correction and approval of minutes.
III. Advisory opinions: AO 1977-45. AO 1977-46.
IV. Appropriations and budget.
V. Pending legislation.
VI. Classification actions.
VII. Procedures on non-fibers.
VIII. Liaison with other Federal agencies.
IX. Report on pending litigation.
X. Routine administrative matters.

Portions closed to the public (executive session):

A. Audit matters.
B. Compliance.
C. Personnel.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, press officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-1689-77 Filed 10-26-77;2:50 pm]

[6740-02]

8

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (Pub. 10/25/77, 42 FR 56414.)

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., October 26, 1977; 10:00 a.m., October 27, 1977.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

G-37.—RP76-90, Kansas-Nebraska Natural Gas Company, Inc.
G-38.—RP77-140, Consolidated Gas Supply Corporation.

KENNETH F. PLUMB,
Secretary.

[S-1687-77 Filed 10-26-77;12:17 pm]

[6740-02]

9

FEDERAL ENERGY REGULATORY COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (Pub. 10/25/77 42 FR 56414.)

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., October 26, 1977; 10:00 a.m., October 27, 1977.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

G-34.—CP77-403, Transcontinental Gas Pipe Line Corporation.

KENNETH F. PLUMB,
Secretary.

[S-1673-77 Filed 10-25-77;1:04 pm]

[6740-02]

10

FEDERAL ENERGY REGULATORY COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (Pub. 10/25/77 42 FR 56414).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: October 26, 1977, 10:00 a.m. October 27, 1977.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

G-35, RP77-139, Texas Gas Transmission Corporation.
G-36, CP77-384, Natural Gas Pipeline Company of America. CP77-618, Sea Robin Pipeline Company.

KENNETH F. PLUMB,
Secretary.

[S-1675-77;Filed 10-25-77;2:02 pm]

[6730-01]

11

FEDERAL MARITIME COMMISSION.

TIME AND DATE: November 2, 1977, 10:00 A.M.

PLACE: Room 12126, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Docket No. 73-38—Council of North Atlantic Shipping Associations, Et Al. vs. American Mail Lines, Ltd., Et Al.—Disposition of Request for Oral Argument.

2. Agreement Nos. 10038-2 and 10039-2—Pooling agreement in U.S./Argentina trades (Moore-McCormack Lines and ELMA and Delta Lines and ELMA)—Petition for Reconsideration of Effective Date.

3. Docket No. 76-24—*United Nations vs. Flota Mercante Grancolombiana, S.A.*—Disposition of Request for Oral Argument.

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Assistant Secretary, 202-523-5727.

[S-1684-77 Filed 10-26-77;9:44 am]

[6210-01]

12

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS)

TIME AND DATE: 10:00 a.m., Wednesday, November 2, 1977.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments. This matter was originally announced for a meeting on October 12, 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.

Dated: October 25, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-1675-77 Filed 10-25-77;2:57 pm]

[6750-01]

13

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, November 1, 1977.

PLACE: Room 432, Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Nonadjudicative Matters

(1) Approval of Minutes of Nonadjudicative Matters Considered at Meeting of October 25, 1977.

(2) Consideration of whether to file a trademark cancellation petition before the U.S. Patent Office with respect to a nonpublic Part II matter.

Adjudicative Matters Under Part 3 of the Rules of Practice

(1) Approval of Minutes of Adjudicative Matters Considered at Meeting of October 25, 1977.

(2) Consideration of final decision in National Housewares, Inc. and Emdeko International, Inc., consolidated as Docket 8733.

CONTACT PERSON FOR MORE INFORMATION:

Wilber T. Weaver, Office of Public Information, 202-523-3830; recorded message, 202-523-3806.

[S-1677-77 Filed 10-25-77;3:03 pm]

[6750-01]

14

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, November 2, 1977.

PLACE: Room 432, Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Consideration of whether to disclose the identity of persons under investigation.

(2) Report from General Counsel on Congressional Matters.

CONTACT PERSON FOR MORE INFORMATION:

Wilber T. Weaver, Office of Public Information, 202-523-3830; recorded message: 202-523-3806.

[S-1678-77 Filed 10-25-77;3:03 pm]

[7030-01]

15

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., November 2, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public.

Docket 206, Squaxin.

Docket 229, Navajo.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006; telephone: 202-653-6174.

[S-1676-77 Filed 10-25-77;3:10 pm]

[7020-02]

16

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Friday, November 4, 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. Further discussion of the comprehensive research plans for the agency.
5. Update on administrative matters.
6. Announcement of employee awards.
7. Petitions and complaints—if necessary:
   (a) Skate boards.
   (b) Cheese boards.
8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1681-77 Filed 10-26-77;9:44 am]

[7035-01]

17

OCTOBER 25, 1977.

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, November 1, 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. Rail Abandonments—Commission Procedures and Options (Briefing by Office of Proceedings).

2. Ex Parte No. MCX85—Transportation of "Waste" Products for Reuse and Recycling (Schneider Transport Inc., Petition for Declaratory Order) (Briefing and discussion).

CONTACT PERSON FOR MORE INFORMATION:

Office of Information and Consumer Affairs, Douglas Baldwin, Director; telephone: 202-275-7252.

[S-1685-77 Filed 10-26-77;9:44 am]

[7600-01]

18

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 2 p.m., October 27, 1977.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson. 202-634-7970.

Date: October 25, 1977.

[S-1682-77 Filed 10-26-77;9:44 am]

[8010-01]

19

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 meeting during the week of October 31, 1977, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Wednesday, November 2, 1977, at 10 a.m. An open meeting will be held on Thursday, November 3, 1977, at 11 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c) (4) (8) (9) A and (10) and 17 CFR 200.402(a) (8) (9) (i) and (10).

Chairman Williams, Commissioners Loomis, Evans, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Wednesday, November 2, 1977, at 10 a.m., will be:

Formal orders of investigation.

Referral of investigative files to Federal, State, or Self-Regulatory authorities.

Chapter X proceeding.

Advisory report.

Freedom of Information appeal.

Institution of injunctive actions.

Settlement of injunctive actions.

Institution of administrative proceedings.

Settlement of administrative proceedings.

Other litigation matters.

Authorization of staff member to testify.

The subject matter of the open meeting scheduled for Thursday, November 3, 1977, at 11 a.m., will be:

1. Proposed adoption of Rule 24f-2 and Amendments to Rule 24f-1 and 24e-2 under the Investment Company Act of 1940, which would permit certain registered investment companies to elect to register an indefinite number of securities for sale.

2. Application filed by D. H. Baldwin Co. (Ohio), D. H. Baldwin Co. (Delaware), and The United Corp. requesting an exemption from certain provisions of the Investment Company Act of 1940, as related to the applicants' proposed plan of reorganization and merger.

3. Affirmation of an action taken by Chairman Williams, as duty officer, in approving written testimony concerning S. 2008 and H.R. 9518, Amendments to the Shiping Act of 1916.

4. Exemption of Anthony C. Nuland from certain provisions of the Commission's Conduct Regulations to facilitate Mr. Nuland's temporary return to the staff as a special government employee.

5. Affirmation of an action taken by Commissioner Pollack, as duty officer, authorizing a staff attorney to be deposed and to submit, for in camera inspection, documents as to which Commission staff attorneys asserted a governmental privilege concerning Franklin National Bank litigation.

6. Petition filed by Power Designs, Inc. for Commission review of the denial of an extension of time to file the company's annual report.

7. Petition filed by Consolidated Fibres, Inc. for Commission review of the denial of an extension of time to file certain portions of the company's annual report.

8. Presentation of the Final Report of the Advisory Committee on Corporate Disclosure.

FOR FURTHER INFORMATION CONTACT:

Linda W. Jarett at 202-755-1183.

OCTOBER 25, 1977.

[S-1680-77 Filed 10-26-77;9:44 am]

[6355-01]

20

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: 9:30 a.m., November 3, 1977.

LOCATION: 3rd Floor Hearing Room, 1111 18th St. NW., Washington, D.C.

STATUS: Partly open to the public; partly closed.

MATTERS TO BE CONSIDERED:

A. Open to the public.

1. *Recommendation to Accept Corrective Action Plan: Eltrinic Corp. under the cabinet fluorescent lights, ID 76-96*—The staff has recommended that the Commission accept the corrective action plan, and close this case involving potentially-defective fluorescent light fixtures which might present a shock hazard.

2. *Recommendations to Accept Corrective Action Plans: Four importers/Retailers selling baby receiving blankets, ID 77-44, 77-46, 77-48 and 77-49*—The staff has recommended that the Commission accept plans implemented by these four firms in connection with possibly flammable baby receiving blankets. The four firms are: Federated Department Stores, Inc. (77-44), Thalhimer Brothers, Inc. (77-46), Dayton Hudson Corp. (77-48), and Hutzler Brothers Co. (77-49).

3. *Recommendation to Close Possible Substantial Product Hazard Case: Shelcore, Inc. vacuum baby bottles with glass liners, ID 77-7*—The staff has recommended that the Commission close this case, based on its determination that the glass-lined vacuum baby bottles do not pose a substantial risk of injury.

4. *Recommendation to Close Possible Substantial Product Hazard Case: Fried Trading Co. hair dryer., ID 76-92*—The staff has recommended that the Commission close this case involving possible burn hazards from possibly defective hair dryers, based on its determination that there is insufficient evidence to support the belief that the hair dryers present a substantial product hazard.

5. *Burn Data Options*—The Commission will consider various options for action in obtaining data on fire and burn injuries. The staff briefed the Commission on the issues at the November 2 Commission Briefing.

B. Closed to the public.

6. *Timeliness Investigation (OS Package No. 465)*—In this case involving a possible violation of the timeliness requirements for reporting possible substantial product hazards, the staff has asked the Commission to authorize the staff: to conduct non-public, on site investigational hearings; to approve a resolution directing compulsory process; and to issue subpoenas.

7. *Possible Consent Agreement in Flammable Fabric Act Case (OS Package No. 454)*—The staff has asked the Commission for authority to seek a consent agreement in this Flammable Fabrics Act case involving carpets.

8. *Procedures for Investigation, Inspections and Inquiries Pursuant to the Flammable Fabrics Act*—The Commission will consider a draft *Federal Register* document which would promulgate these non-adjudicative rules under the Flammable Fabrics Act.

9. *Freedom of Information Act Appeal*—The Commission will consider an appeal of a partial denial by the Secretary of a request for a briefing package under the Freedom of Information Act. The briefing package concerns a possible substantial product hazard case on the Zipper Amusement Ride.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Consumer Product Safety Commission, Suite 300, 1111 18th St. NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-1698-77 Filed 10-26-77;4:26 pm]

[6720-01]

21

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: November 2, 1977; 9:30 a.m.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Michael Scanlon, 202-376-3012.

MATTERS TO BE CONSIDERED:

Application for Bank Membership and Insurance of Accounts—Liberty Savings and Loan Association, Warrenton, Va.

Application for Permission to Organize a New Federal Association—Douglas C. Fruge, et al., Ville Platte, La.

Branch Office Application—Biscayne Federal Savings and Loan Association, Miami, Fla.

Change of Office Location Application—First Federal Savings and Loan Association of Lake County, Leesburg, Fla.

Applications for Bank Membership and Insurance of Accounts—The Barnesville Building and Loan Association, Barnesville, Minn.

Branch Office Application—Home Federal Savings and Loan Association of St. Petersburg, St. Petersburg, Fla.

Service Corporation Activity Application—Gibralter Savings Association, Houston, Tex.

Agency Office Application—First Federal Savings and Loan Association of Beaumont, Beaumont, Tex.

Branch Office Application—Greater Louisville Federal Savings and Loan Association, Louisville, Ky.

Amendment of Charter-Change of Name Application—El Reno Federal Savings and Loan Association, El Reno, Okla.

Amendment of Charter-Change of Closing Dates Application—Carolina Federal Savings and Loan Association of Greenville, Greenville, S.C.

Preliminary Application for Conversion into a Federal Mutual Association—North Anne Arundel Savings and Loan Association, Inc., Pasadena, Md.

Concurrent Consideration of (1) Application for Permission to Organize a Federal Association—Billy G. Fallin, et al., Moultrie, Ga., and; (2) Limited Facility Application—Tifton Federal Savings and Loan Association, Tifton, Ga.

Consideration of Proposed Nondiscrimination-In-Lending Data Collection and Reporting Requirements.

[S-1693-77 Filed 10-26-77;4:26 pm]

[6720-01]

22

FEDERAL HOME LOAN BANK BOARD

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 204, page 56185, Friday, October 21, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., October 26, 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).

CHANGES IN THE MEETING: The following items have been added to the agenda for the open meeting:

Preliminary Conversion Application; Cancellation of Charter, Membership and Insurance; Transfer of Stock; and Maintenance of Branches Re: Proposed Merger of Lincoln Federal Savings and Loan Association of Berwyn, Berwyn, Ill. into Midlothian Savings and Loan Association, Midlothian, Ill.

Application for Preliminary Conversion to Federal Charter—Colchester Savings and Loan Association, Colchester, Ill.

Proposal for a Temporary RSU Extension.

No. 87, October 25, 1977.

[S-1695-77 Filed 10-26-77;4:26 pm]

[6720-01]

23

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., October 31, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Michael Scanlon, 202-376-3012.

MATTERS TO BE CONSIDERED:

Consideration of Fair Lending Regulatory Proposal.

No. 89, October 26, 1977.

Announcement is being made at the earliest practicable time.

[S-1696-77 Filed 10-26-77;4:26 pm]

[7035-01]

24

OCTOBER 26, 1977.

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 2:30 p.m., Monday, October 31, 1977.

PLACE: Room 5124, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Notice of open meeting.

MATTER TO BE CONSIDERED: Division 3, Division Chairman Brown and Commissioners MacFarland and Christian voted unanimously to hold a meeting to consider the following agenda: 1. Review of present Division workload.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Hildred Hersman, Confidential Assistant to Commissioner Brown, telephone: 202-275-7535.

[S-1694-77 Filed 10-26-77;4:26 pm]

[7020-02]

25

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 2:00 p.m., Wednesday, November 2, 1977.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Investigation 332-85 (Cattle and Beef)—vote.

2. Investigation 332-82 (Chief Weight vs. Chief Value)—vote.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1699-77 Filed 10-26-77;4:26 pm]

[4910-58]

26

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 55987, October 20, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, October 27, 1977, 9:30 a.m. [NM-77-35].

CHANGE IN THE MEETING: The following item has been added for consideration as the seventh item on the agenda and will be closed to the public. A majority of the Board has determined by recorded vote that the business of the Board requires this change and no earlier announcement was possible.

Discussion.—Internal Personnel Matter.

[S-1697-77 Filed 10-26-77;4:26 pm]

[7910-01]

27

RENEGOTIATION BOARD.

DATE AND TIME: Wednesday, November 2, 1977; 1:30 p.m.

PLACE: Conference Room, 4th Floor, 2000 M St. NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Division Meeting concerning: Mason & Hanger-Silas Mason Co., Inc. Fiscal years ended December 31, 1968, 1969 and 1970.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202–254–8277.

Dated: October 26, 1977.

GOODWIN CHASE,
Chairman.

[S–1700–77 Filed 10–26–77;4:26 pm]

[7910–01]

28

RENEGOTIATION BOARD.

DATE AND TIME: Wednesday, November 2, 1977; 10:00 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matters 1 through 9 are open to public observation. Matter 10 is closed to public observation. Status is not applicable to matters 11 and 12.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of meeting held October 26, 1977, and other Board meetings, if any.

2. Recommended Clearances Without Assignment (List No. 1884):

A. Sargent Industries, Inc. Fiscal year ended December 31, 1975.

B. Anadite, Inc. Fiscal year ended October 31, 1975.

C. AVX Corp. Fiscal year ended December 27, 1975.

D. Miltope Corp. Fiscal year ended April 30, 1976.

E–1. R.E.D.M. Corp. Fiscal year ended December 31, 1975.

E–2. Hugh H. Eby Co. Fiscal year ended December 31, 1975.

E–3. Hyperion Industries Corp. Fiscal year ended December 31, 1975.

F–1. Rust Engineering Co. Fiscal year ended December 31, 1973.

F–2. Wheelabrator-Frye, Inc. Fiscal year ended December 31, 1973.

G. D & O Engineering Co., Inc. Fiscal year ended June 30, 1976.

H. A.C. Electronics, Inc. Fiscal year ended December 31, 1975.

3. Segmentation.

4. Report of the Chairman concerning: A. Budget; B. Case Processing; C. Personnel Actions; D. Organization Progress of the Staff; and E. Rulemaking and Regulations.

5. Request for Permission to Make Untimely Filing of Application for Commercial Exemption: Kilsby Tubesupply Co. Fiscal year ended October 31, 1974, LPI No. 95206.

6. Recommended Clearances Without Assignment (List No. 1886):

A. Pittsburgh Forging Co. Fiscal year ended December 31, 1975.

B. Janney Cylinder Co. Fiscal year ended December 31, 1975.

C. Inland Steel Co. Fiscal years ended December 31, 1974 and 1975.

D. White Motor Corp. Fiscal year ended December 31, 1974.

E. Optic-Electronic Corp. Fiscal year ended March 31, 1976.

F. Ford Motor Co. Fiscal years ended December 31, 1971, 1972, 1973, and 1974.

F–1 Ford Motor Co. (Belgium) N.V. Fiscal years ended December 31, 1971, 1972, 1973, and 1974.

F–2 Ford Motor Co. of Australia, Ltd. Fiscal years ended December 31, 1971, 1972, 1973, and 1974.

F–3 Ford Marketing Corp. Fiscal years ended December 31, 1971, 1972, 1973, and 1974.

7. Action taken by the Chairman regarding Lockheed (1971) without any full Board participation.

8. Action taken by the Chairman regarding Lockheed (1971) where full Board participation was minimal due to time constraints placed on the Board.

9. Action taken by a Board Member regarding the failure to approve or disapprove of the data submitted to Lockheed pursuant to Lockheed's Freedom of Information claim.

10. Personnel assignment, replacement and reassignment for Lockheed Shipbuilding & Construction Co. for the closed 1971 year.

11. Approval of Agenda for meeting to be held November 15, 1977.

12. Approval of Agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202–254–8277.

Dated: October 26, 1977.

GOODWIN CHASE,
Chairman.

[S–1701–77 Filed 10–26–77;4:26 pm]

[4110–39]

29

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.

TIME AND DATE: 9:00 a.m. to 3:30 p.m., November 4, 1977.

PLACE: Room 823, National Institute of Education, 1200 19th Street NW., Washington, D.C.

STATUS: The meeting will be open to the public. Appropriate certification is being sought to close the meeting from 1:30–3:30 p.m. in order to discuss item six of the agenda. The public should call for information about whether that portion of the meeting will be closed.

MATTERS TO BE CONSIDERED:

1. Approval of September 16, 1977 Minutes.

2. Director's Report.

3. Staff Presentation on Testing Issues.

4. Presentation of Videotape Program "Freestyle" being developed under NIE contract.

5. NCER Committee Reports.

6. Preliminary Executive Budget for Fiscal 1979.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Ella L. Jones, Administrative Coordinator, telephone 202–254–7900.

PETER H. GERBER,
Chief, Policy and Administrative Coordination, National Council on Educational Research.

[S–1708–77 Filed 10–27–77;12:18 pm]

federal register

FRIDAY, OCTOBER 28, 1977

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

Food and Drug Administration

■

NARCOTIC TREATMENT PROGRAM STANDARDS AND METHADONE IN MAINTENANCE AND DETOXIFICATION

Notice of Intent and Proposed Rule

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 291]

[Docket No. 77N-0253]

NARCOTIC TREATMENT PROGRAM STANDARDS

Use of Narcotic Drugs Other Than Methadone by Narcotic Treatment Programs; Joint Notice of Intent To Propose Regulations and Request for Data, Information, and Views

AGENCY: Food and Drug Administration and the National Institute on Drug abuse.

ACTION: Notice of intent.

SUMMARY: The Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), Alcohol, Drug Abuse, and Mental Health Administration, request data, information, and views on several specific issues concerning the use of narcotic drugs other than methadone in the maintenance or detoxification treatment of narcotic addicts. Information obtained will be used to develop proposed regulations concerning narcotic treatment standards specified in the Narcotic Addict Treatment Act of 1974.

DATES: Submissions by December 27, 1977.

ADDRESS: Written submissions (preferably in quadruplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) should be addressed to: Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Food and Drug Administration: Buddy F. Stonecipher, Bureau of Drugs (HFD-340), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3414.

National Institute on Drug Abuse: James R. Cooper, M.D., National Institute on Drug Abuse, Alcohol, Drug Abuse and Mental Health Administration, Department of Health, Education, and Welfare, 11400 Rockville Pike, Rockville, Md. 20952, 301-443-4877.

SUPPLEMENTARY INFORMATION: Under the Controlled Substances Act (21 U.S.C. 801), practitioners are required to be registered with the Department of Justice, Drug Enforcement Administration (DEA), to prescribe or dispense controlled drugs listed in schedule II, III, IV, or V of that act. In 1974, the Controlled Substances Act was amended by the Narcotic Addict Treatment Act providing among other things, that practitioners who dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment must obtain annually a separate registration from DEA to conduct such treatment. This registration is separate and distinct from the general registration required to dispense controlled drugs.

Under the Narcotic Addict Treatment Act, practitioners who wish to engage in a narcotic treatment program must register with DEA. These practitioners must comply with the security and recordkeeping requirements established by DEA and must be found to be qualified under treatment standards established by the Secretary of Health, Education, and Welfare (HEW) to be registered by DEA. Authority to establish the treatment standards has been delegated by the Secretary jointly to FDA and NIDA. These treatment standards, which will be incorporated into FDA's methadone regulation (21 CFR 291.505 (formerly § 310.505)), are now being revised by FDA and NIDA.

Currently, the methadone regulations issued by FDA prescribing conditions for use of methadone (21 CFR 291.505 (formerly § 310.505)) contain the only standards for the use of a narcotic drug in the treatment of narcotic addiction. No standards exist that prescribe the use of other narcotic drugs in the treatment of narcotic addiction because no other narcotic drug has been approved by FDA as safe and effective in the maintenance treatment of narcotic addiction. Therefore, methadone should normally be used where chemotherapeutic treatment is the most appropriate modality of treatment.

The FDA and NIDA recognize, however, that for some persons who have become addicted to narcotic drugs other than methadone, it may be medically inappropriate to transfer such persons to methadone. In addition, there may be some narcotic dependent individuals who do not respond to methadone, or in whom methadone is contraindicated for some reason. Therefore, the two agencies plan to develop criteria within the narcotic treatment standards to be applied in determining when a practitioner may use a narcotic drug other than methadone in a narcotic treatment program. It is expected that a practitioner who meets such criteria may then make the medical judgment on the appropriate drug to be used in a given situation. In light of the experience wherein methadone is easily substituted for other narcotic drugs pharmacologically in the vast preponderance of patients, together with the potential for diversion and abuse of other legitimate narcotics, the circumstances in which alternatives to methadone should be permitted should be narrowly drawn.

The medical community was previously acquainted with the need for the development of such criteria through an article by NIDA entitled "Treatment of Narcotics Addiction With Narcotic Drugs" in the "Journal of the American Medical Association," April 12, 1976, vol. 235, No. 15. This article, a copy of which is on file with the Hearing Clerk, Food and Drug Administration, discussed the provisions of the Narcotic Addict Treatment Act and indicated that HEW plans to establish narcotic treatment standards that would allow practitioners, in accordance with restrictive criteria, to use narcotic drugs other than methadone in the maintenance treatment of narcotic addicts. Explaining that there are no adequate estimates on the number of individuals being maintained on narcotic drugs other than methadone, nor on the drugs being used for this purpose, the article requested comments from the medical community on these two points and stated that comments from other professionals and the general public would be requested through a FEDERAL REGISTER notice. Therefore, to aid in the development of treatment standards that would become the criteria for the use of narcotic drugs other than methadone in maintenance or detoxification treatment FDA and NIDA now invite any interested person to submit information on certain issues set forth below. The information requested pertains only to the medical experience with the use of approved marketed narcotic drugs. It does not apply to narcotic new drugs being clinically investigated under a "Notice of Claimed Investigational Exemption for a New Drug." The issues on which information is requested are as follows:

1. The nature of and extent to which narcotic-dependent persons are now being maintained or detoxified by practitioners on narcotic drugs other than methadone;

2. The identity of narcotic drugs other than methadone which are being used for the maintenance or detoxification treatment of narcotic-dependent persons, and any data that support the use of these narcotic drugs in such treatment;

3. The clinical situations in which practitioners should be authorized to use narcotic drugs other than methadone in the treatment of narcotic addiction;

4. The circumstances in which it would be inappropriate to transfer a patient from another licit narcotic drug to methadone in the treatment of narcotic addiction;

5. The standards that should be applied to determine whether a practitioner is qualified to engage in narcotic addiction treatment with narcotic drugs other than methadone; and

6. Whether there should be a limit on the number of narcotic dependent persons whom a practitioner can maintain or detoxify with narcotic drugs other than methadone to prevent the diversion of narcotic drugs into illicit channels.

Received comments may be seen in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between 9 a.m. and 4 p.m., Monday through Friday. FDA will supply copies of all comments received to NIDA. Both the comments received on this notice and on the "Journal of American Medical Association" article will be used by FDA and NIDA in developing the appropriate standards.

Dated: October 13, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

Dated: October 19, 1977.

ROBERT DUPONT,
Director, National Institute on Drug Abuse.

[FR Doc.77-31071 Filed 10-27-77;8:45 am]

[4110-03]

[21 CFR Part 291]

[Docket No. 77N-0252]

METHADONE IN MAINTENANCE AND DETOXIFICATION

Joint Proposed Revision of Conditions for Use

AGENCY: Food and Drug Administration and the National Institute on Drug Abuse.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration and the National Institute on Drug Abuse are proposing revision of the conditions for use of methadone to allow greater flexibility of clinical standards and also to provide more specificity in areas in which the proposed clinical standards mandate levels of performance. This action is taken because a review of the current regulation, based on experience from both a regulatory and clinical perspective, revealed that clinical standards are too rigid in some cases and that patient care responsibilities are sometimes ambiguous. The proposed revisions would indicate clearly the minimum standards for the appropriate methods of professional practice in the medical treatment of narcotic addiction with methadone.

DATES: Comments by December 27, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Buddy F. Stonecipher, Bureau of Drugs (HFD-340), Food and Drug Administration, Department of Health Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3414. Or James R. Cooper, MD., National Institute on Drug Abuse, Alcohol, Drug Abuse and Mental Health Administration, Department of Health, Education, and Welfare, 11400 Rockville Pike, Rockville, Md. 20852, 301-443-4877.

SUPPLEMENTARY INFORMATION: Section 4 of Pub. L. 91-513 directs the Secretary of the Department of Health, Education, and Welfare (Secretary) to determine the appropriate methods of professional practice in the medical treatment of the narcotic addiction of various classes of narcotic addicts. The Secretary's authority under this section to determine the safety and effectiveness of drugs or to approve new drugs to be used in the treatment of narcotic addicts has been delegated to the Commissioner of the Food and Drug Administration (21 CFR 5.1). The Secretary's authority under this section relating to the determination of the appropriate methods of professional practice in the treatment of narcotic addicts has been delegated to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, who has redelegated his authority to the Director, National Institute on Drug Abuse (NIDA).

The Food and Drug Administration's (FDA) methadone regulation (21 CFR 291.505 (formerly § 310.505)) is the only regulatory standard which has been published under the Secretary's authority respecting the use of a narcotic drug in the maintenance or detoxification of narcotic addicts. This standard was originally published under section 505, the new drug provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and section 4 of Pub. L. 91-513 in the FEDERAL REGISTER of December 15, 1972 (37 FR 26790) and recodified on March 29, 1974 (39 FR 11680).

Under the Controlled Substances Act (21 U.S.C. 801 et seq.), practitioners are required to be registered annually with the Drug Enforcement Administration (DEA) of the Department of Justice in order to prescribe or dispense controlled drugs in schedule II, III, IV, or V. This is a general registration requirement. In 1974, after FDA issued its methadone regulation, the Controlled Substances Act was amended by the Narcotic Addict Treatment Act to require, among other things, that practitioners who dispense narcotic drugs for maintenance or detoxification treatment of narcotic-dependent individuals obtain an annual registration from DEA separate and distinct from the general registration. Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) states that in order to be specially registered, these practitioners must comply with secure storage and recordkeeping requirements regarding these drugs established by DEA and must be found to be qualified under treatment standards established by the Secretary.

The legislative history of the Narcotic Addict Treatment Act makes it clear that the Secretary's standards under that law were to be those standards published under the authority of section 4 of Pub. L. 91-513. In the Senate Committee on the Judiciary report (S. Rep. 93-192, 93rd Cong., 1st Sess., June 4, 1973), it is stated that:

> * * * an applicant must show that he or she is qualified to engage in the type of addict treatment for which registration is sought in accordance with the medical standards determined by the Secretary of Health, Education, and Welfare. Section 4 of Title 1 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (§ 4, Pub. L. 91-513) establishes authority for the Secretary to determine standards of treatment in this area. The current regulatory proposal published by the FDA on December 15, 1972, is an expression of this authority. (at 12).

The regulatory proposal to which the Committee report refers is, with several minor modifications, the currant FDA methadone regulation. In the FEDERAL REGISTER of April 29, 1976 (41 FR 17922), FDA issued a notice of proposed rule making which would amend § 291.505 (formerly § 310.505), to make the methadone regulation consistent with the requirements of the Narcotic Addict Treatment Act and the implementing regulations issued pursuant thereto by DEA. Those proposed amendments are expected to be published as final regulations shortly.

The current methadone regulation applies only to the use of methadone in the treatment of narcotic addiction. To date, methadone is the only drug which has been approved by FDA as safe and effective as labeled in the treatment of narcotic addiction. Nevertheless, the Secretary recognizes that there are an undetermined number of people throughout the country who are physiologically dependent upon licit narcotics other than methadone and who are receiving medical treatment for such dependence, which includes the dispensing of the narcotic drug to which the patient is addicted. Both NIDA and FDA recognize that in certain cases it may be medically inappropriate to require these persons to change from another licit narcotic drug to methadone. Therefore, in a separate notice published elsewhere in this issue of the FEDERAL REGISTER, FDA and NIDA are requesting data, information, and views concerning the use of narcotic drugs other than methadone in the maintenance or detoxification treatment of narcotic addicts (See Docket No. 77N-0253).

Experience, from both a regulatory and a clinical perspective, has made it apparent that significant revisions should be proposed in the FDA methadone regulation. At the time the methadone regulation was first promulgated, small numbers of physicians in several cities were excessively prescribing, and in some cases selling, methadone to heroin addicts. The methadone regulation was published, in part, to alleviate this problem by restricting the use of methadone to FDA-approved treatment programs and hospitals. To obtain registration as a treatment program, it was necessary to be able to comply with the requirements of the current regulation. The regulation, by detailing admission standards, staffing patterns, and services, attempted to ensure that only bona fide narcotic addicts would be admitted to methadone treatment and that those who were admitted to methadone treatment would be provided quality care.

While the Secretary believes that the methadone regulation has been responsible for upgrading the quality of treatment and for limiting methadone diversion, he now recognizes many of the requirements of the regulation, although appropriate for many individual patients, are not universally applicable to all maintenance patients at the present time.

This proposal would allow more flexibility in clinical standards, and it would clarify patient care responsibilities by clearly indicating the minimum standards for the appropriate methods of professional practice in the medical treatment of narcotic addicts. This proposal also contains many recommendations which, although not specific require-

ments, represent what the Secretary considers to be sound medical practice in the safe and effective treatment of narcotic addicts with methadone. Thus, the Secretary urges that these recommendations be followed.

In the FEDERAL REGISTER of April 29, 1976 (41 FR 17926), FDA proposed to amend the methadone regulation to adopt certain recommendations of the Methadone Treatment Policy Review Board (Board). The Board is an interagency committee consisting of representatives of NIDA, DEA, the Veterans Administration, and FDA established to review and recommend policy in connection with treatment of narcotic addiction with methadone. The Board's recommendations concerned requirements for physiologic dependence of patients, physician staffing, and urine testing in methadone maintenance programs. Since that proposal was published, review of the current methadone regulation revealed that significant revisions should be made, including revisions to the April 29, 1976 proposed provisions. In view of this proposal permitting even more flexibility in the clinical standards, along with setting forth recommended practices, action on the April 29 proposal will not be taken until the comments on this more extensive proposal are received and evaluated. The final regulations will summarize the comments of both proposals.

Received comments may be seen in the office of the Hearing Clerk, Food and Drug Administration, from 9 a.m. to 4 p.m., Monday through Friday. FDA will supply copies of all comments received to NIDA, and final regulations will be issued jointly by the two agencies.

A summary of the significant proposed revisions to § 291.505 (formerly § 310.505) are set forth below. The Secretary has expressed particular interest in comments on this proposal regarding the definition of a 1-year history of addiction (§ 291.505(d)(3)(i)), the opportunity to pregnant patients for prenatal care (§ 291.505(d)(3)(iii)(b)), the elimination of all mandatory urine testing, with the exception of the initial drug screening urinalysis (§ 291.505(d)(4)), and the recording in each patient's chart of the initial and periodic treatment plans including the review and updates (§ 291.505(d)(5)(v) and (vi)).

MINIMUM STANDARDS FOR ADMISSION

The current methadone regulation requires a 2-year history of addiction for entry to maintenance. That requirement was based upon the belief that methadone maintenance treatment should be reserved for treatment of the hard-core, chronic narcotic addict and that it was a treatment of "last resort." It was also based upon the fear that nonaddicted or those minimally dependent drug users would apply for treatment in the hope of obtaining freedrugs. Experience has indicated that the feared situations have not occurred with any degree of frequency. Therefore, some program directors have argued that the decision whether to admit an individual to maintenance treatment should be entirely within the clinical judgment of the program physician, and the Federal Government should not require a minimum period of addiction for eligibility.

The Secretary has concluded, however, that a 1-year history of addiction should be proposed as a necessary and reasonable precaution against the admission of nonaddicted persons. A 1-year history of addiction means that an applicant for admission to a maintenance program must have been physiologically addicted to a narcotic at a time at least 1 year prior to admission to a program and must have been so addicted, continuously or episodically, for most of the year immediately preceding admission to a program. This proposal would at the same time, allow the admission of the vast majority of truly dependent persons for treatment. This proposal would also allow the admission of persons who would meet the minimum standards for admission but for insufficient documentary evidence of the person's addiction history, if, in the clinical judgment of the program physician from the evidence presented, observed, and recorded in the patient's chart it is reasonable to conclude that there was continuous or episodic physiological addiction during most of the year immediately preceding the date of application for admission.

EXCEPTIONS TO MINIMUM ADMISSION CRITERIA

The current methadone regulation allows persons to be admitted to maintenance treatment, even though they were not currently physiologically addicted, prior to or within 1 week of release from a stay of 1 month or longer in a penal or chronic care institution, provided the person had a predetention history of addiction of at least 2 years. The 1-week period in the current regulation is now thought to be unwise in that it might encourage persons who would like to remain drug-free but are unsure of their ability to do so to enroll in methadone treatment.

This proposal would authorize admission to maintenance treatment within 14 days prior to release or discharge or within 6 months after release from a stay of 1 month or longer in a penal or chronic care institution. The longer time period is designed to afford a person an adequate period in which to adjust to his changed environment and to assure himself that he can do so without drugs. The transition is difficult enough without requiring the person to decide within 7 days whether to enter maintenance treatment.

This proposal would also expand the current provisions concerning the admission of pregnant women to maintenance treatment. If, in the clinical judgment of the program physician, maintenance treatment is justified, admission would be allowed regardless of length of addiction history or current physiologic dependence, if the patient is in jeopardy of returning to opiate use. The decision to allow maintenance treatment in this instance is based on the generally accepted finding that babies born to mothers maintained on methadone and receiving prenatal care have less morbidity than those born to mothers who use illicit heroin with its associated life style, e.g., intravenous use of nonsterile paraphenalia and adulterants. However, the patient must have been dependent upon opiates at some time in the past. This proposal requires the program to give a pregnant patient the opportunity for prenatal care. In addition, after termination of the pregnancy, the physician would be required to evaluate the patient's condition and indicate in the patient's record whether she should remain in maintenance treatment or be detoxified. The current requirement is that this be done within 6 weeks following termination of pregnancy; the proposal expands this to 3 months.

The current regulation requires that a person be currently physiologically dependent before readmission to maintenance treatment. The April 29, 1976 (41 FR 17926) proposed revision would have allowed persons who had been voluntarily detoxified from methadone maintenance treatment to be readmitted into maintenance treatment within 30 days after detoxification even though no longer currently physiologically dependent. This was designed to encourage patients who want to detoxify to do so without the fear that, if they are unable to remain drug free, they will have to revert to illicit drug use in order to be readmitted to methadone maintenance. A review of the current situation leads us to believe that 30 days is not a sufficiently long period of time. Available data suggest that 2 years is a critical point for relapse. Over 90 percent of the patients who return to drug use do so within the first 2 years. Accordingly, it is proposed to amend the current regulation to allow readmission to maintenance treatment for up to 2 years after voluntary detoxification from maintenance treatment provided that prior maintenance treatment was for a duration of 6 months or more. In view of the proposed expanded eligibility for readmission, it was thought necessary to impose the minimum period of prior treatment to be eligible for this exception.

The current methadone regulation regarding the admission to methadone maintenance treatment of persons between 16 and 18 years of age has not been changed substantively in this proposal. However, it is proposed that persons under 16 years of age may now be admitted to maintenance treatment in certain rare cases if prior approval is obtained from both FDA and the State authority. This change is proposed because clinical experience shows that detoxification of many of these younger patients has been insufficient, i.e., many return to the continued use of heroin and because morbidity with heroin is higher than morbidity with methadone.

MINIMUM URINE TESTINGS; USES AND FREQUENCY

It is recognized that there are advantages and disadvantages in mandating weekly drug urinalysis on all patients as is the current requirement. Some drug abuse clinicians believe that mandated weekly urine testing on all patients is a waste of time any money that could be more effectively used for additional counseling staff or other program needs. Furthermore, controlled blind proficiency testing has shown results that raise questions about the validity of urine testing. Some clinics have made minimal use of urine test results because of the questionable validity of the urinalysis results and/or the lengthy periods between urine testing and reports of the urinalysis.

Other drug abuse clinicians believe that weekly drug urinalysis is a valuable psychological aid and deterrent in helping reduce illicit drug use by patients. These clinicians contend that there are few reliable indicators to qualitatively evaluate illicit drug use among the patient population and that urine testing is one of these reliable indicators. Many clinicians believe that, as a minimum, urinalysis should be performed on all new patients during the stabilization phase of treatment, i.e., during the initial stage of treatment.

Despite the different views regarding urine testing, FDA and NIDA propose to eliminate all mandatory urine testing, with the exception of an initial screening urinalysis for new patients. FDA and NIDA do not wish to suggest that accurate and rapid urine test results are not important for certain patients even on a regular and continuing basis, thus it is recommended practice that monthly drug urinalysis be utilized but that the final decision be left to the medical director.

These proposed changes are intended to provide clinicians with greater flexibility regarding urinalyses for illicit drug use. These proposed changes in the urine testing schedule would not preclude a narcotic maintenance program from: (1) testing urine for illicit drugs on all or some patients on a weekly or more frequent basis; (2) collecting specimens weekly or more frequently, but performing analysis on some or all specimens on a less frequent basis; or (3) collecting and testing urine of anyone in the program suspect of illicit drug use. Nor would these proposed revisions preclude a State, if it were deemed appropriate by that State, from requiring additional urine tests. Urinalysis results should not, however, be used to force patients out of treatment.

PATIENT EVALUATION; MINIMUM ADMISSION AND PERIODIC REQUIREMENTS

This provision of the proposal is substantially similar to § 291.505(d)(3)(vi) of the current regulation, but has been renumbered and expanded to suggest the types of information that should be obtained at admission. As proposed, it will require the development of an initial treatment plan for each patient as soon as possible after admission and it will require a periodic review of the treatment plan. The details of the initial treatment plan and the requirement for periodic review of treatment plans are set forth in proposed § 291.505(d)(5)(v) and (vi).

Also, since an adequate physical examination should include an evaluation of body systems and provide evidence that an evaluation of these systems has occurred, the proposal would require the findings of specified results from a patient's physical examination to be recorded in the patient's chart.

It is recognized that there are advantages and disadvantages in mandating a number of laboratory tests for patients in methadone programs. Some drug abuse clinicians believe that a number of specific laboratory tests need to be performed to properly assess a patient's current health status, e.g., a tuberculin skin test, a serological test for syphilis, a liver function profile, a complete blood count and differential. These clinicians contend that coupled with a comprehensive physical examination such tests are essential in arriving at an appropriate treatment plan for a patient as well as determining what supportive services a patient may need.

Other drug abuse clinicians believe that the decision for ordering any laboratory tests should be left to the discretion of the program physician. These clinicians contend that many laboratory tests would not be necessary for each patient.

Despite these different views regarding mandatory laboratory tests, FDA and NIDA propose, as a minimum standard, that a serological test for syphilis and a tuberculin skin test be performed on each patient in the interest of the public health as well as the patient's health. The current regulation does not require these tests. The Secretary does not wish to suggest that other laboratory tests are not important for certain patients, thus it is recommended practice that other certain laboratory tests be performed where appropriate in the judgment of the program physician, e.g., a complete blood count and differential, routine and microscopic urinalysis, and liver function profile.

MINIMUM PROGRAM SERVICES

This provision intends to define the responsibilities of the program's medical director. Essentially, under this proposal, the medical director or other authorized licensed physicians are responsible for ensuring that the program is in compliance with all applicable Federal, State, and local laws and regulations regarding medical treatment of narcotic addiction. In addition, the medical director or other authorized physician must ensure that (1) evidence of current physiologic dependence, length of history of addiction, or exceptions to the admission criteria are documented in the patient's record before administration of the initial dose of methadone; (2) a medical evaluation including a medical history and physical examination have been performed before the patient receives the initial methadone dose (in an emergency the initial dose may be given before the physical examination); (3) appropriate laboratory studies have been performed and reviewed; (4) all medical orders are signed; (5) treatment plans are reviewed and countersigned at least annually; and (6) justification for take-home methadone is recorded in the patient's record.

The April 29, 1976 proposal would have allowed the use of physician assistants and other recognized health-care professionals to perform a number of functions which are normally performed by physicians, provided that the performance of these functions is authorized by State law. This proposal retains that revision. Because, however, this proposal would not mandate a specific physician-patient ratio, the April 29, 1976 proposed revision allowing the time spent by these health-care professionals to count toward the required physician time has been dropped.

Section 291.505(d)(5) of the current regulation requires each program to provide a comprehensive range of medical and rehabilitative services to its patients either at the primary treatment facility or through formal, documented agreements with other public and private organizations and institutions. Those provisions are retained in this proposal. In addition, the proposed regulation would require programs to enter into a written agreement with an accredited hospital for the purpose of providing necessary emergency, inpatient or ambulatory care for program patients. The proposed regulation also stipulates that the program shall provide opportunities for vocational rehabilitation and educational or employment services, either directly or through referral to community resources.

MINIMUM STAFFING PATTERNS

Section 291.505(d)(4) of the current regulation mandates detailed staffing patterns for physicians, nurses, and counselors. This proposed regulation eliminates these detailed requirements. The decision of what staff to employ and in what numbers is left to the judgment of the program physician or director. However, the proposal retains the requirement of a minimum of 4 counselors per 300 patients. Several criteria are set forth in the proposed regulation which the program director or physician would be required to consider in making staffing decisions.

DOSAGE AND RESPONSIBILITY FOR ADMINISTRATION

Unlike the current regulation, the proposed rule would impose limitations on the amount of methadone which could be given for the initial dosage as well as for the total first day's dosage. These changes are based upon most recent clinical experience in that very few patients need more than 40 mg and in fact most patients require between 15 and 30 mg to suppress withdrawal symptoms. The proposed rule would prohibit the dispensing of initial dosages of more than 30 mg and total first day dosages in excess of 40 mg, unless the program physician documents in the patient's chart

those rare cases where this maximum dose is insufficient to suppress withdrawal symptoms. This is the maximum permissible amount and is not intended to be a recommended dosage for all patients. In many instances, dosages one-half these amounts or less may be sufficient to mitigate abstinence syndromes. Daily dosages above 100 mg require prior approval of the State Methadone Authority and FDA. The current regulation allows up to 120 mg before prior approval is required. The FDA and NIDA have noted deaths and morbidity from the too generous dosages of methadone utilized on admission in some programs.

MAXIMUM TAKE-HOME MEDICATION

The proposed rule would retain, with minor modifications, the substance of the current regulatory requirements regarding take-home medication. However, unlike the current regulation, the proposed rule lists a number of criteria which the program physician would be required to consider in addition to evaluating the patient's responsibility in the handling of methadone.

The program physician would be required to consider whether the patient has satisfactorily adhered to the program's rules for at least 3 months and whether the patient has made substantial progress in rehabilitation. If these criteria are met and if the patient's rehabilitative progress would be enhanced by reducing the frequency of clinic attendance, the patient might be allowed up to 2 days of take-home medication earlier in the treatment course than is now the case.

The proposal retains the current provision that after 2 years of successful participation in the program, patients may be permitted twice-weekly visits to the clinic and 3-day take-home supplies. Individuals receiving more than 100 mg per day would not be eligible for more than 1 day per week take-home medication, as currently provided. In addition, the proposal includes a provision that would permit a patient to take home a 6-day supply under certain circumstances if the medical director has entered into the patient's record an evaluation that such patients have satisfactorily adhered to each of the criteria for measuring responsibility in handling methadone.

The proposal also retains the exceptions regarding take-home medications because in limited circumstances it may be difficult for some patients to adhere to the take-home schedule and pursue certain types of employment. As a result, some patients have been faced with discontinuing treatment because of their inability to adhere to take-home policies. The proposal also includes a specific provision permitting exceptions to the take-home limitations if, in the judgment of the program physician, the patient has a physical disability which makes it difficult for the patient to reasonably adhere to the required pick-up schedule or other exceptional circumstances arise which interfere with the patient's ability to conform to the applicable mandatory schedule.

The proposed revisions would eliminate the requirement in current § 291.505 (d)(8) for a 2-year evaluation of whether the patient should remain on methadone maintenance treatment. Many people have incorrectly interpreted this provision as requiring that patients be detoxified after 2 years. No specific re-evaluation requirement is contained in the proposal because it is thought that this question of whether such a patient should remain on methadone maintenance treatment is one which should be continually under evaluation by the program physician and should be dealt with in the reevaluation of the treatment plan.

MINIMUM STANDARDS FOR DETOXIFICATION TREATMENT

Detoxification treatment would be required to be conducted over a period not to exceed 21 days. If treatment exceeds 21 days, it would be considered maintenance treatment. This limitation of 21 days, however, does not apply to the gradual withdrawal from methadone of a person on methadone maintenance; again, this terminology has been misinterpreted by many treatment program personnel. The provisions of the proposed rules regarding detoxification treatment are substantively changed from the detoxification section of the current methadone regulation. All the proposed mainenance treatment requirements apply to detoxification treatment except in those circumstances specifically excepted. The proposed rules on detoxification would apply to both inpatient and ambulatory detoxification treatment.

USE OF METHADONE IN HOSPITALS

The proposal would delete the reference to temporary maintenance in current § 291.505(f). This is proposed to make the regulation consistent with the regulations promulgated by DEA under the Narcotic Addict Treatment Act., i.e., that using methadone for the temporary maintenance treatment of addicts who are hospitalized for the treatment of medical conditions other than addiction is permitted.

CONFIDENTIALITY OF PATIENT RECORDS

The proposal would delete the reference to Part 1401 of this title to require compliance with the current Federal regulations on the confidentiality of alcohol and drug abuse patient records which are found at 42 CFR Part 2.

PROGRAM FORMS

The current regulation sets forth in § 291.505(k) several forms which must be filed simultaneously with both FDA and the State authority under § 291.505(c)(4) as a condition for approval of the use of methadone. The other forms in paragraph (k) deal with patient consent and hospital application.

Basically, these forms restate many of the minimum standards in § 291.505. The proposed changes to those forms conform to the proposed minimum standards in the methadone regulation. Also, reference to a patient identification system has been omitted from the forms to make the forms consistent with past changes in the methadone regulation (see 39 FR 37636).

MISCELLANEOUS PROVISIONS

Section 291.505(d)(10) of this proposal would mandate that programs develop a written policy and procedures regarding the involuntary termination of clients from treatment. This is considered essential to protect the due process rights of patients as well as to protect the program from legal liability if it is to terminate a client for failure to adhere to program rules. It is recommended that an adequate involuntary termination proceduce include an opportunity for patients to receive written notification of the program's intention to terminate them and the reasons for this decision, as well as an opportunity to contest this decision in an impartial forum.

Section 291.505(d)(15) would require that all programs comply with Federal and State reporting requirements and with regulations on the confidentiality of patient records.

Accordingly, the Commissioner of Food and Drugs and the Director of the National Institute on Drug Abuse jointly propose that the methadone regulation be revised as set forth below. The revised regulation constitutes the Secretary's standards under the Narcotic Addict Treatment Act of 1974.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505, 701 (a), 52 Stat. 1052–1053, as amended, 1055 (21 U.S.C. 355, 371(a))), the Comprehensive Drug Abuse Prevention and Control Act of 1970 (sec. 4, 84 Stat. 1241 (42 U.S.C. 257a)), the Narcotic Addict Treatment Act of 1974 (sec. 3, 88 Stat. 124–125 (21 U.S.C. 823(g)), and applicable delegations of authority thereunder (37 FR 27616, December 19, 1972; 38 FR 27315–25316, October 2, 1973; (21 CFR 5.1)), it is proposed that § 291.505 be amended by revising paragraphs (b)(2) (iii) and (iv) and (d)(1), (3) (i) through (iv), (4) through (11); by adding paragraph (d) (14) through (16); and by revising paragraphs (f)(1), (2) (i) and (vi) through (viii), (g), and (k) to read as follows:

§ 291.505 Conditions for use of methadone.

* * * * *

(b) * * *

(2) * * *

(iii) *Responsibility for patient.* After a patient is referred to a medication unit, the program sponsor retains continuing responsibility for the patient's care. The program sponsor is responsible for assuring that the patient receives needed medical and social services at least monthly at the primary facility.

(iv) *Services.* Medication units are limited to the administering or dispensing of medication and the collection of urine for urine testing, following the procedures outlined in paragraph (d)(4) of this section. If a private practitioner

wishes to provide other services in addition to administering or dispensing medication and collecting urine samples, he shall be considered a program and shall be required to submit an application for seperate approval.

* * * * *

(d) * * *

(1) *Description of facilities.* Drug treatment services shall be provided through appropriate drug abuse treatment facilities at such site(s) as approved by Federal, State, and local authorities. A program shall have ready access to a comprehensive range of medical and rehabilitative services. The name, address, and description of each hospital, institution, clinical laboratory, or other facility available to provide the necessary services shall be given to the Food and Drug Administration and the State authority. This listing shall include the name and addres of each medication unit.

(3) *Minimum standards for admission*—(i) *History of addiction and current physical dependence.* (*a*) Each person selected as a patient for a maintenance program, regardless of age, shall be determined by a program physician to be currently physiologically dependent upon a narcotic drug and must have first become physiologically dependent at least 1 year prior to admission for maintenance treatment. A 1-year history of addiction means that an applicant for admission to a maintenance program must have been physiologically addicted to a narcotic at a time at least 1 year prior to admission to a program and must have been so addicted, continuously or episodically, for most of the year immediately preceding admission to a program. In the case of a person for whom the exact date on which physiological addiction began cannot be ascertained, the admitting program physician may, in his reasonable clinical judgment, admit the person to methadone maintenance treatment, if from the evidence presented, observed, and recorded in the patient's chart, it is reasonable to conclude that there was physiologic dependence at a time approximately 1 year prior to admission.

(*b*) Although daily use of a narcotic for an entire year could satisfy the definition, operationally one might be physiologically dependent without daily use during the entire 1-year period and still satisfy the definition. The following, although not exhaustive, are examples of applicants who would meet the minimum standard of a 1-year history of addiction and who, if currently physiologically dependent on the date of admission for application would be eligible for admission to a maintenance program:

(*1*) Physiologic addiction began in August 1976, and persisted to the date of application for admission in August 1977.

(*2*) Physiologic addiction began in January 1977, and persisted until April 1977. Physiologic addiction began again in July 1977 and persisted until the application for admission in January 1978.

(*3*) Physiologic addiction began in January 1976, and p ersisted until October 1976. The date of application for admission was January 1977, at which time the patient had been re-addicted for 1 month preceding his admission.

(*4*) Physiologic addiction consisted of four episodes in the last year, each episode lasting 2½ months.

(*c*) In determining current physiologic dependence the physician should consider signs and symptoms of intoxication, a positive urine specimen for a narcotic drug, and old or fresh needle marks. Other evidence of current physiologic dependence could be obtained by noting early signs of withdrawal (lacrimation, rhinorrhea, pupilary dilatation, and piloerection) during the initial period of abstinence. Withdrawal signs may be observed during the initial period of abstinence. Withdrawal signs may be observed during the initial period of hospitalization or while the person is an outpatient undergoing diagnostic evaluation (e.g., medical and personal history, physical examination, and laboratory studies). Increased body temperature, pulse rate, blood pressure and respiratory rate are also signs of withdrawal, but their detection may require inpatient observation. It is unlikely but possible that a person could be currently dependent on narcotic drugs without having a positive urine test for narcotics. Thus, a urine sample that is positive for narcotics is not a requirement for admission to detoxification or maintenance treatment.

(*d*) The program physician or an appropriately trained staff member designated and supervised by the physician shall record in the patient's chart the criteria used to determine the patient's current physiologic dependence and history of addiction. In the latter circumstance, the program physician must review, date, and countersign the supervised staff member's evaluation to demonstrate his agreement with such evaluation. The final decision for determining physiologic dependence and history of addiction shall be made by the program physician. Therefore, in the chart there must be a signed and dated statement by the program physician, which indicates he has reviewed all the documented evidence to support a 1-year history of addiction and the current physiologic dependence and that in his reasonable clinical judgment the patient fulfills the requirements for admission to maintenance treatment. This review must be completed prior to the administration of the initial dose of methadone.

(ii) *Voluntary participation, informed consent.* The person responsible for the program shall ensure that: participation in a program is voluntary; all relevant facts concerning the use of methadone are clearly and adequately explained to the patient; all patients, with full knowledge and understanding of its contents, sign the "Consent for Methadone Treatment" form (FD–2635) set forth in paragraph (k)(4) of this section; the parents or guardian of patients under the age of 18 sign the second part of Form FD–2635.

(iii) *Exceptions to minimum admission criteria*—(*a*) *Penal or chronic case.* A person who has resided in a penal or chronic care institution for 1 month or longer may be admitted to methadone maintenance treatment within 14 days prior to release or discharge or within 6 months after release from such an institution without evidence to support findings of physiological dependence provided the person would have been eligible for admission prior to incarceration or institutionalization. Documented evidence of the prior residence in a penal or chronic care institution and evidence of all other findings and the criteria used to determine such findings shall be recorded in the patient's chart by the admitting program physician, or by program personnel superivsed by the admitting program physician. The admitting program physician shall date and sign the recordings or date, review, and countersign these recordings in the patient's chart prior to the administration of the initial methadone dose to the patient.

(*b*) *Pregnant patients.* (*1*) Pregnant patients, regardless of age, who have had a documented narcotic dependency in the past and who may be in direct jeopardy of returning to narcotic dependency, with all its attendant dangers during pregnancy, may be placed on a maintenance regimen. For such patients, evidence of current physiological dependence on narcotic drugs is not needed if a program physician certifies the pregnancy and, in his reasonable clinical judgment, finds such treatment to be medically justified. Evidence of all findings and the criteria used to determine such findings shall be recorded in the patient's chart by the admitting program physician, or by program personnel supervised by the admitting program physician. The admitting program physician shall date and sign the recordings, or date, review, and countersign such recordings in the patient's chart prior to the administration of the initial methadone dose to the patient. These pregnant patients shall be given the opportunity for prenatal care either by the methadone program or by referral to appropriate health care providers.

(*2*) If a program cannot provide direct prenatal care for pregnant patients in methadone treatment, it shall establish a system that provides for an opportunity to refer these patients for prenatal care which may be either publicly or privately funded. If there are no publicly funded prenatal referral opportunities, the program cannot provide such services, and the patient cannot afford them or refuses them, then the treatment program shall, at a minimum, offer these patients basic prenatal instruction on maternal, physical, and dietary care as a part of its counseling service.

(*3*) Counseling records and/or other appropriate patient records shall reflect the nature of prenatal support provided by the program. If referral for prenatal services is provided, the physician to whom the patient is referred shall be notified that the patient is in methadone

maintenance treatment, provided that such notification is in accordance with the Department of Health, Education, and Welfare's Confidentiality Regulations (42 CFR Part 2). In the event that a pregnant patient refuses direct treatment or appropriate referral for treatment, the treating program physician should consider the utilization of informed consent procedures, e.g., to have such patient acknowledge in writing that she had the opportunity for this treatment but refuses it. The program physician, consistent with the confidentiality regulations, shall request the physician or the hospital to which a patient is referred to provide, following birth, a summary of the delivery and treatment outcome for the patient and offspring. It is recognized that programs often request such information but for a variety of reasons do not always receive a response. In such situations, the program physician shall document in the record that such a request was made.

(4) Within 3 months after termination of pregnancy, the program physician shall enter an evaluation of the patient's treatment state into her record and indicate whether she should remain in the maintenance program or be detoxified.

(5) Caution shall be taken in the maintenance treatment of pregnant patients. Dosage levels shall be maintained as low as possible if continued methadone treatment is deemed necessary. It is the responsibility of the program sponsor to assure that each female patient is fully informed concerning the possible risks to a pregnant woman or her unborn child from the use of methadone, e.g., safe use in pregnancy has not been established in relation to possible adverse effects on fetal development.

(c) *Previously treated patients.* A patient who has been treated and subsequently detoxified from methadone maintenance treatment may be readmitted to methadone maintenance treatment without evidence to support findings of current physiologic dependence up to 2 years after discharge provided that prior methadone maintenance treatment of 6 months or more is documented from the program attended and that the admitting program physician, in his reasonable clinical judgment, finds readmission to methadone maintenance treatment to be medically justified. For patients meeting these criteria, the quantity of take-home medication shall be determined in the reasonable clinical judgment of the program physician but in no case shall the quantity of take-home medication be greater than would have been allowed at the time that person terminated previous treatment. Documented evidence of prior treatment and evidence of all other findings and criteria used to determine such findings shall be recorded in the patient's chart by the admitting program physician or program personnel under supervision of the admitting program physician. The admitting program physician shall date and sign the recordings, or date, review, and countersign such recordings in the patient's chart prior to the administration of the initial methadone does to the patient.

(iv) *Special limitation; treatment of patients under 18 years of age.* A person under the age of 18 shall have had two documented attempts at detoxification or drug-free treatment to be eligible for maintenance treatment. A 1-week waiting period is required after a detoxification attempt, however, before an attempt is repeated. The program physician shall document in the patient's record that the patient continues to be or is again physiologically dependent on narcotic drugs. No one under the age of 16 is eligible for methadone maintenance treatment without the prior approval of the Food and Drug Administration and the State methadone authority. This shall not preclude a person under the age of 16 who is currently physiologically dependent on narcotic drugs from being detoxified with methadone if it's deemed medically appropriate by the program physician and is done in accordance with the requirements of paragraph (d)(9) of this section. No person under the age of 18 may be admitted to a maintenance treatment program unless a parent, legal guardian, or responsible adult designated by the State authority completes and signs consent form, Form FD–2635 "Consent to Methadone Treatment."

* * * * *

(4) *Minimum urine testing; uses and frequency.* (i) The person(s) responsible for a program shall ensure that an initial drug-screening urinaysis for opiates, barbiturates, amphetamines, cocaine, and other drugs as appropriate is completed for each prospective patient and that when urine is collected, specimens from each patient are collected in a manner that minimizes falsification. Each laboratory selected for urine testing must be incompliance with all applicable Federal proficiency testing and licensing standards and all State standards regarding such laboratories. Any changes made in laboratories used for urine testing shall have prior approval of the Food and Drug Administration.

(ii) It is recommended practice that after the initial drug screening urinalysis, urine specimens for each patient be collected and analyzed on a randomly scheduled basis at least monthly for opiates, methadone, amphetamines, cocaine, and barbiturates, as well as other drugs as indicated. It is recommended practice that more or less frequent testing for a specific drug(s) and for a specific individual occur when clinically indicated as determined by the reasonable clinical judgment of the medical director. It is recommended practice that results of urine testing be used as one clinical tool for the purposes of diagnosis, and in the determination of treatment plans, as well as utilized as one technique for overall prgoram evaluation by monitoring patient drug-using patterns before and uring treatment. The person(s) responsible for a program shall ensure that urine test results are not used to force a patient out of treatment but are used as a guide to change treatment approaches. He shall also ensure that when urine test results are utilized, presumptive laboratory results are distinguished from those results which are definitive. It is also recommended practice that the person(s) responsible for the program who utilizes the results of presumptive urinalysis for patient management show evidence of reasonable access to confirmatory laboratory analysis for use on occasions when this is necessary, e.g., for intake urine testing on all prospective methadone clients, for any loss of patient privileges based on urinalysis, for compiling criminal justice system records, and for indicating frequency of use of other drugs not detectable by a screening method.

(5) *Patient evaluation; minimum admission and periodic requirements*—(i) *Minimum contents of medical evaluation.* Each patient shall have a medical evaluation made by a program physician or an authorized health-care professional under the supervision of a program physician upon the patient's admission to a program. As a minimum, this evaluation shall consist of a medical history including a history of drug and/or alcohol dependence, a physical examination, and routine laboratory examinations including a serological test for syphilis, a tuberculin skin test and a urinalysis for drug determination. The physical examination shall consist of an investigation of the organ systems for possibilities of infectious disease, pulmonary, liver, and cardiac abnormalities, and dermatologic sequelae of addiction. In addition, the physical examination shall include a determination of the patient's vital signs (temperature, pluse, and blood pressure and respiratory rate); an examination of the patient's general appearance, head, ears, eyes, nose, throat (thyroid), chest (including heart, lungs, and breasts), abdomen, extremities, skin, and neurological assessment; and the program physician's overall impression of the patient.

(ii) *Recommended contents of medical evaluation.* (a) It is recommended practice that the following laboratory examinations be conducted for each patient at admission to a program in addition to the required examinations stated in paragraph (d)(5)(i) of this section.

(1) Complete blood count and differential;

(2) Routine and microscopic urinalysis;

(3) Liver function profile, e.g. SGOT, SGPT, etc.

(4) When the tuberculin skin test is positive, a chest X-ray;

(5) Australian Antigen Hb Ag Testing (HAA testing);

(6) When clinically indicated, an EKG; and

(7) When appropriate, pregnancy test and a pap smear.

(b) When a person is readmitted to a program, it is recommended that the decision for determining the appropriate laboratory tests to be conducted be based upon the intervening medical history and a physical examination.

(iii) *Recordings of findings.* The admitting program physician or an appropriately trained program staff member supervised by the admitting program physician shall record in the patient's chart all findings resulting from the admission medical evaluation. Both positive and negative results shall be recorded. In each case the admitting program physician shall date and sign these recordings, or date, review, and countersign these recordings in the patient's chart to signify his review of and concurrence with the history and physical findings.

(iv) *Admission evaluation.* (*a*) Each patient seeking admission or readmission for the purpose of obtaining treatment services shall be interviewed by a person who should be qualified by virtue of education, training, or experience to assess the psychological and sociological background of drug abusers to determine the appropriate treatment plan for the patient. To determine the most appropriate treatment plan for a patient, the interviewer shall obtain and document in the patient's record the patient's history.

(*b*) A patient's history shall include information relating to his educational and vocational achievements. In the event a patient has no such history, i.e., he has no formal education or has never had an occupation, this requirement shall be met by writing this information in the patient's history.

(*c*) It is recommended practice that a patient's history include information relating to his psychosocial, economic, and family background, and any other information deemed necessary by the program which is relevant to his application or which may be helpful in assessing the resources, e.g., psychological, economic, educational, and vocational strengths and weaknesses, that a patient brings to the treatment setting. It is recommended practice that each program establish its own methods for measuring such strengths and weaknesses to assess the severity of a patient's problem, establish realistic treatment goals, and develop an appropriate treatment plan to achieve these goals. Such assessments shall be performed on admission or as soon as a patient is stable enough for appropriate interviewing. Treatment plans should reflect individualization geared to a patient's needs.

(v) *Initial treatment plan.* (*a*) A primary person is one who shall be assigned by the person(s) responsible for a program to monitor a patient's progress in the patient's initial and periodic treatment plans. The name of this person shall be recorded in the patient's chart. The initial treatment plan shall contain realistic short-term goals which are mutually acceptable to the patient and the program (it is recommended practice that these short-term goals be designed to expect completion within a finite time period, e.g., 90 to 180 days). It shall also state the behavioral tasks expected of a patient which are necessary to complete each short-term goal and the medical, psychosocial, economic, legal, or other supportive services needed immediately by each patient, including the projected frequency with which these services will be provided. The contents of a patient's initial treatment plan along with the rationale used to determine such needs shall be recorded in the patient's chart by the primary person. It is recommended practice that this information be in sufficient detail to demonstrate that each patient has been assessed and that the services which are provided are based on the patient assessment findings and the available program and community services.

(*b*) It is recognized that patients need varying degrees of treatment and rehabilitative services which are often dependent and/or limited by a number of variables, e.g., patient resources, available program and community services. It is not the intent of this section of the regulation to prescribe a particular treatment and rehabilitative service or the frequency at which a service should be offered.

(*c*) Each patient's initial assessment, including the concomitant treatment plan reflecting the short-term mutually acceptable treatment goals, shall be documented in each patient's chart immediately after the patient is stabilized on a methadone dose or within 4 weeks after admission, whichever is sooner. The program supervisory counselor or other appropriate program personnel so designated by the program physician shall review and countersign all the information and findings required by this paragraph (d)(5)(v) to be recorded in each patient's chart.

(vi) *Periodic treatment plan evaluation.* (*a*) The program physician or the primary person shall review, reevaluate, and alter where necessary each patient's treatment plan at least once each 90 days during the first year of treatment, and then at least twice a year after the first year of continuous treatment.

(*b*) The program physician shall ensure that the periodic treatment plan becomes part of each patients' chart and that it is signed and dated in the patients' chart by the primary person and is countersigned and dated by the supervisory counselor.

(*c*) At least once a year, the program physician shall date, review, and countersign the treatment plan recorded in each patient's chart and ensure that each patient's progress or lack of progress in achieving the treatment goals is entered in the patient's counseling record by the primary person. When appropriate, the treatment plan and progress notes shall deal with the patient's mental and physical problems, apart from drug abuse, and shall include reasons for prescribing any medication for emotional or physical problems.

(6) *Minimum program services*—(i) *Access to a range of services.* (*a*) A treatment program shall provide a comprehensive range of medical and rehabilitative services to its patients. These services normally should be provided at the primary facility, but the program sponsor may enter into formally documented agreements with other public or private agencies, institutions, or organizations to render these services. Such facilities must be located so as to provide ease of access to the patient. Also, for pregnant patients in a treatment program who were not admitted under paragraph (d)(3)(iii)(*b*) of this section, a treatment program shall give these pregnant patients the opportunity for prenatal care either by the methadone program or by referral to appropriate health-care providers. If a program cannot provide direct prenatal care for pregnant patients in methadone treatment, it shall establish a system that provides for an opportunity to refer these patients for prenatal care which may be either publicly or privately funded. If there are no publicly funded prenatal referral opportunities, the program cannot provide such services, and the patient cannot afford or refuses them, then the treatment program shall, at a minimum, offer these patients basic prenatal instruction on maternal, physical, and dietary care as a part of its counseling service.

(*b*) Counseling records and/or other appropriate patient records shall reflect the nature of prenatal support provided by the program. If referral for prenatal services is provided, the physician to whom the patient is referred shall be notified that the patient is in methadone maintenance treatment, provided that such notification is in accordance with the Department of Health, Education, and Welfare's Confidentiality Regulations (42 CFR Part 2). In the event that a pregnant patient refuses direct treatment or appropriate referral for treatment, the treating program physician should consider the utilization of informed consent procedures, i.e., to have such patient acknowledge in writing that she had the opportunity for this treatment but refuses it. The program physician shall request the physician or the hospital to which a patient is referred to provide, following birth, a summary of the delivery and treatment outcome for the patient and offspring. It is recognized that programs often request such information but for a variety of reasons do not always receive a response. In such situations, the program physician shall document in the record that such a request was made.

(*c*) Caution shall be taken in the maintenance treatment of pregnant patients. Dosage levels shall be maintained as low as possible if continued methadone treatment is deemed necessary. It is the responsibility of the program sponsor to ensure that each female patient is fully informed concerning the possible risks to a pregnant woman or her unborn child from the use of methadone, e.g., safe use in pregnancy has not been established in relation to possible adverse effects on fetal development.

(*d*) Any service not furnished at the primary facility shall be listed, and the agreements to furnish those services shall be documented, when application for approval is submitted to the Food and Drug Administration and the State authority. Modification of any program

services shall be reported in triplicate to the Food and Drug Administration before such services are added or deleted.

(ii) *Minimum medical services; designation of a medical director and responsibilities.* Each program shall have a designated medical director who assumes responsibility for the administration of all medical services performed by the program. The medical director and other authorized program physicians shall be licensed to practice in the jurisdiction in which the program is located. The medical director shall be responsible for ensuring that the program is in compliance with all Federal, State, and local laws and regulations regarding medical treatment of narcotic addiction. In addition, the responsibilities of the medical director or other authorized physicians within the program shall include but not be limited to:

(*a*) Ensuring that evidence of current physiologic dependence, length of history of addiction, or exceptions to criteria for admission are documented in the patient's record before the patient receives the initial methadone dose.

(*b*) Ensuring that a medical evaluation including a medical history and physical examination have been performed before the patient receives the initial methadone dose. However, in an emergency situation the initial dose of methadone may be given before the physical examination.

(*c*) Ensuring that appropriate laboratory studies have been performed and reviewed.

(*d*) Signing or countersigning all medical orders as required by Federal or State law. (Such medical orders include but are not limited to the initial medication orders and all subsequent medication order changes, all changes in the frequency of take-home medication, and prescribing additional take-home methadone for emergency situations.)

(*e*) Reviewing and countersigning treatment plans at least annually.

(*f*) Ensuring that justification is recorded in the patient's record for reducing the frequency of clinic visits for observed drug ingesting, providing additional take-home medication under exceptional circumstances or when there is physical disability, or prescribing any medication for physical or emotional problems.

(iii) *Use of health-care professionals.* Although the final decision to accept a patient for methadone treatment shall be made by the medical director or other designated program physician, it is recognized that physicians can train program personnel to detect and document narcotic abstinence symptoms and that some jurisdictions allow State-licensed or certified health-care professionals, e.g., physician's associates, physician's assistants, nurse practitioners, to perform certain functions—record medical histories perform physical examinations, and prescribe, administer, or dispense certain medications—that are ordinarily performed by a licensed physician. These regulations do not prohibit these licensed or certified health-care professionals from performing those functions in narcotic treatment clinics which are authorized by Federal, State, and local laws and regulations, and which are delegated to them by the medical director. However, if a health-care professional performs functions that the physician is required by these regulations to perform, any resulting written comments and evaluations shall be reviewed, signed, and dated by the physician. For example, if, in accordance with State law, a health-care professional rather than physician records a medical history, performs a physical examination, or determines current physiological dependence and length of history of addiction, the physician shall review and countersign all work performed before the initial methadone dose may be administered to the patient. In all instances the responsibilities and duties of the health care professional shall be in accordance with State enabling legislation and regulations which govern the practice of health-care professionals.

(iv) *Emergency or other medical services.* Each program shall enter into a written agreement with a licensed and accredited hospital in the community for the purpose of providing necessary emergency, inpatient, and ambulatory care for program patients. Neither the program sponsor nor the hospital are required to assume financial responsibility for the patient's medical care.

(v) *Vocational rehabilitation, education, and employment.* (*a*) Each program shall provide opportunities directly, or through referral to community resources, for those patients who either desire or who have been deemed by the program staff ready to participate in educational job-training programs or to obtain gainful employment as soon as possible. Each program shall maintain a list of references that may be used for referral purposes if rehabilitative activities are not provided directly. The references shall include the opportunities for vocational training, education, and employment as well as the community resources that may be available to provide assistance for such activities.

(*b*) The patient's needs and readiness for vocational rehabilitation, education, and employment shall be evaluated and recorded in the patient's records during the preparation of the initial treatment plan and reviewed and updated as appropriate in subsequent treatment plan evaluations. It is recognized that some patients are either not ready for or are not in need of these services. Such a statement in the patient's record shall suffice to meet the requirement in this paragraph (d)(6)(v). For those patients who are deemed ready and are referred for such services, a program staff member designated and supervised by the admitting program physician shall document in the patient's record the type of referral made and the results. These results shall be periodically updated as appropriate.

(7) *Minimum staffing patterns*—(i) *Program personnel.* The person(s) responsible for a program shall determine program personnel requirements after considering the number of patients who are vocationally and educationally impaired; the number of patients with significant psychopathology; the number of patients who are also nonnarcotic drug or alcohol abusers; the number of patients with behavioral problems in the program; and the number of patients with serious medical problems.

(ii) *Supportive services.* The person(s) responsible for the program shall take notice, when considering the staffing pattern, that methadone maintenance treatment programs need to establish supportive services in accordance with the varying characteristics and needs of their patient populations. The person(s) responsible for a program shall also take notice of the availability of existing community resources which may complement or enhance the program's delivery of supportive services and then establish a staffing pattern based on a combination of patient needs and available, accessible community resources.

(iii) *Minimum staff.* The person(s) responsible for a program shall ensure that there are at least four counselors per 300 patients.

(8) *Frequency of attendance: quantity of take-home medication; dosage of methadone; initial and stabilization*—(i) *Dosage and responsibility for administration.* (*a*) The person(s) responsible for the program shall ensure that the initial dose of methadone does not exceed 30 mg and that the total dose for the first day does not exceed 40 mg, unless the program medical director documents in the patient's chart that 40 mg did not suppress opiate abstinence symptoms.

(*b*) It is recommended practice that the initial dose of methadone be given in attempts to control or mitigate abstinence symptoms concomitant to withdrawal of narcotic drugs. Presently there is no absolute method available to determine individuals' narcotic tolerance levels. Therefore, in order to achieve this goal, it is recommended practice that the drug be given empirically in very small doses and the initial dose be adjusted on an individual basis to the narcotic tolerance of the new patients. Methadone dosages which are less than equivalent to the patient's current level of narcotic tolerance will result in his experiencing withdrawal symptoms. Therefore, it is important that the initial dose be adjusted on an individual basis to the narcotic tolerance of the new patient. If the patient has been a heavy user of heroin up to the day of admission, he may require an initial does of 15 to 30 mg with additional smaller increments 4 to 8 hours later. It is recommended practice that if the patient enters treatment with little or no narcotic tolerance (e.g., recently released from jail or using poor quality heroin), the initial dose may be one-half these quantities. When there is any doubt, the smaller dose should be used initially. The patient may be kept under observation, and if the symptoms of absti-

nence are distressing, an additional 5- to 10-mg dose should be administered as needed. Subsequently, the dosage should be adjusted individually as tolerated and required. The stabilization dose frequency, but not necessarily, is higher than the dose needed to attenuate abstinence. The range of methadone maintenance dosages in the country today is between 40 and 100 mg daily.

(c) A licensed physician shall resume responsibility for the amounts of methadone administered or dispensed and shall record and sign in each patient's chart each change in the dosage schedule.

(d) The administering licensed physician shall ensure that a daily dosage of 100 mg or more is justified in the medical record of each patient's chart and that a daily dose greater than 100 mg of methadone is not given to a new patient admitted to a program after (effective date of the final regulation) without the prior approval of the State methadone authority and the Food and Drug Administration.

(e) It is recommended practice that a regular review of each patient's dosage level be made by the responsible physician with careful consideration given for both increasing or decreasing the dosage as indicated. It should be noted that according to the official labeling, therapeutic doses of meperidine have precipitated severe reactions in patients currently receiving monoamine oxidase inhibitors or those who have received such agents within 14 days. Similar reactions thus far have not been reported with methadone, but if the use of methadone is necessary in such patients, it is recommended that a sensitivity test be performed in which repeated small incremental doses are administered over the course of several hours while the patient's condition and vital signs are under careful observation. Likewise, physicians should also be aware that according to the official labeling, concurrent administration of rifampin may possibly reduce the blood concentration of methadone to a degree sufficient to produce withdrawal symptoms. The mechanism by which rifampin may decrease blood concentrations of methadone is not fully understood, although enhanced microsomal drug-metabolized enzymes may influence drug disposition.

(ii) *Authorized dispensers of methadone; responsibility.* Methadone will be administered or dispensed by a practitioner licensed or registered under appropriate State or Federal law to order narcotic drugs for patients or by an agent of the practitioner, supervised by and pursuant to the order of the practitioner. This agent may only be a pharmacist, registered nurse, or licensed practical nurse, or any other health-care professional authorized by Federal and State law to administer or dispense narcotic drugs. The licensed practitioner assumes responsibility for the amounts of methadone administered or dispensed and all changes in dosage schedule will be recorded and signed by the licensed practitioner.

(iii) *Form.* The methadone shall be administered or dispensed in oral form only when used in a treatment program. Hospitalized patients under care for a medical or surgical condition are permitted to receive methadone in parenteral form, when in the attending physican's professional judgment it is deemed advisable. Although tablet, syrup concentrate, or other formulaions are permitted to be distributed to the program, all oral medication shall be administered or dispensed in a liquid formulation. The dosage will be formulated in such a way as to reduced its potential for parenteral abuse and accidental ingestion and packaged for outpatient use in special packaging as required by 16 CFR 1700.14. Any take-home medication shall be labeled with the treatment center's name, address and telephone number. Exceptions may be granted when any of the provisions of this subsection are in conflict with State law with regard to the administering or dispensing of drugs.

(iv) *Maximum take-home medication; evidence in support of a finding of responsibility in the handling of methadone and frequency of take-home medication.* (a) Take-home methadone shall only be given to a patient who, in the reasonable clinical judgment of the program physician, is responsible in the handling of methadone. Prior to reducing the frequency of clinic visits, the rationale for this decision shall be recorded in the patient's chart by the program physician or one of his designated staff. In the latter situation, a program physician shall review, countersign, and date the patient's record where this information is recorded. Additionally, take-home methadone shall be dispensed solely in an oral/liquid form so as to minimize its potential for abuse and shall be packaged in accordance with the Poison Prevention Packaging Act (Pub. L. 91-601).

(b) It is recommended practice that this liquid vehicle be nonsweetened and contain a preservative so that patients can be instructed to keep take-home methadone out of the refrigerator in an attempt to minimize the likelihood of accidental overdoses by children and fermentation of the vehicle.

(c) The program physician shall, in the exercise of his reasonable clinical judgment, consider the following in determining whether or not a patient is responsible in the handling of methadone.

(1) Background and history of the patient;

(2) General and special characteristics of the patient and the community in which the patient resides;

(3) Absence of past abuse of nonnarcotic drugs, including alcohol;

(4) Absence of current abuse of nonnarcotic drugs and alcohol and narcotic drugs, including methadone;

(5) Regularity of clinic attendance;

(6) Absence of serious behavioral problems in the clinic;

(7) Stability of the patient's financial condition;

(8) Stability of the patient's home environment;

(9) Stability of the patient's family and other relationships;

(10) Absence of past and/or current criminal activity;

(11) Length of time in methadone maintenance treatment; and

(12) Assurance that take-home medication can be safely stored within the patient's home.

(v) *Take-home requirements.* (a) In maintenance treatment a patient shall ingest the drug under observation daily or at least 6 days a week, for a minimum of the first 3 months. If, in the reasonable clinical judgment of the program physician, a patient demonstrates satisfactory adherence to program rules for at least 3 months, substantial progress in rehabilitation, responsibility in handling of methadone (see paragraph (d)(8)(iv)(c)(1)-(12) of this section), and his rehabilitative progress would be enhanced by decreasing the frequency of his clinic attendance, the patient may be permitted to reduce his clinic attendance, for drug ingestion under observation to three times weekly. Such a patient shall receive no more than a 2-day take-home supply of methadone. If, in the reasonable clinical judgment of the program physician, a patient demonstrates satisfactory adherence to program rules for at least 2 years from his entrance into the program, substantial progress in rehabilitation, responsibility in the handling of methadone (see paragarph (d)(8)(iv)(c)(1)-(12) of this section), and his rehabilitative progress would be enhanced by decreasing the frequency of his clinic attendance, the patient may be permitted to reduce his clinic attendance for drug ingestion under observation to twice weekly. Such a patient shall receive no more than a 3-day take-home supply of methadone.

(b) In calculating 2 years of methadone maintenance treatment, the period shall be considered to begin upon the first day of administration of methadone, or upon readmission of a patient who has had a continuous absence of 90 days or more. Cumulative time spent by the patient in more than one program shall be counted toward the 2 years of treatment unless there has been a continuous absence of 90 days or more. For patients maintained on methadone for 3 consecutive years who have demonstrated for at least the last year responsibility in handling of methadone, and the absence of major behavioral problems, a 6-day supply of take-home medication may be granted providing the medical director has entered into the patient's record an evaluation that such patients have satisfactorily adhered to each of the criteria for measuring responsibility in handling methadone as set forth in paragraph (d)(8)(iv)(c)(4)-(12) of this section. Each patient whose daily dose is above 100 mg shall ingest the medication under observation 6 days per week irrespective of the length of time in treatment, unless the program has received prior approval from the State authority and the Food and Drug Administration.

(vi) *Exceptions to take-home requirements.* The rationale for an exception

to a mandatory schedule shall be based on the reasonable clinical judgment of the program physician and shall be recorded in the patient's chart by the program physician or by program personnel supervised by the program physician. In the latter situation the physician shall review, countersign, and date the patient's chart where this rationale is recorded. In any event, a patient shall not be given more than a 2-week supply of methadone at one time. If in the reasonable clinical judgment of the program physician:

(*a*) A patient is found to have a physical disability which interferes with his ability to conform to the applicable mandatory schedule, he may be permitted a temporarily or permanently reduced schedule provided he is also found to be responsible in the handling of methadone.

(*b*) A patient, because of exceptional circumstances such as illness, personal or family crises, travel, or other hardship, is unable to conform to the applicable mandatory schedule, he may be permitted a temporarily reduced schedule provided he is also found to be responsible in the handling of methadone.

(9) *Minimum standards for detoxification treatment.* (i) For detoxification from narcotic drugs (not the gradual withdrawal of methadone from patients on methadone maintenance), methadone shall be administered by the program physician daily under close observation in reducing dosages over a period not to exceed 21 days. All requirements pertaining to maintenance treatment apply to detoxification treatment with the following exceptions:

(*a*) Take-home medication shall not be allowedt during detoxification.

(*b*) A history of 1 year physiologic dependence shall not be required for admission to detoxification.

(*c*) Patients who have been determined by the program physician to be currently physiologically narcotic dependent may be detoxified with methadone, regardless of age.

(*d*) The recommended initial dose is 15 to 20 mg.

(ii) A waiting period of at least 1 week shall be required between detoxification attempts. Before a detoxification attempt is repeated, the program physician shall document in the patient's record that the patient continues to be or is again physiologically dependent on narcotic drugs. The provisions of these requirements, except as noted in paragraph (d)(9)(i) of this section, are applicable to both inpatient and ambulatory detoxification treatment.

(10) *Discontinuation of methadone use*—(i) *Involuntary termination from treatment.* The person(s) responsible for a program shall develop and prominently post about the program premises at least one copy of a written policy establishing criteria for involuntary termination from treatment which describes patients' rights as well as the responsibilities and rights of the program staff. At the time a patient enters treatment, an appropriate program staff member designated by the person(s) responsible for the program shall inform the patient where such copy is posted and shall inform him of the reasons for which he might be terminated from treatment, his rights to due process under invcluntary termination procedure, and the fact that information about him shall be kept confidential.

(ii) *Voluntary withdrawal from methadone use.* All patients in treatment shall be given careful consideration for discontinuation of methadone use. Social rehabilitation shall have been maintained for a reasonable period of time. Patients should be encouraged to pursue the goal of eventual withdrawal from methadone and becoming completely drug free whenever possible. Upon successfully reaching for a drug-free state the patient should be retained in the program for as long as necessary to assure stability in the drug-free state, with the frequency of his required visits adjusted at the discretion of the medical director.

(11) *Inspections of programs; patient confidentiality.* Inspection of a program may be undertaken by the State authority, by the Food and Drug Administration, and by the Drug Enforcement Administration, Department of Justice, and in the case of federally funded programs by the National Institute on Drug Abuse, in accordance with Federal controlled substances laws and Federal confidentiality laws.

* * * * *

(14) *Research.* When a program conducts research on human subjects or provides subjects for research, there shall be written policies and review to assure the rights of the patients involved. Appropriate informed consent forms must be signed and must be present in the patient's records. All research, development, and related activities in which human subjects are involved which are funded by the Department of Health, Education, and Welfare grants or contracts must comply with the Department of Health, Education, and Welfare regulations on the protection of human subjects, 45 CFR Part 46.

(15) *Patient record system*—(i) *Patient care.* The person(s) responsible for a program shall establish for that program a record system to document and monitor patient care. This system shall comply with all Federal and State reporting requirements relevant to methadone. All records shall be kept confidential and must be in accordance with all applicable Federal and State regulations regarding confidentiality.

(ii) *Drug dispensing.* The person(s) responsible for a program shall ensure that accurate records traceable to specific patients shall be maintained showing dates, quantity, and batch or code marks of the drug dispensed. These records shall be retained for a period of 3 years.

(iii) *Patient's clinical record.* An adequate clinical record will be maintained for each patient. The record will contain a copy of the signed consent form(s), the date of each visit, the amount of methadone administered or dispensed, the results of each urinalysis, a detailed account of any adverse reactions, which will also be reported within 2 weeks to the Food and Drug Administration on Form FD–1639. "Drug Experience Report," any significant physical or psychological disability, the type of rehabilitative and counseling efforts employed, an account of the patient's progress, and other relevant aspects of the treatment program. For recordkeeping purposes, if a patient misses appointments for 2 weeks or more without notifying the program, the episode of care is considered terminated and so noted in the clinical record. This does not mean that the patient cannot return for care. If the patient does return for care and is accepted into the program, this is considered a readmission and so noted in the clinical record. This method of recordkeeping helps assure the easy detection of sporadic attendance and decreases the possibility of administering inappropriate doses of methadone (e.g., the patient who has received no medication for several days or more and upon return receives the usual stabilization dose). An annual evaluation of the patient's progress will be recorded in the clinical record(s).

(16) *Security of drug stocks.* Adequate security shall be maintained over stocks of methadone, over the manner in which it is administered or dispensed, over the manner in which it is distributed to medication units, and over the manner in which it is stored to guard against theft and diversion of the drug. The security standards for the distribution and storage of controlled substances as required by the Drug Enforcement Administration, Department of Justice (§§ 1301.72–1301.76 of this title) shall be met by the program.

* * * * *

(f) *Conditions for use of methadone in hospitals for detoxification treatment*—(1) *Form.* The drug may be administered or dispensed in either oral or parenteral form.

(2) *Use of methadone in hospitals*—(i) *Approved uses.* Methadone for narcotic addict treatment is permitted to be administered or dispensed only for detoxification treatment of hospitalized patients. If methadone is administered for treatment of heroin dependence for more than 3 weeks, the procedure passes from treatment of the acute withdrawal syndrome (detoxification) to maintenance treatment. Maintenance treatment is permitted to be undertaken only by approved methadone programs. This does not preclude the maintenance treatment of an addict who is hospitalized for treatment of medical conditions other than addiction and who requires temporary maintenance treatment during the critical period of his stay or whose enrollment in a program which has approval for maintenance treatment using methadone has been verified. Any hospital which already has received approval under this paragraph (f) may be permitted to serve as a temporary methadone treatment program when an ap-

proved methadone treatment program has been terminated and there is no other facility immediately available in the area to provide methadone treatment for the patients. The Food and Drug Administration may give this approval upon the request of the State authority or the hospital, when no State authority has been established.

* * * * *

(vi) *Inspection.* The Food and Drug Administration and the State authority may inspect supplies of the drug and evaluate the uses to which the drug is being put. The identity of the patient will be kept confidential in accordance with confidentiality requirements of 42 CFR Part 2. Records relating to the receipt, storage, and distribution of narcotic medication shall also be subject to inspection as provided by Federal controlled substances laws; but use or disclosure of records identifying patients will, in any case be limited to actions involving the program or its personnel.

(vii) *Approval of hospital pharmacy.* Application for a hospital pharmacy to provide methadone for detoxification treatment will be submitted to the Food and Drug Administration and the State authority and shall receive approval from both, except as provided for in paragraph (h)(5) of this section. Within 60 days after receipt of the application by the Food and Drug Administration, the applicant will receive notification of approval or denial or a request for additional information, when necessary.

(viii) *Approval of shipments to hospital pharmacies.* Before a hospital pharmacy may lawfully receive shipments of methadone for detoxification treatment, a responsible official shall complete, sign, and file in triplicate with the Food and Drug Administration and the State authority Form FD–2636, "Hospital Request for Methadone for Detoxification Treatment" set forth in paragraph (k)(5) of this section and shall receive a notice of approval thereof from the Food and Drug Administration.

* * * * *

(g) *Confidentiality of patient records.* (1) Except as provided in paragraph (g)(2) of this section, disclosure of patient records maintained by any program shall be governed by the provisions of 42 C FR Part 2, and every program shall comply with the provisions of that part. Records relating to the receipt, storage, and distribution of narcotic medication shall also be subject to inspection as provided by Federal controlled substances laws; but use or disclosure of records identifying patients will, in any case, be limited to actions involving the program or its personnel. In addition to the restrictions upon disclosure in 42 CFR Part 2, and in accordance with the authority conferred by section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)), every program is hereby further authorized to protect the privacy of patients therein by withholding from all persons not employed by such program or otherwise connected with the conduct of its operations the names or other identifying characteristics of such patients under any circumstances under which such program has reasonable grounds to believe that such information may be used to conduct any criminal investigation or prosecution of a patient. Programs may not be compelled in any Federal, State, or local civil, criminal, administrative, or other proceedings to furnish such information, but this subparagraph does not authorize the withholding of information authorized to be furnished pursuant to 42 CFR Part 2 nor does it invalidate any legal process to compel the furnishing of information in accordance with 42 CFR Part 2. Records relating to the receipt, storage, and distribution of narcotic medication shall also be subject to inspection as provided by Federal controlled substances laws; but use or disclosure of records identifying patients will, in any case, be limited to actions involving the program or its personnel.

(2) A treatment program or medication unit or any part thereof, including any facility or any individual, shall permit a duly authorized employee of the Food and Drug Administration to have access to and to copy all records relating to the use of methadone in accordance with the provisions of 42 CFR Part 2 and shall reveal them only when necessary in a related administrative or court proceeding.

* * * * *

(k) *Program forms*—(1) *Treatment program application.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD–2632 Application for Approval of Use of Methadone in a Treatment Program

Name or other identification of program___

_____

Address _____

Name of program sponsor_____

Commissioner,
Food and Drug Administration,
Bureau of Drugs (HFD–106),
Rockville, MD 20857.

DEAR SIR: As the person responsible for this program, I submit this request for approval of a treatment program using methadone to provide detoxification and maintenance treatment for narcotic addicts in accordance with § 291.505 of the regulations. I understand that failure to abide by the requirements described below may cause revocation of approval on my application, seizure of my drug supply, an injunction, and criminal prosecution.

I. Attached is the name, complete address, and summary of the scientific training and experience of each physician and all other professional personnel having major responsibilities for the program and rehabilitative efforts, and a signed Form FD–2633 "Medical Responsibility Statement for Use of Methadone in a Treatment Program" for every licensed practitioner authorized to prescribe, dispense, or administer methadone under the program. (If the Medical Director of this program has been listed for a program in a previous application, the feasibility of serving as Medical Director for this program must be documented and this documentation attached to this application.)

II. Attached is a description of the organizational structure of this program and the name and complete address of any central administration or larger organizational structure to which this program is responsible.

III. Attached is a listing of the sources of funding for this program. (The name and address for each governmental agency providing funding must be provided.)

IV. The program shall have ready access to a comprehensive range of medical and rehabilitative services. Attached is the name, address, and description of each hospital, institution, clinical laboratory facility, or other facility available to provide the necessary services and a statement for each facility as to whether or not methadone will be administered or dispensed at that facility. These facilities shall comply with any guidelines established by Federal or State authorities. (This listing should include the address of each medication unit. If any medical or rehabilitative service is not available at the primary facility, there must be a formal, documented agreement with private or public agencies, organizations, or institutions for these services.)

V. Attached is a statement of the approximate number of addicts to be included in the program

VI. The following minimum treatment standards shall be followed:

A. A statement shall be given to the addicts to inform them about the program. A voluntary request and consent Form FD–2635 "Consent to Methadone Treatment" shall be signed by each patient. Participation in the program shall be voluntary.

B. I concur that the mere use of a narcotic drug, even if periodic or intermittent, cannot be equated with narcotic addiction. Care shall be exercised in the selection of patients to prevent the possibility of admitting a person who was not first dependent upon heroin or other morphine-like drugs at least 1 year prior to admission to maintenance treatment (see § 291.505(d)(3)(i)). This drug history and evidence of current physiologic dependence on morphine-like drugs shall be documented. Evidence of physical dependence should be obtained by noting early signs of withdrawal (lacrimation, rhinorrhea, pupillary dilation, and piloerection) during the initial period of abstinence. (Withdrawal signs may be observed during an initial period of hospitalization or while the individual is an outpatient undergoing diagnostic evaluation—(medical and personal history, physical examination, and laboratory studies). Loss of appetite and increased body temperature, pulse rate, blood pressure, and respiratory rate are also signs of withdrawal, but their detection may require inpatient observation. It is unlikely that an individual would be currently dependent on narcotic drugs without having a positive urine test for one or more of these drugs. Additional evidence can be obtained by noting the presence of old and fresh needle marks, and by obtaining additional history from relatives and friends.)

C. An exception to the requirement for evidence of current physiologic dependence on narcotic drugs or to the age limitation will be allowed under the following exceptional circumstances: (1) Methadone treatment may be initiated within 14 days of release from a stay of 1 month or longer in a penal or chronic care institution, or within 6 months of release from such institution if an individual would have been eligible for admission prior to institutionalization (see § 291.505(d)(3)(iii)(a)), or (2) pregnant patients, regardless of age with a documented prior addiction history, may be eligible for maintenance treatment, if the Medical Director certifies the pregnancy and, in his judgment, such treatment is medically justified

(see § 291.505(d)(3)(iii)(b)). Within 3 months after the termination of the pregnancy, the physician shall enter an evaluation of the patient's treatment state into the patient's records indicating whether the patient should remain in a maintenance program or be detoxified. Justification for any such exception shall be noted on the patient's record.

D. Persons under 18 years of age may be eligible for maintenance treatment after two documented attempts at detoxification or drug-free treatment (see § 291.505(d)(3)(iv)). In addition, no one under the age of 16 is eligible for methadone maintenance treatment without the prior approval of the Food and Drug Administration and the State methadone authority.

No person under the age of 18 may be admitted to a maintenance treatment program unless a parent, legal guardian or responsible adult designated by the State authority completes and signs consent form, Form FD-2635 "Consent to Methadone Treatment."

VII. An admission evaluation and record shall be made and maintained for each patient upon admission to the program. This evaluation and record shall consist of a medical history, a physical examination, and laboratory examinations as indicated in § 291.505(d)(5).

A. A patient's history record will include at least age, sex, educational level, employment history, criminal history, past history of drug abuse of all types, and prior treatment for drug abuse as well as that required by § 291.505(d)(5)(iv).

B. Medical history. A thorough medical history record will be completed for each patient accepted for admission.

C. Physical examination. The findings of a comprehensive physical examination will be recorded.

VIII. I understand that there is a danger of drug dependent persons attempting to enroll in more than one methadone treatment program to obtain quantities of methadone either for the purpose of self-administration or illicit marketing. Therefore, except in an emergency situation, methadone will not be provided to a patient who is known to be currently receiving the drug from another treatment program using methadone. Except as provided in item XV of this form, information that could identify the patient will be kept confidential in compliance with 42 CFR Part 2.

IX. The following minimum procedures will be used for ongoing care.

A. Dosage and administration for detoxification and maintenance treatment:

1. Methadone shall be administered or dispensed in oral form only when used in a treatment program. Hospitalized patients under care for medical or surgical condition are permitted to receive methadone in parenteral form, when in the attending physician's professional judgment it is deemed advisable. Although tablet, sirup concentrate, or other formulations are permitted to be distributed to the program, all oral medication shall be administered or dispensed in a liquid formulation. The dosage shall be formulated in such a way as to reduce its potential for parental abuse and accidental ingestion, and packaged for outpatient use in special packaging as required by 16 CFR 1700.14. Any take-home medication shall be labeled with the treatment center's name, address, and telephone number. Exceptions may be granted when any of the provisions of this subsection are in conflict with State law with regard to the administering or dispensing of drugs.

2. In tetoxification, the patient may be placed on a substitutive methadone administration schedule when there are significant symptoms of withdrawal. The methadone shall be administered by the program physician daily under close observation in reducing dosages over a period not to exceed 21 days. All requirements pertaining to maintenance treatment apply to detoxification treatment with the following exceptions:

i. Take-home medication shall not be allowed during detoxification.

ii. A history of 1 year physiologic dependence shall not be required for admission to detoxification.

iii. Patients who have been determined by the program physician to be currently physiologically narcotic dependent may be detoxified with methadone, regardless of age.

iv. The recommended initial dose is 15 to 20 mg. Stabilization can be continued for 2 to 3 days and then the amount of methadone will normally be gradually decreased. The rate at which methadone is decreased will be determined separately for each patient. The dose of methadone can be decreased on a daily basis or in 2-day intervals, but the amount of intake shall always be sufficient to keep withdrawal symptoms at a tolerable level. In hospitalized patients a daily reduction of 20 percent of the total daily dose usually will be tolerated and will cause little discomfort. In ambulatory patients, a somewhat slower schedule may be needed. If methadone is administered for more than 3 weeks, the procedure is considered to have progressed from detoxification or treatment of the acute withdrawal syndrome to maintenance treatment, even though the goal and intent may be eventual total withdrawal.

3. In maintenance treatment the initial dosage of methadone should control the abstinence symptoms that follow withdrawal of narcotic drugs but should not be so great as to cause sedation, respiratory depression, or other effects of acute intoxification. It is important that the initial dosage be adjusted on an individual basis to the narcotic tolerance of the new patient. (The person(s) responsible for the program shall ensure that the initial dose of methadone does not exceed 30 mg and that the total dose for the first day does not exceed 40 mg, unless the program medical director documents in the patient's chart that 40 mg did not suppress opiate abstinence symptoms.) If the patient has been a heavy user of heroin up to the day of admission, he may require an initial dose of 15 to 30 mg with additional smaller increments 4 to 8 hours later. It is recommended practice that if the patient enters treatment with little or no narcotic tolerance (e.g., recently released from jail or using poor quality heroin), the initial dose may be one-half these quantities. When there is any doubt, the smaller dose should be used initially. The patient may be kept under observation, and if the symptoms of abstinence are distressing, an additional 5- to 10-mg dose should be administered as needed. Subsequently, the dosage should be adjusted individually as tolerated and required. The stabilization dose frequently, but not necessarily, is higher than the dose needed to attenuate abstinence. The range of methadone maintenance dosages in the conutry today is between 40 and 100 mg daily.

A licensed physician shall assume responsibility for the amounts of methadone administered or dispensed and shall record and sign in each patient's chart each change in the dosage schedule.

The administering licensed physician shall ensure that a daily dose of 100 mg or more is justified in the medical record of each patient's chart and that a daily dose greater than 100 mg of methadone is not given to a new patient admitted to a program after (effective date of the final regulation) without the prior approval of the State methadone authority and the Food and Drug Administration. A regular review of dosage level should be made by the responsible physician with careful consideration given for reduction of dosage as indicated on an individual basis. A new dosage level is only a test level until stability is achieved.

4. Caution shall be taken in the maintenance treatment of pregnant patients. Dosage levels shall be maintained as low as possible if continued methodane treatment is deemed necessary. It is the responsibility of the program to assure that each female patient is fully informed concerning the possible risks to a pregnant woman or her unborn child from the use of methadone.

5. Methadone will be administered or dispensed by a practitioner licensed or registered under appropriate State or Federal law to order narcotic drugs for patients or by an agent of the practitioner, supervised by and pursuant to the order of the practitioner. This agent may be a pharmacist, registered nurse, or licensed practical nurse, or any other health care professional authorized by Federal and State law to administer or dispense narcotic drugs. The licensed practitioner assumes responsibility for the amounts of methadone administered or dispensed and all changes in dosage schedule shall be recorded and signed by the licensed practitioner.

6. For detoxification, the drug shall be administered daily under close observation. In maintenance treatment the patient initially will ingest the drug under observation daily, or at least 6 days a week, for the first 3 months. It is recognized that diversion occurs primarily when patients take medication from the clinic for self-administration. It is also recognized, however, that daily attendance at a program facility may be incompatible with gainful employment, education, and responsible homemaking. After demonstrating satisfactory adherence to the program regulations for at least 3 months and showing substantial progress in rehabilitation by participating actively in the program activities and/or by participation in educational, vocational, and homemaking activities, those patients whose employment, education, or homemaking responsibilities would be hindered by daily attendance may be permitted to reduce to 3 times weekly the times when they must ingest the drug under observation. They shall receive no more than a 2 day take-home supply. With continuing adherence to the program's requirements and progressive rehabilitation for at least 2 years after entrance into the program, such patients may be permitted twice weekly visits to the program for drug ingestion under observation with a 3 day take-home supply.

In calculating 2 years of methadone maintenance treatment, the period shall be considered to begin upon the first day of administration of methadone, or upon readmission of a patient who has had a continuous absence of 90 days or more. Cumulative time spent by the patient in more than one program shall be counted toward the 2 years of treatment unless there has been a continuous absence of 90 days or more. For patients maintained on methadone for 3 consecutive years who have demonstrated for at least the last year responsibility in handling of methadone, and the absence of major behavioral problems, a 6-day supply of take-home medication may be granted providing the medical director has entered into the patient's record an evaluation that such patients have satisfactorily adhered to each of the criteria for measuring responsibility in handling methadone as set forth in § 291.505(d)(8)(iv)(c)(4)-(12). Each patient whose daily dose is above 100 mg shall ingest the medication under observation 6 days per week irrespective of the length of time in treatment, unless the program has received

prior approval from the State authority and the Food and Drug Administration.

The rationale for an exception to a mandatory schedule shall be based on the reasonable clinical judgment of the program physician and shall be recorded in the patient's chart by the program physician or by program personnel supervised by the program physician. In the latter situation the physician shall review, countersign, and date the patient's chart where this rationale is recorded. In any event, a patient shall not be given more than a 2-week supply of methadone at one time.

If in the reasonable clinical judgment of the program physician a patient is found to have a physicial disability that interferes with such patient's ability to conform to the applicable mandatory schedule, he or she may be permitted a temporarily or permanently reduced schedule provided he or she is also found to be responsible in the handling of methadone; or a patient, because of exceptional circumstances such as illness, personal or family crises, travel, or other hardship, is unable to conform to the applicable mandatory schedule, he or she may be permitted a temporarily reduced schedule provided he or she is also found to be responsible in the handling of methadone (see § 291.505(d)(8)(iv)).

B. In maintenance treatment an initial drug-screening urinalysis will be performed upon admission for opiates, cocaine, barbiturates, amphetamines, and other drugs as appropriate. The urine shall be collected in a manner which minimizes falsification of the samples. The reliability of this collection procedure shall be demonstrated. Those patients receiving their doses of the drug from medication units will also adhere to this minimum standard. Each laboratory selected for urine testing must be in compliance with all applicable Federal proficiency testing and licensing standards and all State standards regarding such laboratories. Any changes in laboratories used for urine testing shall have prior approval of the Food and Drug Administration.

C. An adequate clinical record will be maintained for each patient. The record will contain a copy of the signed consent form(s), the date of each visit, the amount of methadone administered or dispensed, the results of each urinalysis, a detailed account of any adverse reactions, which will also be reported within 2 weeks to the Food and Drug Administration on Form FD-1639, "Drug Experience Report", any significant physical or psychologic disability, the type of rehabilitative and counseling efforts employed, an account of the patient's progress, and other relevant asepcts of the treatment program. For recordkeeping purposes, if a patient misses appointments for 2 weeks or more without notifying the program, the episode of care is considered terminated and so noted in the clinical record. This does not mean that the patient cannot return for care. If the patient does return for care and is accepted into the program, this is considered a readmission and so noted in the clinical record. This method of recordkeeping helps assure the easy detection of sporadic attendance and decreases the possibility of administering inappropriate doses of methadone (e.g., the patient who has received no medication for several days or more and upon return receives the usual stabilization dose). An annual evaluation of the treatment plan will be recorded in the clinical record and signed by the program physician (see § 291.505(d)(5)(vi)).

D. All patients in maintenance treatment will be given careful consideration for discontinuance of methadone, especially after reaching a 10-20 milligram dosage level. Social rehabilitation shall have been maintained for a reasonable period of time. Patients should be encouraged to pursue the goal of eventual withdrawal from methadone and becoming completely drug-free. Upon successfully reaching a drug-free state the patient should be retained in the program for as long as necessary to assure stability in the drug-free state, with the frequency of required visits adjusted at the discretion of the medical director.

X. To prevent diversion into illicit channels, adequate security shall be maintained over stocks of methadone and over the manner in which it is distributed, as required by the Drug Enforcement Administration, Department of Justice.

XI. Accurate records traceable to patients shall be maintained showing dates, quantity, and batch or code marks of the drug used. These records shall be retained for a period of 3 years.

XII. The program director may establish geographically dispersed medication units of reasonable size for administering and dispensing medication to patients stabilized at their optimal dosage level. The approval of such units for any geographic area shall be based upon the number and distribution of such units within the area. No more than 30 patients shall be under care at a medication unit at any one time. These units shall be responsible only for administering and dispensing medication. Private practitioners and community pharmacies may serve as medication units. Only after patients have been stabilized at their optimal initial dosage level may they be referred to a medication unit. Subsequent to such referral, the program director shall retain continuing responsibility for the patient's care and the patient shall be seen at the primary program facility at least monthly for medical evaluation and ancillary service. If a private practitioner wishes to provide other service in addition to administering and dispensing medication and collecting urine samples, the practitioner is considered a program component or a separate program, depending upon the type of services provided. In such case the restrictions on the number of patients served shall be determined by the staffing pattern and resources available.

XIII. All representations in this application are currently accurate, and no changes shall be made in the program until they have been approved by the Food and Drug Administration and the State authority.

XIV. If the program or any individual under the program is disapproved, the program director shall recall the methadone from the disapproved sources and return the drug to the manufacturer in a manner prescribed by the Drug Enforcement Administration, Department of Justice.

XV. Inspections of this program may be undertaken by the State authority, by the Food and Drug Administration and by the Drug Enforcement Administration, Department of Justice, and, in the case of federally funded programs, by the National Institute on Drug Abuse, in accordance with Federal controlled substances laws and Federal confidentiality laws.

Signature _____
(Program Sponsor)

(2) *Medical responsibility statement.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD-2633 Medical Responsibility Statement for Use of Methadone in a Treatment Program

(To be completed by each physician licensed to dispense or administer methadone under an approved program.)

Date _____
Name of program _____
Address _____
Telephone number _____

Medical Director for this facility (licensed by law to administer or dispense drugs and responsible for all medication administered or dispensed at this facility).

_____
Address of this facility _____
Telephone number of this facility _____

I. The undersigned agrees to assume responsibility for the administration and dispensing of methadone under the above identified program and to abide by the minimum standards for methadone detoxification and maintenance treatment.

II. The name of each patient treated at a facility and the frequency of visits shall be registered with the medical director. An annual report Form FD-2634 "Annual Report for Treatment Program Using Methadone" shall be submitted to the program sponsor for submission to the Food and Drug Administration. The patient shall always report to the same facility unless prior approval is obtained from the medical director for treatment at another operation.

III. The following minimum treatment standards shall be followed.

A. A statement shall be given to the addicts to inform them about the program. A voluntary request and consent Form FD-2635 "Consent to Methadone Treatment" shall be signed by each patient. Participation in the program shall be voluntary.

B. The mere use of a narcotic drug, even if periodic or intermittent, cannot be equated with narcotic addiction. Care shall be exercised in the selection of patients to prevent the possibility of admitting a person who was not first dependent upon heroin or other morphine-like drugs at least 1 year prior to admission to maintenance treatment (see § 291.505(d)(3)(i)). This drug history and evidence of current physiologic dependence on morphine-like drugs shall be documented. Evidence of physical dependence should be obtained by noting early signs of withdrawal (lacrimation, rhinorrhea, pupillary dilation, and piloerection) during the initial period of abstinence. Withdrawal signs may be observed during an initial period of hospitalization or while the individual is an outpatient undergoing diagnostic evaluation (medical and personal history, physical examination, and laboratory studies). Loss of appetite and increased body temperature, pulse rate, blood pressure, and respiratory rate are also signs of withdrawal, but their detection may require inpatient observation. It is unlikely that an individual would be currently dependent on narcotic drugs without having a positive urine test for one or more of these drugs. Additional evidence can be obtained by noting the presence of old and fresh needle marks, and by obtaining additional history from relatives and friends.

C. An exception to the requirement for evidence of current physiologic dependence on narcotic drugs or to the age limitations will be allowed under the following exceptional circumstances: (1) Methadone treatment may be initiated within 14 days of release from a stay of 1 month or longer in a penal or chronic care institution, or within 6 months of release from such institution if an individual would have been eligible for admission prior to institutionalization (see § 291.505(d)(3)(iii)(a)), or (2) pregnant patients, regardless of age with a documented prior addiction history, may be eligible for maintenance treatment if the Medical Director certifies the pregnancy and, in his or her judgment, such treatment is medically justified (see § 291.505(d)(3)(iii)(b)). Within 3 months after the termination of

the pregnancy, the physician shall enter an evaluation of the patient's treatment state into the patient's records indicating whether the patient should remain in a maintenance program or be detoxified. Justification for any such exception shall be noted on the patient's record.

D. Persons under 18 years of age may be eligible for maintenance treatment after two documented attempts at detoxification or drug-free treatment (see § 291.505(d)(3)(iv)). In addition, no one under the age of 16 is eligible for methadone maintenance treatment without the prior approval of the Food and Drug Administration and the State methadone authority.

No person under the age of 18 may be admitted to a maintenance treatment program unless a parent, legal guardian or responsible adult designated by the State authority completes and signs consent form, Form FD-2635 "Consent to Methadone Treatment."

IV. An admission evaluation and record shall be made and maintained for each patient upon admission to the program. This evaluation and record shall consist of a medical history, a physical examination, and laboratory examinations as indicated in § 291.505(d)(5).

A. A patient's history record will include at least age, sex, educational level, employment history, criminal history, past history of drug abuse of all types, and prior treatment for drug abuse, as well as that required by § 291.505(d)(5)(iv).

B. Medical history. A thorough medical history record will be completed for each patient accepted for admission.

C. Physical examination. The findings of a comprehensive physical examination will be recorded.

V. I understand that there is a danger of drug dependent persons attempting to enroll in more than one methadone treatment program to obtain quantities of methadone either for the purpose of self-administration or illicit marketing. Therefore, except in an emergency situation, methadone will not be provided to a patient who is known to be currently receiving the drug from another treatment program using methadone. Except as provided in item XI of this form, information that could identify the patient will be kept confidential in compliance with 42 CFR Part 2.

VI. The following minimum procedures will be used for ongoing care.

A. Dosage and administration for detoxification and maintenance treatment:

1. Methadone shall be administered or dispensed in oral form only when used in a treatment program. Hospitalized patients under care for a medical or surgical condition are permitted to receive methadone in parenteral form, when in the attending physician's professional judgment it is deemed advisable. Although tablet, syrup concentrate, or other formulations are permitted to be distributed to the program, all oral medication shall be administered or dispensed in a liquid formulation. The dosage shall be formulated in such a way as to reduce its potential for parenteral abuse and accidental ingestion, and packaged for outpatient use in special packaging as required by 16 CFR 1700.14. Any take home medication shall be labeled with the treatment center's name, address and telephone number. Exceptions may be granted when any of the provisions of this subsection are in conflict with State law with regard to the administering or dispensing of drugs.

2. In detoxification, the patient may be placed on a substitutive methadone administration schedule when there are significant symptoms of withdrawal. The methadone shall be administered by the program physician daily under close observation in reducing dosages over a period not to exceed 21 days. All requirements pertaining to maintenance treatment apply to detoxification treatment with the following exceptions:

i. Take-home medication shall not be allowed during detoxification.

ii. A history of 1 year physiologic dependence shall not be required for admission to detoxification.

iii. Patients who have been determined by the program physician to be currently physiologically narcotic dependent may be detoxified with methadone, regardless of age.

iv. The recommended initial dose should be 15 to 20 mg. Stabilization can be continued for 2 to 3 days and then the amount of methadone will normally be gradually decreased. The rate at which methadone is decreased will be determined separately for each patient. The dose of methadone can be decreased on a daily basis or in 2 day intervals, but the amount of intake shall always be sufficient to keep withdrawal symptoms at a tolerable level. In hospitalized patients a daily reduction of 20 percent of the total daily dose usually will be tolerated and will cause little discomfort. In ambulatory patients, a somewhat slower schedule may be needed. If methadone is administered for more than 3 weeks, the procedure is considered to have progressed from detoxification or treatment of the acute withdrawal syndrome to maintenance treatment, even though the goal and intent may be eventual total withdrawal.

3. In maintenance treatment the initial dosage of methadone should control the abstinence symptoms that follow withdrawal of narcotic drugs but should not be so great as to cause sedation, respiratory depression, or other effects of acute intoxification. It is important that the initial dosage be adjusted on an individual basis to the narcotic tolerance of the new patient. (The person(s) responsible for the program shall ensure that the initial dose of methadone does not exceed 30 mg and that the total dose for the first day does n otexceed 40 mg, unless the program medical director documents in the patient's chart that 40 mg did not suppress opiate abstinence symptoms.) If the patient has been a heavy user of heroin up to the day of admission, he may require an initial dose of 15 to 30 mg with additional smaller increments 4 to 8 hours later. It is recommended practice that if the patient enters treatment with little or no narcotic tolerance (e.g., recently released from jail or using poor quality heroin), the initial dose may be one-half these quantities. When there is any doubt, the smaller dose should be used initially. The patient may be kept under observation, and if the symptoms of abstinence are distressing, an additional 5- to 10-mg dose should be administered as needed. Subsequently, the dosage should be adjusted individually as tolerated and required. The stabilization dose frequently, but not necessarily, is higher than the dose needed to attenuate abstinence. The range of methadone maintenance dosages in the country today is between 40 and 100 mg daily.

A licensed physician shall assume responsibility for the amounts of methadone administered or dispensed and shall record and sign in each patient's chart each change in the dosage schedule.

The administering licensed physician shall ensure that a daily dose of 100 mg or more is justified in the medical record of each patient's chart and that a daily dose greater than 100 mg of methadone is not given to a new patient admitted to a program after (effective date of the final regulation) without the prior approval of the State methadone authority and the Food and Drug Administration. A regular review of dosage level should be made by the responsible physician with careful consideration given for reduction of dosage as indicated on an individual basis. A new dosage level is only a test level until stability is achieved.

4. Caution shall be taken in the maintenance treatment of pregnant patients. Dosage levels shall be maintained as low as possible if continued methadone treatment is deemed necessary. It is the responsibility of the program sponsor to assure that each female patient is fully informed concerning the possible risks to a pregnant woman or her unborn child from the use of methadone.

5. Methadone will be administered or dispensed by a practitioner licensed or registered under appropriate State of Federal law to order narcotic drugs for patients or by an agent of the practitioner, supervised by and pursuant to the order of the practitioner. This agent may only be a pharmacist, registered nurse, or licensed practical nurse or any other health care professional authorized by Federal and State law to administer or dispense narcotic drugs. The licensed practitioner assumes responsibility for the amounts of methadone administered or dispensed and all changes in dosage schedule shall be recorded and signed by the licensed practitioner.

6. For detoxification, the drug shall be administered daily under close observation. In maintenance treatment the patient initially will ingest the drug under the observation daily, or at least 6 days a week, for the first 3 months. It is recognized that diversion occurs primarily when patients take medication from the clinic for self-administration. It is also recognized, however, that daily attendance at a program facility may be incompatible with gainful employment, education, and responsible homemaking. After demonstrating satisfactory adherence to the program regulations for at least 3 months and showing substantial progress in rehabilitation by participating actively in the program activities and/or by participation in educational, vocational, and homemaking activities, those patients whose employment, education or homemaking responsibilities would be hindered by daily attendance may be permitted to reduce to three times weekly the times when they must ingest the drug under observation. They shall receive no more than a 2-day take-home supply. With continuing adherence to the program's requirements and progressive rehabilitation for at least 2 years after entrance into the program, such patients may be permitted twice weekly visits to the program for drug ingestion under observation with a 3-day take-home supply.

In calculating 2 years of methadone maintenance treatment, the period shall be considered to begin upon the first day of administration of methadone, or upon readmission of a patient who has had a continuous absence of 90 days or more. Cumulative time spent by the patient in more than one program shall be counted toward the 2 years of treatment unless there has been a continuous absence of 90 days or more. For patients maintained on methadone for 3 consecutive years who have demonstrated for at least the last year responsibility in handling of methadone, and the absence of major behavioral problems, a 6-day supply of take-home medication may be granted providing the medical director has entered into the patient's record an evaluation that such patient's have satisfactorily adhered to each of the criteria for measuring responsibility in handling methadone as set forth in § 291.505(d)(8)(iv)(c)(4)–(12). Each patient whose daily dose is above 100 mg shall ingest the medication under observation 6 days per week irrespective of the length of time in

treatment, unless the program has received prior approval from the State authority and the Food and Drug Administration.

The rationale for an exception to a mandatory schedule shall be based on the reasonable clinical judgment of the program physician and shall be recorded in the patient's chart by the program physician or by program personnel supervised by the program physician. In the latter situation the physician shall review, countersign, and date the patient's chart where this rationale is recorded. In any event a patient shall not be given more than a 2-week supply of methadone at one time.

If in the reasonable clinical judgment of the program physician: a patient is found to have a physical disability which interferes with his ability to conform to the applicable mandatory schedule, he may be permitted a temporarily or permanently reduced schedule provided he is also found to be responsible in the handling of methadone; or a patient, because of exceptional circumstances such as illness, personal or family crises, travel, or other hardship, is unable to conform to the applicable mandatory schedule, he may be permitted a temporarily reduced schedule provided he is also found to be responsible in the handling of methadone (see § 291.505 (d) (8) (iv)).

B. In maintenance treatment an initial drug-screening urinalysis will be performed upon admission for opiates, cocaine, barbiturates, amphetamines and other drugs as appropriate. The urine shall be collected in a manner which minimizes falsification of the samples. The reliability of this collection procedure shall be demonstrated. Those patients receiving their doses of the drug from medication units will also adhere to this minimum standard. Each laboratory selected for urine testing must be in compliance with all applicable Federal proficiency testing and licensing standards and State standards regarding such laboratories. Any changes in laboratories used for urine testing shall have prior approval of the Food and Drug Administration.

C. An adequate clinical record will be maintained for each patient. The record will contain a copy of the signed consent form(s), the date of each visit, the amount of methadone administered or dispensed, the results of each urinalysis, a detailed account of any adverse reactions, which will also be reported within 2 weeks to the Food and Drug Administration on Form FD–1639, "Drug Experience Report," any significant physical or psychologic disability, the type of rehabilitative and counseling efforts employed, an account of the patient's progress, and other relevant aspects of the treatment program. For recordkeeping purposes, if a patient misses appointments for 2 weeks or more without notifying the program, the episode of care is considered terminated and so noted in the clinical record. This does not mean that the patient cannot return for care. If the patient does return for care and is accepted into the program, this is considered a readmission and so noted in the clinical record. This method of recordkeeping helps assure the easy detection of sporadic attendance and decreases the possibility of administering inappropriate doses of methadone (e.g., the patient who has received no medication for several days or more and upon return receives the usual stabilization dose). An annual evaluation of the treatment plan will be recorded in the clinical record and signed by the program physician (see § 291.505(d)(5)(iv)).

D. All patients in maintenance treatment will be given careful consideration for discontinuance of methadone especially after reaching a 10 to 20 milligrams dosage level. Social rehabilitation shall have been maintained for a reasonable period of time. Patients should be encouraged to pursue the goal of eventual withdrawal from methadone and becoming completely drug-free. Upon successfully reaching a drug-free state the patient should be retained in the program for as long as necessary to assure stability in the drug-free state, with the frequency of required visits adjusted at the discretion of the medical director.

To prevent diversion into illicit channels, adequate security shall be maintained over stocks of methadone and over the manner in which it is distributed, as required by the Drug Enforcement Administration, Department of Justice.

VII. Accurate records traceable to patients shall be maintained showing dates, quantity, and batch or code marks of the drug used. These records shall be retained for a period of 3 years.

VIII. The program director may establish geographically dispersed medication units of reasonable size for administering and dispensing medication to patients stabilized at their optimal dosage level. The approval of such units for any geographic area shall be based upon the number and distribution of such units within the area. No more than 30 patients shall be under care at a medication unit at any one time. These units shall be responsible only for administering and dispensing medication. Private practitioners and community pharmacies may serve as medication units. Only after patients have been stabilized at their optimal initial dosage level may they be referred to a medication unit. Subsequent to such referral, the program director shall retain continuing responsibility for the patient's care and the patient shall be seen at the primary program facility at least monthly for medical evaluation and ancillary service. If a private practitioner wishes to provide other service in addition to administering and dispensing medication and collecting urine samples, the practitioner is considered a program component or a separate program, depending upon the type of services provided. In such case the restrictions on the number of patients served shall be determined by the staffing pattern and resources available.

IX. All representations in this application are currently accurate, and no changes shall be made in the program until they have been approved by the Food and Drug Administration and the State authority.

X. If the program or any individual under the program is disapproved, the program director shall recall the methadone from the disapproved sources and return the drug to the manufacturer in a manner prescribed by the Drug Enforcement Administration, Department of Justice.

XI. Inspections of this program may be undertaken by the State authority, by the Food and Drug Administration and by the Drug Enforcement Administration, Department of Justice, and, in the case of federally funded programs, by the National Institute on Drug Abuse, in accordance wtih Federal controlled substances laws and Federal confidentiality laws.

Signature _____

(3) *Annual report form.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD–2634 Annual Report for Treatment Program Using Methadone

This form shall be completed in triplicate by the program sponsor for each calendar year.

One copy is to be sent to the Food and Drug Administration and one copy to the State authority on or before Januray 30.

I. Name or other identification of program _____

Address _____

II. Total Treatment Capacity _____

III. Amount of methadone dispensed (in grams) during the year: _____

IV. Number of individuals who applied to the program but were not admitted or given admission evaluation _____

V. Number of individuals who were provided only detoxification one or more times _____

VI. Census of patients provided methadone maintenance treatment _____

A. Number under care at the beginning of the year being reported _____

B. Of those in treatment at the beginning of the year:

1. Number continuously under care through the year being reported (still under care) _____

2. Number discharged or transferred to other types of programs and not readmitted _____

3. Number discharged or transferred to other types of programs and readmitted (still under care) _____

4. Number discharged and readmitted (no longer under care) _____

C. Number admitted to care during year ____, not previously treated in this program:

1. Number still under care at the end of the year _____

2. Number discharged or transferred to other types of programs and not readmitted _____

3. Number discharged or transferred to other types of programs and readmitted (still under care) _____

4. Number discharged and readmitted (no longer under care) _____

D. Number admitted to care during the year ____, previously treated in this program prior to the past year:

1. Number still under care at the end of the year _____

2. Number discharged or transferred to other types of programs and not readmitted _____

3. Number discharged or transferred to other types of programs and readmitted (still under care) _____

4. Number discharged and readmitted (no longer under care) _____

VII. Demographic and treatment characteristics of patients under care at the end of the year being reported:

A. By age and sex:

Age	Total	Male	Female
Under 14			
14–15			
16–17			
18–20			
21–25			
26–35			
36–45			
46+			

B. For the year being reported, give the number of patients who have been under continuous care for the following periods of time:

Under 3 months _____
3 months to 1 year _____
1 to 2 years _____
2 to 5 years _____
Over 5 years _____

C. Total number of individuals treated to date _____

D. For the year being reported, give the number of patients stabilized at each dosage level:

Daily dosage, mgm.	*Number of patients*
Under 20	
20 to 39	
40 to 59	
60 to 79	
80 to 99	
100 to 119	
Over 120	

E. When applicable, for the year being reported, give the number of patients seen in the past 8 weeks who have fallen in the following categories:

No positive urinalysis for morphine for 2 months or more_____

Occasional positive urinalysis for morphine (monthly or less)_____

Frequent positive urinalysis for morphine (more than once per month)_____

In program for less than 2 months_____

For the year being reported, give the number of patients treated who were pregnant

---

VIII. Give the number of patients having significant adverse reactions, particularly reactions related to hematopoietic, cardiovascular, endocrine, neurologic, and immunological functions (attach a completed copy of Form FD-1639, "Drug Experience Report," for each incident not previously reported to the Food and Drug Administration):

Type of reaction	*Number of patients*

IX. Give the number of patients who have died while under methadone care (attach a completed copy of Form FD-1639, "Drug Experience Report," for each incident not previously reported to the Food and Drug Administration):

	Number of patients
A. Definitely methadone-related	
B. Not methadone-related	

Signature _____

(Program sponsor)

* * * * *

(5) *Hospital application.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD-2636 Hospital Request for Methadone for Detoxification Treatment

Name of hospital_____
Address _____

Commissioner,
Food and Drug Administration,
Bureau of Drugs (HFD-106),
Rockville, MD 20857.

DEAR SIR: As hospital administrator, I submit this request for approval to receive supplies of methadone to be used for detoxification treatment in accord with § 291.505 of the regulations. I understand that the failure to abide by the requirements described below may result in revocation of approval to receive shipments of methadone, seizure of the drug supply on hand, injunction, and criminal prosecution.

I. The name of the individual (pharmacist) responsible for receiving and securing supplies of methadone is _____.

II. There are a total of _____ beds in the hospital.

III. A general description of the hospital and nature of patient care undertaken is attached.

IV. The anticipated quantity of methadone needed for narcotic addict treatment per year is _____ (Gms.).

V. Methadone for narcotic addict treatment is permitted to be administered or dispensed only for detoxification treatment of hospitalized patients. If methadone is administered for treatment of heroin dependence for more than 3 weeks, the procedure passes from treatment of the acute withdrawal syndrome (detoxification) to maintenance treatment. Maintenance treatment is permitted to be undertaken only by approved methadone programs. This does not preclude the maintenance treatment of an addict who is hospitalized for treatment of medical conditions other than addiction and who requires temporary maintenance treatment during the critical period of his or her stay or whose enrollment in a program which has approval for maintenance treatment using methadone has been verified.

VI. Accurate records shall be maintained showing dates, quantity, and batch or code marks of the drug for inpatient treatment. The records shall be retained for a period of 3 years.

VII. Inspections of supplies of the drug and an evaluation of the use to which the drug is being put may be undertaken by the State authority, by the Food and Drug Administration, by the Drug Enforcement Administration, Department of Justice, and, when appropriate, by the National Institute on Drug Abuse, in accordance with Federal controlled substances laws and Federal confidentiality laws.

Signature_____
(Hospital Official)

Interested persons may, on or before December 27, 1977 submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration and the National Institute on Drug Abuse have 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. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: October 13, 1977.

DONALD KENNEDY,
Commissioner, Food and Drug Administration.

Dated: October 19, 1977.

ROBERT DUPONT,
Director, National Institute on Drug Abuse.

[FR Doc.77-31163 Filed 10-27-77;8:45 am]

[4110–03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

[Docket No. 77N–0252]

METHADONE IN MAINTENANCE AND DETOXIFICATION

Joint Proposed Revision of Conditions for Use

CROSS REFERENCE: For a document setting forth the Food and Drug Administration and the National Institute on Drug Abuse proposed revision of the conditions for use of methadone to allow greater flexibility of clinical standards and to provide more specificity in areas in which the proposed clinical standards mandate levels of performance, see FR Doc. 77–31163 appearing at page 56897 in this issue of the FEDERAL REGISTER.

[4110–03]

[Docket No. 77N–0253]

NARCOTIC TREATMENT PROGRAM STANDARDS

Use of Narcotic Drugs Other Than Methadone by Narcotic Treatment Programs; Joint Notice of Intent To Propose Regulations and Request for Data, Information, and Views

CROSS REFERENCE: For a document announcing the intent of the Food and Drug Administration and the National Institute on Drug Abuse to propose regulations and their request for data, information, and views on several specific issues concerning the use of narcotic drugs other than methadone, see FR Doc. 77–31071 appearing at page 56896 in this issue of the FEDERAL REGISTER.

federal register

FRIDAY, OCTOBER 28, 1977
PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

HOSPITAL AND MEDICAL FACILITIES

Standards of Construction and Equipment

[4110–83]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 124]

STANDARDS OF CONSTRUCTION AND EQUIPMENT FOR HOSPITAL AND MEDICAL FACILITIES

Notice of Proposed Rulemaking

AGENCY: Public Health Service, HEW.

ACTION: Proposed rules.

SUMMARY: Section 1602(2) of the Public Health Service Act (42 U.S.C. 300o–1 (2)) requires the Secretary of Health, Education, and Welfare to prescribe "general standards of construction, modernization, and equipment" for medical facilities projects assisted under Title XVI of the Act. The rules proposed below would establish such standards. Public comment is solicited.

DATE: Comments must be received on or before December 12, 1977.

ADDRESS: Send comments on the proposed rule in duplicate to: Director, Office of Policy Coordination, Center Building, Room 6–22, 3700 East-West Highway, Hyattsville, Md. 20782, 301–436–6870.

FOR FURTHER INFORMATION CONTACT:

Harry P. Cain II, Ph. D., Director, Bureau of Health Planning and Resources Development, Center Building, Room 6–22, 3700 East-West Highway, Hyattsville, Md. 20782, 301–436–6850.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to establish a new Subpart B of Part 124 of Title 42, Code of Federal Regulations.[1] The new Subpart B, entitled "Standards for Construction, Modernization and Equipment," will implement section 1602(2) of the Public Health Service Act (42 U.S.C. 300o–1(2)), which requires the Secretary to prescribe general standards of construction, modernization and equipment for all facilities assisted under Title XVI of the Act.

The proposed rules closely resemble those published under Title VI of the Act, as 42 CFR Part 53, Subpart K. Like Subpart K, the proposed Subpart B incorporates by reference a technical publication which sets forth in detail specific construction and equipment standards. The technical publication referred to in the proposed rule in a proposed revision of the document referenced in Subpart K, "Minimum Requirement of Construction and Equipment for Hospital and Medical Facilities," DHEW Publication No. (HRA) 74–4000. The major revisions of the standards set forth in HRA 74–4000 will be as follows:

1. Section 1.2A of HRA 74–4000 is revised to clarify special design features to meet the needs of the handicapped (patients, staff, and visitors). This section is in addition to other requirements that may be issued by the Department.

2. Energy conservation features are emphasized, including reference to ASHRAE Standard No. 90–75 or equivalent standards, and certain mechanical requirements are revised.

3. The importance of adequate program narrative is stressed.

4. Section 7.28(6) of HRA 74–4000 is clarified to require 3′ x 8″ doors for rooms needing access for beds but allow 2′ x 10″ doors for rooms requiring access only by wheelchairs or stretchers.

5. Where local codes prohibit the use of recirculated air in operating rooms and require an all-outside air system, the number of air changes required by these revised construction requirements for operating rooms is reduced from 25 to 15.

6. Water temperature required for laundry is reduced from 180 degrees to 160 degrees F. to emphasize energy conservation.

7. Attention is called to the potential explosive hazard created by the reaction of sodium azide solutions with copper or lead such as might occur in certain laboratory drain lines.

8. In order to reduce costs in required building areas, public corridors in outpatient areas may be as narrow as 5′ x 0″, except where it may be necessary to transport patients in beds.

9. A new section is added establishing standards for small primary health care centers (frequently called "neighborhood" or "storefront" centers) because these centers have become eligible for funding under section 1604(b)(2) of the Act.

10. The present section covering general outpatient facilities has been clarified to avoid, whenever possible, having these facilities classified as hospitals for purposes of code requirements.

11. A new section is added to cover surgical facilities used primarily for performance of surgical procedures on an outpatient basis, whether integrated within an existing hospital or located in a separate freestanding structure.

Requests for copies of the proposed document containing these revisions should be directed to the Director of the Office of Policy Coordination at the above address. The proposed document will also be available for public inspection at the above address during regular business hours.

Interested persons are invited to submit written comments, suggestions, or objections to the proposed rules to the Director of the Office of Policy Coordination on or before December 12, 1977. All comments received in timely response to this Notice will be considered and will be available for public inspection at the above address during regular business hours.

It is therefore proposed to amend 42 CFR Part 124 by adding a new Subpart B as set forth below.

NOTE.—The Department of Health, Education, and Welfare 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: August 22, 1977.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: October 17, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary.

Subpart B of 42 CFR Part 124 is added, to read as follows:

Subpart B—Standards of Construction, Modernization, and Equipment

Sec.

124.10 Applicability.
124.11 General requirements.
124.12 Conformity to State and local requirements.
124.13 Equipment.

AUTHORITY: Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 1602(2) of the Public Health Service Act, 88 Stat. 2258 (42 U.S.C. 300o–1(2)).

§ 124.10 Applicability.

The provisions of this subpart apply to all applications for construction, modernization, or conversion assistance under this part.

§ 124.11 General requirements.

Plans and specifications for each project submitted to the Secretary of Health, Education, and Welfare shall be prepared in accordance with "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (DHEW Publication No. (HRA) 77–____), which is hereby incorporated by reference and deemed published herein. Said document will be provided to all applicants for assistance under this part, and is available to any interested person, whether or not affected by the provisions of this part, upon request to the Division of Facilities Development, Bureau of Health Planning and Resources Development, Health Resources Administration, Department of Health, Education, and Welfare or to the Department's regional offices as listed in 45 CFR 5.31. The Secretary may approve plans and specifications which contain deviations from the requirements prescribed therein if he is satisfied that the purposes of such requirements have been fulfilled.

[1] Although no Part 124 of 42 CFR presently exists, it is anticipated that the regulations implementing section 1625 of the Act, to be issued shortly, will establish the Part.

§ 124.12 Conformity to State and local requirements.

The design and construction covered by the plans and specifications must conform to the applicable State and local laws, codes, and ordinances and to the approved State medical facilities plan. The plans and specifications must be complete and adequate for contract purposes and, except for projects assisted under section 1625 of the Act, have the approval and recommendation of the State health planning and development agency designated under section 1521 of the Act.

§ 124.13 Equipment.

Equipment shall be provided in the kind and to the extent necessary for the proper functioning of the facility as planned.

[FR Doc 77-31051 Filed 10-27-77; 8:45 am]

federal register

FRIDAY, OCTOBER 28, 1977

PART IV

ENVIRONMENTAL PROTECTION AGENCY

■

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing Maleic Hydrazide

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 807-7; OPP-30000/21]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing Maleic Hydrazide

The Deputy Assistant Administrator, Office of Pesticide Programs, Environmental Protection Agency (EPA), has determined that a rebuttable presumption exists against registration and continued registration of all pesticide products containing maleic hydrazide.[1]

I. Regulatory Provisions

A. *General.* Title 40, § 162.11, of the Code of Federal Regulations for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136 *et seq.*), provides that a rebuttable presumption against registration shall arise if the Agency determines that a pesticide meets or exceeds any of the risk criteria relating to acute and chronic toxic effects set forth in § 162.11(a)(3). If it is determined that such a rebuttable presumption has arisen, the regulations require that the registrant be notified by certified mail and afforded an opportunity to submit evidence in rebuttal of the presumption. In addition, the Agency has determined such a rebuttable presumption has arisen, the regulations require that the registrant be notified by certified mail and afforded an opportunity to submit evidence in rebuttal of the presumption. In addition, the Agency has determined that the public should also be given notice of the bases for the presumption to provide an opportunity for comment and to solicit additional information relevant to the presumption.

A notice of rebuttable presumption against registration is issued when the evidence related to risk meets or exceeds the criteria set forth in § 162.11(a)(3). It is emphasized that a notice of rebuttable presumption against registration and continued registration of a pesticide is not a notice of intent to cancel the registration of a pesticide, and may or may not lead to cancellation. The notice of intent to cancel is issued only after the risks and benefits of the use(s) of a pesticide are carefully considered and it is determined that the use(s) of the pesticide may generally cause unreasonable adverse effects to the environment.

Accordingly, all registrants and applicants for registration are invited pursuant to 40 CFR 162.11(a)(4) to submit evidence in rebuttal of the presumptions listed in Part II of this notice and, in the case of oncogenicity to submit information which relates to the assessment of oncogenic risks as set forth in the Agency's Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens (May 25, 1976; 41 FR 21402). Registrants and other interested parties may also submit for consideration data on benefits which they believe would justify registration or continued registration. In addition, any registrant may petition the Agency to voluntarily cancel a current registration pursuant to Section 6(a)(1) of FIFRA.

B. *Rebuttal Criteria.* Section 162.11(a)(4) provides that a registrant may rebut the presumption by sustaining the burden of proving:

(1) In the case of a pesticide presumed against pursuant to the acute toxicity or lack of emergency treatment criteria, "that when considered with the formulation, packaging, method of use, and proposed restrictions on and directions for use and widesperad and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional, or national populations of nontarget organisms is not likely to result in any significant acute adverse effects" (40 CFR 162.11(a)(4)(i));

(2) In the case of a pesticide presumed against pursuant to the chronic toxicity criteria, "that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects" (40 CFR 162.11(a)(4)(ii)); or

(3) In either case, that "the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error" (40 CFR 162.11(a)(4)(iii)).

C. *Benefits Information.* In addition to submitting evidence to rebut the presumption of risk, § 162.11(a)(5)(iii) provides that a registrant "may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use." If the risk presumptions are not rebutted, the benefit evidence submitted by the registrant,[2] applicants, and other interested persons will be considered by the Administrator in determining the appropriate regulatory action. Specifically, § 162.11(a)(5)(iii) provides that if the "benefits appear to outweigh the risks," the Administrator may issue a notice of intent to hold a hearing pursuant to Section 6(b)(2) of FIFRA rather than a notice of intent to cancel or deny registration pursuant to Section 3(c)(6) of FIFRA. Alternatively, if the "benefits do not appear to outweigh the risks, the Administrator shall issue a notice pursuant to Section 3(c)(6) or Section 6(b)(1) of the Act, as appropriate." Moreover, if at any time the Administrator determines that a pesticide poses an "imminent hazard" to humans or the environment, a notice of suspension may be issued pursuant to Section 6(c) of the Act.

Stated below are the § 162.11(a)(3) risk criteria which the Agency has found to have been met or exceeded by registrations and applications for registration of pesticide products containing maleic hydrazide. The Agency's basis for concluding that these risk criteria have been met or exceeded is set out in "Maleic Hydrazide: Position Document 1," which follows. Copies of attachments to the position Document which are not published with this notice are available for public inspection in the Office of Special Pesticide Reviews. Information protected from disclosure pursuant to FIFRA Section 10 cannot be provided. Specific inquiries concerning the Position Document, as well as requests for access to these files, should be directed to Project Manager Bipin Gandhi, Ph.D., Office of Special Pesticide Reviews (WH-566), EPA, Rm. 447, East Tower, 401 M St. SW., Washington, D.C. 20460 (202-755-8050).

II. Presumptions

A. *Oncogenicity.* 40 CFR 162.11(a)(3)(ii)(A) provides that a rebuttable presumption shall arise if a pesticide "[i]nduces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure. . . ." As further clarification of the provision, the preamble to the Agency's Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens (May 25, 1976; 41 FR 21402) states that "a substance will be considered a presumptive cancer risk when it causes a statistically significant excess incidence of benign or malignant tumors in humans or animals."

On the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that this risk index has been exceeded by all registrations and applications for

[1] A position document containing an appendix of references, background information, and other material pertinent to the issuance of this notice, has been prepared by the Agency Working Group on maleic hydrazide and is also published with this notice.

[2] Registrants or other interested persons who desire to submit benefit information should consider submitting information on the following subjects, along with any other relevant information they desire to submit:

1. Identification of the major uses of the pesticide, including estimated quantities used by crop or other application.

2. Identification of the minor uses of the pesticide, including estimated quantities used by category such as lawn and garden uses and household uses.

3. Identification of registered alternative products for the uses set forth in (1) and (2) above, including an estimate of their availability.

4. Determination of the change in costs to the user of providing equivalent pesticide treatment with any available substitute products.

5. Assessment of regulation impact upon user productivity (e.g., yield per acre and/or total output) from using available substitute pesticides or from using no other pesticides.

6. If the impacts upon either user costs or productivity are significant, a qualitative assessment of the regulation's impact on production of major agricultural commodities and retail food prices of such commodities.

registration of pesticide products containing maleic hydrazide and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

B. *Mutagenicity.* 40 CFR 162.11(a)(3)(ii)(A) provides that a rebuttable presumption shall arise if a pesticide "(i) nduces mutagenic effects, as determined by multitest evidence."

On the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that this risk index has been exceeded by all registrations and applications for registration of pesticide products containing maleic hydrazide, and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

C. *Other chronic or delayed toxic effects.* 40 CFR 162.11(a)(3)(ii)(B) provides that a rebuttable presumption shall arise of a pesticide "(p) roduces any other chronic or delayed toxic effect in test animals at any dosage up to a level, as determined by the Administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety . . . ."

On the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that the risk index for reproductive efforts has been exceeded by all registrations and applications for registration of pesticide products containing diethanolamine salt of maleic hydrazide, and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

III. Grounds for Pesticide Review in Addition to Rebuttable Presumption Criteria

A. *General.* In addition to the risk criteria set forth in 40 CFR 162.11(a)(3) which require the issuance of a notice of rebuttable presumption against registration or continued registration and a determination by the Administrator to register or cancel a pesticide, 40 CFR 162.11(a)(6) provides that the Administrator may determine that a pesticide should be cancelled or that a hearing should be held if the pesticide poses a substantial question of safety to man or the environment "based on toxicological data, epidemiological studies, use history, accident data, monitoring data, or such other evidence as is available to the Administrator."

A determination to cancel or deny registration of a pesticide or to hold a hearing based upon such data and a finding that a pesticide poses a substantial question of safety need not be preceded by public notice and opportunity for rebuttal prior to the administrative adjudicatory hearing procedure of Section 6(b) of the Act. However, where the Agency is using a notice of rebuttable presumption against registration or continued registration based on the risk criteria of 40 CFR 162.11(a)(3), it is in the public interest to include all evidence which may indicate additional grounds for determining that a pesticide causes unreasonable adverse effects on the environment. Accordingly, evidence derived from studies on maleic hydrazide which suggest that N-nitrosodiethanolamine, a metabolite of maleic hydrazide diethanolamine salt for formulations, may produce oncogenic effects and other evidence may form the basis of agency action under the criteria described in 40 CFR 162.11(a)(6). The studies in which these effects have been observed are discussed in the Position Document. Because these effects are of concern to the Agency, it is soliciting relevant information or comment on them.

IV. Information Sought on Reproductive Effects and Translocation of DEA–MH

The information concerning the reproductive effects of diethanolamine salt of maleic hydrazide (DEA–MH) is summarized in the Position Document. DEA–MH caused adverse reproductive effects in test animals at a dose level of 100 mg/kg. However because this level was the only level tested in the study, and there is no information to indicate a no observable effect level or to determine dose-response relationships, it is not possible at this time to estimate with precision the reproductive risks associated with the uses of DEA–MH. Adverse reproductive effects are of concern to the Agency because studies show these effects to be irreversible.

For these reasons, the Agency is soliciting comments on the available evidence. Further, the Agency is requiring that registrants and applicants conduct an additional reproductive effects study and submit the results of the study within one year of the publication of this notice.

DEA residue information currently available was developed using paper chromatography to detect residue levels in potatoes only. Therefore, registrants and applicants having pesticide products containing DEA–MH must submit information of the translocation of DEA–MH to onion bulbs and potato tubers. The Agency recommends that interested registrants and applicants meet with Agency scientists to discuss the adequacy of experimental tests designed to measure reproductive effects and translocation.

V. Registrations and Products Subject to the Notice

All registrants and applicants for registration listed below are being notified by certified mail of the rebuttable presumption existing against registration and continued registration of their products.

The registrants and applicants for registration shall have 45 days from the date this notice is sent or until December 14, 1977, to submit evidence in rebuttal of the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days during which such evidence may be submitted. Notice of such an extension, if granted, will appear in the Federal Register.

A registrant or applicant for registration may, if it desires, assert a business confidentiality claim covering part or all of the information submitted in rebuttal. The registrant or applicant may assert the claim by placing on or attaching to the information a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise nonconfidential documents should be clearly marked.

If a confidentiality claim is asserted, the information covered by the claim will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 CFR Part 2, Subpart B (41 FR 36906, September 1, 1976). If no confidentiality claim accompanies the information at the time it is received by EPA, EPA will place the information in the public comment file where it will be available for public inspection.

If a registrant or applicant does assert a confidentiality claim for some, but not all, of the information submitted to EPA in rebuttal, the registrant or applicant should furnish two copies of the information to EPA. The first copy should contain all of the information submitted in rebuttal with information claimed as confidential clearly identified. The second copy should be identical to the first except that all information claimed as confidential should be deleted. The second copy will be placed in the public comment file. The first copy will be treated in accordance with the procedures set out above.

VI. Duty To Submit Information on Adverse Effects

Registrants are required by law to submit to EPA any additional information regarding any adverse effects on man or the environment which comes to a registrant's attention at any time, pursuant to Section 6(a)(2) of FIFRA and 40 CFR 162.8(d). If any registrant of maleic hydrazide products has any published or unpublished information, studies, reports, analyses, or reanalyses regarding any adverse effects in animal species or humans, residues, and claimed or verified accidents to humans, domestic animals, or wildlife, which *have not* been previously submitted to EPA, the material must be submitted immediately. When responding to this notice, each registrant shall submit a written certification to the Agency that all information regarding any adverse effects known to the registrant has been submitted. In addition, the registrants should notify EPA of any studies currently in progress, including the purpose of the study, the protocol, the approximate completion date, and a summary of all results observed to date.

VII. Public Comments

During the time allowed for submission of rebuttal evidence, specific comments on the presumptions set forth in this notice and on the material contained in the Position Document are solicited from the public. In particular, any documented episodes of adverse effects

to humans, domestic animals, or wildlife, and information as to any laboratory studies in progress or completed, are requested to be submitted to EPA as soon as possible. Specifically, information on the fate and effects of maleic hydrazide, its impurities, metabolites and degradation products, particularly on animals with metabolism similar to man, is solicited. Similarly, any studies or comments on the benefits from the use of maleic hydrazide are requested to be submitted. All comments and information received, as well as any other relevant information and analysis thereof, which come to the attention of the Agency may serve as a basis for final determination pursuant to § 162.11(a)(5).

All comments and information should be sent to:

Federal Register Section Technical Services Division (WH-569), Rm. 401 East Tower, 401 M Street SW., Washington, D.C. 20460.

Three copies of the comments or information should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments and information should bear the identifying notation "OPP-30000/21."

Comments and information received within the specified time limit shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii).

Comments received after the specified time period will be considered only to the extent feasible, consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments and information filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. during normal working days.

Interested persons are encouraged to take advantage of the opportunity to inspect Agency files during normal working hours since (1) all of the information received may serve as a basis for final determination pursuant to § 162.11(a)(5), and (2) the Agency will not generally publish a summary of information received in the FEDERAL REGISTER at the close of the rebuttal period.

Your cooperation is solicited in identifying any errors or omissions which may have been made in the following computer listings. Corrections to the listings may not necessarily be published in the FEDERAL REGISTER, but rather handled by mail with affected parties. Omissions will be corrected by notice in the FEDERAL REGISTER.

Dated: October 19, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

MALEIC HYDRAZIDE: POSITION DOCUMENT 1

MALEIC HYDRAZIDE WORKING GROUP BIPIN GANDHI, PH.D., PROJECT MANAGER, OFFICE OF SPECIAL PESTICIDE REVIEWS, U.S. ENVIRONMENTAL PROTECTION AGENCY

I. BACKGROUND

A. GENERAL CHEMISTRY

Maleic hydrazide or MH [1,2-dihydro-6-pyridazine 3,6-dione (Structure A) or 6-hydroxy-3(2H)-pyridazinone (Structure B)] is a plant-growth regulator in the heterocyclic class of pesticides. MH has an empirical formula of $C_4H_4N_2O_2$ and a molecular weight of 112.09. Its structural formulae are:

Structure A Structure B

MH is slightly acidic and may be titrated as a monobasic acid. It forms salts with diethanolamine (DEA), triethanolamine, and alkalies; but it is stable in acidic and basic solutions. The 6-hydroxy-3 (2H)-pyridazinone isomer can exhibit phenolic properties under physiological conditions.

B. PHYSICAL CHARACTERISTICS

MH is an odorless white crystalline powder. It melts at 296° to 298°C and decomposes above 300°C. It is not decomposed by ultraviolet radiation. MH is soluble in water at concentrations as great as .4g/100 ml at 20°C. MH is also soluble in alkaline solutions. The sodium, potassium, and diethanolamine (DEA) salts are soluble in water and hot alcohol. The solubility of MH in other solvents at 25°C is shown in Table 1.

TABLE 1.—*Solubility of MH*

Solvent:	*Solubility (parts per million)*
Acetone	1,000
Ethyl alcohol	1,000
Dimethyl formamide	20,400
Dimethyl sulfoxide	90,000
Xylene	<1,000

MH has no vapor pressure at room temperature.

C. ENVIRONMENTAL CHARACTERISTICS

The Ecological Monitoring Branch (EMB) of the Technical Services Division within the Office of Pesticide Programs is not currently monitoring for MH in human tissues, agricultural or urban soil, air, or estuarine and ocean organisms (1).

We have seen no evidence that MH persists in water, although it may occur there as a result of runoff. Since MH is not volatile, it is not found in air. Levi and Crafts studied the persistence of MH in heavily treated soils by measuring plant growth in successive harvests (2). The half-life of MH in soil treated with MH in concentrations of 1 to 4 ppm is 40, 7, and 4 days in clay, sand, and muck soils, respectively (3).

The effects of MH on soil bacteria, fungi, and plant pathogens have been extensively researched. In most cases MH slightly inhibits soil bacteria, but it can stimulate soil microflora and fertilize soils. The effects on fungi range from inhibition to stimulation; in some cases MH has no effect. Stimulation occurs indirectly because MH degradation products may be used as a nitrogen source. The fact that no effect is sometimes seen may result from the competition of inhibitory and stimulating effects. Generally, microorganisms in the soil rapidly degrade MH (4). We have seen no reports of other data on environmental chemistry

D. METABOLISM

MH, which is generally translocated from the treated leaves down into the rest of the plant, is relatively stable. Residues occur in potatoes and roots of turf grasses as long as 8 months after treatment (5).

Despite substantial research, the mechanisms of MH metabolism in plants and animals are not well known. Initially, MH was thought to degrade to either maleic or fumeric diamide, which might yield the ammonium salts of the corresponding acids on hydrolysis (6). Towers later concluded that MH in leaf segments of wheat becomes detoxified by the formation of a glycosie (7).

When ^{14}C—MH was applied to specific leafy plants, it migrated from the phloem to the xylem; and mature leaves above the treated leaf became radioactively labelled. Extracts of young wheat seedlings treated with ^{14}C—MH exhibited two raioactive spots on chromatograms and autoradiograms. One spot contained 15 percent of the total radioactivity and was identified and confirmed as the beta-glycoside of MH (7, 8). MH also forms complexes in other plants (9).

There is no clearly documented evidence that hydrazine, a known carcinogen (10), is a metabolite of MH. Biswas and co-workers (11) postulated that when ^{14}C–MH was applied to tea plants it was degraded to lactic acid, succinic acid, maleamide, and hydrazine. However, their data were inadequate to support this conclusion.

Rates of MH absorption vary only moderately among plant species (12). The tomato plant was selected in studies of the effects of plant turgidity, appli-

cation rate, temperature, light, humidity, and formulation on MH absorption. Tests with alkali salts, volatile amines, and nonvolatile amines of MH showed that the nonvolatile amine salts, such as the DEA salt, were absorbed to the greatest extent, followed by the potassium salt to which sorbitol was added in the formulation (12).

Recently, it was reported that tobacco treated with the DEA salt of MH contained as much as 173 ng of N-nitrosodiethanolamine per gram of tobacco, whereas tobacco treated with the potassium salt of MH cotained only 0.1 ng of N-nitrosodiethanolamine per gram of tobacco (13). This finding indicates that DEA may have been the source of N-nitrosodiethanolamine, which is reported to be oncogenic (14).

MH binds in vitro with ribonucleic acid and with proteins such as egg albumin, zein, and hexokinase. Stronger bonds are formed and more MH is bound by the diethanolamine salt of MH than by the potassium salt of MH (9).

When ^{14}C-MH was administered to rats in a single oral dose, they excreted 77 and 12 percent of the compound in urine and feces, respectively, in 6 days. The products excreted in urine were MH (92 to 94 percent) and a conjugate of MH (6 to 98 percent). Only trace amounts of MH (<0.001 percent) were detected in tissues or blood samples after 3 days. Only 0.2 percent of the radioactive MH was excreted through the lungs (15).

El Masri (16) administered single oral doses of MH to rabbits. About 60 percent of the dose was excreted unchanged in the urine. Neither hydrazine, conjugated glucuronic acid, nor ethereal sulfate was excreted.

Barnes and co-workers (17), in a study that substantiates that of El Masri, administered oral doses of MH (100 mg/kg) to rabbits. From 43 to 62 percent of the dose was excreted within 48 hours. The authors did not describe the mode of excretion. Similar results were obtained with a 2-g dose. No glucuronides or ethereal sulfates were detected. The authors speculated that the 40 percent of MH which could not be accounted for may have been more slowly excreted or broken down (17).

E. MONITORING

The Market Basket Survey of the Food and Drug Administration (FDA), which monitors pesticide residues in a sample daily diet of an average 16- to 19-year-old American male in various regions of the country, has not analyzed foods for MH. An FDA official stated in 1974 that "FDA cannot justify surveillance for MH because practical resource constraints, relative risks and the myriad of possible pesticide/food combinations force FDA to make a careful choice of the pesticides and foods which are included in its pesticide program * * *." FDA further stated that it "will seriously consider including MH in the pesticide program if EPA concludes that the toxicity of MH is of such magnitude that periodic testing is needed to protect public health" (18). The MH Working Group knows of no other Federal program to monitor MH.

F. RESIDUES

(1) *Potatoes and onions.* Uniroyal Chemical, one of the primary producers of technical grade MH, has provided EPA with monitoring data on the MH residues in potatoes and onions harvested from 1969 through 1973 (19). The residue data reported for potatoes and onions were within the established tolerance limits (50 ppm and 15 ppm, respectively) when MH-30 (58 percent DEA salt of MH in an inert vehicle) was applied according to label directions (19).

(2) *Tobacco.* Tobacco and cigarettes analyzed for MH residues after the 1970 growing season contained residues of 19 to 31 ppm and 18 to 30 ppm, respectively (20). The Department of Agriculture found average residues of 50 to 100 ppm on tobacco, although in rare cases MH residues exceeded 500 ppm (21).

(3) *Meat, milk, poultry, and eggs.* Dehydrated potato tubers used as feed for beef and dairy cattle, swine, lambs, horses, and poultry can make up 7 to 50 percent of the animal's diet, depending on the animal. If it is assumed that there is no loss of maleic hydrazide in the dehydration process, quantities of MH as low as 15 ppm or as high as 90 ppm could appear in the diets of turkeys or broilers and beef cattle, respectively (12).

The Chemistry Branch of the Registration Division of EPA is not aware of any metabolic studies on large animals or of feeding studies on livestock or poultry (12). Therefore, we are unable to assess the potential for the appearance of secondary residues of MH in meat, milk, poultry, and eggs.

G. PRODUCTION

Section 7(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) requires manufacturers and formulators to submit information on production, distribution, and sales of MH and its formulations to EPA. Under Sections 7(d) and 10 of FIFRA, this information may not be made available to the public. The information is available to the Administrator in a confidential appendix to this report (22).

H. REGISTERED USES AND SUPPLY

(1) *Products.* The diethanolamine salt of MH is registered for use on tobacco, potatoes, onions, and nonbearing citrus trees; it is also registered for use on commercial turf areas that are difficult to mow and not used for grazing, such as grass along highways, airport properties, industrial areas, and golf course roughs. The potassium salt is registered only for use on tobacco.

TABLE 2.—*MH pesticide registrations*

Compound	Federal		Applicants for Federal registrations under 40 CFR 162.17	
	Registrants	Products	Registrants	Products
Maleic hydrazide	5	6	3	3
Diethanolamine salt of MH	42	57		
Potassium salt of MH	5	10	1	1

(2) *Use Patterns.* According to the Government Accounting Office (GAO) report on MH (18), MH formulations are principally used to prevent unwanted suckers on tobacco. It is estimated that about 45 percent of the U.S. tobacco crop acreage is treated with the DEA salt of MH and 45 percent is treated with the potassium salt formulation. Its second greatest use on crops is in the prevention of postharvest sprouting of potatoes and onions. MH is also used to retard grass growth along highways.

Limited data on agricultural applications provided by the EMB (1) show that the use of MH per acre may have declined (Table 3).

	Sites reporting (number)	Sites reporting application (number)	Average total (pounds per acre)
Fiscal year:			
1969	1,684	7	1.43
1970	1,346	3	1.80
1972	1,473	3	3.00
1973	1,402	5	2.25
1974	1,165	2	1.25

(3) *Tolerances.* MH tolerances of 50 ppm in potatoes and 15 ppm in onions (40 CFR 180.175), and a tolerance of 160 ppm for MH as a food additive in potato chips (21 CFR 123.270) have been established. The establishment of tolerances for MH on various foods, particularly potatoes and onions, was necessary because MH is translocated into these foods before harvest. These residues cannot be removed after harvest by washing or any other process.

The World Health Organization (WHO) and the Food and Agricultural Organization (FAO) of the United Nations have not set an acceptable daily intake (ADI) for MH. The ADI is a dosage which, if ingested daily for the lifetime of an individual, is assumed to cause no appreciable risk. No ADI data have been found in EPA files.

I. HUMAN EXPOSURE

Humans are most likely to be exposed to maleic hydrazide in treated potatoes and onions, which are consumed at the rate of 119 and 12.5 pounds per person per year, respectively (23). However, all potatoes and onions may not be treated with MH, and there are no figures available that show the percentage of potatoes and onions that are treated with MH. Users of smoking or chewing tobacco would be further exposed to MH (13).

II. REGULATORY HISTORY

A. *Registration and tolerances.* MH was originally synthesized in 1895, but its ability to regulate plant growth was not discovered until 1949, when Schoene and Hoffman (24) reported that MH has a pronounced, although temporary, inhibitory effect on plant growth, but causes little apparent damage to the plants.

On July 13, 1955, Uniroyal (then the United States Rubber Co.) petitioned FDA to establish tolerances for MH on potatoes, onions, and tobacco of 20, 10, and 10 ppm, respectively. However, this petition was not accepted under Section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), because FDA did not think that the use of MH on onions and potatoes to prevent sprouting fit the definition of an economic poison, as defined in FIFRA. Uniroyal requested a public hearing under Section 701(e) of FFDCA to determine if MH was an economic poison. A new petition, submitted October 28, 1956, proposed tolerances of 30, 15, and 75 ppm for potatoes, onions, and potato chips, respectively; it was denied because Uniroyal failed to show that MH was required in the production of potatoes and onions. Tobacco was not included, because it is not regulated under FFDCA. In 1960, in response to another petition submitted April 30, 1959, tolerances of 50, 15, and 160 ppm on potatoes, onions, and potato chips, respectively, were established under the amended FFDCA.

A petition submitted December 10, 1960, by Uniroyal to establish MH tolerances on lemons, peaches, and cranberries of 5, 15, and 20 ppm, respectively, and a petition filed on June 10, 1962, requesting a tolerance of 20 ppm on cranberries were withdrawn because Uniroyal could not provide enough data to support the petitions.

The products containing sodium salt of MH were registered from 1952 through 1967. The registrant, Uniroyal Chemical, did not apply for reregistration. The first registrations of the products containing the DEA and the potassium salts of MH were issued in 1952 and 1969 respectively.

B. INVESTIGATIONS OF ADVERSE EFFECTS

The suspicion that MH may have adverse effects on animals first arose in 1951 when it was claimed that MH is toxic to and retards the growth of frog, toad, and salamander larvae (25).

Between 1951 and 1969 several studies appeared relating MH to oncogenicity, mutagencity, and productive effects. These studies were closely watched by the Agriculture Research Service (ARS), USDA. A major source of concern was a study by Dickens and Jones (26) linking MH to oncogenicity. In response to Dickens and Jones' study, meetings were held October 6 and 7, 1965, to discuss whether MH is oncogenic. The scientists present concluded that MH was only suspect and that more studies with larger numbers and different species of animals were needed (27). Furthermore, both oil and aqueous solutions of MH were used in the studies by Dickens and Jones, and they did not use a control group. In an FDA conference on MH held on October 14, 1965, it was decided that the results reported by Dickens and Jones had no relevance to the safety of MH as a food additive (28).

Although Epstein's research (29) showing that tumors were induced in an area other than the site of injection indicated that MH is carcinogenic, USDA took no regulatory action (30) because FDA did not consider the route of administration in these studies appropriate (31). However, the Director of ARS later requested cancellation of the registration of MH-30 (DEA-MH formulation) because another pesticide had been cancelled on the basis of results of studies in which it was administered parenterally (32). However, no regulatory actions were taken on registrations of products containing MH.

On July 13, 1973, The Honorable Julia Butler Hansen, House of Representatives, requested GAO to provide her with information on Federal testing of MH. The GAO report on MH, published October 23, 1974, reviewed the published scientific findings related to the adverse effects and described three hazards believed to be associated with MH: carcinogenicity, mutagenicity, and reproductive effects (18). GAO recommended that additiona ltesting and research be carried out on MH to determine if it adversely affects humans or the environment. GAO also recommended that FDA periodically test potatoes and onions to make sure that the residues are within the established tolerances (18). Since publication of the GAO report, several more studies of the possible adverse effects of MH on animals have been published.

The 1969 HEW Mrak Report listed MH as a possible oncogenic agent but did not conclude that it was oncogenic (33). MH was among the 120 compounds tested earlier for tumorogenicity by the National Cancer Institute, but it was not found to be carcinogenic (34). More recently, MH was listed as a suspected carcinogen by the Department of Health, Education, and Welfare (35).

C. PESTICIDE EPISODE RESPONSE BRANCH REPORT

Sixteen episodes involving MH have been reported to EPA, two of which were solely related to MH. In the other episodes MH had been used in combination with other pesticides. The Pesticide Episode Response Branch, EPA, stated that there is no significant history of accidents associated with MH and that it appears inappropriate to identify MH as the active agent in these poisonings (36).

D. REFERRAL TO THE OFFICE OF SPECIAL PESTICIDE REVIEWS

MH was referred to OSPR because data indicated that MH may be linked to oncogenic, mutagenic, and reproductive effects.

III. SUMMARY OF SCIENTIFIC EVIDENCE TO SUPPORT A REBUTTABLE PRESUMPTION: CHRONIC TOXICITY

A. ONCOGENIC EFFECTS IN TEST ANIMALS

40 CFR 162.11(a)(3)(ii)(A) provides that "a rebuttable presumption shall arise if a pesticide's ingredient(s) * * * induces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation, or dermal exposure * * *" Section 162.3(bb) defines the term oncogenic as "the property of a substance or a mixture of substances to produce or induce benign or malignant tumor formation in living animals."

There are a number of studies on MH's oncogenic properties cited in the literature. MH, either as the sodium or potassium salt or as the DEA salt has been applied to rats or mice by injection and by dermal and oral administration. This Agency's Carcinogen Assessment Group (CAG) has evaluated these studies and concluded that MH possesses oncogenic potential. The Working Group concurs with CAG's position. CAG's evaluation of the carcinogenicity of Maleic Hydrazide (37) is summarized below.

(1) *Mouse studies.* Epstein and coworkers (29) found evidence of excess tumor induction in male but not female mice. Their study showed a statistically significant increase of liver tumors (hepatomas) in males injected subcutaneously with 0.1, 0.1, 0.2, and 0.2 ml containing 5, 10, 20 and 20 mg of MH suspended in tricaprylin 1, 7, 14, and 21 days after birth, respectively. After 49 weeks, 4 of the 48 survivors in the control group had hepatic tumors compared to 17 of the 26 survivors in the experimental group.

In a second study, Barnes and coworkers (17) found a statistically significant increase in the total number of tumors, including benign tumors, in female mice fed 1 percent sodium salt of MH (Na-MH) in the diet for 100 weeks. The incidence of tumors in the experimental population (7/8) was significantly higher than that in the control group (0/4) at a p-level equal to 0.01. Tumor incidences in control and experimental male populations were not statistically different.

In the same study, the number of skin tumors in mice to which MH and croton oil were simultaneously applied was not greater than that in mice treated with only croton oil. Furthermore, implantation of cholesterol pellets containing 20 percent MH in the bladders of mice did not cause any increase in the incidence

of tumors in the mice that survived treatment (17).

Innes and co-workers (34) carried out feeding studies on mice for approximately 18 months. Upon completion of these studies, the authors concluded that MH did not cause a significant increase in tumors.

Mukhorina (38) injected one group of mice with the DEA salt of MH (DEA–MH) and fed a second group a diet containing DEA–MH. In neither group was the incidence of tumors significantly above that in control groups.

(2) *Rat Studies.* Six 100-g rats were injected subcutaneously with 2 mg of MH per rat twice weekly for 65 weeks (26). Transplantable sarcomas developed at the site of injection in three of the six experimental animals. None of the six control rats had tumors. As judged by the authors, the study demonstrated that MH is oncogenic; however, the p-value of 0.091 is not significant.

In studies by Barnes and coworkers (17), who administered MH orally and by injection and studies by Hunter and coworkers (39), in which MH and DEA–MH salt were administered by injection, MH did not cause a statistically significant increase in tumor incidence. Data from other studies (40, 41, 42) were found to be inadequate (37, 43), and no conclusions should be drawn from them.

(3) *Conclusion.* The Working Group has concluded from the studies described above that MH is oncogenic in mice. Consequently, the Working Group recommends that a rebuttable presumption be issued on pesticides containing MH pursuant to Section 162.11(a)(3)(ii)(A).

B. MUTAGENIC EFFECTS

40 CFR 162.11(a)(3)(ii)(A) provides that a rebuttable presumption shall arise if a pesticide's ingredient(s), metabolite(s), or degradation product(s) induce mutagenic effects, as determined by multitest evidence. Section 162.3(y) defines the term "mutagenic" as "the property of a substance or mixture of substances to induce changes in the genetic complements of either somatic or germinal tissue in subsequent generations."

This review of the studies is divided into three sections: chromosomal mutations, gene mutations, and other tests bearing on mutagenicity. These studies were evaluated by the Health Effects Research Laboratories (HERL) (44).

(1) *Chromosomal Mutation.* Maleic hydrazide breaks chromosomes of a number of plant species, producing deletions, duplications, and chromosomal rearrangements. The effect is dependent on the stage of the cell cycle, and occurs during the G_1 through S phases (45).

Manna and Parida (46) examined meiotic chromosomes from several grasshopper species which were given MH in food. The mortality rate 48 hours after feeding ranged from 17 to 58 percent, depending on the species; none of the controls died. In treated males chromatid and chromosome breaks were noted at various stages of meiosis; chromosome bridges and lagging chromosomes were seen in anaphase I and II figures; and chromosome stickiness was prevalent in all meiotic stages examined. In control males, no breaks were found, and chromosome stickiness was much less than in treated animals.

Manna and co-workers (47) injected mice with MH (167 mg/kg body weight)[a] and then examined their bone marrow for chromosome aberrations 10 to 120 hours after treatment. The frequency of gaps, chromatid breaks, and translocations significantly increased in treated animals. An increase in isochromatid breaks was not noted, a fact which may indicate that MH does not affect cells in the G_1 phase of the cell cycle. Another investigator has claimed that breaks are produced by MH in cultured mouse fibroblasts (48). Chromosome aberrations did not increase in liver cells of rats fed 1 percent MH in the diet (49). However, the frequency of mitotic cells in adult rat liver is very low. Na–MH does not inhibit mitosis in rats having Walker tumors (17). Results from other mammalian studies, including a dominant lethal test in mice with DEA–MH (50) have not shown increases in chromosomal aberrations.

(2) *Gene Mutations.* Nasrat (51) has reported that maleic hydrazide induced a significant increase ($p<.0003$) in the incidence of sex-linked recessive lethals in *Drosophila melanogaster*. However, there are two possible drawbacks to this study: The number of X chromosomes tested was only 1024, and the raw data are not available to rule out clustering of mutants within a few originally treated males. Clustering of mutations is probably not a problem, because the increase in mutations was noted only in the first brood which samples postmeiotic cells. Only when premeiotic stem cells are affected could multiple mutant sperm arise from a single mutant cell.

There is not much evidence that MH is mutagenic in prokaryotic systems. The *Salmonella typhimurium* histidine reversion test was negative both with (52) and without (53) microsomal activation. Likewise, MH was not mutagenic in *Escherichia coli* (54). On the other hand, in a phage-bearing strain of *Bacillus megatherium* MH doubled both the frequency of mutation to streptomycin resistance and the frequency with which phage entered the lytic cycle (55). MH also induced mutations in chlorophyll loci in barley (56).

(3) *Other tests bearing on mutagenicity.* MH did not increase the frequency of sister chromatid exchanges in the chromosomes of a Chinese hamster cell line (57). It appears that in all but two mutagenicity studies MH was used and not its salts.

(4) *Conclusion.* Several published investigations of MH's mutagenic capacity reviewed above show that MH produces chromosome aberrations in plant and animal test systems. In addition, there is some evidence that MH induces point mutations in bacteria and plants. Accordingly, the working group recommends that a rebuttable presumption be initiated pursuant to § 162.11(a)(3)(ii)(A).

C. REPRODUCTIVE EFFECTS IN MAMMALIAN SPECIES

40 CFR 162.11(a)(3)(ii)(B) provides that "a rebuttable presumption shall arise if a pesticide's ingredient produces any other chronic or delayed toxic effect in test animals at any dosage up to a level, as determined by the Administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety."

(1) *Non-mammalian studies.* Although Kang described reduced egg production and increased abnormalities in embryonic development of fresh water limpets treated with MH (58), he used dosages that were greatly in excess of those which might occur in the environment. Also, the development of a gastropod cannot be related to mammalian development in any way (59). Greulach and co-workers (25) saw no dose-related effects on embryonic growth of amphibians.

Robinson's findings (60) indicate that the reproductive system of pea aphids is adversely affected by translocated MH in bean plants. However, the reproductive system of pea aphids is different from that of humans or other mammals. Thus, these findings may not be considered relevant to mammalian reproduction (61).

Fecundity was not reduced in several generations of *Drosophila melanogaster* reared on a diet containing bean plants and potato tubers grown in soil treated with MH (62).

(2) *Mammalian Studies.* Fischnich and co-workers (63) found that fertility was disturbed in rats maintained on a diet that included tubers from potato plants sprayed with DEA–MH. However, no such effect was observed when the diet included potato tubers treated with DEA–MH after harvest. It was concluded in evaluation of this study (61, 64) that the statistically weak data was inconclusive.

When sows were fed tobacco leaf extract to which MH (2 mg/kg of 58 percent of DEA salt) and a mixed insecticide were added, no embryonic or fetotoxic effects were observed (65). Such adverse effects were observed only when sows were fed tobacco juice and/or stake which were grown without application of any chemical, including maleic hydrazide. This study does not address the effects of translocated MH or its metabolites.

A study on reproductive effects resulting from the feeding of the Na and DEA salts of MH to rats was provided to the Agency by a registrant (41). While no significant reproductive effect

[a] The LD_0 for MH injected subcutaneously in mice in 8,800 mg/kg; that for MH injected subcutaneously in rats in 1,300 mg/kg. The LD_{50} for MH administered orally in rats is 3,800 mg/kg (36).

can be noted for rats fed from 0.5 percent to 5 percent Na-MH, significant differences in reproductive effects can be estimated from data provided for rats fed control diets and for rats fed the single tested dose of 0.2 percent DEA-MH. The fertility (pregnancies/matings), viability (pups alive at 4 days/pups born) and the lactation (pups weaned/pups alive at 4 days) are significantly reduced for DEA-MH fed rats in this study. While the average number of pups/litter for DEA-fed rats is less than half the litter size of control rats (4.3 compared to 8.8), the Working Group can not estimate from the study data whether this reduction is significant. The table below amplifies the statement above:

TABLE 4.—*Statistics on reproductive effects due to DEA-MH*

	Control	DEA-MH	Percent
1. Fertility (pregnancies/matings)	40/56	20/41	0.05
2. Viability (pups alive at 4 d/pups born)	280/333	37/73	.001
3. Lactation (pups weaned/pups alive at 4 d)	213/280	21/37	.05

From the data in this table the Working Group concludes that a daily diet containing DEA-MH causes pronounced reproductive effects in rats. Such a diet is equivalent to a daily ingestion of 100 mg/kg of DEA-MH. A comparable diet for a 60 kg man would result in an exposure of 6000 mg/person/day. Based on the consumption figures and tolerances for DEA-MH on onions and potatoes presented earlier in this document, the average daily intake of MH in the DEA-MH formulation is calculated at 5.5 mg/person/day.

The Pesticide Chemical Review Committee (PCRC) is concerned about the proximity of the estimated exposure level (5.5 mg/day) to the observed reproductive-effect level in rats extrapolated to man (6000 mg/day). Their concern is increased by the recognition that the study presents only data on an effect level without using other dosages to establish a dose-response relationship and a no-observable-effect level. If such a study had been performed, the resulting no-observable-effect level would have been lower than the 6000 mg/day dosage which produced significant decreases in three reproductive parameters. Thus, the no-effect and exposure levels would be even closer to one another than what is observed now for the effect and exposure levels. The PCRC concludes that (1) DEA-MH produces significant adverse effects on several reproductive parameters and (2) that an ample margin of safety has not been demonstrated as to the reproductive effects produced by DEA-MH. Therefore, the PCRC recommends that a RPAR be triggered for DEA-MH, but not for K-MH. It has been assumed that K-MH would be similar in its action to that of Na-MH.

(3) Conclusion. Even though the PCRC concludes that DEA-MH (but not Na-MH) meets or exceeds the risk criterion for reproductive effects (40 CFR 162.11(a)(3)(ii)(B), additional data from the registrant is necessary so that the Agency may more precisely estimate the extent of risk caused by the uses of DEA-MH. Consequently, the PCRC and Working Group recommend that affected registrants be required to perform a reproductive study from which dose-response relationships and a no-observable effect level can be determined. In addition, registrants should also be required to submit information on the translocation of DEA-MH to onion bulbs and potato tubers. Further, the PCRC recommends that interested registrants meet with Agency scientists to discuss the adequacy of the protocols developed to meet the above requirements.

IV. *Other Studies.* This section addresses a study which indicates that DEA-MH may produce an adverse effect but for which insufficient evidence exists to issue a rebuttable presumption. The Working Group recommends that the Agency solicit comment on the evidence presented below and encourage the submission of additional studies or relevant information on this effect.

DEA in MH formulations may react with nitrites and nitrates in plants to form N-nitroso compounds (13). In this study N-nitrosodiethanolamine, a metabolite of DEA, in amounts ranging from 145 to 173 ng/g, has been isolated from tobacco treated with DEA-MH. Cigarette tobacco treated with a mixture of the diethanolamine and potassium salts of MH contained 104 ng of N-nitrosodiethanolamine per gram, whereas a flue-cured tobacco treated only with the potassium salt of MH contained 0.1 ng of N-nitrosodiethanolamine per gram (13). Schmeltz and coworkers (13) in their study referenced the work of Druckrey and coworkers (14) which indicated a finding that N-nitrosodiethanolamine is oncogenic. However, this study is not presently available to enable the Working Group to evaluate the work.

The Working Group therefore unanimously agrees that while they do not have enough information to issue an RPAR on N-nitrosodiethanolamine, the Agency should seek more information related to oncogenicity, to other toxic effects of N-nitrosodiethanolamine and to the potential formation of N-nitrosodiethanolamine in other treated plants and in animals exposed to the diethanolamine salt of MH. Should evaluation of this or any other study that comes to our attention provide an adequate basis for an RPAR, a supplemental Position Document and Federal Register notice will be issued.

LIST OF APPENDICES

1. Kutz, F. W. February 15, 1977. Request for human and environmental monitoring data. Memorandum to Robert Brown, OSPR. 2 pp.

2. Levi, E. and A. S. Crafts. 1952. Toxicity of maleic hydrazide in California soils. Hilgardia 21:431. Cited in I. Hoffman and E. V. Parups. 1964. Mode of action of maleic hydrazide in relation to residues in crops and soils. Residue Rev. 7:96–113.

3. Hoffman, I., E. V. Parups, and R. B. Carson. 1962. Analysis for maleic hydrazide. J. Agr. Food. Chem. 10(6):453–455.

4. Fletcher, W. W. 1960. The effect of herbicides on soil micro-organisms. In *Herbicides and the Soil.* E. K. Woodward and G. R. Jagar, eds. Blackwell Scientific Publications. Oxford. pp. 20–52.

5. Smith, A. E., J. W. Zukel, M. Stone, and J. A. Riddle. 1959. Factors affecting the performance of maleic hydrazide. J. Agr. Food Chem. 7(5):341–344.

6. Isenberg. F. R. M. 1954. The effect of maleic hydrazide in plants. Doctoral dissertation. Pennsylvania State University Park, Pa. Cited in I. Hoffman and E. V. Parups. 1964. Mode of action of maleic hydrazide in relation to residues in crops and soils. Residue Rev. 7:96–113.

7. Towers, G. H., M. A. Hutchinson, and W. A. Andreae. 1958. Formation of a glycoside of maleic hydrazide in plants. Nature 181:1535–1536.

8. Shaw, W. C., J. L. Hilton, D. E. Moreland, and L. L. Jansen. 1960. Fate of Herbicides in Plants. In *The Nature and Fate of Chemicals Applied to Soils, Plants and Animals.* USDA. ARS 20–9. pp. 119–133.

Weller, L. E., C. D. Ball, and H. M. Sell. 1957. Studies of maleic hydrazide interactions with thiol compounds. Plant Physiol. 32:146–148.

9. Baker, J. E. 1958. An investigation of the mechanism of action of maleic hydrazide in tobacco and other plants. Doctoral dissertation. North Carolina State College. Raleigh, N.C. Cited in P. R. Datta. 1973. "Mini"—"treetop"—review of maleic hydrazide (MH). EPA. Unpublished.

10. Toth, B. 1975. Synthetic and naturally occurring hydrazines as possible cancer causative agents. Cancer Res. 35:3693–3697.

11. Biswas, P. K., O. Hall, and B. D. Mayberry. 1967. Metabolism of maleic hydrazide in tea, *Camellia sinensis.* Physiol. Plantarum 20:819–824.

12. Rathman, A. April 6, 1977. Memorandum to B. C. Gandhi, Project Manager, OSPR. 4 pp.

13. Schmeltz, I., S. Abidi, and D. Hoffman, 1977. Tumorigenic agents in unburned processed tobacco: N-nitrosodiethanolamine and 1,1-dimethylhydrazine. Cancer Letters 2:125–132.

14. Druckrey, H., R. Preussman, S. Ivankovic, and D. Schmahl. 1967. Organotrope carcinogene Wirkungen bei 65 verschiedenen N-nitroso-Verbindungenan BD-Ratten. Z. Krebsforsch. 69: 103–201. Cited in Schmeltz, I., S. Abidi, and D. Hoffman, *Ibid.*

15. Mays, D. L., G. S. Born, J. E. Christian, and B. J. Liska. 1968. Fate of C^{14}-maleic hydrazide in rats. J. Agr. Food Chem. 16:356–357.

16. El Masri, A. M. 1956. Doctoral dissertation. University of London. Cited in A. Rathman. April 6, 1977. Maleic hydrazide. Memorandum to B. C. Gandhi, Project Manager, OSPR.

17. Barnes, J. M. et al. 1957. The nontoxicity of maleic hydrazide for mammalian tissues. Nature 180:62–64.

18. Comptroller General of the United States. 1974. Questions on the safety of the pesticide maleic hydrazide used in potatoes and other crops have not been answered. Unpublished.

19. Stone, G. M. February 4, 1977. MH residues and MH-30 treatment. Memorandum to B. Gandhi, Project Manager, OSPR. 33 pp.

20. Schmeltz, I., D. Hoffman, and E. L. Wynder. 1974. Toxic and tumorigenic agents in tobacco smoke: Analytical. Methods and

modes of action. In *Trace Substances in Environmental Health—VIII. A Symposium.* D. D. Hemphill, ed. University of Missouri. Columbia, Mo. pp. 281–295.

Liu, Y. Y., I. Schmeltz, and D. Hoffman. 1974. Chemical studies on tobacco and cigarette smoke. Anal. Chem. 46(7):885–889.

21. Harris, T. H. September 4, 1963. Information on pesticide residues on tobacco. Memorandum. 7 pp.

22. Gandhi, B. 1977. MH production and distribution, 1975–76. Memo to files. *Confidential.*

23. Gandhi, G. C. July 5, 1977. Memorandum to files regarding telephone conversation with C. Porter, Commodities Economic Division, Economic Research Service, USDA.

24. Schoene, D. L. and O. L. Hoffman, 1949. Maleic hydrazide, a unique growth regulant. Science 109:588–590.

25. Greulach, V. A., J. McKenzie, and E. M. Stacy. 1951. The effect of maleic hydrazide on the embryonic and larval growth of three amphibians. Biol. Bull. 101:285–288.

26. Dickens, F. and H. E. H. Jones. 1965. Further studies on the carcinogenic action of certain lactones and related substances in the rat and mouse. Brit. J. Cancer 19(2): 1392–1403.

27. Tate, H. D. October 19, 1965. Conference with Drs. Dickens and Jones of Courtauld Institute of Biochemistry, and Chester Beatty Research Institute, Institute of Cancer Research, London, England, October 6th and 7th, 1965. Memorandum to C. D. McCleary. 4 pp.

28. Oser, B. Memorandum for conference on maleic hydrazide, Washington, D.C., October 14, 1965. Food and Drug Research Laboratories, Inc. Maspeth, N.Y. 6 p.

29. Epstein, S. S. and N. Mantel. 1968. Heptocarcinogenicity of the herbicide maleic hydrazide following parenteral administration to infant Swiss Mice. Int. J. Cancer 3: 325–335.

30. Tso, T. C. March 21, 1967. Carcinogenicity of maleic hydrazide. Memorandum to H. A. Rodenhiser, Deputy Administrator, Farm Research, USDA. 1 p.

Rodenhiser, H. A. April 12, 1967. Carcinogenicity of maleic hydrazide. Memorandum to G. W. Irving, Jr. Administrator, ARS, USDA, 1 p.

31. Harris, T. H. November 18, 1969. Memorandum to H. W. Hays, Pesticides Regulation Division, ARS, USDA. 1 p.

32. Hays, H. W. June 22, 1970. Maleic hydrazide. Memorandum to G. W. Irving, Jr., Administrator, ARS, USDA. 1 p.

33. U.S. Department of Health, Education, and Welfare. 1969. Report of the Secretary's Commission on Pesticides and their Relationship to Environmental Health. ("Mrak Report"). pp. 475–579.

34. Innes, J. R. M. et al. 1969. Bioassay of pesticides and industrial chemicals for tumorigenicity in mice: A preliminary note. J. Nat. Cancer Inst. 42:1101–1114.

35. *Registry of Toxic Effects of Chemical Substances. 1975 Edition.* H. E. Christensen and T. Luginbyhl, eds. U.S. Department of Health, Education, and Welfare. Rockville, Md. p. 996.

36. Davido, F. L. February 4, 1977. Pesticide episode information maleic hydrazide (Letter Report No. 12). Report to B. Gandhi, Project Manager, OSPR.

37. Albert, R. E. June 27, 1977. Pre-RPAR evaluation of the carcinogenicity of Maleic Hydrazide. Revised Maleic hydrazide report to B. C. Gandhi, Project Manager, OSPR.

38. Mukhorina, K. V. 1962. Effect of maleic hydrazide, which inhibits the germination of the potato plant, on animal organisms. Gigiena i Toksikol. Novykh Pestisidov. i Klinika Otravleni Dokl. 20: 156–164.

39. Hunter, B., L. E. Mawdesley-Thomas, and A. N. Worden. 1973. The administration of maleic hydrazide and its diethanolamine salt to rats. Toxicology 1:301–307.

40. Mannell, W. A. and H. C. Grice. 1957. A comparative study of the effects of maleic hydrazide and *p*-dimethyl-aminoazobenzene on rat liver. Can. J. Biochem. Physiol. 35:1233–1240.

41. Food Research Laboratories. 1958. Toxicological studies of chemical additives. 3 Maleic hydrazide (1,2-dihydropyridazine)3,6 dione. Laboratory No. 62006. Long Island City, N.Y. Unpublished.

42. Mitlehner, A. W. 1971. A summary of toxicity studies with maleic hydrazide. Uniroyal Chemical Division of Uniroyal Inc. Agricultural Chemicals Research and Development. Bethany, Conn. Unpublished.

43. Health Effects Research Laboratory, Office of Research and Development, EPA. May 12, 1977. Toxicological studies of MH. Evaluation report to B. C. Gandhi, Project Manager, OSPR. 1 p.

44. Sandhu S. March 17, 1977. Review of the data to evaluate the mutagenic potential of maleic hydrazide. Evaluation report from Health Effects Research Laboratory, Office of Research and Development, EPA to B. Gandhi, Project Manager, OSPR.

45. Darlington, C. D. and J. MacLeish. 1951. Action of maleic hydrazide on the cell. Nature 167:407–408.

Dubinina, L. G. and N. P. Dubinin. 1968. News in the action of alkylating compounds on chromosome mutations. Soviet Genetics 4:127–153.

Graf, G. E. 1957. Chromosome breakage induced by x-rays, maleic hydrazide and its derivatives. J. Hered. 48:155–159.

Mann, S. K., S. V. Brat, and S. Mhach. 1975. Effect of maleic hydrazide on mitosis. Acta Bot. Indica. 2(1):44–48.

Slotova, J., Z. Karpfel, and D. Kubickova. 1971. The effect of maleic hydrazide and exogenous DNA on chromosomes of *Vicia faba*. Biol. Plantarum (Phaha) 13(5–6): 295–304.

46. Manna, G. K. and B. B. Parida. 1972. Differential maleic hydrazide (MH) sensitivity shown by the spermatocyte chromosomes in five species of grasshopper. Cytologia 37(2):345–353.

47. Manna, G. K., R. K. Das, and P. K. Das. 1976. Chromosome aberrations in mice treated with maleic hydrazide, uracil and guanine. Nucleus 19(1):40–46.

48. McCarthy, R. E. and S. S. Epstein. 1968. Cytochemical and cytogenetic effects of maleic hydrazide on cultured mammalian cells. Life Sciences. 7:1–6.

Shaw, M. W. 1970. Human chromosome damage by chemical agents. Annu. Rev. Med. 21:409–432.

49. Hitachi, M., K. Yamada, and S. Takayama. 1975. Brief communication: Cytologic changes induced in rat liver cells by short-term exposure to chemical substances. J. Nat. Cancer Inst. 54(5):1245–1247.

50. Epstein, S. S., E. Arnold, J. Andrea, W. Bass, and Y. Bishop. 1972. Detection of chemical mutagens by the dominant lethal assay in the mouse. Toxicol. Appl. Pharmacol. 23:288–325.

51. Nasrat, G. E. 1965. Maleic hydrazide, a chemical mutagen in *Drosophila melanogaster*. Nature 207:439.

52. McCann, J., E. Choi, E. Yamasaki, and B. N. Ames. 1975. Detection of carcinogens as mutagens in the *Salmonella*/microsome test: Assay of 300 chemicals. Proc. Nat. Acad. Sci. 72(12):5135–5139.

McCann, J. and B. N. Ames. 1976. Detection of carcinogens as mutagens in the *Salmonella*/microsome test: Assay of 300 chemicals: Discussion Proc. Nat. Acad. Sci. USA 73(3): 950–954.

53. Anderson, K. S., E. G. Leighty, and M. T. Takahashi. 1972. Evaluation of herbicides for possible mutagenic properties. J. Agr. Food Chem. 20(3):649–655.

54. Szybalski, W. 1958. Special microbiological systems. II. Observations on chemical mutagenesis in microorganisms. Annu. N.Y. Sci. 76:475–489.

55. Northrup, J. H. 1963. Studies of the origin of bacterial viruses: VII. The effect of various mutagens (urethane, ethyl urethane, hydrogen peroxide, desoxycholate, maleic hydrazide, butadiene dioxide, triethylene melamine, versene, and acriflavin on the proportion of virus-producing and streptomycin-resistant cells in cultures of *B. megatherium* 20Δ. J. Gen. Physiol. 46:971–980.

56. Kak, S. N. and B. L. Kaul, 1975. Mutagenic activity of hydrazine and its combinations with maleic hydrazide and x-rays in barley. Cytobios. 12:123–128.

Malepsy, S., J. Eberhardt, and M. Maluszynski. 1973. Mutagenic effects of NMH, NEH, and HM in barley. Genetica Polonica 14(1): 47–59.

57. Perry, P. and H. J. Evans, 1975. Cytological detection of mutagen-carcinogen exposure by sister chromatid exchange. Nature 258:121–125.

58. Kang, Y–H. 1972. Reproduction and development of *Ferrissia rivularis* (Say) (Basommatophara: Ancylidae) and the effects of maleic hydrazide on its development and recundity. Doctoral dissertation. Brigham Young University. Provo, Utah p. 234–247.

59. Chernoff, N. March 16, 1977. Letter from Health Effects Research Laboratory, EPA to Robert Brown, OSPR. With attachments. 5 pp.

60. Robinson, A. G. 1960. Effect of maleic hydrazide and other plant growth regulators on the pea aphids, *Acyrthosiphon pisum* (Harris) caged on broad beans, *Vicia Faba L.* Can. Entomol. 92:494–499.

61. Chernoff, N. and R. Kavlock. July 13, 1977. Letter from Health Effects Research Laboratory, EPA to Bipin Gandhi, Project Manager, OSPR. With attachments. 8 pp.

62. Yule, W. M., E. V. Parups, and I. Hoffman. 1966. Toxicology of plant-translocated maleic hydrazide. Lack of effects on insect reproduction. J. Agr. Food Chem. 14(4):407–409.

Yule, W. N., I. Hoffman, and E. V. Parups. 1966. Insect toxicological studies of maleic hydrazide translocated in the potato plant. Bull. Environ. Contamin. Toxicol. 1:251–256.

63. Fischnich, O., C. Patzold, and C. Schiller. 1958. Growth regulating substances on potato crops. Eur. Potato. J. 1(1):25–30.

64. Engler R. June 28, 1974. Review of Article "Growth Regulators in Potato Production * * *" Fischnich, O., C. Patzold, and C. Schiller. Eur. Potato J. 1:25 (1958).

65. Crowe, M. W. and T. W. Swerczrek. 1974. Congenital arthrogryposis in offspring of sows fed tobacco (*Nicotiana tabacum*). Amer. J. Vet. Res. 35(8):1071–1073.

66. K. Diane Courtney. July 25, 1977. Validation report from Toxic Effects Branch, Health Effects Research Laboratory, EPA to Bipin Gandhi, Project Manager, OSPR. 1 p.

67. Svendsgaard, D. July 27, 1977. Statistical report from Statistics and Data Management Office, Health Effects Research Laboratory, EPA to Bipin Gandhi, Project Manager, OSPR. 2 pp.

Hill, R. S. August 10, 1977. Maleic Hydrazide: Mammalian Reproduction Study. Statistical report from Health Effects and Science Policy, Office of Acting Assistant Administrator for Toxic Substances to Bipin Gandhi, Project Manager, OSPR. 1 p.

**** PRODUCT SEARCH LISTING **** PAGE 1

07/27/77 FEDERALLY REGISTERED PRODUCTS CONTAINING MALEIC HYDRAZINE

REGISTRANT *NAME AND ADDRESS*

* 000372 MALLINCKRODT INC
SECOND AND MALLINCKRODT STREETS
ST LOUIS, MO 63160

********** PRODUCT NAME **********

**00040* PO-SAN

REGISTRANT *NAME AND ADDRESS*

* CC0400 UNIROYAL CHEMICAL
DIV UNIROYAL INC
AMITY ROAD
BETHANY CT 06525

********** PRODUCT NAME **********

**00041* MH-30

**00067* SLO-GRO PLANT GROWTH RETARD LABOR SAVER FOR HEDGES, IVY & ROUGH GRA

**00077* GRO-SLO

**00084* ROYAL MH-30 GROW. RETAR.-PREV. TOBACCO SUCKER GROWTH W/SORBATRAN

**00094* ROYAL SLO-GRO GROWTH RETARDANT

**00097* MALEIC HYDRAZIDE TECHNICAL FOR MANUFACTURING USE ONLY

REGISTRANT *NAME AND ADDRESS*

* 000407 IMPERIAL INC
BOX 423
SHENANDOAH IA 51601

********** PRODUCT NAME **********

**CONTINUE REGISTRANT 000407

**0C344* IMPERIAL LIQUID GROWTH RETARDANT

REGISTRANT *NAME AND ADDRESS*

* 000456 CHEMICAL FORMULATORS INC
BOX 26
NITRO, WV 25143

********** PRODUCT NAME **********

**00097* MALEIC HYDRAZIDE 30

REGISTRANT *NAME AND ADDRESS*

* 000551 BAIRD & MCGUIRE INC
SOUTH ST
HOLBROOK MA 02343

********** PRODUCT NAME **********

**00194* BAIRD S MALEIC HYDRAZIDE

REGISTRANT *NAME AND ADDRESS*

* 000554 AGSCO INC
BOX 458
GRAND FORKS ND 58201

********** PRODUCT NAME **********

**00118* AGSCO CHIP 'N STORE POTATO SPROUT INHIBITOR

REGISTRANT *NAME AND ADDRESS*

* 000635 E-Z FLO CHEMICAL CO.
DIV. OF GROWER SERVICE CORP.
P.O. BOX 808
LANSING, MI 48901

********** PRODUCT NAME **********

**00632* E-Z FLO MALEIC HYDRAZIDE (MH-30)

REGISTRANT *NAME AND ADDRESS*

* 001258 OLIN CHEMICALS
OLIN CORPORATION
120 LONG RIDGE ROAD
STAMFORD, CT 06904

********** PRODUCT NAME **********

**00865* OLIN MALEIC HYDRAZIDE 3 LBS EMULSIFIABLE

REGISTRANT *NAME AND ADDRESS*

* 001266 MALTER INTERNATIONAL CORPORATION
PO BOX 6099
NEW ORLEANS LA 70114

********** PRODUCT NAME **********

**00121* D-LAY

REGISTRANT *NAME AND ADDRESS*

* 001553 MOMAR INC
PO BOX 19567 STATION N
ATLANTA GA 30325

********** PRODUCT NAME **********

**00097* MOMAR SLOW-UP

REGISTRANT *NAME AND ADDRESS*

* 001769 NATIONAL CHEMSEARCH DIV
USACHEM INC
2727 CHEMSEARCH BLVD
IRVING TX 75060

********** PRODUCT NAME **********

**00195* NATIONAL CHEMSEARCH GRO-TARD LIQUID GROWTH RETARDANT FOR GRASS

REGISTRANT *NAME AND ADDRESS*

* 001926 NAVY BRAND MFG COMPANY
5111 SW AVE
ST LOUIS MO 63110

********** PRODUCT NAME **********

**00054* SLOWS-IT (TO RETARD PLANT GROWTH)

07/27/77 FEDERALLY REGISTERED PRODUCTS CONTAINING MALEIC HYDRAZINE

REGISTRANT *NAME AND ADDRESS*

* 002125 SCIENCE PRODUCTS COMPANY INC
5801 N TRIPP AVE
CHICAGO, IL 60646

********** PRODUCT NAME **********

**00031* SCIENCE STOP GRASS

**00044* SCIENCE HEDGE TRIM

REGISTRANT *NAME AND ADDRESS*

* 002155 SCHNEIDI,INC.
1429 FAIRMONT AVE N W
ATLANTA GA 30318

********** PRODUCT NAME **********

**00082* BITE HITE CONCENTRATE

REGISTRANT *NAME AND ADDRESS*

* 002169 PATTERSON CHEMICAL COMPANY INC
1400 UNION AVE
KANSAS CITY, MO 64101

********** PRODUCT NAME **********

**00235* PATTERSONS GROWTH CONTROL

07/27/77 FEDERALLY REGISTERED PRODUCTS CONTAINING MALEIC HYDRAZINE

REGISTRANT *NAME AND ADDRESS*

* 002270 HUGE COMPANY INC
7625 PAGE AVE
ST. LOUIS, MO 63133

********** PRODUCT NAME **********

**00563* NOGROW LIQUID GROWTH RETARDANT

REGISTRANT *NAME AND ADDRESS*

* 002749 ACETO CHEMICAL COMPANY INC
126-02 NORTHERN BLVD
FLUSHING NY 11368

********** PRODUCT NAME **********

**00044* MALEIC HYDRAZIDE TECHNICAL

**00348* SUCKER CONTROL

**00049* MALEIC HYDRAZIDE SPROUT STOP

**00098* STUNT MAN LIQUID GROWTH RETARDANT

**00124* ACETO LIQUID LAWNMOWER

REGISTRANT *NAME AND ADDRESS*

* 002853 VINELAND CHEM COMPANY
PO BOX 745
VINELAND NJ 08360

********** PRODUCT NAME **********

**00040* MALEIC HYDRAZIDE - 30% PLANT GROWTH REGULATOR

REGISTRANT *NAME AND ADDRESS*

* 003743 SOUTHERN AGRICULTURAL CHEMICALS INC
PO BOX 527
KINGSTREE SC 29556

********** PRODUCT NAME **********

**00297* MALEIC HYDRAZIDE 30%

REGISTRANT *NAME AND ADDRESS*

* 003770 ECONOMY FEED COMPANY
BOX 237
HOSPERS, IA 51238

********** PRODUCT NAME **********

**00274* SLOW GROW LIQUID GROWTH RETARDANT

**00275* NO SPROUT LIQUID GROWTH RETARDANT

REGISTRANT *NAME AND ADDRESS*

* 004185 SMITH-DOUGLASS DIV.
BORDEN CHEMICAL, BORDEN INC.
5100 VIRGINIA BEACH BLVD.
NORFOLK, VA 23501

********** PRODUCT NAME **********

**00445* SMITH DOUGLASS SUCKER STYMIE

**00487* SUCKER STYMIE PLUS

**00529* 3# MALEIC HYDRAZIDE

REGISTRANT *NAME AND ADDRESS*

* 004828 ABCO INC
230 INDUSTRY BLVD
NORTH HUNTINGTON, PA 15642

********** PRODUCT NAME **********

**00088* IMPEDE

REGISTRANT *NAME AND ADDRESS*

* 004990 JET-AER CORPORATION
100 SIXTH AVE
PATERSON NJ 07524

********** PRODUCT NAME **********

**00019* HEDDY HEDGE CONTROL

REGISTRANT *NAME AND ADDRESS*

* 005481 AMVAC CHEMICAL CORP.
4100 EAST WASHINGTON BLVD
LOS ANGELES, CA 90023

********** PRODUCT NAME **********

**00177* ALCC STOP GROW

REGISTRANT	*NAME AND ADDRESS*
* 005905	HELENA CHEMICAL CO CLARK TOWER, 5100 POPLAR AVE, SUITE 2904 MEMPHIS TN 38137

********** PRODUCT NAME **********

**00224* HELENA BRAND 30% MALEIC HYDRAZIDE

**00360* THOR BRAND MALEIC HYDRAZIDE

REGISTRANT	*NAME AND ADDRESS*
* 008123	MILLER FRANK & SONS INC 13831 SO EMERALD AVE CHICAGO IL 60627

********** PRODUCT NAME **********

**00042* MILLERS GROWTH RETARDANT

REGISTRANT	*NAME AND ADDRESS*
* 008590	AGWAY INC CHEMICAL DIV BOX 1333 SYRACUSE NY 13201

********** PRODUCT NAME **********

**00385* AGWAY INHIBITOR 3E

REGISTRANT	*NAME AND ADDRESS*
* 009313	ROSE CHEMICAL PROD INC PO BOX 23375 545 STIMMEL RD COLUMBUS OH 43223

********** PRODUCT NAME **********

**00021* BRAKE

REGISTRANT	*NAME AND ADDRESS*
* 009618	TRANS CHEMIC INDUSTRIES, INC 1 PENN PLAZA NEW YORK, NY 10001

********** PRODUCT NAME **********

**00CC9* T.C.I. MALEIC HYDRAZIDE 99

REGISTRANT	*NAME AND ADDRESS*
* 009663	CRYSTAL MFG CORP 1525 N POST OAK RD HOUSTON TX 77055

********** PRODUCT NAME **********

**000C4* MALEIC HYDRAZIDE 30%

**00010* SUPREME SUCKER BAN

REGISTRANT *NAME AND ADDRESS*

* 000779 RIVERSIDE CHEM COMPANY
P.O. BOX 171199 855 RIDGE LAKE BLVD
MEMPHIS TN 38117

********** PRODUCT NAME **********

**00222* RIVERSIDE D.H. 30% MALEIC HYDRAZIDE

REGISTRANT *NAME AND ADDRESS*

* 010088 ATHEA LABORATORIES INC
4180 N FIRST ST
MILWAUKEE WI 53212

********** PRODUCT NAME **********

**00028* LIQUID GROWTH RETARDANT

REGISTRANT *NAME AND ADDRESS*

* 010155 GLOBE CHEMICALS INC
45 BURBANK DR
TOLEDO OH 43607

********** PRODUCT NAME **********

**00012* GLOBE CHECKMATE

REGISTRANT *NAME AND ADDRESS*

* 010337 FAIRMOUNT CHEMICAL COMPANY INC
117 BLANCHARD ST
NEWARK NJ 07105

********** PRODUCT NAME **********

**00001* DE-SPROUT

**00002* DE-CUT TO CONTROL & RETARD PLANT GROWTH IN AREAS DIFFICULT TO MAINTAIN

**00003* SUPER DE SPROUT (FOR THE PREVENTION OF GROWTH OF TOBACCO SUCKERS)

REGISTRANT *NAME AND ADDRESS*

* 010488 DYNACHEM INDUSTRIES INC
430 13TH ST
CARLSTADT NJ 07072

********** PRODUCT NAME **********

**00002* DYNAZINE 300 PREVENTS GROWTH OF TOBACCO SUCKERS

REGISTRANT *NAME AND ADDRESS*

* 011474 SUNGRO CHEMICALS INC
PO BOX 24632
LOS ANGELES CA 90024

********** PRODUCT NAME **********

**00005* REGULATE GROWTH REGULANT

07/27/77 FEDERALLY REGISTERED PRODUCTS CONTAINING MALEIC HYDRAZINE

REGISTRANT *NAME AND ADDRESS*

* 011511 SHALCO CHEMICAL CORPORATION
2421 LEXINGTON AVENUE
TOLEDO OH 43606

********** PRODUCT NAME **********

**00019* SHALCO GROWTH REGULATOR

REGISTRANT *NAME AND ADDRESS*

* 011515 ABC CHEMICAL CORPORATION
17000 W. EIGHT MILE ROAD
SOUTHFIELD, MI 48075

********** PRODUCT NAME **********

**00050* NC. 405 GROWTH RETARDANT

REGISTRANT *NAME AND ADDRESS*

* 011547 SHARE CORPORATION
7821 N. FAULKNER RD. P.O. BOX 23053
MILWAUKEE, WI. 53223

********** PRODUCT NAME **********

**00003* LIQUID GROWTH RETARDANT

07/27/77 FEDERALLY REGISTERED PRODUCTS CONTAINING MALEIC HYDRAZINE

REGISTRANT *NAME AND ADDRESS*

* 011581 OTUSKA CHEMICAL COMPANY, LTD.
C/O WESTVILLE CHEM CO
104 S. MICHIGAN AVENUE RM 400
CHICAGO, IL 60603

********** PRODUCT NAME **********

**00001* TECHNICAL MALEIC HYDRAZIDE FOR MANUFACTURING PURPOSE

REGISTRANT *NAME AND ADDRESS*

* 019713 DREXEL CHEMICAL COMPANY
2602 CORPORATE AVE E STE 1 BOX 31023
MEMPHIS, TN 38132

********** PRODUCT NAME **********

**00001* DREXEL SUPER-P 225 LIQUID GROWTH RETARDANT FOR PREVENTING GROWTH O
**00002* DREXEL MALEIC HYDRAZIDE 30%
**00005* DREXEL SUPER P 150 LIQUID GROWTH RETARDANT
**00014* SUCKER STUFF LIQUID GROWTH RETARDANT
**00015* RETARD LIQUID GROWTH RETARDANT
**00016* SPROUT-STOP LIQUID GROWTH RETARDANT
**00017* MALEIC HYDRAZIDE 2P
**00020* SUPER SUCKER-STUFF LIQUID GROWTH RETARDANT
**00022* SUPER SUCKER-STUFF H.C.
**00025* MALEIC HYDRAZIDE TECHNICAL GRADE
**00026* MALEIC HYDRAZIDE TECHNICAL GRADE

07/27/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING MALEIC HYDRAZINE

REGISTRANT *NAME AND ADDRESS*

* 001812 GRIFFIN CORP.
P.O. BOX 1847
VALDOSTA, GA 31601

********** PRODUCT NAME **********

**03876* MALEIC HYDRAZIDE 30

REGISTRANT *NAME AND ADDRESS*

* 001926 NAVY BRAND MFG COMPANY
5111 SW AVE
ST LOUIS MO 63110

********** PRODUCT NAME **********

**03506* SLOWS-IT

REGISTRANT *NAME AND ADDRESS*

* 007587 DRAKE CHEMICAL COMPANY
WEST RIVER ROAD
PERRYSBURG OH 43551

********** PRODUCT NAME **********

**09123* DRAKE SLO-UP

07/27/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING MALEIC HYDRAZINE

REGISTRANT *NAME AND ADDRESS*

* 010337 FAIRMOUNT CHEMICAL COMPANY INC
117 BLANCHARD ST
NEWARK NJ 07105

********** PRODUCT NAME **********

**04406* FAIRMOUNT BRAND "FST-7" CONTACT-TOBACCO SUCKER CONTROL

REGISTRANT *NAME AND ADDRESS*

* 037347 UNI-CHEM CORP. OF FLORIDA
BOX 6336 - 2801 N.W. 55TH CT.
FT. LAUDERDALE, FL 33310

********** PRODUCT NAME **********

**03129* GRO-TARD CONCENTRATE

[FR Doc.77-30779 Filed 10-27-77;8:45 am]

federal register

FRIDAY, OCTOBER 28, 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.

Alabama:		
	AL77-1040	Apr. 1, 1977.
	AL77-1079	Aug. 5, 1977.
	AL77-1085	July 22, 1977.
Louisiana:		
	LA77-4219	Sept. 23, 1977.
Maryland:		
	MD77-3130	Do.
Montana:		
	MT77-5073	July 22, 1977.
Nevada:		
	NV77-5085; NV77-5089	Sept. 23, 1977.
New Mexico:		
	NM77-4218	Sept. 9, 1977.
Pennsylvania:		
	PA77-3043	Apr. 8, 1977.
	PA77-3056	May 13, 1977.
	PA77-3104	July 22, 1977.
	PA77-3121; PA77-3123; PA77-3124; PA77-3125.	Sept. 9, 1977.
Tennessee:		
	TN77-1132	Oct. 7, 1977.
Texas:		
	TX77-4252; TX77-4256; TX77-4258.	Sept. 30, 1977.
Virginia:		
	MD77-3109	Sept. 16, 1977.
Washington, D.C.:		
	DC77-3108	Do.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida:		
	FL75-1084 (FL77-1119)	Sept. 5, 1975.
	FL76-1141 (FL77-1119)	Dec. 28, 1976.
Guam:		
	GU77-5026 (GU77-5098)	Mar. 11, 1977.

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

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # AL77-1040 - Mod. # 4					
(42 FR-17752 - April 1, 1977)					
Madison County, Alabama					
Change:					
Asbestos workers	10.51	.45	.40		.05
Boilermakers	9.30	.95	1.00		.02
Bricklayers	9.75				
Plasterers	9.25				
Plumbers, pipefitters	10.00	.50	.55		.10
Sheet metal workers	10.05	.69	.82		.09
Decision # A177-1079 - Mod. # 1					
(42 FR-39870 - August 5, 1977)					
Colbert & Lauderdale Counties, Alabama					
Change:					
Asbestos workers	10.51	.45	.40		.05
Boilermakers	9.30	.95	1.00		.02
Sheet metal workers	10.05	.69	.82		.09
Decision # AL77-1085 - Mod. # 2					
(42 FR-37715 - July 22, 1977)					
Mobile County, Alabama					
Change:					
Boilermakers	9.30	.95	1.00		.02
Electricians	10.49	.40	3%+.25	1.125	1/10%+.05
Cable splicers	10.74	.40	3%+.25	1.125	1/10%+.05
Sheet metal workers	10.73	.50	.55		.04
DECISION #LA-77-4219 - Mod. #2					
(42 FR 48638 - September 23, 1977)					
Statewide Louisiana					
Change:					
Cement masons (Building Construction):					
Zone 4	$ 9.645	.45	.30		.04
Glaziers - Zone 3	9.825	.17	.30		.01
Marble setters - Zone 6	10.35				
Power Equipment Ops. (Building Construction):					
Zone 7 - Group 1	9.90	.65	.48		.05
Group 2	10.15	.65	.48		.05
Group 3	7.17	.65	.48		.05
Group 4	7.56	.65	.48		.05
Group 5	8.22	.65	.48		.05
Group 6	9.65	.65	.48		.05
Terrazzo workers - Zone 6	10.35				
Tile setters - Zone 6	10.35				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MD77-3130 - Mod. #1					
(42 FR-48661 - September 23, 1977)					
Baltimore County, Maryland					
Add:					
Electricians	$ 6.56				
Line Construction:					
Groundmen	6.61				
Linemen	10.87				
Power Equipment Operators:					
Bulldozers	7.87				
Motor patrol-grader	7.87				
Scraper, pan, & scoop	7.64				
DECISION NO. MT77-5073 - Mod. #1					
(42 FR 3778 - July 22, 1977)					
Statewide, Montana					
Change:					
LABORERS					
Beaverhead, Deer Lodge, Madison, Powell, Silver Bow and that portion of Jefferson County within the territorial limits of District No. 2					
Group 1	$ 7.71	.55	.45		.05
Group 2	7.46	.55	.45		.05
Group 3	7.62	.55	.45		.05
Group 4	7.96	.55	.45		.05
Group 5	7.56	.55	.45		.05
Group 6	7.68	.55	.45		.05
Group 7	7.75	.55	.45		.05
Group 8	8.06	.55	.45		.05
Group 9	7.58	.55	.45		.05
Broadwater, Lewis & Clark, Meagher, North half of Jefferson County including the City of Boulder that portion of Powell County lying east of a north-south line at west edge of the town of Elliston					
Group 1	8.14	.55	.45		.05
Group 2	7.89	.55	.45		.05
Group 3	8.05	.55	.45		.05
Group 4	8.39	.55	.45		.05
Group 5	7.99	.55	.45		.05
Group 6	8.11	.55	.45		.05
Group 7	8.18	.55	.45		.05
Group 8	8.49	.55	.45		.05

DECISION NO. MT77-5073 (Cont'd)

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Broadwater (that portion lying south of an east-west line north of the City of Tosten), Gallatin, Madison (that portion lying east of the Gravely Mountain Range), Park and Wheatland County					
Group 1	$ 7.88	.55	.45		.05
Group 2	7.63	.55	.45		.05
Group 3	7.79	.55	.45		.05
Group 4	8.13	.55	.45		.05
Group 5	7.73	.55	.45		.05
Group 6	7.85	.55	.45		.05
Group 7	7.92	.55	.45		.05
Group 8	8.23	.55	.45		.05
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Group 1	8.35	.55	.45		.05
Group 2	8.10	.55	.45		.05
Group 3	8.26	.55	.45		.05
Group 4	8.60	.55	.45		.05
Group 5	8.20	.55	.45		.05
Group 6	8.32	.55	.45		.05
Group 7	8.39	.55	.45		.06
Group 8	8.70	.55	.45		.05

LABORERS

Beaverhead, Deer Lodge, Madison, Powell, Silver Bow and that portion of Jefferson County within the territorial limits of District No. 2

Group 1: Asphalt Raker; Concrete Laborers, (wet or dry) bucket men and signalmen; Drills, air-tract, self-propelled, cat or track mounted air operated drills; Drills, air-tract self-propelled mustang type and similar; Grade setter; High scaler; High pressure machine nozzleman; Power saw (falling); Sandblaster

Group 2: Axeman; Carpenter Tender; Caisson worker (free air); Chuck tender and nipper (above ground); Cosmolene applying and removing; Dumpman (spotter); Fence Erector and installer (includes the installation and erection of fences, guard rails, median rails, reference post, right-of-way markers and guide post); Flagman; Form stripper; Form setter; General laborer; Crusher and batch plant laborers; Heater-tender-not covered by joint board decision such as the rediant type or butane fire, without blowers or fans; Landscape laborer; Riprap helpers; Sandblaster tail hoseman; Pot tender; Scaleman; Sod cutter, hand operated (general laborers); Stake jumper for equipment; Tool checker, toolhouseman

Group 3: Burning bar; Curb machine; Dumpman (grademan); Pipelayer (all types), laser equipment; Powderman helper; Spike driver, single or dual or hand; Switchmen

Group 4: Cement mason tender and hod carriers; Powderman

Group 5: Cement handlers; Concrete or asphalt saws; Hand faller; Nozzleman-air water; Gunite and placo machine; Pipe wrapper; Post hole digger (power auger); Riprapper

Group 6: Choker setter; Jackhammer; Pavement breaker; Wagon driller; Concrete vibrator; Mechanical tamper; Vibrating roller; hand steered and other power tools; Power saw (bucking); Power driven wheelbarrow; Rigger; Grout, concrete pumps and nozzleman

Group 7: Concrete vibrator (3" and over); Drills, air-tract with dual Masts

Group 8: Core drill operator, welder, air arc, cutting torch

Group 9: Tar Pot Operator

LABORERS

Broadwater, Lewis & Clark, Meagher, North half of Jefferson County including the City of Boulder that portion of Powell County lying east of a North-south line at west edge of the town of Elliston

Group 1: Asphalt raker; Drillers; Air-tract, self-propelled, cat or truck mounted air operated drills; Drills, air-track self-propelled mustang type and similar; Grade setter; High scaler; High pressure machine nozzleman; Power saw (falling); Sandblaster

Group 2: Axeman; Carpenter tender; Car and truck loaders; Scissorman; Caisson workers (free air); Chuck tender and nipper (above ground); Concrete laborers (wet or dry); Bucketmen and signalmen; Cosmolene applying and removing; Dumpman (spotter); Fence Erector and installer (includes the installation and erection of fences, guard rails, median rails, reference post, right-of-way markers and guide post); Flagman; Form stripper; Form setter; General laborer, crusher and batch plant laborers; Heater tender-not covered by joint board decision-such as the radiant type of butane fire, without blowers or fans; Landscape laborer; Riprap helper; Sandblaster tail hoseman; Pot tender; Scaleman; Sod cutter, hand operated (general laborers); Stake jumper for equipment; Tool checker, toolhouseman

Group 3: Burning bar; Curb machine; Dumpman (grademan); Pipelayer (all types), laser equipment; Powderman helper; Spike driver, single or dual or hand, switchmen

Group 4: Cement mason tender and hod carriers; Powderman

Group 5: Cement handlers; Concrete or asphalt saws; hand faller; Nozzleman-air water, gunite and placo machine; Pipe wrapper; Post hold digger (power auger); Riprapper

Group 6: Choker setter; Jackhammer; Pavement breaker; Wagon driller; Concrete vibrator; Mechanical tamper; Vibrating roller; hand steered and other power tools; Power saw (bucking); Power driven wheelbarrow; Rigger; Tar Pot operator; Grout, concrete and nozzleman

Group 7: Concrete vibrator (3" and over), drills, air track with dual masts

Group 8: Core drill operator; Welder, air arc, cutting torch

LABORERS
Broadwater (that portion lying south of an east-west line north of the City of Tosten), Gallatin, Madison (that portion lying east of of the Gravely Mountain Range), Park and Wheatland County

Group 1: Asphalt Raker, drills, air-tract, self-propelled; Car or truck mounted air operated drills; Drills, air-tract self-propelled mustang type and similar; Grade setter; High scaler; High pressure machine nozzleman; Power saw (falling); Sandblaster

Group 2: Axeman; Carpenter tender; Car and truck loader, Scissorman; Caisson workers (free air); Chuck tender and nipper (above ground); Cosmolene applying and removing; Dumpman (spotter); Fence erector and installer (includes the installation and erection of fences, guard rails, median rails, reference post, rights-of-way markers and guide post); Flagman; Form stripper; Form setter; General laborer; Crusher and batch plant laborers; Heater tender-not covered by joint board decision-such as the radiant type of butane fire, without blowers or fans; Landscape laborer; Riprap helper; Sandblaster tail hoseman; Pot tender; Scaleman; Sod cutter, hand operated; Stake jumper for equipment; Tool checker, toolhouseman

Group 3: Burning bar; Curb machine; Dumpman (grademan); Pipelayer (all types); Laser equipment; Powderman helper; Spike driver, single or dual or hand; Switchmen

Group 4: Cement Mason tender and hod carriers, Powderman

Group 5: Cement handlers; Concrete or asphalt saws, hand faller; Nozzleman-air water; Mixer Operator gunite and placo machine; Pipe wrapper; Post hole digger (power auger); Riprapper

Group 6: Choker setter; Jackhammer; Pavement breaker; Wagon driller; Concrete vibrator; Mechanical tamper; Vibrating roller, hand steered and other power tools; Power saw (bucking); Power driven wheelbarrow; Rigger; Tar pot operator; Grout; Concrete pump and nozzleman

Group 7: Concrete vibrator (3" and over), drill, air tract with dual masts

Group 8: Core drill operator; Welder, air arc, cutting torch

LABORERS
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Pondera, Teton and Toole Counties

Group 1: Asphalt raker; Drills (air-tract, self-propelled, cat or truck mounted air operated drills), Drills (air tract self-propelled mustang type and similar); Grade setter; High scale; High pressure machine nozzleman; Power saw (falling); Sandblaster

Group 2: Axeman, Carpenter tender, car and truck loaders; Scissorman; Caisson workers (free air); Chuck tender and nipper (above ground) Concrete laborers (wet or dry); Bucketmen and signalmen, Cosmolene applying and removing dumpman (spotter); Fence erector and installer (includes the installation and erection of fences, guard rials, median rails, reference post, right-of-way markers and guard post); Flagman; Form stripper; Form setter; General and building laborers; Crusher and batch plant laborers; Heater-tender (not covered by joint board decision such as the radiant type or butane fire, without blowers or fans); Landscape laborer, Riprap helper; Sandblaster tail hoseman; Pot tender; Scaleman; Sod cutter (hand operated); Stake jumper for equipment; Tool checker; Toolhouseman

Group 3: Burning bar; Curb machine; Dumpman (grademan); Pipelayer (all types); Laser equipment; Powderman helper; Spike driver, single or dual or hand; Switchmen

Group 4: Cement Mason tender and hod carriers; Powderman

Group 5: Cement handlers; Concrete or asphalt saws, hand faller; Nozzleman-air water; Gunite and placo machine; Pipe wrapper; Post hole digger (power auger); Riprapper

Group 6: Choker setter; Jackhammer; Pavement breaker; Wagon driller; Concrete vibrator; Mechanical tamper; Vibrating roller, hand steered and other power tools; Power saw (bucking); Power driven wheelbarrow; Rigger; Tar pot operator; Grout; Concrete pump and nozzleman

Group 7: Concrete vibrator (3" and over); Drills; air-tract with dual mast

Group 8: Welder, air arc, cutting torch

DECISION #NV77-5085 - Mod. #2
(42 FR 48679 - September 23, 1977)
Clark County (does not include the Nevada Test Site), Nevada

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers:					
Fence Erectors	$10.66	$1.24	$2.22	$1.46	.06
Ornamental; Reinforcing; Structural	11.55	1.24	2.22	1.46	.06
Sheet Metal Workers	13.67	.93	1.61		.12

DECISION #NV77-5089 - Mod. #2
(42 FR 48665 - September 23, 1977)
Washoe County, Nevada

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Zone 1: In Washoe County, the area within 5 road miles of the following communities - Carson City, Lovelock; also area within 10 road miles of Reno, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Group 1	$8.20	.80	.90		.10
Group 2	8.30	.80	.90		.10
Group 3	8.45	.80	.90		.10
Group 4	8.70	.80	.90		.10
Group 5	9.00	.80	.90		.10
Group 6-A	9.00	.80	.90		.10
Group 6-B	8.70	.80	.90		.10
Group 6-C	8.35	.80	.90		.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities named in Zone 1:					
Group 1	$8.80	.80	.90		.10
Group 2	8.90	.80	.90		.10
Group 3	9.05	.80	.90		.10
Group 4	9.30	.80	.90		.10
Group 5	9.60	.80	.90		.10
Group 6-A	9.60	.80	.90		.10
Group 6-B	9.30	.80	.90		.10
Group 6-C	8.95	.80	.90		.10

Decision #NV77-5089 (Cont'd.) Change Laborers (Cont'd.):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 3: Area over 20 and not more than 40 road miles from the communities named in Zone 1:					
Group 1	9.00	.80	.90		.10
Group 2	9.10	.80	.90		.10
Group 3	9.25	.80	.90		.10
Group 4	9.50	.80	.90		.10
Group 5	9.80	.80	.90		.10
Group 6-A	9.80	.80	.90		.10
Group 6-B	9.50	.80	.90		.10
Group 6-C	9.15	.80	.90		.10
Zone 4: Area over 40 road miles from the communities named in Zone 1:					
Group 1	9.70	.80	.90		.10
Group 2	9.80	.80	.90		.10
Group 3	9.95	.80	.90		.10
Group 4	10.20	.80	.90		.10
Group 5	10.50	.80	.90		.10
Group 6-A	10.50	.80	.90		.10
Group 6-B	10.20	.80	.90		.10
Group 6-C	9.85	.80	.90		.10
Plasterers	11.22	.70	1.00		.03

DECISION NO. NM77-4218 - Mod. #3
(42 FR 45589 - September 9, 1977)
Statewide, New Mexico

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS: Bernalillo, Catron, Colfax, Mora, Curry, DeBaca, Guadalupe, Quay, Harding, Lincoln, Los Alamos, McKinley, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Union, Torrance and Valencia Counties:					
Elevator constructors	$10.96	.545	.35	4%+a+b	.02
Chaves, Hidalgo, Dona Ana, Eddy, Grant, Lea, Luna, Otero and Sierra Counties:					
Elevator constructors	8.57	.545	.35	4%+a+b	.02
BRICKLAYERS-STONEMASONS:					
Zone II	9.96	.57	.40		.10
Zone III	10.71	.57	.40		.10
POWER EQUIPMENT OPERATORS:					
RESIDENTIAL AND BUILDING CONST.:					
ZONE I					
Group I	8.08	.60	.60		.11

FOOTNOTE:
b. 1st 6 months - none; 6 months to 5 years 6%; over 5 years 8% of basic hourly rate.

DECISION #PA77-3043 - Mod. #7 (42 FR 18783 - April 8, 1977) Carbon, Monroe County, including Tobyhanna Army Depot and Pike County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Painters:					
Zone 3					
Brush	$ 8.40	1.03	.65		
Spray	9.40	1.03	.65		
Steel	9.40	1.03	.65		
DECISION #PA77-3056 - Mod. #5 (42 FR 24698 - May 13, 1977) Lehigh County, Pennsylvania					
Change:					
Electricians	$10.55	.50	3%+.80		.02
Cement Masons	10.30	.60	.41		
Painters:					
Brush	8.40	1.03	.65		
Structural Steel	9.40	1.03	.65		
Spray	9.40	1.03	.65		
Line Construction:					
Linemen & cable splicer	11.46	.45	3%		3/4 of 1%
Groundmen	6.82	.45	3%		3/4 of 1%
Winch truck operator	7.98	.45	3%		3/4 of 1%
DECISION #PA77-3104 - Mod. #4 (42 FR 37762 - July 22, 1977) Lancaster County, Pennsylvania					
Change:					
Electricians:					
W. Calico, E. Calico, Brecknock, E. Carl & Caernarvon Twps.	$10.59	.73	3%+.15		.03
Line Construction:					
Lineman & Cable Splicers	11.46	.45	3%		3/4 of 1%
Groundman	6.82	.45	3%		3/4 of 1%
Winch Truck Op.	7.98	.45	3%		3/4 of 1%
DECISION #PA77-3121 - Mod. #1 (42 FR 45612 - September 9, 1977) Lebanon County, Pennsylvania					
Change:					
Electricians:					
Remainder of County	$ 9.10	.65	3%		1/4 of 1%
Line Construction:					
Lineman & cable splicer	11.46	.45	3%		3/4 of 1%
Groundman	6.82	.45	3%		3/4 of 1%
Winch truck op.	7.98	.45	3%		3/4 of 1%
Roofers:					
Anniville, Cold Springs, East Hanover, North Anniville, North Cornwall, North Londonderry, South Anniville, South Londonderry, Union, West Cornwall Twps.	10.06	.80	.55		

DECISION PA77-3123 - Mod. #1 (42 FR 45616 - September 9, 1977) Schuylkill County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
North Manheim, South Manheim, West Brunswick, Wayne, Washington, Pottsville, Schuylkill Haven Twps.	$10.59	.73	3%+.15		.03
Pine Grove Twps.	9.10	.65	3%		1/4 of 1%
DECISION #PA77-3124 - Mod. #1 (42 FR 45618 - September 9, 1977) Northampton County, Pennsylvania					
Change:					
Electricians:					
Allen, Hanover, Lehigh, Bath, Freemansburg, Hellertown and Bethlehem	$10.55	.50	3%+.80		.02
Painters (Bethlehem):					
Brush	8.40	1.03	.65		
Structural steel	9.40	1.03	.65		
Spray	9.40	1.03	.65		
Line Construction:					
Linemen	12.43	.45	3%		3/8 of 1%
Cable splicer	12.43	.45	3%		3/8 of 1%
Winch truck op.	8.66	.45	3%		3/8 of 1%
Groundman	7.40	.45	3%		3/8 of 1%
DECISION #PA77-3125 - Mod. #1 (42 FR 45620 - September 9, 1977) Berks County, Pennsylvania					
Change:					
Bricklayers	$ 9.45	.70	.75		
Electricians:					
Herford, Longswamp & Washington Twps., portion of Maxatawney, Twps., east of Sacony Creek	10.55	.50	3%+.80		.02
Marion, Tulpehocken & Bethel Twps.	9.10	.65	3%		1/4 of 1%
Remainder of County	10.59	.73	3%+.15		.03
Line Construction:					
Cable splicers	11.46	.45	3%		3/4 of 1%
Groundman	6.82	.45	3%		3/4 of 1%
Lineman	11.46	.45	3%		3/4 of 1%
Winch truck operator	7.98	.45	3%		3/4 of 1%
Stonemasons	9.45	.70	.75		

MODIFICATIONS P. 11	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # TN77-1132 - Mod. # 1 (42 FR-54736 - October 7, 1977) Shelby County, Tennessee Add:					

PAID HOLIDAYS (WHERE APPLICABLE):

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 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. 9 paid holidays: A through F, plus Washington's Birthday, Good Friday, & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Employer contribution of $5.00 per week.

DECISION #TX77-4252 - Mod. #2 (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., Texas					
Change: Ironworkers	$ 9.35	.55	1.00		.10
DECISION #TX77-4256 - Mod. #3 (42 FR 53154 - September 30, 1977) Brazos County, Texas					
Change: Power Equipment Ops. - Group 1	10.37	.45	.85		.06
Group 2	8.78	.45	.85		.06
Group 3	8.24	.45	.85		.06
Group 4	8.06	.45	.85		.06
DECISION #TX77-4258 - Mod. #3 (42 FR 53158 - September 30, 1977) Galveston & Harris Cos., Texas					
Change: Power Equipment Ops. - Group 1	10.37	.45	.85		.06
Group 2	8.78	.45	.85		.06
Group 3	8.24	.45	.85		.06
Group 4	8.06	.45	.85		.06

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MD77-3109 - Mod. #2 (42 FR 46872 - September 16, 1977) Montgomery and Prince Georges Counties, Maryland; Arlington County, Virginia; D. C. Training School, and for WMATA - Rapid Rail Transit System Projects Only, Alexandria, Virginia					
Change: BUILDING CONSTRUCTION (INCLUDING WMATA - RRTS)					
Change: Asbestos Workers	$11.41	.70	1.29		.03
Elevator Constructors	11.77	.545	.35	4%+a+b	.02
Elevator Constructors Helpers	70% JR	.545	.35	4%+a+b	.02
Elevator Constructors Helpers (Prob.)	50% JR				
Glaziers	11.48	.61	.50		.05
Plasterers	10.40	.60	.75		.06
Roofers: Composition	9.87	.56	.30		
Slate, tile, mopmen, waterproofers, sprayers, sprandrel and ironite	10.43	.56	.30		
Helpers	6.94	.56	.30		
DECISION #DC77-3108 - Mod. #2 (42 FR 46905 - September 16, 1977) Washington, D. C.					
Change: BUILDING AND HEAVY CONSTRUCTION: (INCLUDING WMATA - RRTS)					
Change: Asbestos Workers	$11.41	.70	1.29		.03
Elevator Constructors	11.77	.545	.35	4%+a+b	.02
Elevator COnstructors Helpers	70% JR	.545	.35	4%+a+b	.02
Elevator COnstructors Helpers (Prob.)	50% JR				
Glaziers	11.48	.61	.50		.05
Plasterers	10.40	.60	.75		.06
Roofers: Composition	9.87	.56	.30		
Slate, tile mopmen, waterproofers, sprayers, sprandrel and ironite	10.43	.56	.30		
Helpers	6.94	.56	.30		

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Broward, Dade & Palm Beach
Decision Number: 77-FL-1119 DATE: Date of Publication
Supersedes Decision No. FL76-1141, dated December 28, 1976 in 41 FR 56589 and Decision NO. FL75-1084 dated September 5, 1975 in 40 FR 41362
DESCRIPTION OF WORK: Highway Construction (does not include airport runways and taxiways; bridges designed to accomodate navigation; tunnels; rest areas which include building structures; and railroad construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	5.00				
CARPENTERS	6.33				
CONCRETE FINISHERS	5.75	.15		.23	
ELECTRICIANS:					
Traffic Signal Installation	6.92				
All other Electrical work	9.00	.41	.23	.45	.03
IRONWORKERS:					
Reinforcing:					
Dade County	9.75	.75	.58		.08
Broward & Palm Beach Counties	6.00				
LABORERS:					
Air Tool Operator	4.75				
Asphalt Raker	4.64				
Form setters	4.76				
Grade checker	4.75				
Guardrail Erector	4.08				
Landscape Workers	4.08				
Pipelayers	4.92				
Unskilled	4.08				
PILEDRIEVERMEN	6.00				
TRUCK DRIVERS	4.08				
Welders - Rate for Craft to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
Asphalt Distributor	4.60				
Asphalt Paving Machine	5.90				
Backhoe	5.81				
Boom-auger	4.43	.27		.17	
Bulldozer	5.66				
Concrete Finishing Machine	5.00				
Concrete Paving Machine	5.02				
Crane, Dragline	6.28				
Earth Drilling Machine	5.75				
Front End Loader	5.37				
Gradall	5.90				
Mechanics	5.47				
Mixer	5.15				
Motor Grader	6.08				
Oiler/Greaseman	5.01				
Roller	5.14				
Scraper	5.22	.27		.20	
Trenching Machine	4.50				
Tractor	5.00				

SUPERSEDEAS DECISION

STATE: Guam
DECISION NUMBER: GU77-5098 DATE: Date of Publication
Supersedes Decision No. GU77-5026 dated March 11, 1977, in 42 FR 13757
DESCRIPTION OF WORK: Building, Residential, Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers and hod carriers	$3.00				
Asphalt heater tenders	3.25				
Asphalt mixing machine tenders	3.25				
Asphalt rakers, including black top rakers	3.25				
Mason tenders	3.25				
Finegraders, including slopers	3.25				
Floor sanding machine operators, including floor sanders, floor scrapers, floor finishers	3.25				
Oilers	3.25				
Truck mechanics	3.75				
Truck operators, including concrete mixing truck drivers, dump truck drivers	3.75				
Fork lift operators	3.75				
Concrete mixer operators, including batching and mixing plant operators, mixing machine operators	3.75				
Dredge dipper tenders, including bucket operators	3.75				
Dredge pipe installers	3.75				
Pipelaying fitters, including spacers	3.75				
Air hammer operators, including airbreaker operators, air gun, air tool operators	3.75				
Asphalt plant drier operators	3.75				
Asphalt plant operators	3.75				
Fence erectors, including ironworkers, wirefence erectors wirefence builders	3.75				
Form tamper operators and/or tamping machine operators, including road form tamping machine operators	3.75				
Metal road form setters, including metal road from fitters	3.75				
Reinforcing iron workers, including iron workers, reinforcing bar setters	3.75				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Reinforcing steel erectors, reinforcing rod tiers	$3.75				
Structural steel workers, including bridgers, iron erectors, steel erectors, structural steel erectors	3.75				
Millwrights, including machine erectors	3.75				
Lathers, including metal lathers rockboard lathers	3.75				
Dry wall applicators, including dry wall nailers, sheetrockers	3.75				
Tapers, including drywall finishers, wall board and plasterboard finishers, sheetrock tapers, tapers and bedders tapers and floaters	3.75				
Glaziers	3.75				
Painters, inlcuding structural steel painters, finish painters	3.75				
Plasterers	3.75				
Portable pump pumpers	3.75				
Pile driving jetters	3.75				
Cement Masons	4.00				
Dredge operators, including dredge pumpers	4.00				
Pipelayers	4.00				
Asbestos and insulation workers	4.00				
Bricklayers	4.00				
Carpenters, including hardwood floor layers, framing carpenters	4.00				
Soft floorlayers	4.00				
Line maintainers, including high tension line maintainers	4.00				
Plumbers and/or pipefitters, including steamfitters, sprinkler installers	4.00				
Roofers, including aluminum shingle roofers, composition roofers	4.00				
Terrazzo workers	4.00				
Tile setter	4.00				
Sheet metal workers	4.00				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Crane operators	$4.25				
Derrick operators and hoist operators	4.25				
Boilermakers	4.25				
Electricians, including wirers, residential wirers	4.25				
Asphalt paving machine operators	4.25				
Blade grader operators	4.25				
Bulldozer operators	4.25				
Concrete paver operators and/or concrete-paving machine operators	4.25				
Dragline operators	4.25				
Water well drillers	4.25				
Earth boring machine operators	4.25				
Elevating grader operators	4.25				
Form grader operators	4.25				
Foundation drill operators	4.25				
Heater planer operators	4.25				
Horizontal earth boring machine operators	4.25				
Motor grader operators	4.25				
Mucking machine operators	4.25				
Pile driver operators	4.25				
Power shovel operators	4.25				
Road mixer operators	4.25				
Road roller operators	4.25				
Rock drill operators	4.25				
Scraper operators	4.25				
Sheet-pile-hammer operators	4.25				
Shield runners	4.25				
Subgrader operators	4.25				
Sweeper operators	4.25				
Tower-excavator operators	4.25				
Trench-digging machine operators	4.25				
Utility tractor operators	4.25				
Cable tool well-drill operators	4.25				
Rotary drill well-drill operators	4.25				

[FR Doc.77-31134 Filed 10-27-77;8:45 am]

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 Center for Productivity and Quality of Working Life	3151-01
National Credit Union Administration	7535-01
National Endowment for the Humanities	7536-01
National Institute of Education	4110-39
National Labor Relations Board	7545-01
National Mediation Board	7550-01
National Science Foundation	7555-01
National Transportation Policy Safety Commission	6820-36
Navy Department:	
DCPA U 8	3810-01
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
Railway Association, U.S	8240-01
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:	
Secretary	3410-01
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
Office of General Sales Manager	3410-21
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	3610-05
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
Delaware River Basin Commission	6360-01
Defense, Office of Secretary	3810-70
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)